

Johnstown Police Department Disciplinary Action Report

Employee Name: Officer Jacob Blackburn	Case#: IA 21-07
Date of Incident: 12/25/21	Prior Disciplinary History: DAR for 1026 Employee Speech, Expression and Social Media, 318.11.6(m) Conduct 2018 <i>SUSPENSION - 8/21/20</i> <i>318.11.6 (a) AND (m)</i> <i>12 HOURS</i>
Complainants Name: Sergeant Drew Perry	
Address:	
City, State, Zip:	
Applicable Section(s): 308 Vehicle Pursuits 318 Standards of Conduct	
Date Assigned: 12/27/21	
Date Completed: 1/14/2022	
Investigator: Lieutenant Kyle Williams	

Summary of Allegation

(Required synopsis for permanent record)

On 12/27/21 I Lieutenant Williams received an email from Sergeant Perry outlining an interaction he had with Officer Blackburn on the morning of 12/25/21. The email outlined that Officer Blackburn and Officer Flessner had been involved in a pursuit with a stolen vehicle early in the morning of 12/25/21 that had ended in Frederick, CO. Sergeant Perry noted in the email that he had asked Officer Blackburn about the pursuit and what the justification was for the pursuit. The original justification was that the vehicle was stolen, Colorado State Patrol was not available, and the traffic was light. Later that morning Officer Blackburn asked Sergeant Perry about a classification in Eforce for vehicular assault. Officer Blackburn at that time indicated that the vehicle had attempted to hit him by swerving into his lane of travel and he had moved to avoid being hit. The associated report would be labeled as an aggravated assault on a peace officer.

During the investigation, it was determined that Officer Blackburn had initially written a narrative that did not include any detail about the suspect vehicle attempting to strike him. He also coded his report as a stolen vehicle. After being questioned by Sergeant Perry about the reason for the pursuit and what the violent felony was that would authorize a pursuit Officer Blackburn returned to his report and then documented that the vehicle had tried to strike him and that he was pursuing for an attempted assault on a law enforcement officer.

Dispatch notes were evaluated and radio calls were collected. At no time on the radio or to dispatch was it noted that the vehicle had attempted to strike Officer Blackburn. Body-worn camera footage was also viewed and there was no mention of the vehicle trying to strike Officer Blackburn before the pursuit. In the body-worn camera footage, Officer Blackburn did state that the vehicle had passed close to him when he attempted to stop the suspect on Highway 60.

Officer Flessner also stated that his impression of the pursuit was that they were chasing due to the vehicle being stolen. He stated that he did not know that the vehicle had been in Officer Blackburn's lane until after they had spoken to Sergeant Perry and been questioned about the validity of the pursuit.

Speeds were evaluated from the pursuit. Officer Flessner was found to have a top speed on Highway 60 of 110 miles per hour and a top speed on the interstate of 125. Officer Blackburn

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Staff Review


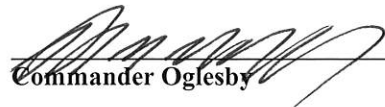
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Possible Violation: 308.2.b.2 Vehicle Pursuits

An officer may engage in an emergency operation ONLY:

1. while responding to an emergency call, or
2. when in pursuit of a person who has committed or is reasonably suspected by the officer to have committed:
 - a. A violent felony as defined in this policy; or
 - b. Some other act of violence which, in the officer's reasonable judgment, requires that the person be pursued for the immediate protection of the public safety

 _____ Lieutenant Williams	1-24-22 _____ Date	<input checked="" type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
 _____ Commander Oglesby	01-24-2022 _____ Date	<input checked="" type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
_____ Chief Phillips	_____ Date	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated

Dispositions:

Sustained - the allegations supported by sufficient proof.

Not Sustained - the evidence is not sufficient to prove the allegation.

Unfounded - the allegation is false or otherwise not based on valid facts.

Exonerated - the incident or act occurred but was lawful and/or procedurally proper; or

Other Findings - during the course of the investigation it was determined other violations exist or training and/or procedures need to be modified in order to minimize further occurrences.