



Firestone Police Department

– 9900 Park Ave. • Firestone, CO 80504 –

Memorandum

David C. Angelo
Chief of Police

To: David Angelo, Chief of Police *DA*
Thru: Bryce Borders, Deputy Chief of Police
From: Brian Scott, Patrol Commander
Subject: Internal Affairs Investigation #2022-01
Date: January 20, 2022

I have reviewed the memo from Professional Standards Sergeant Dan Wittler regarding IA 2022-01. I have also reviewed the associated IA file for Officer Justin Ellis.

The allegations arise from a shots fired call on 12/19/2021 at 0150 hours. The call came in from 10266 Farmdale Street in Firestone. This IA is specific to the actions of Officer Justin Ellis and his involvement throughout the case.

After reading Sergeant Wittler's memo, I find that beyond the preponderance of the evidence, Officer Justin Ellis did in fact violate Firestone Police Department Policies:

- #312.4.5 Requirement for Custody of Juvenile Offenders - **Sustained**
- #418.5 Witness Identification and Interviews - **Sustained**
- #421.4.1 Required Activation of Mobile Audio/Video Recorder - **Sustained**
- #900.3 Field and Transportation Searches - **Sustained**
- #901.4 Procedures - **Sustained**
- #1005.4 Transporting Children- **Sustained**

1) 312.4.5: Requirement for Custody of Juvenile Offenders: The juvenile shall be released to the care of the juvenile's parents or other responsible adult.

- To Wit: Officer Ellis' BWC was not activated when he released the first juvenile female so there is no audio recording. When asked in his interview if he had taken steps to positively identify the lady who arrived to pick up the juvenile he stated no. BWC footage shows that when the party arrived to pick up the other two females Officer Ellis did not even go outside to speak with them, or attempt to obtain any contact information, he just took the word of the juvenile that it was a family member there to pick them up.

2) 418.5(a): Witness Identification and Interviews: Identifying all persons present at the scene and in the immediate area.

- To Wit: Officer Ellis' BWC and MAV footage shows that throughout the entirety of his contact with the juvenile females, approximately three hours, at no time does he attempt to obtain a name, date of birth or any type of contact information. During his initial contact with the females Officer Ellis is also in personal contact with homeowners who live in the area of the shots fired call. These people are providing Officer Ellis with information relevant to the call and he fails to get their names, dates of birth or other contact information. In his interview when asked why he did not positively identify the juveniles Officer Ellis stated "My bad, my head just wasn't in the right place".

3) 421.4.1 Required Activation of the MAV (Mobile Audio Recorder): An Officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident. The audio portion can be valuable evidence and is subject to the same activation requirements as the MAV.

- TO Wit: BWC footage shows Officer Ellis place the three juvenile females in the back of his patrol car at approximately 2:06am. His MAV is not activated until 2:39am, when it shows him driving the females to the police department. In his interview Office Ellis stated that it is his normal pattern of practice to activate his MAV anytime he places anyone in the back of his patrol car. He stated that he thought he had activated it when he put the females in the car. Based on my review of his BWC it appears that he activated the MAV through his MDT when he began driving to the PD, contradicting his statement that he had thought he had already activated it.

4) 900.3: Field and Transportation Searches: An Officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

- To Wit: BWC footage shows that prior to placing the juvenile females into the back of his patrol car, neither a search nor pat down was conducted of their person or their property. At no time during the call is a request made of Dispatch or neighboring agencies to see if a female Officer is available for a pat down or search. In the interview Officer Ellis stated that he did not believe a search or pat down was necessary as the clothing the females were wearing was tight fitting and revealing, and he could obviously see that they were not carrying anything. BWC footage does show that the females were not overly dressed, but one was wearing jeans with pockets, and one had with her a small purse. At approximately 3:04am, while at the PD the female with the purse asks Officer Ellis if it is illegal to for her to carry a Taser. He asks her if she had one and she states yes, and pulls a small black object out of her purse and shows to Officer Ellis. He tells her to put it back into her purse and to keep it there as, "the other officers' may have a problem with it, keep it out of sight, out of mind'.

5) 901.4(a) Procedures: Members transporting a person in custody should ensure: a. All persons are properly restrained by a seat belt or other approved safety restraint system.

- To Wit: No Firestone Police Department Patrol vehicle is equipped to carry more than two passengers in the rear compartment. BWC footage shows that when Officer Ellis placed the three juvenile females in the back of his patrol car he neither asked them to, nor did he place them in any seat belt or other restraining device. At no time prior to departing the scene or while driving to the police

department did he ask, or tell the females to put on seat belts. When asked in the interview why he had not had the females buckle up Officer Ellis stated he "didn't think about it".

6) 1005.4 Transporting Children: All children younger than 8 years of age shall be restrained in a child restraint system (CRS 42-4-236) Colorado Revised Statute 42-4-236 also reads: every child who is at least 8 years of age but less than sixteen years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacture's instruction.

- To Wit: Per the previous allegation, Officer Ellis, at no time while driving his patrol vehicle with the juvenile females in the passenger area ensure that they were restrained in a safety belt. Prior to driving to the police department Officer Ellis asked the females how old they were and he was told they were 15 years old. During his interview Officer Ellis stated that he believed the females were 14 years old.

Conclusion:

Due to the multiple sustained policy violations, the seriousness of the accusations and Officer Ellis' IA file in total, I am recommending the following:

Discipline recommendation: 1) Termination

Training: recommendation: 1) N/A



Commander Brian Scott



Deputy Chief Bryce Borders