



Chief Fedler,

On March 19, 2020 at approximately 2:30 p.m. I was informed that Sgt. Jeremy Gay may have altered a "Consent to Search" form after the property owner and the officer signed it. I contacted Officer John Laiminger immediately. He was the officer who signed the form and was said to have witnessed Sgt. Gay alter it.

Officer Laiminger told me that Donald Abeyta had come into the Delta Police Department to sign a consent to search for his vehicle. The Delta Police Department had impounded the vehicle for evidence in a shooting case that occurred the night before. Abeyta would not sign the form for Sgt. Gay and he had expressed he did not trust him, but stated he would sign it for Laiminger. Officer Laiminger stated that Sgt. Gay filled out the form, to include what was to be searched and what was to be searched for. Laiminger took the form into the lobby where both Mr. Abeyta and Laiminger signed it.

Officer Laiminger then returned to Sgt. Gay's office where he turned the form back over to him. At that time Officer Laiminger stated that Sgt. Gay began to add items to be searched for, after it was already signed by himself and the property owner. Laiminger stated that Sgt. Gay then told him something to the effect that he (Abeyta) wouldn't have signed it if this stuff was added to it.

I then left my conversation with Officer Laiminger and asked Sgt. Gay to come into my office. I asked him if he had added information to the "consent to search" form after it had been signed. He stated "yes." I asked him why he did that and was told Abeyta would not have signed the form if it was all on there. I then asked Sgt. Gay if he himself heard what he just told me.

I told Sgt. Gay that he just told me, he tricked an individual into waiving his 4<sup>th</sup> Amendment rights. And in doing so, violated the individual's 4<sup>th</sup> Amendment rights along with falsified a legal document. At this point Sgt. Gay stated he didn't think of it that way, he was just trying to get things done, but admitted I was right and he had made a mistake. He then offered to add the information to the report and call the DA's Office to get guidance from them for the case. I instructed him not to do anything with the case until I spoke with the Chief and it was figured out what would happen next. I told him this was a very bad situation. He stated he agreed it was and apologized. I confirmed that the search had already been done. When I asked, I was told nothing of evidentiary value was collected or recovered from the vehicle.

My conversation with Sgt. Gay was lasted approximately 4-5 minutes long. I excused Sgt. Gay from my office and immediately contacted Chief Fedler. Once I informed him of what I had learned, he and I





went directly into Sgt. Gay's office where Chief Fedler placed Sgt. Gay on Administrative Leave pending the outcome of the situation. At the conclusion of the conversation, I drove Sgt. Gay home.

Nothing Further,

Jesse Cox, Commander  
Delta Police Department





April 3, 2020

**Subject: Notice of Violation of State Law, City of Delta Police and Delta Police Department Policy.**

After review of the written report addressing the recent allegations made against Jeremy Gay, I determined that he did in fact violate the Delta Police Departments Policy and Procedures, City of Delta Policies and Procedures / Rules and Regulations and possibly Colorado Revised Statute (CRS). These violations I found are as follows:

**Delta Police Department Policy and Procedure Section 50.1**

**Code of Conduct:**

- **B. Conformance with Laws** – Members obey the laws of the United States of America and any State or local jurisdiction. A conviction for violation of a law is prima facie evidence of a violation of this rule.
- **F. Authority** – Members (commissioned and non-commissioned do not abuse the authority conferred upon them or the trust of the community they are sworn to serve. Commissioned members do not take any police action which they know or should know is not in accordance with law.
- **I. Conduct** – Members use reasonable judgment and refrain from conduct which reflects unfavorable on the department; This type of conduct includes that which:
  1. Brings the department into disrepute;
  2. Reflects discredit upon the individual as a member of the department; or
  3. Tends to impair the operation, effectiveness or efficiency of the department or its members.

**Abuse of Law Enforcement Powers:**

- Delta Police Officers will not make any arrest, search or seizure, which they know, or should know, to be unlawful or not fall within the parameters of legality.





## City of Delta Policies and Procedures / Rules and Regulations

### Article 13-Disciplinary Action and Termination

#### 13.2 Reasons for Disciplinary Action

- E. Falsification or misrepresentation, or material omission in employment applications or other city records, or material false statements made to a supervisor or other city employee.
- C. Commission of any act or offense in violation of State statute of City ordinances and regulations, or failure to comply with the requirements of these regulations.
- H. Conduct which is unbecoming an employee of the City or which has an adverse effect on the reputation of the City.
- I. Careless, reckless, or negligent performance of duties
- K. Violations of Federal statutes and regulations.
- L. Immoral or other conduct which has an adverse effect on the employee's job or otherwise conflicts with the employer's business interests.

#### Colorado Revised Statute (CRS):

- 18-8-406 – Issuing a False Certificate a class 6 felony
- 18-8-403(1)(a) – Official Oppression a class 2 misdemeanor
- 18-8-405(1)(b) – Second Degree Official Misconduct a class 1 Petty Offense

#### Outcome:

I met with Interim City Manager Wilma Erven about the allegations and findings. It was determined that I would meet with Jeremy Gay about the incident and ask for his resignation. I did meet with Jeremy Gay on March 31 and discussed my findings. Mr. Gay requested two days to decide how he wished to proceed in this incident. I gave Mr. Gay until April 3, 2020 to make a





decision. Mr. Gay sent me his resignation via email on April 2, 2020. This resignation is attached to this file.

**Discipline:**

Mr. Gay resigned his position with the Delta Police Department via email on April 2, 2020.

Lucas G. Fedler

Chief of Police  
Delta Police Department  
City of Delta, Colorado  
(970) 874-7676



---

April 2, 2020

Dear Chief Fedler,

Please accept this letter as formal notification that I am leaving my position with the Delta Police Department effective immediately.

Thank you for the opportunity you have provided me during my time with the agency.

Sincerely,

//S//Jeremy Gay



April 17, 2020

Subject: Letter of Reporting of Jeremy Gay

Mr. Hotsenpiller,

On March, 18, 2020 it was determined that Detective Sergeant Jeremy Gay committed an intentionally deceptive act during an investigation and while employed by the Delta Police Department. Mr. Gay resigned his position on April 2, 2020 and is no longer employed with the Delta Police Department.

Respectfully,

Lucas G. Fedler

Chief of Police  
Delta Police Department  
City of Delta, Colorado  
(970) 874-7676





# Notification of Finding of Untruthfulness

FORM

# 13

Colorado Department of Law - POST  
1300 Broadway 9<sup>th</sup> Floor  
Denver, CO 80203  
[post@coag.gov](mailto:post@coag.gov) 720-508-6721 FAX 866-858-7486

October 2019

SB19-166  
24-31-305 (2.5)

Delta Police Department

Lucas G. Fedler

Agency Name

Name of Agency Executive Submitting Form 13

(970) 874-7676

luke@cityofdelta.net

Agency Executive Phone Number

Agency Executive Email Address

Gay

Jeremy

John

Peace Officer - Last Name

Peace Officer - First Name

Middle Name

Peace Officer Last Known Personal Address

City

State

Zip

Peace Officer Personal Email Address (if known)

Peace Officer Personal Cell Phone (if known)

Date(s) of Employment: 10/07/15 - 04/02/20

Date(s) of Incident: 03/19/20

Peace Officer Date of Birth:

Colorado PID#

113201

(000000 or 0000-0000)

**Please check the applicable boxes below.**

- The certificate holder knowingly made an untruthful statement concerning a material fact **OR** knowingly omitted a material fact: **(At least ONE of the following MUST apply; please check ALL that apply)**
  - On an official criminal justice record.
  - While testifying under oath.
  - During an internal affairs investigation.
  - During an **administrative investigation and/or disciplinary process**<sup>1</sup>.
- The law enforcement entity that employs or employed the certificate holder has done **each** of the following: **(ALL of the following MUST apply; please check)**
  - Completed an administrative process, as defined by a published policy in effect at the time of the untruthful statement concerning a material fact **OR** omission of a material fact.
  - Determined by a **clear and convincing standard of the evidence**<sup>2</sup> through an administrative investigation and/or disciplinary process the certificate holder knowingly made an untruthful statement concerning a material fact **OR** knowingly omitted a material fact on an official criminal justice record, **OR** while testifying in court, **OR** during an internal affairs investigation **OR** comparable administrative investigation.
  - Certifies that the certificate holder has elected not to exercise **OR** has exhausted the internal disciplinary appeal rights provided by their employer.

**Please retain documentation of investigative details for possible future review. Do not need to include with form.**

PURSUANT TO 24-31-305(2.5), C.R.S., UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS AFFIDAVIT AND ACCOMPANYING DOCUMENTS AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THEY ARE TRUE, CORRECT AND COMPLETE. I FURTHER ACKNOWLEDGE THAT ANY FALSE STATEMENT, MISSTATEMENT, OR INACCURACY **MAY RESULT IN REVOCATION OF MY CERTIFICATION, AS WELL AS CRIMINAL PROSECUTION.**

Agency Executive's Signature

State of

Colorado

Signed before me this

20<sup>TH</sup>

day of

April

County of

Delta

My Commission Expires:

6 - 10 - 23

NOTARY PUBLIC

Sindy Britton

<sup>1</sup> **Administrative Investigation and Disciplinary Process** means an employer's formal process of internal control that assures that an allegation of violation of employer rules, policy, procedure, or other misconduct or improper actions by an employee are subject to a complete and objective investigation resulting in findings of fact and disciplinary action for any substantiated violation.

<sup>2</sup> **Clear and convincing standard of evidence** means proof that persuades the decision-maker to find that the truth of the contention is highly probable.

