



Firestone Police Department

– 9900 Park Ave. • Firestone, CO 80504 –

Memorandum

David C. Angelo
Chief of Police

To: Justin Ellis, Police Officer
From: David Angelo, Chief of Police
Date: January 27, 2022
RE: Internal Affairs Investigation #2022-01 – Notice of Termination

Overview:

An Internal Affairs (IA) complaint was made alleging that Officer Ellis violated multiple policies regarding a reported shots fired call on December 19, 2021, which was later documented under case #2111704.

Determination:

I have reviewed the completed IA investigation file regarding the incident including the allegations of violations of department policies and the evidence associated with each allegation. The following findings against Officer Ellis are as follows:

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 an adult woman who arrived to pick up one of three juveniles, he stated no. BWC footage shows that when a second adult arrived to pick up the other two juvenile females Officer Ellis did not go outside to speak with the adult or attempt to obtain any contact information or identification, he just took the word of one of the juvenile females that it was a family member there to pick them up.

Allegation: Sustained

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 did he attempt to obtain their names, dates of birth or any type of contact information. During his initial contact with the juvenile females Officer Ellis also personally spoke with multiple homeowners who live in the area of the shots fired call. Through the homeowners provided Officer Ellis with information relevant to the call and he failed to obtain their names, dates of birth or other contact information. In his interview when asked why he did not positively identify the female juveniles Officer Ellis stated "My bad, my head just wasn't in the right place". Officer Ellis was also asked if he at least thought to give the homeowners he spoke with his business card, he said he didn't think about providing his business card to the homeowners.

Allegation: Sustained

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 2:06 a.m. Officer Ellis did not activate his MAV until 2:39 a.m., when it shows him driving the juvenile females to the police department. In his IA interview, Officer Ellis stated that it is his normal 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 juvenile females in the car. Based upon the review of his BWC its apparent that he activated the MAV through his MDT when he began driving the juvenile females to the Firestone Police Department at 9900 Park Avenue, which contradicts his statement that he had thought he had already activated it.

Allegation: Sustained

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 passenger 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 juvenile 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".

Allegation: Sustained

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 requires: 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, Officer Ellis, at no time prior to and while driving his patrol vehicle placed or ensured that the juvenile females in the passenger area of the back seat of his vehicle, were restrained in a safety belt. Prior to driving to the police department Officer Ellis asked the females how old they were, and they told him they were 15 years old. During his interview Officer Ellis stated that he believed the females were 14 years old.

Allegations: Sustained

For this internal investigation, I have sustained violations that pertain to Officer Ellis' failure to obtain identification information from the juvenile females, and the adults who picked them up, failure to obtain identification information from homeowner witnesses, failure to seatbelt the juvenile females, and failure to activate his BWC and MAV.

Additional Information:

In addition to the above internal investigation, I reviewed Officer Ellis' internal affairs file and noted that on August 21, 2020 he received a Performance Evaluation for being untruthful to the Weld County SWAT team supervisor by sending an email from his department account and following it up with a phone call to his supervisor claiming he was unable to attend SWAT training because he was out of the state to attend to his ill mother. Officer Ellis later admitted to his supervisor during a supervisor inquiry that he in fact was never out of the state and was thus untruthful regarding his absence from a scheduled SWAT training.

In the Performance Evaluation for the above violation of untruthfulness Officer Ellis was advised that **“Failure to maintain the standards of conduct suitable and acceptable by the Town of Firestone could result in further and more severe disciplinary action, including and up to dismissal”**.

Further, it was determined that Officer Ellis' untruthfulness constituted a violation of SB19-166, (*Peace Officers Standards And Training Board Revoke Certification For Untruthful Statement*). (C.R.S. 24-31-305(2.5))

As required by law and department policy, written notification of the untruthfulness was in accordance with Rule 16 of the Colorado Rules of Criminal Procedure made to the Weld County District Attorney's Office and also in accordance with C.R.S. 24-31-305(2.5) to the Colorado Peace Officers Standards and Training (P.O.S.T) board, via Form-13 submission.

On December 3, 2021, Officer Ellis received a Letter of Corrective Action (IA 2021-12) for unprofessional behavior for using profanity toward a civilian member of the department. This occurred when the member asked him to assist a citizen at the front counter regarding a traffic accident that had taken place in the King Soopers parking lot.

In the letter Officer Ellis was advised that **“Failure to maintain the standards of conduct suitable and acceptable by the Town of Firestone could result in further and more severe disciplinary action, including and up to termination”**.


On December 18, 2021 Officer Ellis received his annual evaluation. Officer Ellis was not recommended for a STEP increase by his supervisor as a result of a substandard evaluation. Officer Ellis received a substandard rating in the personal and organizational integrity section, critical skills – reports and documentation section, and department expectations and goals section.

I do not take any disciplinary matters lightly and have given a great deal of consideration to this matter. Given these recent violations, your prior ones, and last year's substandard evaluation it is apparent to me that you have not learned from your past policy violations and have continued to act in a manner contrary to the core principles and policies one must adhere to while serving as a police officer for the Town of Firestone.

Therefore, I am terminating your employment as a Police Officer for the Town of Firestone effective January 27, 2022.

You must contact Sergeant Marc Robinson immediately to return all Department issued property and goods by no later than January 27, 2022. You will receive your final paycheck at the Town's next regularly payday. For post-employment matters please contact Jan Sloat, Human Resources Director at 303-833-3291.

I do wish you the best for your future and you must understand I take no pleasure in terminating you but my utmost duty is to maintain the integrity of the Department so that we can best serve the citizens of Firestone.


Justin Ellis
Police Officer

1-27-2022
Date


David Angelo
Chief of Police

1-27-2022
Date