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DOUGLAS COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS



NOTIFICATION OF FINDINGS / 22PCR-054

State of Colorado, County of Douglas
Certified to be a full, true, and correct
copy of the original in my custody
Darren M. Weekly

DATE: 11/23/2022
TO: Deputy John Bican
FROM: Sergeant Michael Joachim
SUBJ: **DISPOSITION**

Sheriff of Douglas County
By EAguilar 1733
1733
Date: 2023.08.08 06:27:24
-06'00'
4 Pages

You are hereby notified that the investigation of alleged misconduct has been completed. The final disposition is shown below.

Summary

On 10/22/2022 Deputy John Bican (OSN 1817) responded to Sky Ridge Hospital to relieve graveyard deputies that had arrested [REDACTED] during their shift. The graveyard deputies had already completed the arrest report and were waiting for medical clearance from the hospital to book [REDACTED] into the jail.

When Deputy Bican took custody of [REDACTED] he found two credit cards not belonging to [REDACTED] in [REDACTED] possession. This resulted in new charges and the need for Deputy Bican to write a new arrest report. After receiving medical clearance, Deputy Bican transported [REDACTED] to the jail and booked [REDACTED] in. Deputy Bican was at the jail from approximately 0930 hours to approximately 1230 hours.

Deputy Bican told Sgt. Tim Sayer (OSN 0863) later that day that one of the reasons it took so long to complete the booking was that it took jail personnel 90 minutes to respond to prebook and take custody of [REDACTED] after the booking was complete. In a recorded interview with Sgt. Sayer, Deputy Bican changed the time estimate from 90 minutes to a range of 45 minutes to two hours. Deputy Sayer reviewed video from the jail and found the actual time to be six minutes.

<u>SECTION #</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>
P&P-C-101(II)(HH)	Unsatisfactory Performance	Sustained
P&P-C-101(II)(CC)	Exercising Discretion	Sustained
P&P-C-101(III)(A)	Commission of a Deceptive Act	Sustained

Standard of Conduct / Policy

1. P&P-C-101(II)(HH) – Unsatisfactory Performance

Members shall perform their duties efficiently and to the satisfaction of the Administration. 'Unsatisfactory performance' may be established when a member:

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4. Performs at a level significantly below the standard achieved by others in the member's rank, grade unit or position.
5. Violates Sheriff's Office directives, rules, policies or procedures as set out in this manual or elsewhere.
8. Otherwise fails to meet Sheriff's Office standards.

Evidence Supporting the Disposition

- Deputy Bican took two hours and 45 minutes to book an arrestee into the jail.
- During the time he was in booking, a Castle Rock Police Department officer was able to complete a new booking in about one hour.
- According to jail personnel who regularly work in booking, it typically takes officers about one hour to complete a new booking, Deputy Bican took nearly three times longer than that.
- The graveyard shift had already completed an arrest report. Deputy Bican only had to add one additional charge and complete a new arrest report using the original narrative which copied and pasted into the new report.

Evidence Refuting the Disposition

- Deputy Bican's computer died during that time and he needed to find a charging cord.
- Some of the forms had previous booking information saved on them which had to be overwritten.

Conclusion

This allegation against Deputy Bican is SUSTAINED. Deputy Bican did violate policy or procedure by clear and convincing evidence.

2. P&P-C-101(II)(CC) – Exercising Discretion

All members are expected to rely on good judgment. Official decisions must be reasonable, well articulated, warranted and justified and, of course, consistent with applicable law. Members who engage in conduct that is, or reasonably appears to be, excessive, unwarranted and/or unjustified may be investigated for either a specific act of misconduct or an allegation of failure to exercise appropriate judgment and discretion.

Evidence Supporting the Disposition

- Deputy Bican told Sgt. Sayer it took jail personnel "90 minutes" to receive [REDACTED] when it only took six minutes.

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Evidence Refuting the Disposition

- None

Conclusion

This allegation against Deputy Bican is SUSTAINED. Deputy Bican did violate policy or procedure by clear and convincing evidence.

3. P&P-C-101(III)(A) – Commission of a Deceptive Act

Members shall not knowingly make a misleading or inaccurate statement relating to their official duties. Members shall not willfully, intentionally, or knowingly commit a materially deceptive act, including but not limited to verbally departing from the truth, making a false report, or intentionally omitting information. This applies to untruthfulness violations that are made to a supervisor or command officer, that impact an official investigation or other proceeding, or that amount to a willful disregard of the Office's core values of honesty, integrity, and accountability.

Any member who commits a deceptive act is subject to termination. A factor that may be considered in mitigation is that the untruthfulness would or may not have been discovered had not the member come forward and made truthful the statement. However, the reverse will be true for a member who knowingly withholds information they knew should have been disclosed. The commission of a deceptive act will justifiably raise questions of the integrity and trustworthiness of any member. Further, in the case of commissioned personnel, such instances may also have to be disclosed to the District Attorney's Office in order for prosecutors to meet their discovery obligations.

Evidence Supporting the Disposition

- Deputy Bican told Sgt. Sayer six times while under a Garrity Advisement that it took jail personnel 45 minutes to two hours to receive [REDACTED] after Deputy Bican called booking to notify them he was ready.
- Deputy Bican told Sgt. Sayer multiple times that it took at least 45 minutes but felt like an hour and a half.
- It only took six minutes for Deputy [REDACTED] to arrive in prebook to receive [REDACTED] after Deputy Bican notified booking that he was ready.
- This disparity in time is too great to be accidental as the original estimate is 15 times greater than the actual time and the revised estimate is 7.5 to 20 greater than the actual time.
- Deputy Bican told Sgt. Sayer twice that Deputy [REDACTED] apologized to him for taking so long to respond to prebook. Deputy [REDACTED] stated he never made an apology. Deputy

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Bican later said in an interview with Sgt. Joachim that Deputy ██████ did not apologize to him on 10/22/2022.

- When Sgt. Joachim gave Deputy Bican the opportunity to provide a timeline for Deputy ██████ response to prebook, Deputy Bican did not provide one, he only mitigated his previous statements.
- Deputy Bican's statements could have potentially subjected jail personnel to disciplinary action for poor performance had there not been video evidence directly refuting his statement.

Evidence Refuting the Disposition

- Deputy Bican said that he was not paying attention to the time during the process.
- Deputy Bican said he made an estimate based on how long it felt.

Conclusion

This allegation against Deputy Bican is SUSTAINED. Deputy Bican did violate policy or procedure by clear and convincing evidence.

Member served with a copy of this **Notification of Findings** on 12-14-22

Member signature and OSN

[Signature] 1917

Server signature and OSN

[Signature] 9308

Member is to receive a copy of this **Notification of Finding** and copy to be retained with the Internal Affairs investigation folder.

The Internal Affairs Section is an investigative entity and does not impose corrective or disciplinary sanctions on members whose allegations of misconduct have been sustained.