

PIKES PEAK COMMUNITY COLLEGE POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATION

21-0051

On September 24, 2021, I was retained to conduct an internal affairs investigation regarding an incident occurring between Officer Jason Ragland and Sergeant Chad Bauer on May 25th, 2021, at approximately 12 P.M. at the firearms range at Pikes Peak Community College Centennial Campus located at 5675 South Academy Boulevard, Colorado Springs, Colorado 80906. Officer Ragland was on duty and driving a marked patrol unit and Sergeant Bauer was in a training uniform and driving an unmarked car.

I interviewed Chief Jim Barrentine on September 24th at the Pikes Peak Community College Police Department and according to Chief Barrentine, Officers had been spending too much time at the range building while on duty and not enough time patrolling the campus. This information was provided to Chief Barrentine by the fulltime range officer – Officer Doyle Kilgore. Officer Kilgore advised Chief Barrentine that Officer Ragland was at the range between three and five times the week before May 25th for several hours at a time.

When I interviewed Officer Kilgore on September 29, 2021, at the Pikes Peak Community College Police Department he stated that it was obvious that Officer Ragland was neglecting his duties due to Officer Ragland being at the range that often and that Officer Ragland would spend two to three hours at a time at the range on the computer researching you tube conspiracy theories, theories about the world is going to end, the government is watching you, how to buy MRE'S (meals ready to eat) and researching the purchase price of a cove in Arkansas. According to Officer Kilgore, Officer Ragland would spend all day at the range on the computer except when he was dispatched to a call for service and then return to the range after handling the call for service and continue to be on the computer. Officer Kilgore stated that Officer Ragland would often make disparaging comments to Colorado Springs Officers who were at the range about the Command Staff of the Colorado Springs Police Department.

Officer Kilgore witnessed the interaction between Officer Ragland and Sergeant Bauer on May 25th. He described Officer Ragland as agitated, "pissed", voice raised, demanding, insulting, insubordinate and that he has been and was clearly derelict in his duties. He described Sergeant Bauer as very cool, calm, collected never screaming and having his hands in his pockets. He stated that Sergeant Bauer did raise his voice "a little, but appropriate" to get Officer Ragland to dock his body worn camera. He also stated that he has never heard Sergeant Bauer ever use profane language. The interview with Officer Kilgore was tape recorded.

Chief Barrentine individually and through his supervisory staff advised patrol officers to not be at the range other than at the beginning of their shift to pick up their assigned vehicle and at the end of their shift to return their patrol vehicle. Chief Barrentine further directed that Officers should be patrolling at their assigned patrol areas and that meal breaks should be

taken on campus. These directives occurred during a Teams meeting on May 4th, 2021, that Officer Ragland attended and on May 23, 2021, these directives were verbally given directly to Officer Ragland by Sergeant Bauer.

On May 25th, 2021, Officer Ragland was working dayshift beginning at 7 A.M. He should have picked up his assigned patrol car at the range, had lunch at the main campus and then returned to the range at the end of his 8-hour shift after carrying out his assigned patrol duties. At this point he had been twice given direct orders recently to not be at the range except at the beginning and end of his patrol shift.

On September 30th, 2021, I interviewed Sergeant Bauer at the Pikes Peak Community College Police Department. This interview was tape recorded. He advised me that on May 25th at approximately 12 P.M. He drove to the firearms range to meet with Officer Kilgore to discuss new duty weapons.

When Sergeant Bauer entered the range building, he saw Officer Ragland inside the building. He asked Officer Ragland to come outside which Officer Ragland did. Immediately outside the front door to the range building Sergeant Bauer inquired what Officer Ragland was doing at the range. Officer Ragland then became visibly upset, using profanity stating, "I just came down here to get my fucking lunch Chad", "You're nit picking", "You're riding my ass", "My ass will not be here next week, I need to see my son graduate, you guys need to figure this out."

Sergeant Bauer maintained a calm professional demeanor and continued to explain to Officer Ragland that he should not be at the range and was met with an argumentative, insubordinate attitude and demeanor and an unacceptably loud aggressive voice from Officer Ragland. During this exchange Officer Ragland activated his body worn camera and this entire incident is audio and video recorded. It appeared as if Officer Ragland was attempting to provoke a negative response from Sergeant Bauer, but Sergeant Bauer maintained a very professional demeanor.

There was also discussion initiated by Sergeant Bauer that Officer Ragland was not driving the correct patrol vehicle assigned to him. Officer Ragland was driving patrol vehicle number 489. Sergeant Bauer advised him that he should be driving his assigned vehicle which was patrol vehicle number 260. Again, during this discussion Sergeant Bauer was calm and professional while Officer Ragland had a raised voice and was argumentative.

There was then discussion about Officer Ragland not having a leave request approved due to lack of staffing. Officer Ragland stated that he needed to go to San Diego to see his son graduate from Marine Corps boot camp. Sergeant Bauer explained to Officer Ragland that his leave request was denied because of lack of staffing. Again, Officer Ragland was argumentative, belligerent, and insubordinate stating that he was going to the graduation ceremony even if the leave request was denied. Sergeant Bauer calmly explained that he could appeal the leave denial directly to Chief Barrentine.

Sergeant Bauer heard Officer Ragland's body worn camera make an audible noise indicating that he was being recorded. Sergeant Bauer then ordered Officer Ragland to dock his body worn camera so Sergeant Bauer could lock down the footage to preserve it. Officer Ragland reluctantly complied with Sergeant Bauer's order. After the body worn camera was secured Officer Ragland and Sergeant Bauer separated and both went back on patrol.

Shortly after this incident, Officer Ragland made a complaint to Valerie Newcomb in Human Resources alleging that Sergeant Bauer:

- *Was aggressive and freaking out about him having the wrong patrol car
- *Sergeant Bauer was so angry that he was watching his hands and seeing what he was going to do
- *Was screaming at him
- *Was the most aggressive that he had ever seen him
- *Had an aggressive posture including his hands at his sides with clenched fists
- *Immediately escalated – boom instantly level red
- *Was yelling over the car and yelling over the other stuff

This complaint was investigated by Commander Jason Mollendor of the Auraria Campus Police Department. His findings were that every allegation made by Officer Ragland against Sergeant Bauer were not sustained and that Sergeant Bauer:

- *Was professional and had a respectful demeanor
- *Had his hands in pockets, his back was slouched and had a very relaxed posture
- *Maintained his composure while confronted with Officer Ragland's yelling, accusations, profanity, and clear insubordination
- *Did not engage in any threatening behaviors
- *Was well within his scope as a supervisor to address Officer Ragland presence at the range
- *Did nothing wrong

Commander Mollendor's investigation found Officer Ragland:

- *Was insubordinate to Sergeant Bauer
- *Had spent considerable time at the range engaged in unapproved activities and neglected his duty
- *Engaged in Conduct Unbecoming, Intimidating or Threatening Behavior, Inappropriate behavior toward all law enforcement officers and department personnel, insubordination, and failure to respect fellow members
- *Activated his body worn camera in violation of department and college policy
- *Violated security of information and failed to be truthful

I interviewed Officer Ragland on May 26th, 2021, at 10:08 A.M. at the Colorado Springs Police Department's Sand Creek sub station located at 950 Academy Park Loop, Colorado Springs, Colorado, 80910. Present at the interview were Officer Ragland, his attorney Heidi Hugdahl,

Corporal Doug Zurek of the Pikes Peak Community College Police Department, and myself. The interview with Officer Ragland was tape recorded.

After reading the Garrity advisal form to Officer Ragland he read the following statement from a notecard:

"I believe the current IA is retaliation for opposing discrimination in May 2021, by reporting discrimination based on sex and disability to human resources."

My response was, "So noted."

I then asked Officer Ragland to describe the incident on May 25th at the range.

Officer Ragland then stated that on May 25th at approximately noon he was at the range having lunch. He states that he was only at the range for about five minutes when Sergeant Bauer arrived and asked him to step outside. When outside according to Officer Ragland, Sergeant Bauer:

Asked what car he was driving, and he explained why he wasn't driving his assigned patrol car and Sergeant Bauer became upset and raised his voice

Officer Ragland asked, "Why are you picking on me"
Sergeant Bauer said No I'm not
Officer Ragland said Yes you are

Officer Ragland then stated that Sergeant Bauer:

Demeanor and body posture indicated he was upset
Raised his voice and that Sergeant Bauer wasn't screaming
Had his chest puffed up
His breathing raised
Was red faced
Was escalating but wasn't threatening
Was aggressive
Was freaking out
Was yelling when body worn camera beeped

Officer Ragland stated that to me that he has no recollection of turning on his body worn camera. It should be noted that on the video it is clear, that Officer Ragland's hand is seen moving up to his chest area where his hand would have been to turn on the body worn camera.

Officer Ragland stated that it was his natural reaction to watch Sergeant Bauer's hands because for a quick moment he did not know what he would do.

Officer Ragland stated that he felt when Sergeant Bauer was gloating when he told him that his leave was denied.

Officer Ragland stated that he tried to explain to Sergeant Bauer when Sergeant Bauer ordered him to dock his body work camera that it might take a long time. It should be noted that when Officer Ragland docked his body worn camera it only took a few minutes for the footage to be secured.

Officer Ragland stated that his demeanor matched Sergeant Bauer's.

I then asked Officer Ragland if he wanted to watch the body worn camera footage of this incident he replied yes. After watching the video and me asking questions Officer Ragland stated:

- *My actions were not appropriate
- *Several times I talked louder
- *I was disrespectful
- *I was upset
- *I was frustrated
- *I was not appropriate in my response to Sergeant Bauer
- *I should have taken more breaths – not let him aggravate me like that
- *I should have not used profanity to a supervisor
- *Sergeant Bauer never used profanity during this incident

When I asked Officer Ragland that based on the video, we just watched do you think you handled it appropriately, he replied "I do not."

INTERNAL AFFAIRS INVESTIGATION FINDINGS

After conducting this investigation and reviewing:

Commander Mollendor's Investigation dated September 6, 2021
Memorandum from Officer Ragland to Valerie Newcomb dated May 25, 2021
Interviews with Chief Barrentine, Officer Kilgore, Sergeant Bauer and Officer Ragland
General Orders of the Pikes Peak Community College Police Department

I believe that there is clear and convincing evidence that Officer Ragland violated the following Pikes Peak Community College Police Department policies:

SP – 19-50 – Board policy regarding the use of recording devices
General Order 306 (I) – Unbecoming Conduct
General Order 306 (III) (A) - Intimidating or Threatening Behavior
General Order 306 (XX) – Truthfulness
General Order 307 (XVII) – Behavior towards law enforcement
General Order 307 (XXIC) - Insubordination
General Order 312 (II) - Respect for Fellow Members
General Order 745 (VII) (B) - When Activation is not required

DISPOSITION OF EVIDENCE

*Body worn camera recording of the May 25th incident – maintained by Corporal Zurek
*Tape recorded interview of Officer Ragland by Paul Schultz at the Colorado Springs Police Department Sand Creek Sub Station – maintained by Corporal Zurek
*Tape recorded interview of Officer Kilgore – maintained by Paul Schultz
*Tape recorded interview of Sergeant Bauer – maintained by Paul Schultz

This investigation was completed on October 30th, 2021, and electronically submitted to Chief Barrentine on the same date.

Respectfully Submitted,

Paul D. Schultz

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