

Washington County Sheriff's Office

Administrative Action

Date: 8/22/18

To: Deputy Jon Hart

This is to inform you that allegations have been brought against you. These allegations are being investigated by the 13th Judicial District Attorney's Office for possible criminal charges, and administratively by our agency.

You are hereby put on paid administrative leave pending the investigation. You must surrender your Sheriff's Office ID card, office keys, Axon camera, Taser, Guns, patrol vehicle, and badge. You must remain available, and in the area during business hours, in the event further interviews or action occurs. Failure to do so may result in an additional charge of policy violation against you. You are instructed not to contact other members of this agency or come to the Washington County Sheriff's Office unless called by the Lieutenant, Undersheriff, or a member of the 13th Judicial District Attorney's Office investigating the case. You are also instructed to not utilize the gym/weight room at Akron High School through means of this office.

Complaint: Sexual Misconduct.

This matter has been turned over to the 13th Judicial District Attorney's Office to investigate possible criminal charges.

Administrative action by this office will take place after the results of the criminal investigation are complete. Administrative action may result in disciplinary action separate from the criminal investigation results.

Alleged violations of Washington County Sheriff's Office Policy Manual Section(s):

Standards of Conduct

320.5.1 LAWS, RULES AND ORDERS

C. Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS.

a. Using or disclosing one's status as a member of the Washington County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.

320.5.4 RELATIONSHIPS

- a. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- b. Engaging in on duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- c. Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

320.5.9 CONDUCT

- h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- m. Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Rights of Employees Under Investigation.

1. The employee under investigation will be informed of the name of the officer in charge of the investigation, the interview officer, and all persons present during the interrogation.
2. The employee under investigation will be informed in writing of the nature of the investigation prior to any interview, and he/she will be informed of the name of the complainant and alleged complaint **unless it would jeopardize the investigation.**
3. The employee under interview or interrogation will not be subject to offensive language and no promise or reward will be made as an inducement to answering questions.
4. Interrogation sessions will be for a reasonable period and will be timed to allow for a reasonable personal necessities and rest periods.
5. Refusal by an employee to cooperate or be less than Truthful during an internal investigation may result in administrative disciplinary action up to, and including termination.



Deputy Jon Hart

Date: 8-22-18



Undersheriff Robbie Furrow

Date: 8/22/18

Washington County Sheriff's Office
Administrative Action

Date: January 5, 2017

To: Jon Hart

This is to inform you that allegations have been brought against you. These allegations are being investigated administratively by our agency but may also be sent to an outside agency for investigation.

You are hereby put on paid administrative leave pending the investigation. You must surrender your Sheriff's Office ID card, office keys, Axon camera, Taser, Guns, and Vehicle, key to building and vehicle and badge. You must remain at home or otherwise available during business hours, in the event further interviews or action occurs. Failure to do so may result in an additional charge of policy violation against you. You are instructed not to contact other members of this agency or come to the Washington County Sheriff's Office unless called by the Lieutenant or Undersheriff.

Complaint:

Alleged violations of Washington County Sheriff's Office Policy Manuel Section(s):

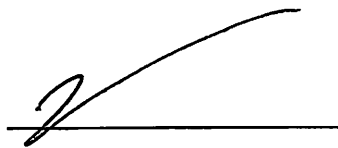
320 Standard of Conduct: Ethics 320.5.2(b), Relationships 320.5.4 (a)(b), Performance 320.5.8 (d), Conduct 320.5.9 (h).

405 Ride-Along: Availability 405.1.21, Procedure to request a Ride-Along 405.2, Deputy's Responsibilities 405.3.

703 Vehicle Use: Shift Assigned Vehicles 703.3.1, Assigned Vehicles 703.4.3(a).

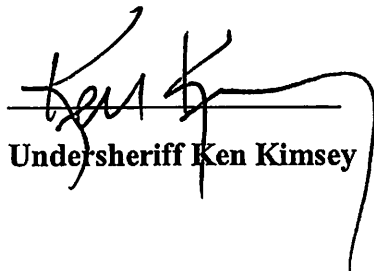
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4. Interrogation sessions will be for a reasonable period and will be timed to allow for a reasonable personal necessities and rest periods.
5. Refusal by an employee to cooperate or be less than Truthful during an internal investigation may result in administrative disciplinary action up to, and including termination.



Deputy Jon Hart

Date: 1-05-17 ^{JK}



Undersheriff Ken Kimsey

Date: 1-05-17
10:40 AM

Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 7 March 2018
Re: Letter of Caution

On 26 February 2018, you initiated in investigation into a reported episode of criminal mischief at the Fairview Apartments in Akron. That day you briefed me on your investigation and on the identity of the suspects, and your plan to confront them. During this briefing, you told me that the complainant, Russ Miller, had already cleaned the mess. Over the next several days we had several conversations with regard to this investigation.

On 2 March 2018, Russ Miller visited with me at the sheriff's office to obtain information as to the suspects so that he could pursue a protection order. During this conversation, he revealed that you had yet to visit and photograph the scene where this incident occurred. This is not acceptable.

I sent Deputy Bradley Rhea over there that afternoon to photograph the area. When Deputy Rhea briefed me, he told me that he could see marks on the door and on the wall where the damage to the property occurred, though this was faded over time.

On 5 March 2018, I met with you to discuss this matter, and you informed me that you photographed the scene that morning, a full week after the incident had been reported to you. Your reasoning for not photographing the scene when the original report was taken was because Miller had already cleaned the mess when he reported it to you.

Over the course of your career in this field, you have repeatedly demonstrated a tendency to jump to conclusions. Administrators with this office have addressed this issue with you before.

In order to develop those necessary facts on which to base a proper arrest and successful prosecution, you must start with a proper investigation, which includes proper crime scene processing as soon as possible after the crime is discovered.

You cannot make accusations blindly and then expect most people to confess. You must have a basis for that accusation, again which starts with a proper investigation.

You are cautioned to do your job properly and not rely on luck to accomplish what you wish to accomplish. Become competent in conducting investigations, through the experience of properly conducting your investigations, and through training. Practice doing it right and make it a habit.

Failure to take heed of this caution, and continuing to exhibit this behavior, will result in disciplinary action.

826
3-07-18

Memo

To: Sheriff Jon Stivers
Undersheriff Robbie Furrow
From: Lieutenant Gerard O'Halloran
Date: 30 September 2018
Re: Allegation of Misconduct – Deputy Jon Hart

At approximately 0200 hours on 30 September 2018, I received a text message from Deputy Catherine Dannar advising me that she needed to speak to me as soon as I was "up for the day". I immediately returned her call and she started to relate an account with regard to a Facebook post called to her attention by Mina Werner. I directed Deputy Dannar to come to my residence to discuss the matter.

When Deputy Dannar arrived, she reported that she had responded to the area of Fourth St and Elm Av in Akron with regard to a verbal dispute, or disturbance, in the street involving Emily Scholes and her girlfriend, Kara Metzler prior to midnight on 29 September 2018.

Providing some background information, Deputy Dannar explained that Metzler and Scholes have been involved in an intimate domestic relationship, having broken up in July of this year, when Metzler moved out of Scholes' house on Cedar Av at that time. I did recently handle a traffic accident in Otis, in which Metzler was involved, and Scholes was at the scene, and Metzler provided Scholes' address as her home address at that time.

According to Deputy Dannar, Scholes and Metzler were getting romantic and kissing at Scholes' residence, when Metzler suddenly got up and left with no real explanation. There was some text communications after she left during which Metzler supposedly said something to the effect of "love you". Apparently confused by the message and Metzler's departure, Scholes went to Metzler's parents' house where she found Metzler sitting on the curb, apparently waiting for someone.

Deputy Dannar told me that she spoke with Scholes who "went off" on her about Deputy Jon Hart "screwing" Metzler since July, and made remarks about Deputy Hart being on administrative leave for "raping some kid". Deputy Dannar said that she questioned Scholes about where she obtained that information, and Scholes said it was "going around town" and came from the "SO". Deputy Dannar told Scholes that that was not true, as "none of us" knew what was going on. As I understood it, Scholes provided no further information as to her source of information.

Deputy Dannar then spoke with Metzler who said that she left Scholes because she was going drinking with friends. Deputy Dannar told me that she insisted on Metzler identifying whom she was going drinking with. Metzler told Deputy Dannar that Jon Hart was supposed to pick her up to go drinking at Dolittle's.

Later in our conversation, Deputy Dannar revealed that, at some point prior to her arrival, while Scholes was there, that Deputy Hart drove by the location, and this convinced Scholes that he was there to pick up Metzler, which apparently precipitated the argument. She also revealed that Deputy Hart had called her directly to report the verbal altercation between Metzler and Scholes.

Deputy Dannar further advised that she admonished Deputy Hart for "dragging me into your shit" and telling him that Metzler or Scholes could have called dispatch.

After leaving the scene, Deputy Dannar received a telephone call from Mina Werner, which she initially ignored. After receiving a text from Werner indicating a "need to talk", Deputy Dannar returned the call during which she was advised of the Facebook post.

According to Deputy Dannar, Scholes took a photo of her patrol vehicle and posted her feelings about "catching her "girlfriend" sleeping with a cop" and identifying Deputy Hart in the post. A screen shot of that post was forwarded to you, and a copy accompanies this memo.

At the time of her conversation, Deputy Dannar expressed a concern about Scholes "stalking" Metzler and suggested that she ought to check Davis Brothers to make sure that Scholes wasn't watching the bar.

I did direct Deputy Dannar, that in light of the Metzler/Scholes history that she take a case number and document the incident, even though no apparent crime occurred.

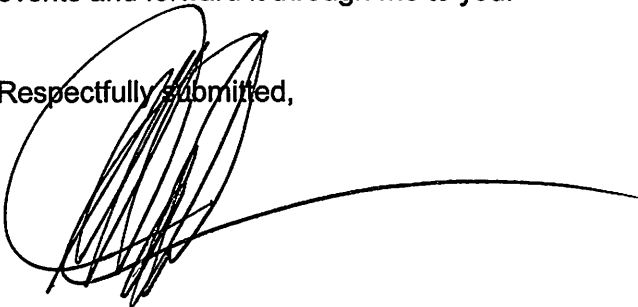
After this conversation, I briefed both of you during telephone conversations as to the events as related to me by Deputy Dannar.

Later this morning in response to questions, I determined that Metzler is 29 years old, and certainly old enough to go to the bar with Deputy Hart, though inappropriate.

In speaking with Deputy Dannar this morning, I also found that Metzler "stayed home", presumably at her parents' on Elm Av, and she had called Deputy Hart, informing him that he would be "stupid" if he went to the bar. According to Deputy Dannar, he agreed not to go.

Deputy Dannar was also directed to prepare a memo including more details with regard to last night's events and forward it through me to you.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Memo

To: Sheriff Jon Stivers
Undersheriff Robbie Furrow
From: Deputy Catherine Dannar
Date: 30 September 2018
Re: Kara Metzler/Emily Scholes/Jon Hart Situation

On September 29, 2018 at approximately 2300 hours, I, Deputy Catherine Dannar with the Washington County Sheriff's Office received a phone call from Jon Hart about a disturbance in progress at 4th and Elm.

Jon told me that he had driven by that location and observed Emily Scholes and Kara Metzler yelling at each other.

I advised Jon I would go and check out the situation.

Upon arrival to that location I observed Emily's pickup parked on across the street from Kara's residence.

I approached the vehicle and spoke with Emily first. During my conversation, Emily stated the following:

- Kara was at her (Emily) house and was going to stay the night.
- Kara started acting "sketchy" and stated she was tired and was going home.
- Kara has been acting that way for about a week now.
- A little while later Kara's son texted her stating Kara was going to leave with "Officer Hart".
- She (Emily) decided that she was going to go to Kara's house and find out if it was true.
- When she arrived she observed Kara setting on the curb waiting for Jon.
- At the same time Jon drove by, and she heard Kara tell Jon "turn around babe".
- Said Jon had been snap chatting Kara and sending her "dick picks."
- Jon had been sending Kara messages to get Kara to go work out with him and trying to "get into her pants."

After speaking with Emily, I spoke with Kara who stated the following:

- She tried to tell Emily to leave and she wouldn't go.
- Her dad tried to tell her to leave and Emily wouldn't go. Emily wouldn't listen
- The fight started because she told Emily she was going to out with some friends.
- When I asked who, she said "Hart".
- She chose to go out "one night, one night."
- Kara is not with Emily and hasn't been since July.
- Emily constantly twists things like when Emily destroyed the house in July and blamed it on her (Kara).
- She told Emily she doesn't want to stay at her house or hang out with her.
- She wants Emily to leave her alone and she doesn't want Emily following her when she leaves.
- Emily is spying on her and driving by her house, to make sure she is home.
- After Emily started yelling at her she went into the house.

Once I was finished speaking with Kara, I spoke with Emily again and told her Kara does not want her at the house, following her or talking to her. I advised Emily she needed to let thing calm down tonight. Emily then stated:

- Kara just "bones Hart."
- Hart is on administrative leave because he sexually assaulted underage kids.
- She wanted Jon to come over and talk to her so she could confront him.
- Its messed up that Jon was coming over to pick Kara up because his wife just up and left to Tampa Florida because he is always fucking around.
- Best believe Sara will know about everything tomorrow morning.
- Kara told her that if she (Emily) believed that Jon and her (Kara) were sleeping together that she (Emily) should just try and sleep with Sara then.
- She would be coming into the office Monday with a list of complaints.
- She wants Jon in trouble for falsifying a report in July.
- She had been in a fight with Kara in July at which time she destroyed her own house and lied, saying Kara did it .
- She later admitted to Jon that she had lied
- Jon told her that he was on her side and would help her out so she wouldn't get arrested.
- She believe the real reason that Jon told her that is because Jon had been sleeping around with Kara.

After Emily was finished speaking with me, I asked her if she was suicidal due to some comments she had made, Emily stated she was not suicidal she was just very upset. Emily stated she just wanted to leave.

I cleared scene and spoke briefly to Jon by telephone and advised him that I did not appreciate him bringing me into this situation. Jon stated the following:

There was nothing going on between Kara and him.

Kara had texted him telling him that she was having a stressful day and wanted to go out for a drink.

Kara asked him if he would drive her to the bar since he was planning on going as well.

When he went to pick Kara up, Kara called him and told him that Emily was there starting issues.

That's when he called me.

He still had plans on going out.

While Jon was still talking to me, I advised I didn't believe it was a good idea to be going to the bar or hanging out with Kara, due to his current situation with his wife leaving town and whatever else was going on. I also advised Emily and Kara were nothing but drama that he didn't need to be hanging around them. Jon agreed and stated he was just going to stay at home.

About an hour after I cleared the scene, I received a call from Mina Werner asking if I had seen Emily's Facebook Post.

I told Mina that I hadn't and asked if she would send me a copy of the post. I recognized my patrol vehicle in the post, and apparently she had just taken the picture while I was on scene.

A copy the Facebook post and comments have been sent to Lt. O'Halloran.

On September 30, 2018 I received a phone call from Jon at which time, I declined it. I then received a text message from Jon telling me to call him back. A couple minutes later Jon called me again.

I answered the phone the second call. During my conversation, Jon stated Emily had sent Sara a message saying he and Kara were having a sexual relationship, Jon then advised me that Sara was being added to a three way call.

Next I heard Sara say that Emily told her, I was the one who told her (Emily) that Kara and Jon were having sex.

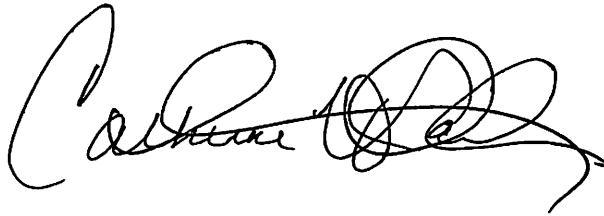
I advised Sara that was not the truth and I had only spoke with Emily and Kara due to a disturbance. I advised Sara that it was Emily who was making the accusations.

Sara stated she found all of this weird because he had received a message from a female party from Akron stating: she had heard about her (Sara) and Jon separating, and was in the same situation. Sara stated the female party said her spouse was also cheating on her and had gotten a female party pregnant and needed advice on what to do.

I advised Sara I was not sure what was going on other than my contact the night before.

Sara became very distraught and then she ended the conversation.

I also ended the conversation at this point.

A handwritten signature in black ink, appearing to read "Catherine" followed by a stylized flourish.

Memo

To: Undersheriff Robbie Furrow
From: Lieutenant Gerard O'Halloran
Date: 18 January 2018
Re: Alleged Misconduct of Deputy Jon Hart – November 2017

Late on the evening of 16 January 2018, while off-duty, I received a telephone call from Sergeant David Werner. He told me that an incident had been brought to his attention in which an unidentified deputy is alleged to have provided marijuana to a person in connection with a welfare check. Sergeant Werner told me that he was "torn" about whether to report the incident and that he had been aware of the episode for nearly a month. He called me after discussing the matter with his supervisor.

As neither Sergeant Werner nor I wished to discuss this matter by telephone, we agreed to meet the next day, 17 January, at 1700 hours, at the beginning of his shift.

When I met with you the next morning, you were already aware of the situation as you had presented me with Deputy Jon Hart's log dated 12 November 2017. You made reference to a welfare check at 333 Custer Av at 1923 hours. No report number was indicated, but I was already familiar with the situation.

Some weeks earlier, I had seen a pattern at the particular apartment in which Deputy Hart responded twice and on both occasions, failed to initiate a case report. As both allegations were similar in nature, I had directed him to prepare a single report documenting both incidents. See case report 2017995 for details.

Later that afternoon, Sheriff Jon Stivers approached me and advised me that he had checked the Axon system to determine whether Deputy Hart had used his Axon body camera on that date. He could not find that Deputy Hart had used the camera and asked me to confirm his findings.

I also reviewed the Axon records for that date and found that other cameras had been used that day for a number of assignments, and some of those videos had already been deleted, but the record still showed an activation of the camera. There was no indication that Deputy Hart's camera had been activated.

On the evening of 17 January 2018, I had a conversation with Sergeant Werner. He described how his wife, Mina, at the request of his brother, Michael Werner, had made a welfare check request on Ashley Clayton's child over a concern for diaper rash. This was later determined to be an allergic reaction to the diaper.

Sergeant Werner explained that he was told by a close family friend, Dean Driscoll (whom he considers to be a brother) and his own brother, Michael, that Deputy Hart observed a marijuana canister, consistent with those provided at dispensaries, on a shelf in the apartment and spoke with Clayton about it. Apparently she commented that she had migraines and that the marijuana didn't work very well for her. Deputy Hart apparently replied to the effect that he had "better stuff than that in lockup".

Sergeant Werner told me that Deputy Hart invited Clayton to work out with him that night at the high school gym, and he picked her up after his shift. He said that Driscoll and Michael had to call her repeatedly the next morning to get her to come home and take care of her children so that they could go to work.

Sergeant Werner told me that the reason he recalled this situation, and what particularly disturbed him about it, was because this was the weekend during which Deputy Hart's wife went to Florida.

Sergeant Werner also told me that Driscoll has never lied to him and does not like law enforcement officials who don't "live up to the badge". He did acknowledge that his brother has lied to him in the past, but believed that Michael would tell the truth in this matter.

After speaking with Sergeant Werner, I went to the Werner residence in Akron, where I spoke with Driscoll. Driscoll made it clear to me that he had issues with his biological family and did not trust law enforcement. He described the incident as Sergeant Werner had described, but when I questioned him on specifics, he explained that he could hear the conversation but was in the other room.

Driscoll told me that it was clear that Deputy Hart liked Clayton based on the manner in which he spoke to her. He said that he heard parts of the discussion about marijuana, but didn't recall who initiated that conversation. He did note that Deputy Hart made a comment about the quality of the marijuana in "lockup" and that he could get some, but said that even if Deputy Hart made the comment in jest, it was inappropriate.

Driscoll also commented that Deputy Hart had a reputation that if one (primarily females) was nice or flirted with him, that they could get out of a ticket.

Driscoll acknowledged that he never saw Deputy Hart deliver marijuana to Clayton, didn't see him pick up Clayton, and didn't see him take her to the gym or his house. He said that he believed that this is what happened because this is what Clayton told him.

After my conversation with Driscoll, I then went to Global Harvest where Michael Werner was working the night shift. During our initial conversation, Michael was non-committal and claimed that he didn't recall much about that night, offering little information.

About an hour after I left him, Michael called the sheriff's office and requested that I return to speak with him again.

When I returned much later and met with Michael, after having spoken with Clayton, and handling another call, he apologized for not being completely truthful, explaining that I had caught him off-guard, that he was afraid to tell the truth due to the possible repercussions from an active law enforcement officer (Hart), and that he didn't want to be less than truthful as he had just interviewed for a position with the Washington County Justice Center.

Michael confirmed the account provided by his brother and Driscoll, explaining the nature of the initial response, Deputy Hart making the comments about providing marijuana and Clayton being picked up by Deputy Hart after his shift. According to Michael, Clayton was waiting outside, and when an ex-boyfriend, identified to me only as "Sam" came outside, Michael sent Clayton up the street to meet Deputy Hart, so as to keep them apart and avoid a domestic episode.

Michael said that the next morning Clayton didn't come home until about 0730 hours after he and Driscoll had been "blowing up her phone".

Michael didn't believe that Deputy Hart delivered marijuana to Clayton, and he felt that Deputy Hart made those remarks in an effort to impress Clayton.

Michael explained that he took Clayton in when she and her children were kicked out of the house she shared with a boyfriend in the middle of the night. Michael did have Clayton leave his apartment after a period because of the marijuana issues, and had concerns about her ability to care for her children due to those issues.

Michael also told me that as recently as the night of 16 January; he had received a call from Deputy Hart asking for Clayton's number. When asked why Deputy Hart needed the number, he explained that he needed to follow-up from the incident in which she and her children were kicked out of the apartment and to make sure they were doing well.

Michael added that he was aware that Clayton had called Deputy Hart on at least three occasions in an apparent effort to obtain the promised marijuana.

After my first conversation with Michael, I met with Ashley Clayton at her residence. We spoke outside on the porch.

Clayton told me that she came to Akron when she was invited by Sam, a friend of her ex-boyfriend, when she broke up with that ex-boyfriend. About five days after moving to Akron, Sam "kicked her out" of the house. At this point, I recalled the case, as deputies had discussed responding to the call. She said that's when she first met Deputy Hart

Clayton told me about staying with Driscoll and Michael Werner when Deputy Hart responded on the welfare check at 333 Custer Av. She told me that she and Sam lived in apartment 11 when he kicked her out and Werner took her in.

Clayton said that Deputy Hart had offered to obtain marijuana for her, but never followed through, and assumed that he was joking. She said that she never went to the gym with Deputy Hart, but went to his house, where he showed her car seats for her children and offered to assist her in purchasing a car which he showed her. She said that he never followed through on these issues either. She said that she had a couple of beers and passed out on his couch.

The above conversations were recorded.

Prior to preparing this memo, I conducted a search of sheriff's office records with regard to Clayton, and found only one report in which she was mentioned, that being 2017995. I could find no documentation of the initial incident involving Sam to which Deputy Hart is said to have responded.

I've made a request of W-Y Communications to locate the original call for service on that episode, but as I prepare this memo, that call has yet to be located.

Based on my investigation noted above, there appear to be violations of Washington County Sheriff's Office policy in the following areas:

Policy 320 Standards of Conduct

320.5.2 Ethics

320.5.4(a)(b) Relationships – unwelcome solicitation of a personal or sexual relationship while on-duty; engaging in displays of public affection or other sexual contact – **recommend not sustained**, as C. Bennett claims a kiss occurred, and Hart denies this, there is no way to prove or disprove what actually occurred. Additionally, although Hart eventually admits touching C. Bennett's leg, he said that this was done to console her and that there was no sexual intent in connection with this touching.

320.5.8(c)(d) Performance – being untruthful. Hart seemed to be less than forthcoming during this inquiry and responses such as not being able to recall when a reasonable person would recall such an event, lead me to question his credibility. There was no evidence to indicate that Hart made false or misleading statements calculated to harm the reputation, authority of official standing of this office. **Recommend not sustained**, due to a lack of evidence to support the contention that he was less than truthful.

320.5.9(h)(m) Conduct – disgraceful conduct which adversely affected Hart's relationship with this office. A law enforcement officer is expected to be a pillar of the community and Hart used exceptionally poor judgement to meet a member of this office, of the opposite sex, after his shift in a marked patrol car and in uniform. **Recommend sustained.**

Ride-Along/Policy 405 – meeting C. Bennett at the park after shift and taking her for a drive in the patrol car.

405.1.2 Availability – ride times are from 10:00 AM to 1:00 PM and must be approved by the sheriff or undersheriff. This incident occurred after 2:00 AM and was not approved – **Recommend sustained.**

405.2 Procedure to Request – the participant will complete and sign a ride-along waiver form, not done. **Recommend sustained.**

405.3 Deputy's Responsibilities – Hart failed to advise the dispatcher that he had a rider aboard. **Recommend sustained.**

Use of Vehicle/Policy 703.3 – use of vehicle after shift to meet with C. Bennett

703.4.3(a)(b) Assigned Vehicles – Vehicles only to be used to transport the member to and from home for work-related purposes, Hart's use in this case exceeded policy limitations. **Recommend sustained.**

Evidence

A review of Hart's log reveals that he was at the sheriff's office until 1:02 AM that morning until he ended his shift. According to W-Y Communications, he went out of service at 12:44 AM.

I received typewritten statements from Detention Officers Heather Clement and Hottinger. Clement said that C. Bennett spent Christmas Eve with her family due to the strife between Christie and her husband. During that day, C. Bennett disclosed to her that she had gone for a ride with Hart down a dirt road and she thought that Hart wanted to do something sexual, when she asked him to take her back to her car.

According to Hottinger's statement he engaged in a text conversation with C. Bennett during which she made reference to Hart's wife yelling at her and how she felt badly although she didn't do anything wrong

During three interviews with Deputy Hart, he was somewhat deceptive, claiming initially that he didn't recall putting his hand on C. Bennett's leg, and denying that he drove away from the park with her or

kissed her. Hart did admit meeting C. Bennett at the park and that she got in his car and they talked and there was nothing that happened beyond that. Hart said that when he heard of the rumors he and his wife, Sarahann Castle, confronted C. Bennet by telephone, during which C. Bennett denied that anything inappropriate occurred.

In subsequent interviews with their respective spouses, neither spouse was aware until several days later that the two had met at the park.

Both C. Bennett and Hart, and their spouses engaged in a series of text messages in which they agreed to act professionally and get past this.

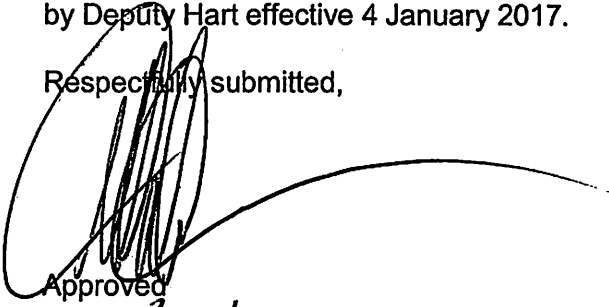
Late in the course of this investigation, it was brought to my attention that C. Bennett did have some credibility issues, in which that it was alleged, and possibly instigated by another detention officer, that a male officer had "hit on" her. This rumor was quashed early on as I was led to understand.

More recently, C. Bennett had attempted to make a Workers Compensation claim for something that occurred while enroute to work, but not work related. A memo prepared by Lieutenant Victoria Serl with regard to that matter accompanies this package.

Conclusion

Based on the aforementioned facts and circumstances, a three day unpaid suspension will be served by Deputy Hart effective 4 January 2017.

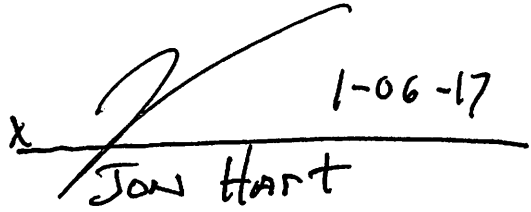
Respectfully submitted,



Approved



Undersheriff Ken Kimsey

x  1-06-17
Jon Hart

Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 28 September 2017
Re: Letter of Reprimand – Competency and Communication Issues
Disciplinary Action

During early to mid-August you advised this office that in accordance with your military reserve commitment that you would be deployed from 7 September thru 27 September 2017. You contacted me by telephone at my residence on or about the evening of 4 September 2017 to inform me that you had been called up early for that commitment but that it would not interfere with your assigned shift schedule for this office.

You did not appear for your next two scheduled shifts on the 5th and 6th of September as expected.

Your wife later provided Undersheriff Furrow with a copy of an e-mail from your unit dated 2 August 2017, which clearly indicated that you were obligated to report for this commitment on 5 September 2017.

This is the second time this year in which there were issues with you providing timely notice to this office with regard to your military obligations. The last time this happened, I didn't get a list of your military weekend schedule until after you returned. This is unacceptable.

Even now, as I prepare this memo, the old schedule reflects your return date of 27 September, however, the new schedule recently prepared by Undersheriff Furrow reflects a return date of 1 October 2017. This situation arises from a lack of communication.

Although you are entitled to Military Leave under Chapter 6 of Washington County Personnel Policy and Procedure, you are obligated to provide timely notice of tardiness or attendance issues under Chapter 8 of Washington County Personnel Policy and Procedure.

Furthermore, under the Uniformed Services Employment and Reemployment Rights Act (USERRA) mandates, in part, that unless precluded by military necessity, advance notice must be provided either orally or in writing. Failure to provide notice could result in a denial of the protection of USERRA.

Communications are critical to the mission of this organization. Not only to the smooth operation, as in ensuring shifts are properly covered, or ensuring the exchange of important information between deputies; but also to the credibility of the organization, as in connection with criminal investigations and as it relates to the "fellow officer" rule.

Additionally, you have exhibited behavior which raises concerns with regard to your competence as a law enforcement officer. We expect new deputies to make mistakes because they're new and still learning. But we also expect new deputies to learn from mistakes and change their behavior.

You have demonstrated a tendency to rush to judgement and made arrests prematurely, without conducting a complete investigation to determine all the relevant facts; exposing this office to, at worst,

liability, and at best, criticism and ridicule; and should you not correct this tendency, this tendency will negatively affect not only your personal reputation in this community, but that of this office.

Most recently, on 2 September 2017, in connection with case report 2017715, you charged a DUI violator with Criminal Mischief because he damaged property in the course of an accident. You failed to consider the mental element of "knowingly".

16-3-102(1)(c) CRS states, in part, that a peace officer may arrest a person when he has probable cause to believe that an offense had been committed and he has probable cause to believe that person to be arrested committed the offense. How can you develop probable cause when you do not know the statute?

Additionally, you failed to complete the accident report properly and left for your deployment without making the necessary corrections to the report. As a result, when a representative of Black Hills Energy came for a copy of the report, it was unavailable pending your return.

With regard to that same case report, within the past day or so, this office has received a letter from the Colorado Department of Revenue, requesting documentation, basically your case report, in that matter so that action can be taken against the driving privilege of the vehicle operator in that episode.

With regard to case report 2017604, an assault, I had occasion to respond to the scene on an unrelated call and speak with a gentleman whom I suspected might be the assailant. Only after speaking to him and an on-site manager, did I find out, from the on-site manager, that you determined that he was not a suspect in the matter. I don't know how that determination was made, but he was not mentioned in your report until I prepared a supplement identifying him.

I return your reports on a regular basis for correction and details, and you make a minimal effort, sometimes missing concerns that I've raised, requiring me to return reports to you several times.

Policy 322.1.1 states: "It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor." and "All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing."

Recognizing that we are sometimes busy, we have allowed deputies to complete all reports before the end of their work week, however you must recognize your priorities and are cautioned not abuse this extended courtesy.

The undersheriff and I have discussed your performance at length and determined that in an effort to help you change your behavior and exhibit a reasonable level of competency, you will be assigned to ride with Deputy Stohlman for additional training and evaluation, basically a refresher field training program for a period.

You will report to work with Deputy Stohlman at 1800 hours on 29 September and work with him through 6 October. You will then work with Deputy Taylor on 7 October through 14 October. You will be evaluated.

Deputy Stohlman and Taylor have different styles of working. Take advantage of this opportunity to hone your skills and become more competent and effective as a law enforcement officer. Take

advantage of the knowledge and skills of the more senior deputies once you return to a solo assignment on 19 October.


On 19 October, you will then be assigned to a day shift where your performance could be more closely monitored by Undersheriff Furrow and me. This period on day shift may be extended at our discretion, depending on your performance.

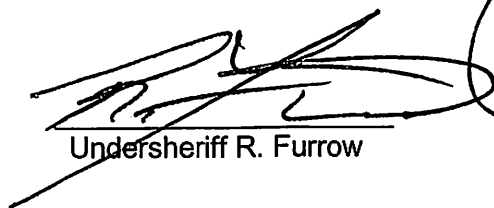
Finally, you will be placed on probation from 29 September through 31 December 2017.


Failure to correct these issues and a continued failure to comply with policy and procedure, and applicable statute, may result in further disciplinary action.

As a Field Training Officer, supervisor, and administrator; it is not my responsibility to make you succeed, but to afford you every opportunity to succeed.

Acknowledged


Deputy Jon Hart


Undersheriff R. Furrow


Lieutenant G. O'Halloran

Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 13 March 2018
Re: Letter of Counseling – Work Performance

Your work performance during the past week has affected the effective performance of this entire office in several ways during the past week. You are urged to remember that this office is a team and should work like one in order to properly serve the Washington County Community.

First, on 6 March 2018, you made an arrest, and the absolute minimal effort was done toward the Case Filing within approximately 48 hours of that arrest. Even though you promised both Undersheriff Furrow and me that a report would be completed and submitted that night, I didn't receive the report until 13 March 2018, and even then, it was not complete or correct.

Report writing is not simply busy time, but a critical function of your career with this office, and to completely accomplish the tasks with which you have been assigned. Failing to properly complete and submit your reports in a timely manner is derelict in your responsibilities to this office.

In the interim, you managed to work overtime on a transport before completing your report. I recognize that the department had needs, but both Undersheriff Furrow and I agree that this kind of overtime may not be so readily available if your reports, required as part of your primary function with this office, are not complete and up to date.

Second, on 9 March 2018, Deputy Bradley Rhea attempted to contact you by telephone, and I texted both your office and personal phone about swapping shifts on 10 March so that he could spend time with his newborn child. I understand if, for whatever reason, you were not inclined to swap the shift. The problem lies with your failure to return the calls. This behavior has been addressed before.


You are reminded that this office issued you a cell phone for a reason, so that you could be contacted at short notice. This is a small office and your assistance may be required at a moment's notice in an emergency and you are expected to respond.

Finally, on 11 March 2018, Sheriff Stivers directed Deputy Rhea to retrieve and recharge the radar trailer from Otis so that it could be redeployed. On 12 March 2018, as Deputy Rhea had failed to complete the assigned task, I assigned Corporal Pena to do this. Corporal Pena was unable to do this as you had the necessary tools in your truck, while you were out of town on training.

You must learn to focus on your responsibilities, as fellow deputies and other entities are relying on you to do your job correctly. Your failure to perform affects everyone else's ability to perform their functions correctly.

In an effort to emphasize the importance the above issues, you are directed to conduct research and submit a two page paper, an essay, on the importance of being diligent in the performance of your duties and how it affects this office. This essay is due on 21 March 2018 when you return to shift.

Continuing on this present pattern of performance may result in further disciplinary action.

 3-14-18
826

Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 31 January 2017
Re: Letter of Reprimand

On 25 January 2017, you responded to a traffic accident at First St and Main Av and took an accident report (2017044). You attended a training class on 26 January and are not due to return to work until 2 February. Your accident report has not been completed.

On 30 January and again today, the owners of that victim vehicle came to the sheriff's office to obtain an accident report, so that the insurance company involved would provide them with a rental car while their vehicle is being repaired.

On 30 January, I attempted to reach you by telephone, the telephone that was issued to you by this office, but received no answer. Today you told me that issued cell phone was in your assigned vehicle. This defeats the purpose of issuing that phone.

While looking for the aforementioned accident report, I found a report which had been returned by the state, which I had placed in your mailbox for correction a couple of weeks ago.

Policy 322.1.1 clearly states that: **It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor.** Customarily this office and in accordance with the previous policy, deputies have been permitted to put off reports until the end of their work week.

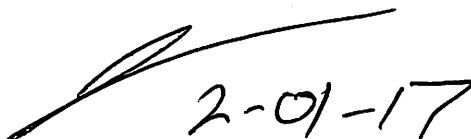
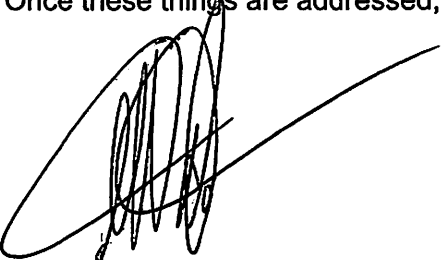
As for the cell phone issue, this has been discussed before, and the sheriff has offered the option of allowing you to use your personal cell for work, and turning in the cell phone that you were issued. We are a small office, and there may be occasion when you may be called in during time off. You must be available for an emergency, or urgent matters.

Your failure to complete reports in a timely manner is becoming a pattern of behavior that must quickly change, as when citizens/victims have a need for the documentation and if it's not available in a timely manner, it causes embarrassment for this office, and inconvenience to the citizens we serve.

You are directed to make completion of your assigned reports a priority, and respond to dispatched calls as assigned.

You are directed to go through your mailbox and ensure that all pending matters are addressed.

Once these things are addressed, you may then engage in "routine" non-directed patrol.



Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 29 September 2016
Re: Letter of Counsel – Report writing

During your period of field training, you have consistently had issues with completing reports in a timely manner in that on several occasions you did not have your reports completed by the end of your work week, in accordance with agency policy.

On at least two occasions, your field training officers required you to remain in the office to get caught up on your reports while they worked the patrol assignment, handling calls you should have been handling.

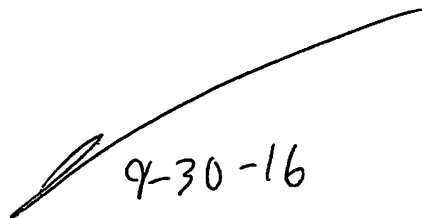
During the weeks of 12 September and 19 September, you attempted to catch up on your reports, in between traffic enforcement activities, by doing one or two reports each day. Some of these reports had not even been started until then.

On 8 September, I received two check cases from the sheriff. I accompanied and assisted you on the initial investigation, yet as of this date, I've yet to receive a submitted report with regard to these matters. On 23 September, I specifically directed you to complete these reports, and others that were pending, by the time I returned to my shift on 27 September, so that I could demonstrate how these cases are investigated, without overwhelming you with too much information. These initial reports should have been very brief.

Report writing is not your primary responsibility, but it is a critical task that you must accomplish in a timely manner. Law enforcement and investigation, and responding to the needs of the community are your primary responsibility, but report writing is an important communication skill that is necessary to accomplishing your duties in connection with your responsibilities.

Failing to complete these reports and take the next steps in the respective investigations is a disservice to the community. These investigations should have been addressed in a timelier manner.

Falling behind in your reports in this manner cannot be tolerated. You must ensure that your reports are accurately completed in a timely manner in the immediate future.



9-30-16

Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 1 November 2016
Re: Letter of Caution: Pattern of Substandard Performance

On 8 September 2016 you were assigned two check fraud investigations and issued case report numbers 2016542 and 2016543 in connection with these matters while you were still in the Field Training Program assigned to me. You did not complete a report regarding these matters until 29 September. On 20 October 2016, after minimal investigation on your part, you received information that the checks were paid, making these matters "moot" and you wrote the supplemental report closing out the case on 25 October 2016.

On 3 October 2016, you received another check fraud case, 2016591, and didn't prepare a report until 17 October. Deputy Foth received a lead in this case, completed the documentation necessary to receive information from the bank, and conducted much of the investigation in this matter by 6 October. By 18 October the suspect still had not addressed the matter and you closed out the case by issuing him a summons, completing the report on 23 October 2016.

On 19 October 2016 you were assigned to investigate two burglaries of Ison Oil, case reports 2016633 and 2016636. Within days, suspects were identified and apprehended in Yuma County, and I had to make repeated calls to you to obtain necessary information for Yuma County authorities so that they could pursue their investigation. One of these reports has been submitted and approved; the other is still pending approval as of this date.

On 20 October 2016 you investigated a traffic accident involving (2016637) and the report was not completed, and incorrectly at that, until 26 October. As of this date, I have yet to approve that report.

Through your FTO program and carrying on to your solo phase, you have consistently remained behind on your reports, sometimes with as many as eight reports backlogged and pending completion. Additionally, when you do get backlogged, you've had a tendency to just "write something up just to get it done", and many of these slip-shot reports are rejected and returned, further delaying citizens access to the reports they need.

The problem here is that I have seen one of your affidavits and know that you are capable of much better work.

Earlier, I made reference to attempting to contact you with regard to a case. You have been issued a cell phone by this office. I have attempted to reach you on at least four occasions, and probably more, in which you failed to respond to that call.

This is a small agency and when you are needed, you are needed. You must, by policy, have a reliable form of communication, and respond when called. As asked earlier by the sheriff, if you are not going to use your department issued cell phone, turn it in and use your other phone as primary communication.

Your investigation skills are also lacking. On occasion, I have seen, and interrupted, your efforts to avoid a report when a crime occurred and a victim didn't wish to prosecute. I don't know why you attempted to make this decision but can only guess that you were trying to avoid a report when you were already getting backlogged.

When conducting an on-scene investigation, I have seen you fail to document or ask for important information, for instance; insurance cards on a traffic accident. Too often, you need to re-contact a victim or a witness to obtain information which you should have obtained during your initial investigation.

On the evening of 31 October 2016, I heard you initiate a traffic stop in which the driver's license was reported to be under restraint due to child support issues. The license plate on the trailer was registered to a camper trailer, but I saw a flatbed which appeared to be modified to carry a vehicle.

You explained that the driver told you that he had just received the letter advising his license was under restraint. It is within your discretion to cite or not under these circumstances. But you allowed the driver to leave, driving under restraint, without issuing him a Proof of Service.

How do we know he received such a letter? Issuing him a Proof of Service would have provided documentation that he was informed of this restraint, because Department of Revenue, to my knowledge, no longer sends out these notices by certified mail.

You informed me that the flatbed trailer was stripped down from a camper. Again, how do we know? You told me that you didn't check the VIN. Trailers do get stolen in the course of metal thefts, and in this case, it was simply not addressed.

In the Ison burglary, you told me that you found a shoe print at the Otis scene, yet unless I missed something, you didn't include that in your report.

Your job is not to "take reports" but to investigate and document your investigation in the form of a report. You need to ask the questions, not just have the victim of a crime feed you information and take it at face value. You need to evaluate the information you receive and decide whether it makes sense, and whether follow-up questions, even from other sources, are necessary.

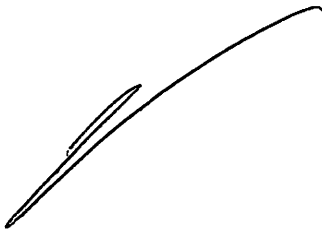
More often than not, criminal activity is a pattern of behavior; a choice by the perpetrator. **Proper investigations** of these complaints can provide valuable intelligence. Ignoring the issue only permits it to continue and spread. Our goal should be to discourage criminal behavior in this community.

You need to do whatever it takes to address all these issues. You have no business engaging in traffic enforcement unless you are caught up on your investigations and your reports. Your reports should be well-written, containing all relevant information to your investigation, and they need to be submitted in a timely manner.

You need to ask questions, develop an inquisitive mind, and not take people at their word, because the criminal element; and even some non-criminals who have a vested interest will lie to you.

This is not a job, but a calling, a vocation; and if you are not effective, you are not doing the community, this office, or yourself any good. Right now you are not effective, and you have to make some changes to become effective.

Continuation of this substandard and unacceptable performance will result in more severe disciplinary action.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.A smaller, more fluid handwritten signature in black ink, consisting of a few overlapping strokes.

11-02-16

Memo

To: Deputy Jon Hart
From: Lieutenant Gerard O'Halloran
Date: 4 May 2017
Re: Letter of Reprimand – Report Writing Issues

Although the primary responsibility of your function is law enforcement and service to the community, a critical aspect of that function is report writing. I have seen some excellent reports from you and I know that you are capable of producing an excellent work product if you focus on the task, rather than go off on tangents to engage in more interesting matters.

At issue right now are your reports in connection with 2017311 and 2017312. The arrest warrant affidavit you wrote in connection with 2017312 was fine, considering your lack of knowledge of the details obtained by other deputies and which I later included in the affidavit. Although you didn't have firsthand knowledge of the details, the inclusion was acceptable due to the content of the third paragraph of the template which clearly states that the information was obtained from other law enforcement officers and reports.

However, you then cut and pasted the contents of the entire affidavit into the narrative section of the above case reports, which is an inappropriate short cut, and reflects sloppy work or laziness. I don't think this reflects your true work ethic and reflects poorly upon you and this office.

Also, as this changed to a felony case due to the arrestee's criminal history, there is now a time constraint on filing the case with the District Attorney's Office. I have completed all the necessary documentation, except for your reports. I called you in yesterday to remind you to come in and address this issue, but you have yet to respond.

For the past few days, Records Custodian Amber Fincher has been trying to locate a case file for 2017252. This was your case dated 12 April 2017. The report had gotten past me and approved, because everyone else involved in the case, in some way, has submitted and had their reports approved. I found the documents associated with this case, which should be in the case file, in your mail box, as well as other assorted documents.

Additionally, I asked you to complete a supplement to 2017222, in which you assisted Deputy Catherine Dannar. This was initially reported on 29 March 2017. I have yet to see that report.

I should not have to ask you to complete supplements. You are advised that you should, without being reminded, complete a supplemental report in any case in which you take an active part, or observe anything of note.


While I recognize that there are some busy days during which you will be unable to complete your reports, you are expected to make an effort to complete all pending reports on a daily basis, and failing that, absolutely by the end of your work week. Furthermore, should you fail to complete all required reports by the end of your work week, you are expected to come in the next day, on your day off and complete those reports.

Completing reports also means completing them accurately, ensuring names, addresses, dates of birth and all other relevant information is entered accurately.

This is a recurring pattern with you and it must end. This pattern of behavior, again reflects poorly on you and on this office, and sometimes creates issues with active or ongoing investigations in which you are assisting other deputies.

Failure to address this issue will result in a suspension.

Acknowledged/Date

 5-04-17

Memo

To: Sheriff Jon Stivers
Undersheriff Robbie Furrow
From: Lieutenant Gerard O'Halloran
Date: 26 October 2018
Re: Allegations of Misconduct and Disposition
Former Deputy Jon Hart

On 20 August 2018, Probation Officer Kristen Thompson met with Undersheriff Robbie Furrow and me. [redacted] told us that her client, [redacted] disclosed a sexual relationship with Deputy Jon Hart. This disclosure also indicated that Deputy Hart had a history of giving alcohol and tobacco to juveniles. I had heard unsubstantiated rumors of Deputy Hart giving juveniles access to alcohol and tobacco to youth, and I had conducted internal inquiries with regard to Hart's behavior with women.

[redacted] is a [redacted] with this office and since [redacted] departure from that program; [redacted] had been contacted by members of this office for a variety of minor violations, and had also maintained a friendly relationship with a couple of the deputies.

Although [redacted] exhibited a tendency to minimize [redacted] own involvement in a variety of situations, I, as well as other deputies, have generally found [redacted] to be credible in the course of our contacts with [redacted].

Due to Hart's history of internal inquiries with regard to similar behavior, which were not substantiated, and the nature of this allegation, I recommended to Undersheriff Furrow, that this matter be investigated by an outside agency.

Hart was placed on administrative leave when he returned to work his shift on 22 August 2018 and the matter was turned over to the Thirteenth Judicial District Attorney's Office for investigation.

During the course of that investigation, while Hart was still on administrative leave, issues involving Hart were called to my attention relating to case reports 1800485, 1800734, and 1800782. These cases were interrelated in that 485 related to a domestic violence case involving two females, in which Hart failed to properly investigate the matter, which was later determined to be a false report.

734 involved a dispute which resulted in a series of facebook posts when Hart was supposed to go on a date with the alleged suspect in the 485 matter noted above and the girlfriend found out about it, potentially exposing this office to embarrassment and ridicule.

782 related to Hart contacting the employer of the girlfriend of the woman he was dating in an effort to determine policies about her off-duty conduct, or possibly to intimidate her.

On or about 10 October 2018, Hart's employment with this office was terminated due to a variety of policy violations. In the course of securing his equipment and reviewing documents removed from Hart's assigned vehicle, I did find at least three documents indicating that Hart had been assigned calls for service as far back as March and May of this year, in which no report was ever submitted. It was

necessary to assign these cases to other deputies to ensure that they were addressed and documented.

On 17 October 2018 Investigators Mike Jones and Jeff Huston of the Thirteenth Judicial District Attorney's Office briefed us as to the results of their investigation and recent interview with Hart. They informed us that they would be consulting with District Attorney Brittny Lewton as to a disposition and recommending that charges relating to Sexual Assault on A Child – Pattern of Abuse and Position of Trust and Official Misconduct be filed.

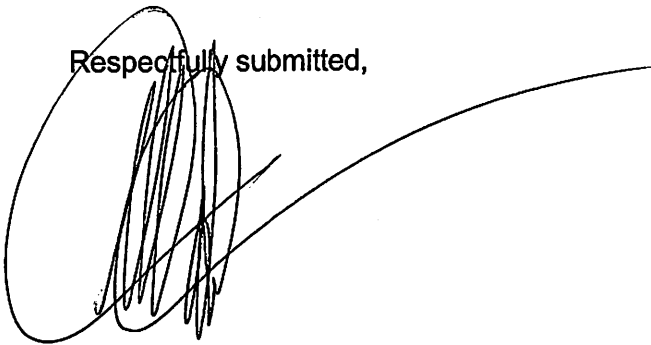
On 19 October 2018, we were advised that a warrant had been issued for the arrest of Jon Hart by the Washington County District Court under docket number D0612018CR000025 for the following violations:

18-3-405.3 (1), (2)(b) Sexual Assault on a Child by One in a Position of Trust as a Pattern of Abuse, a Class III Felony;
18-3-405.3 (1) Sexual Assault on a Child by One in a Position of Trust, a Class IV Felony; and
18-8-404 First Degree Official Misconduct, a Class II Misdemeanor.

That evening I met with Investigator Mike Jones, Sergeant Dan Overturf and Trooper Shane Trostel of the Colorado State Patrol to execute the warrant. Investigator Jones contacted Hart by telephone in an effort to arrange a meeting. Hart said that he was in Denver and expected to return on Tuesday, 23 October 2018.

I was later informed that Hart had turned himself in at the Logan County Jail pursuant to the warrant on the evening of 23 October 2018.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and vertical strokes, positioned to the left of the closing text.