



**GRAND COUNTY
EMPLOYEE SEPARATION FORM**

RECEIVED
08-30-19
HR

EMPLOYEE NAME: Jake Fischer

DEPARTMENT: Sheriff EMPLOYEE #: _____

LAST DAY WORKED: 08-26-19

REASON FOR SEPARATION:

- Resignation
- Retirement
- Termination
- Other (please provide additional explanation): _____

COMMENTS:

ELIGIBLE FOR REHIRE IN THIS DEPARTMENT: Yes No

DEPARTMENT HEAD CHECKLIST (all items may not be applicable):

- Contact Information Systems Yes No N/A
- Attach letter of resignation Yes No N/A
- Collect county issued property/items Yes No N/A

List any items not returned:
(if all items are not returned by the employee, charges may apply)

*Final pay will be mailed to the employee unless other direction is provided by the employee or department head.

*COBRA information will be mailed to the employee's address of record when applicable.

Employee Signature

Date

[Signature]
Department Head Signature

8-28-19
Date

[Signature]
County Manager

9/5/19
Date

C Reynolds
Payroll/HR

August 30, 2019
Date



GRAND COUNTY SHERIFF'S OFFICE

BRETT D. SCHROETLIN
SHERIFF

WAYNE SCHAFER
UNDERSHERIFF

August 26, 2019

Deputy Jake Fischer

RE: Internal Affairs Investigation

On August 26, 2019 I interviewed Deputy Jake Fischer in reference to a criminal investigation that was completed by Sergeant Jonathan Stark of the Granby Police Department. Investigator Dave Miller was present for the interview.

I began the interview by reading a Garrity Advisement to Deputy Fischer, to which he stated that he understood and subsequently signed.

I also explained to Deputy Fischer that I was interviewing him in reference to a complaint of made by [REDACTED] of Unwanted Sexual Contact and Harassment. Deputy Fischer stated that he understood.

Deputy Fischer stated that at approximately 0430 hrs, on August 9, 2019, he drove from his residence to [REDACTED] residence and met with her to see her new dog. Deputy Fischer stated that he spoke with [REDACTED] for 10-15 minutes and that he did not kiss or touch [REDACTED] during that time. Deputy Fischer stated that he was only friends with [REDACTED] and that he had not been romantically or sexual involved with [REDACTED] for approximately 1-2 years.

I asked Deputy Fischer on several occasions throughout the interview if he and [REDACTED] had texted sexual explicit material in the past few months, to which Deputy Fischer stated that he had not. I knew as part of the criminal investigation that Sergeant Stark had received emailed copies of such material sent from [REDACTED] to Fischer during the month of June 2019.

Deputy Fischer was deceptive and untruthful during the course of my interview. The interview was recorded and will be attached to this report.

After the conclusion of the interview I told Deputy Fischer that I would document our conversation and bring him in later this week and let him know what I have decided.

At approximately 1027 hrs, I received a phone call from Deputy Fischer. Deputy Fischer asked if he could speak with me privately in my office.

Deputy Fischer told me that he had been untruthful and that he had in fact exchanged sexually explicit texts, pictures and videos with [REDACTED]

GRAND COUNTY SHERIFF'S OFFICE

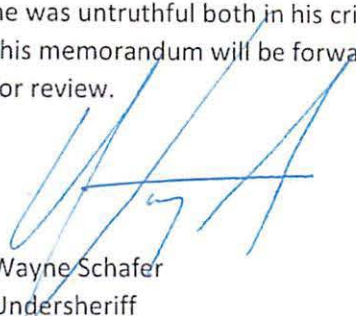
670 SPRING STREET • P.O. BOX 48 • HOT SULPHUR SPRINGS, CO 80451

PHONE: (970) 725-3343 • FAX: (970) 725-3227

I explained to Deputy Fischer that he had lied both to Sergeant Stark as well as myself during the investigation. Deputy Fischer stated that he was sorry and asked to resign his position with the Grand County Sheriff's Office.

At approximately 1131 hrs, I received an email from Deputy Fischer resigning his position of Deputy Sheriff.

Per Deputy Fischer's own admission and facts gained throughout this investigation, I have no doubt that he was untruthful both in his criminal investigation as well as this internal affairs interview. A copy of this memorandum will be forwarded to Kathryn Dowdell with the 14th Judicial District Attorney's Office for review.



Wayne Schafer
Undersheriff
Grand County Sheriff's Office



GRAND COUNTY SHERIFF'S OFFICE

BRETT D. SCHROETLIN
SHERIFF

WAYNE SCHAFFER
UNDERSHERIFF

August 26, 2019

Deputy Jake Fischer

Grand County Sheriff's Office

RE: Garrity Warning

Deputy Fischer,

At this time, I am going to question you about an incident that occurred on August 8, 2019 in Fraser Colorado involving a claim of Unlawful Sexual Contact and Harassment that was investigated by Sergeant Jonathan Stark from the Granby Police Department.

This questioning concerns administrative matters relating to the official business of the Grand County Sheriff's Office. During the course of this questioning, if you disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceedings. Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in a court of law, you are required to answer my questions fully and truthfully. You are entitled to all rights and privileges guaranteed by the Constitution of the United States and the laws of the State of Colorado, including the right to have legal counsel present with you during this interview. If you refuse to answer all, or any, of my questions you will be subject to disciplinary action.

Do you understand what I have explained to you? yes

Do you have any questions about this advisement? NO

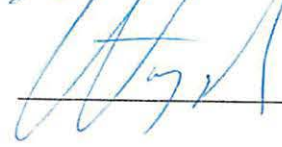
I, Jake Fischer, by my signature below, affirm that I have been advised of the "Garrity Warning" and have had its meaning explained to me.

Deputy Signature



Date 8/26/2019

Investigator



Date 8/26/2019

Kelly M. Oxley

From: Brett Schroetlin <[REDACTED]>
Sent: Wednesday, August 28, 2019 2:39 PM
To: [REDACTED]
Subject: Jake Fischer Resignation

All-

Jake Fischer has resigned from the Sheriff's Office effective August 26, 2019. My thanks to Jake for his service to the SO and Grand County Community.

-Brett



Brett D. Schroetlin, Sheriff

Grand County Sheriff's Office
670 Spring Street / PO Box 48
Hot Sulphur Springs, CO 80451
970-725-3343 (Office)
970-725-3311 (Dispatch)
970-531-2645 (Cell)
970-725-3227 (Fax)

[REDACTED]

Incident Report #190296



Granby Police Department
Zero Jasper Ave
PO Box 1850
Granby, CO 80446
(970) 887-3007

Event Info

Date Reported 08/13/2019	Time Reported 15:30	Time Dispatched 15:30	Time Arrived 15:30	Time Completed 15:31
Addr. of Occ. [REDACTED]	Room/Apt [REDACTED]	State [REDACTED]	County [REDACTED]	City [REDACTED]
Date Occ. Range 08/09/2019 - 08/09/2019	Time Occ. Range 04:34 - 05:15	District Central	Grid County	How Reported OFFICER INITIATED
Dispatch Disposition RPT	Photos No			

Synopsis

[REDACTED] reported an incident involving Jacob Fischer who is currently employed by the Grand County Sherriff's Office as a Deputy.

Dispatch Notes

CALL TYPE: INFORMATION REPORT

Agency 1

GRANBY POLICE DEPARTMENT

Initial Investigator

STARK, JONATHAN

Followup Investigator

STARK, JONATHAN

Classification Completed

Class OTHER SEX OFFENSE	Subclass Sex Offense, Other		
Hate/Bias Motivation NONE	Auto Weapon Indicator	Suspected Using ALCOHOL	

Suspect

Name Type Suspect	Name FISCHER, JACOB A	Address 670 SPRING ST	City HOT SULPHUR SPRINGS	Zip 80451		
DOB 06/09/1984	Sex M	Race WHITE	EO NON-HISPANIC	Hair BRO	Eyes BLU	Employer Phone (970) 725-3343
PO Box # and City PO BOX 48	Class associations OTHER SEX OFFENSE/Sex Offense, Other					

Victim

Name Type Victim	Name [REDACTED]	Address [REDACTED]	Room/Apt [REDACTED]	City [REDACTED]			
State [REDACTED]	Zip [REDACTED]	DOB 09/14/1988	Sex F	Race WHITE	EO NON-HISPANIC	Height 505	Weight 117
Hair BLN	Eyes GRN	Cell Phone [REDACTED]	Class associations OTHER SEX OFFENSE/Sex Offense, Other				
Type Victim INDIVIDUAL	Type Injury NONE						

Narrative

Written By
STARK, JONATHAN

Date Written
08/13/2019

On 08/10/2019 while working an event at Middle Park High School, Chief Kraker approached me in reference to a potential criminal complaint against Jacob Fischer with the Grand County Sheriff's Office.

Chief Kraker told me that he had been contacted the previous evening by Officer Ybarra (GPD) who was off duty at the time of the phone call. Chief Kraker told me that Officer Ybarra had spoken with a female who had possibly been a victim of a crime involving Jacob Fischer, that he had allegedly shown up at her residence in the early morning hours and attempted to have sex with her.

Chief Kraker informed me that he had spoken with Sheriff Schroetlin and Chief Deputy District Attorney Dowdell concerning the issue. Chief Kraker asked that I handle the preliminary contact with the victim and investigation if there was probable cause to believe that a crime had been completed.

I contacted Officer Ybarra by phone as he was off duty. Officer Ybarra informed me that his roommate, Weston, and the alleged victim, [REDACTED] are friends and in EMT class together. Officer Ybarra heard about [REDACTED] account from Weston and then spoke to her himself. Officer Ybarra is an acquaintance of [REDACTED]

Officer Ybarra told me that as he understood it, Jacob Fischer had shown up at [REDACTED] residence around 0430 hours on Friday morning. At some point it was alleged that Jacob Fischer had attempted to remove the victim's clothing and he was possibly intoxicated. He told me that the victim was fearful and had spent last night at her boyfriend's residence. At that time it was unknown if anything else occurred. I was aware that same morning, around 0900 hours, Jacob Fischer rolled his patrol vehicle while on duty.

I was able to make contact with [REDACTED] on her cell phone. We spoke briefly about what had occurred and she agreed to meet me at the Granby Police Department that afternoon. While on the phone with her she sounded scared and concerned that Jacob Fischer would find out she was there. She specifically asked me if he was going to be there and I informed that he had no business being at the Granby Police Department.

When [REDACTED] arrived at approximately 1620 hours, we met in the conference room of the police department. I informed her that I would be recording our interview, she agreed and the interview was recorded on my department issued body camera. The camera was placed face up on the table to only capture audio of the interview.

[REDACTED] advised that she met Jacob Fischer through "Tinder" a few years ago. She stated they went out once and it did not lead to anything further. She told me that about eight months ago she was a victim of domestic violence involving her boyfriend who was another first responder with the Fire Department. She stated that she and Jacob Fischer got close after that incident and they confided in each other. She told me that he was a big help during that time. [REDACTED] stated that they would flirt with each other and she would also see him on calls for service at [REDACTED] where she works.

[REDACTED] stated that she and Jacob Fischer had sex in November of 2018. Around that time she had asked him about other women in his life and Jacob Fischer told her that he was living with or about to move in with another woman. [REDACTED] told me that she ceased flirting or engaging with him after that out of respect for the other woman, but the two remained friends. She stated that a month or two ago they started flirting again, including her sending him personal pictures, until she found out he was still with the same woman. She advised that she ceased flirting after discovering that he was still in a relationship.

The last time that [REDACTED] had contact with Jacob Fischer was by text message on July 27th. On the morning of 08/09/2019, she received a call from Jacob Fischer at approximately 0434 hours. She told me that she answered because she was worried that something was wrong. She stated that Jacob Fischer told her he was outside and wanted to come in. [REDACTED] advised that she put on a button up sweater and let him in

through the sliding door.

Once he was inside, she told me that she went to the bathroom and left Jacob Fischer in the living room. [REDACTED] stated that when she got out of the bathroom, Jacob Fischer was sitting on her bed. She stated that he began telling her that he wanted to be with her, how beautiful she was and he was rubbing her legs. She told me that he attempted to kiss her and at least once held her head still and kissed her. She advised that she did not reciprocate and told him that she had a boyfriend.

[REDACTED] stated that she had her arms crossed over her chest because she was not wearing a bra, I understood that this was done as a defense action. She told me that Jacob Fischer grabbed her buttocks. She advised that when he grabbed her buttocks, it was unwelcome but was not a big issue. She did however cry as she described how Jacob Fischer attempted to take off her clothes by removing her sweater, putting his hand under her shirt to take her shirt off and sliding his hand down inside her pajamas to remove her pants. He was not successful and also did not touch her breasts or vagina. She described that the encounter made her feel defenseless and like she was going to have to have sex with someone she did not want to have sex with.

After that, she believed that Jacob Fischer understood that they would not be having sex and left. She did not see how he arrived or left from her residence. She believed that he was intoxicated and advised he stumbled when standing up from her bed. She told me that he did not smell like alcohol, but told her he had been drinking that night. After he left she text him at 0548 hours asking if he made it home ok. The response she received back was, "Yeah, I wasn't as bad as I probably seemed."

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/13/2019

I had previously asked [REDACTED] to send me screen shots of her text communications with Jacob Fischer from the morning of the 9th as well as the text communications from their last contact prior to that date. She sent the requested text to my department cell phone.

Upon reviewing the text messages, I have further questions for [REDACTED]. In the text messages from July 27th at 0833 hours she sent Jacob Fischer the message, "Dude I am so wanting to go back to bed not to class." Jacob Fischer responded, "I know the feeling, actually today I don't. I slept so good finally!" She responded, "Shut up lol." He responded with a smiley face and, "I'm just feeling like a freak on a leash." [REDACTED] responded, "Oh yea wanna Lift" to which he responded, "I do!"

"Feeling like a freak on a leash" is used as a reference to a person who is in a relationship but is not loyal, is looking for something else. [REDACTED] response of "wanna lift" is inconsistent in reference to what the rest of the message is concerning.

I sent [REDACTED] a message letting her know that I had additional questions.

[REDACTED] returned my phone call and was able to provide the context of the messages. She sent me the preceding text messages where Jacob Fischer was talking about going to the gym after work the previous evening. Apparently he did not go. The context of her comments had to do with her going out that previous evening. She did not understand the comment about being a "Freak on a leash" to mean anything other than a reference to the Korn song.

Additionally, she was asking him to come see her new dog, Waffles. He tells her that he has already seen her dog

and she responds that she means more than just in passing. [REDACTED] got her dog at the beginning of July and told me that she had seen Jacob Fischer on the side of the road and had briefly shown him Waffles.

Additionally, she sent me the remainder of her text conversation with Jacob Fischer from the 9th. In those messages he tells her that he did not sleep that night and that he'll have to take it easy at work. [REDACTED] asks Jacob Fischer if there was something else bothering him that kept him up all night. Jacob Fischer responds to her at 0932, "idk just life, it was good to see you."

This information helps to substantiate that [REDACTED] had not seen Jacob Fischer, except for a brief moment to show him her new dog, for approximately one month prior to the morning of the incident. It also confirms that Jacob Fischer had personal contact with [REDACTED] that morning.

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/13/2019

On the evening of 08/12/2019, I spoke to [REDACTED] on the phone. She explained that she did not know if she wanted to move forward with the criminal case. She stated that she feels that this is really being taken seriously due to the fact that Jacob Fischer is in law enforcement. She also did not feel that him grabbing her buttocks was a big deal and knew that would be what a charge of unlawful sexual contact would be in reference to. Her greatest point of offense was when he attempted to remove her clothes, which I informed her would be misdemeanor harassment. I told her that I supported her either way.

She did not appear flighty about her decision to not move forward and stated that she had not spoken to anyone else in law enforcement concerning the incident. There was no notable personal angle of advantage to [REDACTED] either moving forward or not moving forward with the case.

It was during this phone call that I asked her to forward me that text messages and phone record for her communications with Jacob Fischer.

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/14/2019

At the present time and without giving Jacob Fischer an opportunity to give his account, there is probable cause for Jacob Fischer's arrest. The probable cause would be in reference to a violation of CRS 18-3-404 Unlawful Sexual Contact, for when he touched the victim's buttocks over her clothing, and CRS 18-9-111 Harassment, for the physical contact which caused the victim alarm.

The victim is not inclined to move forward at this time. This case is being forwarded to the District Attorney's Office for review.

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/22/2019

I had been asked to complete the Internal Affairs investigation at this point. The District Attorney's Office still wanted Jacob Fischer interviewed in reference to the criminal case and as best I knew, I would only be interviewing him in reference to the IA. It was during this time that I interviewed Aleta Fantoni, Jacob Fischer's girlfriend. The following week I was asked to complete the criminal investigation and not the IA.

On 08/14/2019 at approximately 1710 hours, I met with Aleta Fantoni at the Granby East Grand Fire Department. Aleta Fantoni is the girlfriend of Jacob Fischer. Aleta Fantoni works as a dispatcher for the Grand County Sherriff's

Office. They have been together for one year, reside together and were in the process of purchasing a home prior to the incident.

She stated that she loves Jacob Fisher, that he is a man of integrity, is loving and sweet. She told me that they bonded over sharing their prior abuses and trauma, she shared trauma from her childhood and marriage and he shared his trauma from military service. She told me that they shared things that they had never shared with anyone else. When she spoke of Jacob Fischer she would smile and as best can be stated she gushed over him. She loves him, is still with him and is supporting him through this difficult time.

She told me they never argued and were not co-dependent. She stated that she would head out of the house in the early morning to go paddling and he would go out with friends or on drives. She told me that Jacob Fisher is truthful and she has a lot of experience with drunks and liars. Aleta Fantoni spoke of her ex-husband being a constant liar and an abuser of alcohol and marijuana. She commented on her ability to pick out a drunk or liar.

Aleta Fantoni told me that she knew about [REDACTED] because they had discussed their prior relationships. She stated that she really wanted Jacob Fischer to tell me himself about [REDACTED]. She knew that they had slept together once years ago after connecting via Internet dating. She stated that Luke McDonald told him he should try internet dating. She understood that the relationship did not last, but they remained friends. She believed that [REDACTED] would flirt with Jacob Fischer and as I understood it, there was no indication that she thought he flirted back. She stated that she believed that [REDACTED] went on a ride along with Jacob Fischer at some point.

Aleta Fantoni informed me that she had taken the 911 call from [REDACTED] boyfriend or friend the night of the 10th. She stated that she passed the call off when she learned that Jacob Fischer was the suspect. She stated that it was after that point that she was contacted by Grand County Sheriff's Office staff to make sure she was ok. She appeared hurt that they had not reached out to her after the crash and when Jacob Fischer was placed on administrative leave. She mentioned not being given the shift off after the call.

Aleta Fantoni alluded to something more going on, but wanted to let Jacob Fischer tell me himself.

Aleta Fantoni stated that she has never heard of a woman with more stalkers in reference to [REDACTED]. She talked about the first time she heard of [REDACTED] having a stalker years ago and then told me that she was calling Jacob Fischer about a new boyfriend at Devil's Thumb Ranch stalking her. Aleta Fantoni stated that [REDACTED] called him at 0630 or so the day she reported the stalking by the old boyfriend at Devil's Thumb Ranch. She stated that each time Jacob Fischer told [REDACTED] to call and make a report.

Aleta Fantoni talked about seeing [REDACTED] at the Fraser Recreation Center, she was not sure that [REDACTED] knew who she was. Aleta Fantoni told me that Jacob Fischer showed her a picture of him with [REDACTED] dog Waffles. She believes that [REDACTED] might be upset that he is with her, that they are buying a house together.

It was apparent that Aleta Fantoni was not aware of the specific issue that I was requested to investigate. She thought that it was concerning a potential stalking case. Due to the fact that she is fully supporting Jacob Fischer, is living with him and is with him through this, I did not bring up the specific incident. It is reasonable to assume that everything we discussed would be relayed to Jacob Fischer. Out of respect for Aleta Fantoni it was difficult not to let her know. However, Jacob Fischer will be interviewed on Tuesday, August 20th and it was imperative that was not discussed prior to his interview in reference to the pending criminal case and the Internal Affairs Investigation.

We did discuss the events surrounding the incident. By way of discussing his single vehicle rollover crash on the morning of August 9th. In a roundabout way we discussed the day of the incident and the day prior. She told me that they had gone out on Thursday the 8th, came home and he was playing video games when she went to work her 2100 shift in dispatch.

Aleta Fantoni referenced that both of them struggle with insomnia and that Jacob Fischer had not been sleeping very much. She told me that when she left, no one else was at the house. Out of concern of waking him she did

not call or text after 2230 hours.

While speaking with Aleta Fantoni she commented that Jacob Fischer was very sorry and apologetic about not telling her that he had gone out for a drive. I asked her to clarify and she stated that he told her that morning, the morning of the 9th, he had gone out for a drive because he could not sleep and he felt terrible that he did not tell her about going out.

Aleta Fantoni told me that she got home at home at 0630 hours or so and that Jacob Fischer was sleeping. She had to wake him up and he was sick. Aleta Fantoni told me that he was hot to the touch and had to support himself against the wall while getting ready for work. She stated that he called Sgt. Chad Yurich and told him that he was not feeling well, but would come in until they found someone to cover for him. She mentioned him throwing up and a high fever.

Aleta Fantoni stated that after the crash, Jacob Fischer had an Orthodontist appointment at 1030 hours and she took him to the appointment. Afterwards, she told me that they laid around and referenced him being sick, having a fever and throwing up.

We discussed his insomnia and if he took anything for it to help him fall asleep. She stated that he did not. She commented that he gets nightmares from Tylenol Nighttime. I asked about alcohol and she told me that he will only have a small glass of whisky and water before bed. She referenced that he drinks beer at times but sips it just like he sips his whisky and water.

Aleta Fantoni told me that after having his badge and equipment taken by the Sheriff's Office he got rid of all of his alcohol except for a few beers. She advised that he did this because he did not want to turn to alcohol during this difficult time. She spoke with admiration for his character. Aleta Fantoni stated that she has only seen Jacob Fischer tipsy once and that was on an airplane. She told me that he is not a drinker and would not drink and drive.

Aleta Fantoni told me again about Jacob Fischer being a great officer, her love and support for him and his character. At some point in the interview she had commented about him not showing any signs of lying, that he looked her right in her eyes.

After this point, I thought that the interview was over and turned off my recording equipment. We ended up talking for a short time afterwards. I did not turn back on the recording equipment thinking that we were getting ready to stand back up to leave. At several points she mentioned that they and she will get through this. She commented that if what she believes to be true changes that she will get through that too. She had mentioned her willingness to participate in a follow-up interview after Jacob Fischer has been interviewed.

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/22/2019

On 08/2019, Chief Kraker and I conducted an interview with Jacob Fischer and his attorney Marc Colin was present. Miranda was provided by form and Marc Colin initialed after item three as the attorney being present. The interview was recorded.

Jacob Fischer stated that he met [REDACTED] three years ago via online dating, they dated briefly and had sex once. He told me that she left the area and then returned, he saw her on a call with East Grand Fire and they reconnected as friends. He advised they had been friends ever since. He acknowledged that he was there for her during the incident involving her ex-boyfriend. That incident occurred at the end of October last year. He denied that they had sex in November of 2018.

As it concerns the events of August 8th and 9th, Jacob Fischer stated that he went to bed around 2300 hours on the 8th. He told us that he had two shots of Whiskey. He advised that he had difficulty sleeping and went for a

drive in his Jeep at approximately 0400 hours on the 9th. Jacob Fischer stated that he drove to Fraser and was on [REDACTED] street when he thought to give her a call. He told me that she had been asking him to come and see her dog.

Jacob Fischer alluded that they have had many conversations at that hour by phone / text so it was not odd. Throughout the conversation I clarified on several occasions that 0430 hours was not a normal time for them to have contact. I told him that I knew they would text around 0600 or 0700, but not 0430 hours. I asked if he had his personal phone with him, if he could provide any evidence to support his statement such as texts. Jacob Fischer told me that after being placed on leave he was upset and deleted their conversations.

Jacob Fischer stated that [REDACTED] was awake and he entered her residence via the front door. He advised that she was wearing a tank top, shorts and went to put on a shawl. He told us that they sat on her bed, talked and played with her dog. Jacob Fischer stated that they talked about her new boyfriend and him buying a house with Aleta, his girlfriend. He denied telling her she was beautiful, rubbing her legs and grabbing her buttocks. He denied any physical contact except for a hug. In general he stated that they just talked and then he left. He told me that he left through the front door.

At first he did not remember texting her after he left. Once he remembered we talked about what he was referring to when asked what had been bothering him. Jacob Fischer told me that it was just what we had discussed, the stress and lack of sleep. We had discussed him being sick and not getting much sleep over the three days preceding the 9th.

Jacob Fischer stated that when he got home, he tried to go back to bed. He stated that he fell asleep for a moment and then got up to go to work. He stated that he did not take a shower that night.

Jacob Fischer stated that he had talked to Sgt. Chad Yurich (GCSO) about his issues with sleeping and was unsure if he spoke to him the morning of the 9th before going to work. He was positive that he spoke to Sgt. Yurich on shift and received permission to go home. He stated that it was on his way home that the accident occurred. Chief Kraker asked him if there had been any smell of alcohol noted and Jacob Fischer responded that there was when he vomited. He also noted that he had done a P.B.T and blew .000 BAC.

Jacob Fischer spoke about him and [REDACTED] being good friends prior to this point and being surprised at the current situation. He spoke of her having problems with boyfriends in the past, stalkers and now thinks that maybe those suspects were innocent. He advised that he just thought she just had bad luck. He stated that the only reason he can think of for her doing this is so that her new boyfriend can rescue her.

About midway through the interview, Attorney Marc Colin brought up his concern that we were not being direct. I stated that I was noting deception coming from Jacob Fischer and I did not know if it was in reference to him trying to protect his relationship with his girlfriend or if he was covering up a criminal issue. I told them that I was hearing this "bullshit story" to a degree that did not make sense. I asked them if this is coming across as "bullshit" because of a need to protect his girlfriend and the relationship or if it is coming out due to a criminal issue.

Attorney Marc Colin stated that my statement was based on an assumption that there is a relationship with [REDACTED] that is greater than he, Jacob Fischer described. I told him that is not where my statement is coming from. I explained that Jacob Fischer's account did not make sense. That based on a text message from weeks ago talking about wanting him to see her dog he goes to her residence and calls her at 0430 hours after just going on a drive. I told them that I understood him not being able to go to sleep, I understood going for a drive due to not being able to sleep. However, I don't understand how he ends up at her house at that hour to play with her dog. I stated that it makes sense if it is being relayed to a significant other who knows certain parts of what went on but you have to make an account to them without admitting fault, but it does not make sense in terms of addressing a potential criminal issue.

At one point, Chief Kraker asked Jacob Fischer if he knew [REDACTED] to be untruthful. Jacob Fischer stated that he did, he said that [REDACTED] had in the past complained to him about being stalked and followed by

different people and he directed her to Fraser Winter Park Police Department. He said that there's many times when she talked about a guy following her and he would ask her if she did anything about it and she did not know if she wanted to. I asked if this was [REDACTED] asking him questions as a friend, looking to you for wisdom and advice as a deputy and he told me that it was both. I asked him how this makes her not credible. Jacob Fischer told me that every investigation has been unfounded or she has rescinded her original allegations. I asked what he was specifically referring to. He told me that he was referring to her ex-boyfriend with the Fire Department and a boyfriend at Devil's Thumb Ranch. He stated that she came to him about "Jed" her ex-boyfriend with the Fire Department said he choked her, tried to kill her and beat her up. He stated that he directed her to FWPPD and she made the report and later ended up backing out of it, he asked her why she backed out it and she did not have an answer. He told me that shortly after that she had the same story with her new boyfriend hurting her, the one from Devil's Thumb Ranch. He stated that he again directed her to make a report and then the next week she contacted him in reference to the same guy following her. He stated that he asked her if she reported it and that she told him yes but not everything.

Sgt. Stark

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/22/2019

After interviewing Jacob Fischer, I went back and reviewed the audio from my interview with Aleta Fantoni. Upon reviewing the audio, I noted that Aleta Fantoni did know that Jacob Fischer was claiming he went by [REDACTED] residence on the 9th to play with her dog. Aleta Fantoni mentioned that Jacob Fischer was apologetic for going for a drive without telling her and then later mentioned him going by [REDACTED] to see her dog. The statements were not directly connected, but after interviewing Jacob Fischer, Aleta Fantoni's statements made sense.

Aleta Fantoni stated that Jacob Fischer told her about going for a drive on the 11th after the 911 call naming Jacob Fischer as the suspect came out on the night of the 10th. She stated that Jacob Fischer just did not want to worry her about the fact that he went for a drive. Jacob Fischer was placed on administrative leave on the afternoon of the 10th.

Jacob Fischer drove from Hot Sulphur Springs to [REDACTED] on the morning of the 9th and called her at 0430 hours from outside her residence. He did not tell Aleta Fantoni that he was going out for a drive. He stated it was for the purpose of seeing / playing with [REDACTED] dog, once he found himself on her street. He spent time with [REDACTED] and then left. He saw Aleta Fantoni that morning before starting work at 0700, then he rolled his patrol vehicle at approximately 0830 hours while heading home. He was then with Aleta Fantoni the rest of the day. On Saturday afternoon he was placed on administrative leave. On Saturday night after [REDACTED] had come forward and spoke to me about what had occurred, she heard banging on her front and rear door. It turned out to be a neighbor who had locked himself out, she had reasonably assumed it to be Jacob Fischer. She contacted a friend who contacted 911 as the reporting party (FWPPD case # 190519), Aleta Fantoni took that 911 call. It was the day following that 911 call that Jacob Fischer told her about going for a drive and upon review I believe he told her that he went by [REDACTED] to see her dog. The incident occurred on the 9th and Jacob Fischer told Aleta Fantoni on the 11th about going for a drive on the 9th and seeing [REDACTED]

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/22/2019

On 08/20/2019, I conducted a follow up call with [REDACTED]. She told me that Jacob Fischer called her that morning of the 9th, told her that he was outside her apartment and asked to talk. She told me that phone calls from him were unusual and that he rarely called. She told me that he usually texts and she assumed he does

so when away from his girlfriend due to the text occurring around the same time frames. [REDACTED] stated that she thought something was wrong and was concerned for Jacob Fischer, so she agreed to have him come in.

[REDACTED] stated that upon letting Jacob Fischer in, she went to the bathroom and when she came out, he was sitting on her bed. She told me that she asked him what was wrong. [REDACTED] stated that Jacob Fischer told her that he wished that they could be together and loved her. She stated that he told her the other woman was out of the picture. She stated that he told her that he was buying a house and she told him about her new boyfriend.

[REDACTED] told me that Jacob Fischer never mentioned that he was buying a house with his girlfriend. She stated that he did play with her dog a bit, but as far as she could remember he never referenced her request that he come see her dog. She stated that she had mentioned wanting him to see her dog near the beginning of July.

She confirmed that they had been flirting in a very sexual way back in November and would keep texting until 0200 hours at times. She confirmed that they had sex at her residence in November and believed that she could go back in her text and find acknowledgement. She was hesitant to provide the flirting text messages, stating that they were very private. I understood the messages to be in line with sexting.

On 08/20/2019, I conducted a second follow up phone call with [REDACTED] in reference to Jacob Fischer's statement that she had recanted her statement and backed out of the case against her ex-boyfriend with East Grand Fire. I was unaware of the status of [REDACTED] case against her ex-boyfriend. That afternoon I spoke to Chief District Attorney Dowdell who informed me that at the present time it is still active. [REDACTED] told me that the Assistant District Attorney is dropping the case and she did not really know why. She said that she got a voicemail saying the case was going to be dismissed and she received the voicemail on the 19th, yesterday. She told me that she did not recant her statement, but does believe her ex-boyfriend is doing much better, is a good firefighter and did not want him to lose his job.

[REDACTED] stated that she did not reach out to Jacob Fischer prior to making the original report and that she spoke with him the day after she made the report in reference to her ex-boyfriend with the Fire Department. The report was made on October 30th, 2018. It was at that time that they got closer which led to the flirting texts of a sexual nature and shortly thereafter to one sexual encounter at [REDACTED] residence in November. She told me that at that time she wanted to be with Jacob Fischer, meaning a couple, but he said they could not due to her being a victim of an active domestic violence case.

On 08/22/2019, I conducted a follow up phone call to [REDACTED] in reference to checking to see if she was able to access her text messages from November 2018. She told me that she was having difficulty, I asked her to keep trying. We discussed those text messages in more detail and she admitted that she had sent pictures of herself to Jacob Fischer and received nude pictures of him during that time period. I asked if she had access to their text conversations from June and she told me that she did. I asked about the content and she stated it was tame, but still communicated a desire to have sex. I requested that she send me a screenshot of a few conversations from that time period.

During the phone call I was able to have [REDACTED] pinpoint when she believed the lack of consent was communicated to Jacob Fischer. She told me that a few minutes after he arrived was the first time he grabbed her face and attempted to kiss her. She stated it was at that point she told him that she was in a relationship and did not reciprocate the kiss. [REDACTED] agreed with my assessment of Jacob Fischer's expectations and told me that she too had thought about the fact that Jacob Fischer had reasonable expectations that she would be ok with his advances. However, she believed that after the first attempt at a kiss was rejected and she told him about her new boyfriend, that he should have known. She told me that he grabbed her buttocks after that first attempt at a kiss and prior to attempting to take her clothes off. [REDACTED] stated that towards the end she thought he was leaving and she believes they hugged and that was when he grabbed her buttocks. She told me that afterwards he tried to remove her clothes and when she did not participate she believes he understood that she truly did not want to have sex with him. After that he left.

██████████ was able to provide a screen shot of text conversation with Jacob Fischer from June 24th. The texts are sexually graphic detailing how "horny" she makes him, his desire to "pull those panties off and put my tongue all over your pussy" and he then details the act. ██████████ reciprocates the feeling. The name tagged at the top of the message is "Jake" and is consistent with other screen shots of messages from "Jake" that have been verified as coming from his phone number. I would need to observe these messages in person and verify that it is the same "Jake." However, based on the fact that all of ██████████ accounts of the timeline have been verified without issue, I have no reason to doubt that this text is legitimate.

██████████ stated that she had gotten back together with her ex-boyfriend, the fire fighter, in December, after his arrest. She told me that it did not last long and then they saw each other a few times after ending the relationship in January. This might explain Jacob Fischer's statement concerning her backing out of the case.

Supplemental Narrative

Written By	Date Written
STARK, JONATHAN	08/22/2019

After completing this investigation there is probable cause to believe that Jacob Fischer committed the crime of unlawful sexual contact when he grabbed the victim's buttocks. As to harassment there is no indication that he had the intent to cause alarm. Additionally, the victim still maintains that Jacob Fischer grabbing her buttocks was not the issue for her, the issue for her was when he attempted to remove her clothes. She described the attempted removal of her clothes and the attempts to kiss her as "triggers."

Based on his denial of the degree of his relationship with ██████████ and the many substantiated aspects of her account there is probable cause to believe that Jacob Fischer went to ██████████ residence at 0430 hours on August the 9th with the intention of engaging with her in a sexual encounter. The initial attempt at engaging with ██████████ in a sexual manner is understandable when looked at through the lens of their past sexual relationship and the context of their text communications. However, ██████████ had a new boyfriend and did not want to participate in any affectionate or sexual acts with Jacob Fischer. She did not verbally tell him to stop, but did tell him she had a boyfriend and her physical actions of crossing her arms, not reciprocating the kiss and not allowing him to remove her cloths constitute a lack of consent per statutory definition.

Jacob Fischer was at her residence for 20 to 30 minutes. It is believed that Jake Fischer had been drinking that evening and possibly was suffering from a lack of sleep as well which could have effected his judgment. When he left it appears that he and ██████████ hugged and she thought enough for his safety to make sure he got home ok, even asking him if anything else was bothering him.

As the investigator I am not looking to move forward with an arrest or summons in this case.

Case Management

Initial Investigator	Current Investigator	Report Status	Approved By	Date Approved
STARK, JONATHAN	STARK, JONATHAN	Approved	STARK, JONATHAN	08/14/2019 09:09
Solvability				
0.00%				

Approval History

Status	Approved By	Date
Approved	STARK, JONATHAN	08/14/2019 09:09

Investigative History

Investigator	Team Name	Date
STARK, JONATHAN	PATROL	08/13/2019 15:33



OFFICE OF THE DISTRICT ATTORNEY
14TH JUDICIAL DISTRICT
MATT KARZEN, DISTRICT ATTORNEY

August 23rd, 2019

Sgt. Jonathan Stark
Granby Police Department
Zero, West Jasper Ave
Granby, CO 80446

RE: GPD Case #190296 Declination of Charges

Dear Sgt. Jonathan Stark

The District Attorney's Office received Granby Police Department case number 190296 for review of charges on August 20th 2019. The charges for review consist of Unlawful Sexual Conduct pursuant to C.R.S. "18-3-404(1)" and Harassment pursuant to C.R.S. "18-8-111(1)."

The subject, Jacob Fischer is employed with the Grand County Sheriff's Office as a patrol deputy. Although the events underlying the case occurred in the jurisdiction of the Grand County Sheriff's Office, because the subject is employed as a peace officer with that agency, the Granby Police Department was asked to conduct the investigation, and agreed to do so. The investigation resulted in reports, text messages and witness statements being sent to the District Attorney's Office for review of criminal charges against Mr. Fischer.

The reporting party in this matter has communicated with Granby Police Department that she does not wish this matter to be prosecuted. The People are in compliance with the Colorado Victim's Right's Act and have attempted to reach the reporting party to consult with her about this declination of charges.

The below summary is based on review of law enforcement reports provided to the District Attorney's Office by the Granby Police Department. The reports describe the investigating officer's observations and interactions with the reporting party, an interview with the subject Mr. Fischer and his attorney, text messages provided by the reporting party and an interview with Mr. Fischer's current girlfriend. The facts are briefly summarized as follows.

The female reporting party, henceforth known as S.Z. had spoken with Officer Ybarra with the Granby Police Department about Deputy Jake Fischer showing up at her residence in the early morning hours and attempting to have sex with her. S.Z. originally spoke to her roommate about the unwanted encounter and S.Z.'s roommate put her in contact with Officer Ybarra. S.Z. was interviewed by Sgt. Stark with the Granby Police Department and stated, in sum, that she had meet Mr. Fischer through "Tinder" a few years ago and had a date and a sexual

GRAND COUNTY
P.O. Box 168 307 Moffat Avenue
Hot Sulphur Springs, CO 80477
970-725-3371 Fax 970-725-3446

encounter but it did not lead to anything further. About eight months ago, S.Z. was a reporting party of domestic violence with another first responder in Grand County and Mr. Fischer and her confided in each other after the incident and other personal struggles. S.Z. stated that they would flirt with each other. S.Z. reported that she had sex with Mr. Fischer in November 2018. Mr. Fischer told S.Z. that he was about to move in with his girlfriend. S.Z. ceased flirting with Mr. Fischer because he said that he had a girlfriend, but the S.Z. remained friends with Mr. Fischer. S.Z. reported in June or July 2019 that she and Mr. Fischer started flirting again and would text sexual messages and pictures to each other, until S.Z. found out that Mr. Fischer was still dating his same girlfriend. S.Z. reported the last time she had contact with Mr. Fischer was July 27th 2019.

On August 9th 2019 S.Z. received a phone call at 4:34 in the morning from the subject. She reported that she was worried that something was wrong. She stated it was not normal for him to call and he usually texted, she assumed, when his girlfriend was not around. The subject reported that he was outside her residence and wanted to come in. The reporting party put on a button up sweater and let Mr. Fischer inside her residence. Once inside she went to the bathroom and left the subject in the living room. When she returned from the bathroom, the subject was sitting on her bed. S.Z. reported that he began telling her that he wanted to be with her, how beautiful she was and that he was rubbing her leg. He stated that the "other woman" was out of the picture and that he wished they could be together. She stated that he attempted to kiss her and at least once held her head still and kissed her. She stated that she did not reciprocate and told him that she had a boyfriend. She reported that she had her arms crossed over her chest and that the subject grabbed her buttocks. S.Z. stated that the buttocks grab was not a big deal to her but it was not welcome. Next, the subject unsuccessfully attempted to remove her clothes. S.Z. stated that she believed Mr. Fischer understood that they would not be having sex and left. S.Z. agreed during her interview that Mr. Fischer would have a reasonable expectation of having sex with her, and that after she did not engage his attempts he left. She believed he was intoxicated, did not smell of alcohol, but that he mentioned he had been drinking. After he left S.Z. texted him to make sure he made it home ok, and he responded, "Yeah, I wasn't as bad as I probably seemed." A further review of text messages on the reporting party's phone between her and Mr. Fischer corroborates the reporting party's timeline of events on the morning of August 9th and their prior "sexting" in June or July 2019.

Aleta Fantoni, a dispatcher and the current girlfriend of the subject was interviewed by the Granby Police Department. Ms. Fantoni stated that she and Mr. Fischer have been together for more than a year, reside together and were in the process of buying a home. It was apparent in Ms. Fantoni's interview that she was not aware of the events that took place in the early morning hours of August 9th other than Mr. Fischer going for "a drive."

Mr. Fischer was interviewed by Sgt. Stark on August 22nd in the presence of his attorney. In sum, Mr. Fischer stated he had two shots of whisky and went to bed on August 8th around 2300 hour, he was having trouble sleeping and went for a drive around four in the morning on the 9th. He stated he found himself outside S.Z.'s home and that she had been wanting him to stop by and see her dog. He reported that he entered her home, they talked and he played with her dog. He denied any sexual conduct and making any advances. Mr. Fischer stated that he and S.Z. had been good friends in the past and that he was surprised at the current situation, that she had

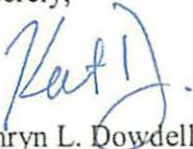
had problems with boyfriends in the past, stalkers, and how now he thinks those other subjects were innocent. Mr. Fischer denied having a sexual relations with S.Z in November 2018.

The following law and analysis follows. Criminal prosecutions are not appropriate unless there is a reasonable probability of conviction at trial. National District Attorney's Assoc., National Prosecution Standard 4-2.2 & 4-2.4(b). Harassment is a specific intent crime and requires proof beyond a reasonable doubt that the physical contact be accompanied by the specific intent to harass, annoy or alarm the person touched. C.R.S 18-9-111(1)(a), C.R.S. 18-1-501(5). Specific intent is defined as follows: "A person acts intentionally or with intent when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred." C.R.S.8-1-501(5). Unlawful Sexual Contact, pursuant to C.R.S. 18-3-404(1)(a), requires that the actor knowingly subjects a reporting party to any sexual contact if the actor knows that the reporting party does not consent. Sexual contact is defined by C.R.S. 18-3-401(4) as the knowing touching of the reporting party's intimate parts by the actor, or of the knowing touching of the clothing covering the immediate area of the reporting party if that sexual contact is for the purpose of sexual arousal, gratification or abuse.

Review of the case materials in this matter reveals a lack of sufficient evidence to establish that any physical contact the defendant made with the alleged reporting party was done with the intent to harass, annoy or alarm the alleged reporting party, without her consent, or after she had communicated to the subject that she did not consent.

For the reasons stated above, this matter is declined for prosecution, in accordance with the wishes of the reporting party.

Sincerely,



Kathryn L. Dowdell
Chief Deputy District Attorney, #43638



GRAND COUNTY SHERIFF'S OFFICE

BRETT D. SCHROETLIN
SHERIFF

WAYNE SCHAFFER
UNDERSHERIFF

August 26, 2019

Deputy Jake Fischer

RE: Internal Affairs Investigation

On August 26, 2019 I interviewed Deputy Jake Fischer in reference to a criminal investigation that was completed by Sergeant Jonathan Stark of the Granby Police Department. Investigator Dave Miller was present for the interview.

I began the interview by reading a Garrity Advisement to Deputy Fischer, to which he stated that he understood and subsequently signed.

I also explained to Deputy Fischer that I was interviewing him in reference to a complaint of made by [REDACTED] of Unwanted Sexual Contact and Harassment. Deputy Fischer stated that he understood.

Deputy Fischer stated that at approximately 0430 hrs, on August 9, 2019, he drove from his residence to [REDACTED] residence and met with her to see her new dog. Deputy Fischer stated that he spoke with [REDACTED] for 10-15 minutes and that he did not kiss or touch [REDACTED] during that time. Deputy Fischer stated that he was only friends with [REDACTED] and that he had not been romantically or sexual involved with [REDACTED] for approximately 1-2 years.

I asked Deputy Fischer on several occasions throughout the interview if he and [REDACTED] had texted sexual explicit material in the past few months, to which Deputy Fischer stated that he had not. I knew as part of the criminal investigation that Sergeant Stark had received emailed copies of such material sent from [REDACTED] to Fischer during the month of June 2019.

Deputy Fischer was deceptive and untruthful during the course of my interview. The interview was recorded and will be attached to this report.

After the conclusion of the interview I told Deputy Fischer that I would document our conversation and bring him in later this week and let him know what I have decided.

At approximately 1027 hrs, I received a phone call from Deputy Fischer. Deputy Fischer asked if he could speak with me privately in my office.

Deputy Fischer told me that he had been untruthful and that he had in fact exchanged sexually explicit texts, pictures and videos with [REDACTED]

I explained to Deputy Fischer that he had lied both to Sergeant Stark as well as myself during the investigation. Deputy Fischer stated that he was sorry and asked to resign his position with the Grand County Sheriff's Office.

At approximately 1131 hrs, I received an email from Deputy Fischer resigning his position of Deputy Sheriff.

Per Deputy Fischer's own admission and facts gained throughout this investigation, I have no doubt that he was untruthful both in his criminal investigation as well as this internal affairs interview. A copy of this memorandum will be forwarded to Kathryn Dowdell with the 14th Judicial District Attorney's Office for review.

Wayne Schafer
Undersheriff
Grand County Sheriff's Office

From: Wayne Schafer [REDACTED]
To: Amy Sidener [REDACTED]
Sent: 10/29/2019 2:26 PM
Subject: Fwd: Resignation

Wayne Schafer
Undersheriff
Grand County Sheriff's Office
670 Spring St. P.O. Box 48
Hot Sulphur Springs, CO 80451
(970) 725-3343 Office
(970) 531-8477 Cell

From: Jacob Fischer [REDACTED]
To: <[REDACTED]>
Sent: 8/26/2019 11:31 AM
Subject: Resignation

Sir, this letter is to inform you of my intent to resign my position as deputy sheriff with the Grand County Sheriff's Office. Thank you for the great opportunity I was given with your agency, I appreciate the time and training spent on me. I wish you and the office the best as I move forward.

Sincerely
~Jake Fischer



OFFICE OF THE DISTRICT ATTORNEY
14TH JUDICIAL DISTRICT
MATT KARZEN, DISTRICT ATTORNEY
SERVING GRAND, ROUTT AND MOFFAT COUNTIES

September 16th, 2019

TO: Grand County Criminal Defense Bar
FROM: 14th Judicial District Attorney
RE: Brady Notice, former Grand County Sheriff's Deputy Jake Fischer

Counsel –

This office has been notified of the existence of materials that may be subject to the disclosure requirements of Brady v. Maryland, 373 U.S. 83 (1963). These materials relate to former Grand County Sheriff's Deputy Jake Fischer.

The People have been notified that Mr. Fischer is no longer employed by the Grand County Sheriff's Office (GCSO). Both the GCSO and the DA's Office are in possession of a summary of a GCSO internal affairs investigation conducted August 26th 2019, and GCSO may have additional materials related to that internal affairs investigation.

The defense bar may request the above information from GCSO, and may request the internal affairs summary from either GCSO or the DA's office, in any pending case in which Mr. Fischer is a witness.

As to a request for the internal affairs summary, made to the District Attorney's Office, because these materials may contain information that is otherwise subject to restrictions on dissemination, the following procedure will be utilized for the production of these materials from the District Attorney's Office:

- 1) Counsel of record must provide the DA's Office a written request for the material, including the name of the defendant and case number involved in the representation.
- 2) Upon receipt of the written request, the DA's Office will file a motion for a protective order limiting dissemination of the materials provided to that necessary in the pursuit of legal relief in the case at issue. If you are willing to consent to that limited protective order, please advise us of that in your written request, and we will prepare a consent order for signature and filing.
- 3) Upon resolution of the protective order motion, the internal affairs summary in the possession of the District Attorney's Office, that item will be provided in a manner consistent with the ruling of the court.



OFFICE OF THE DISTRICT ATTORNEY
14TH JUDICIAL DISTRICT
MATT KARZEN, DISTRICT ATTORNEY
SERVING GRAND, ROUTT AND MOFFAT COUNTIES

- 4) Please U.S. Mail or hand-deliver all requests to the Grand County District Attorney's Office.

Sincerely,

Matt Karzen
District Attorney
14th Judicial District
State of Colorado