



Firestone Police Department

– Memorandum –

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David C. Angelo
Chief of Police

To: David Angelo, Chief of Police *DA*
Thru: Brian Scott, Commander
From: Daniel Wittler, Sergeant
Subject: Internal Affairs Investigation #2022-01
Date: January 20, 2022

Synopsis: On January 5, 2022 I was assigned by Commander Brian Scott to investigate potential policy violations by Officer Justin Ellis, which occurred on December 19, 2021.

On December 19, 2021 at approximately 1:50am Firestone officers were dispatched to a "Shots Fired" call in the area of 10266 Farmdale Street. Officers were also advised that a vehicle had just dropped three females off at house near where the shots had been heard. Officer Ellis did contact the females, but allegedly failed to properly identify them, by obtaining name, date of birth and contact information. The only piece of identifying information Officer Ellis allegedly asked for and received was the ages for the females which was given as 15 years old for all three. Officer Ellis also allegedly failed to conduct a search or pat down of the juvenile females prior to placing them in the back of this patrol car, or transporting them to the Firestone Police Department. Officer Ellis allegedly did not activate his Mobile Audio/Video Recorder (Dashcam) while the juveniles were in his patrol car, but did activate it when he drove them to the PD.

Supporting Documentation and Evidence:

1. CAD notes from 21FI11704
2. 21FI11704 Written Report
3. Officer Ellis' Body Worn Camera and Dashcam Footage
4. Recorded interview with [REDACTED] from IA 2022-02
5. Interview with Officer Ellis January 12, 2022

Investigation Findings:

1. CAD notes from 21FI11704

A review of the CAD notes show that on December 19, 2021 at 1:50am Firestone Officers were dispatched to a Shot Fired call at 10266 Farmdale Street, with Officers arriving in the area a few minutes later. At 1:52am Dispatch advised officers they had received additional information that three people were dropped off at the house across the street from the reporting party. Also at 1:52am a separate caller called Dispatch and advised they had also heard gunfire. At 1:53am a third witness called Dispatch and advised they had heard banging, and it might be gunfire. Between 1:53am and 2:00am Dispatch provided updated information to officers from multiple reporting parties about the number of vehicles leaving the area and their direction of travel. At 1:59am the reporting party who had first advised of the females stated they were hiding behind vehicles and provided a location "house with Joy sign" of where they were. The same reporting party advised Dispatch they believed the females had observed the officers in the area and had then hidden behind the vehicles. At 2:00am another caller advised Dispatch they had also heard

gunshots in the area, and they had also observed three females come out of a silver four door truck and go into their neighbors address.

At 2:01am Officer Ellis contacts the females at 10251 Farmdale Street. At 2:05am Officer Ellis advises Dispatch that he is placing the females in his vehicles so they can stay warm. From 2:05am until 2:28am Dispatch continues to update officers with information relayed from witnesses and reporting parties. At 2:30am officers advised Dispatch that a black Ford pickup may have been involved. At 2:39am Officer Ellis tells Dispatch he has three juvenile females in protective custody and he is transporting them to the police department. He arrives at the police department at 2:43am. At 3:51am Officer Ellis airs to Dispatch that one female has been released. At 5:11am Officer Ellis airs to Dispatch that the last two females have been released and he then completes the call.

Additional review of the CAD notes shows that one vehicle, Colorado License Plate BFWG08, and two people, [REDACTED] were cleared through Dispatch. ***No other parties are listed in the State Returns of the CAD Notes.***

2. 21FI11704 Written Report

A review of the written incident report shows that Officer Ellis did complete a supplemental report, and is listed as the initial investigator.

In his report he states that he was dispatched to a "Shots Fired" call at the 10266 Farmdale Street address. His reports states that he did not observe any moving vehicles, or observe any personnel. He also writes that he checked the area and found no sign of damage to any property or any evidence of shots being fired. His report confirms that he was advised by Dispatch of three juvenile females that he contacted them at 10251 Farmdale Street. In his report Officer Ellis states the females told him *"they arrived on scene and found that nobody was there and the address given was wrong"*. Officer Ellis' report stated the females were not dressed properly for the weather and it appeared they had been exposed to the elements for an extended amount of time. He writes that his concern was for the juveniles' health and well-being so he placed them in the back of his patrol car to stay warm. Officer Ellis' report shows that he did ask the females if they had heard any sound of gunfire in the area, with their response being that they had not. Per the report the juveniles told Officer Ellis they had been dropped off, and the person who had done so had already left. Officer Ellis report states that prior to being transported to the police department the females made attempts to phone someone to pick them up but were unsuccessful.

In the report Officer Ellis states that he requests to see a Snapchat post the females had received as an invitation to a party. He writes that the address on the post is the same as the one he located the females. In this same paragraph he writes that the one of the juveniles' mother arrived at the police department to pick her up. Officer Ellis reports that initially the mother would not take any of the females, but ***"I informed her that because she is the legal guardian of one juvenile, she would take her, she agreed"***. He then states that one of the other females was eventually able to contact her mother to come and pick them up, with Officer Ellis writing ***"The mother arrived on scene at 0511 and both juveniles were released"***.

Officer Ellis' report does state that there is Body Worn Camera footage available.

His report then states that he received an email from [REDACTED] regarding video footage of the incident, and lists who he received it from. The report then details a timeline of the video provided.

Other than the listed party whom sent the video footage to [REDACTED] there are no other named parties in the narrative.

A review of the case file shows there are no Custody Release forms filled out or completed for the three juvenile females.

3. Officer Ellis' Body Worn Camera and Dashcam Footage

A review of the BWC and Dashcam footage shows there were three separate recordings for this case; with two recordings being BWC and one recording being Dashcam. The first BWC recording shows the camera being activated at 2:00am, this corresponds to the CAD notes showing Officer Ellis in contact with the females. The opening of the video shows Officer Ellis in his patrol car arriving to contact the females, he exits his vehicle and walks up a driveway and makes contact with three females. Footage shows that the females are not wearing jackets, coats, or any other cold weather clothing.

- 2:01am Officer Ellis is in contact with the females, they ask for help, and state they heard that a party had "gotten shot up". Officer Ellis asks the females where they live and one responded [REDACTED] **The address provided by the female is more likely than not [REDACTED] This address was not listed in the written report.** The females state that they came to Firestone to attend a party, and they heard the party got shot up. Officer Ellis states "It got shot up huh". While in contact with the females at 10251 Farmdale Street the homeowner advises Officer Ellis the party was at the house behind her, and she had observed numerous vehicles and people at that house. The homeowner tells Officer Ellis that she did hear possible gunshots, but it sounded soft so it could have been fireworks. At the same time Officer Ellis is contacted by another resident who stated he also heard loud noises.
- 2:06am Officer Ellis places the three females in the back of his patrol vehicle, and begins talking with a male resident. **BWC footage does not show Officer Ellis perform a pat down or search of the females or their belongings.** The resident shows Officer Ellis where he lives and provides a description of what he heard and saw. Stating that he heard loud banging, thinking someone was banging on the house. The resident and his friend went outside, and stated he was pretty sure it was gunshots. The resident states to Officer Ellis that he observed numerous vehicles leaving the area, and the sounds he heard were extremely loud. The homeowner of 10251 Farmdale also was speaking with Officer Ellis and confirmed with him the location of the party. Officer Ellis then disengages from the two residents and begins attempting to charge one of the females' cellphone with his charging cable. The male resident then sees a vehicle that he believes he saw earlier from the ones leaving the party and advises Officer Ellis of this; who then radioed other officers the vehicle information. Officer Ellis advises both residents that they had not observed any evidence of gunfire, and discontinues his conversation at them at 2:13am. The male resident then provides Officer Ellis his address of 10155 Farmdale Street. **The BWC footage shows that during his contact with the residents Officer Ellis did not ask for any names or contact information, and it did not show him writing any of the information provided by them down in a notebook.**
- 2:15am Officer Ellis asks the females who was having the party, and asks them who is coming to pick them up, which one of the females responds "my older brother". It is difficult to hear the females as they are in the back of the patrol car. Officer Ellis is heard asking the females what's your brother's name, and then Officer Ellis states "I don't give a shit if he has a problem with the cops" he then tells the females "You're not going anywhere, right now we have someone pulled over, so what's his name", to which one of the females responds Raul. Officer Ellis asks where Raul is coming from, and if he was the one who dropped them off.
- At 2:17am Officer Ellis is in radio contact with [REDACTED] and advises that he has not observed any evidence of gun fire and provides [REDACTED] with the location of the house that the party was at. Officer Ellis is also heard speaking with the females confirming that they have a ride on the way.

- 2:19am [REDACTED] arrives at Officer Ellis' location. Officer Ellis exits his patrol vehicle, mutes his BWC and speaks with [REDACTED] at his vehicle. At 2:21am Officer Ellis opens the rear passenger door and all three females can be seen in the back of the patrol vehicle, and the one closest to the door has a cellphone. [REDACTED] is with Officer Ellis at this time speaking with the females. [REDACTED] leaves Officer Ellis location at 2:22am.
- 2:25am Officer Ellis is speaking with females confirming that they know where they are and that they have a ride coming for them.
- **At 2:27am Officer Ellis asks "How old are all of you all" and the females respond 15 years old.**
- **At 2:33am Officer Ellis is heard speaking with [REDACTED] via the radio, over the Tactical Channel. Officer Ellis states that he is "still trying to find a ride for the females so I can get them out of my car"**
- At 2:36am Officer Ellis speaks with [REDACTED] via the radio and asks permission to transport the females to the police department. After a brief conversation it is determined that the females will be transported to the police department and be placed in the front lobby for several reasons, one they will be more comfortable there than in a patrol vehicle, and they will be warmer. **Officer Ellis is heard telling the females that he will taking them to the police department, and that they will be in the "front" and that "I have to stay with you because your kids"**. Officer Ellis then provides the address of the police department to the females so they can text the person that is coming to pick them up.
- **At 2:39am Officer Ellis advises the females that they are not under arrest but I have to keep an eye on you until a parent comes to get you. He then advises Dispatch via radio that I have the three juvenile females in protective custody and will be transporting them to the PD until a guardian can come and pick them up.** While driving to police department Officer Ellis asks the females how they heard about the party getting shot up. The females are heard to say that it was "posted" that the party got shot up, and when asked by Officer Ellis if they heard gunshots they state no. **BWC footage shows that prior to transporting the females Officer Ellis did not ask if they were secure in seatbelts, nor visually check to see if they were properly secure. It should also be noted that Firestone Police Department patrol vehicles only have seating and seatbelts for two occupants in the rear passenger compartment; and at that time there were three females in that area.**
- At 2:42am Officer Ellis arrives at the police department and takes the females inside the front lobby, and shows them where the restrooms are. He then locates a phone charger and provides it to one of the females.
- **At 2:49am Officer Ellis asks the females who is coming to get them and one replies my "dad". Officer Ellis is then heard to say "As long as it's a guardian I don't care".**
- **At 2:52am Officer Ellis is heard to be talking with [REDACTED] via phone about the "Shots Fired" call. Officer Ellis tells [REDACTED] briefly about the witnesses he spoke to, stating they told him the sounds were "too soft to be gunshots", and "I don't have any bullet holes or casings". Officer Ellis states that he checked for casings on Farmdale but not on Falcon.**

- At 2:57am one of the females shows Officer Ellis asks to see the Snapchat post about the party. He looks at the post and then states "No gangs huh". **Officer Ellis is not observed taking a photo of the post, and no photo of the post was added to the case report file.** Officer Ellis is heard talking with [REDACTED] again via phone. He tells him that he thinks "this is a bust" as Officer Ellis believes the females were given the wrong address to the party. But he then advises [REDACTED] that someone should go to the address to make sure no one did put any bullet holes in the house because they were pissed off. **He then tells [REDACTED] that he does not believe there were gunshots, and he thinks it's impossible to tell unless you're some kind ballistics expert. He then asks the females if they know where their ride is, so he can "get you all out of my lobby" Officer Ellis is then heard telling the females again that he does not believe the party got shot up and that he thinks someone gave them a "BS address".**
- At 3:02am Officer Ellis asks one of the females where he shoes are, and she states that she left them in her friend's car. Then asks them if they are sure they haven't been drinking.
- **At 3:04am one of the females asks Officer Ellis if it is illegal to carry a Taser, and his reply is "it depends on how old you are". Officer Ellis asks her if she has one and she replies yes. The female is observed on the BWC holding a small black rectangular object in her hand, similar to the size and shape of commercial Taser's available for purchase by the public. Officer Ellis tells the female he's not going to tell her not to carry it, just don't do anything stupid with it, and then tells her to put it in her purse, which she does. Officer Ellis is then heard telling the female "The other officers might have a problem with it, so keep it out of sight out of mind right now, ok".**
- At 3:10am [REDACTED] arrives in the lobby and speaks with Officer Ellis and the females. The females are provided with some candy and water.
- **At 3:46am Officer Ellis and [REDACTED] are in the lobby with the females and they observe a vehicle pulling into the parking lot, and one of the females says "that's my dad". [REDACTED] is heard telling the females "have a good night" as they walk out the front doors and he walks into the secure area. At that time Officer Ellis deactivates his BWC. There is no BWC footage of any interaction between Officer Ellis and the people who arrived to pick up the juvenile female.**
- The second BWC recording for Officer Ellis on this incident begins at 3:52am. It shows himself and [REDACTED] back in the front lobby of the police department with only two of the females. Based on the BWC the female with the Taser is the one who was picked up. Both officers are heard telling the females to continue to try and find a ride to pick them up. Officer Ellis is seen getting a cell phone charger and providing it to the females again. At 3:55am [REDACTED] states the females have family in Longmont who may be able to come get them. The females are also advised again that they are not in trouble, there are no charges. The [REDACTED] is observed leaving the lobby and going back to the secure area.
- At 4:08am BWC shows Officer Ellis exit the lobby and go to his patrol car to retrieve his Mobile Data Terminal. He then returns to the lobby and enters the meeting room where he sits down and begins operating his Mobile Data Terminal. He remains in the meeting room until 4:54am at which point he goes into the lobby, looks outside then returns to the meeting room.
- At 5:00am Officer Ellis returns to the lobby and remains there until the other two females are picked up. **At 5:09am Officer Ellis is heard telling the females**

"It's time to go", and "Your still good to go with her right" to one of the females. Officer Ellis then states "As long as you're not here I don't care where you all go, just get out". The females tell Officer Ellis thank you and exit the building. Officer Ellis is not observed following the females or speaking with any individual who arrived to pick the females up. Officer Ellis deactivates his BWC at 5:11am.

- Based on BWC footage Officer Ellis activated his Dashcam at 2:39am using his Mobile Data Terminal. The Dashcam footage is for the front camera only. It does show the transport from the location of where the females were contacted to the police department, but does not show any other activity, or provide any other information.

4. Recorded Interview with [REDACTED] from IA 2022-02

Commander Scott informed me that when conducting his interview with [REDACTED] for IA 2022-02 he was told information that he believed was relevant to this investigation. The recorded interview was made available and the following is a summary of my findings relevant to this investigation, IA 2022-01.

- On January 7, 2022 a formal interview was conducted with [REDACTED] by Commander Scott at the Firestone Police Department.
- At 41:00 minute mark Commander Scott tells [REDACTED] that it his understanding that Officer Ellis does not have any names for the juvenile females or the homeowners he spoke with during the call. [REDACTED] confirmed that Officer Ellis did not have any of the names written down.
- [REDACTED] states in the interview that he spoke with Officer Ellis on Sunday, the day after the call. [REDACTED] confirms that Officer Ellis told him that he had not "run" anyone the day before, and he had not written anyone's name down in a notebook.
- [REDACTED] confirms that Officer Ellis does not have the names of the juveniles or the names of the people who picked them up. In the interview [REDACTED] advises that when he asked Officer Ellis why he had not cleared the juveniles Officer Elli's response was "I knew they would come back no record".
- [REDACTED] states that he was present when the first juvenile was picked up, and stated that Officer Ellis told the person that since they were the mom they had to pick them up.
- ***At the 43:10 minute mark [REDACTED] states that he asked Officer Ellis what the parents had said when he called them about the juveniles, and Officer Ellis' response was "well the juveniles called them". [REDACTED] then says that he told Officer Ellis "So we don't even know if this was a parent who picked them up", and Officer Ellis replles "Yeah I fucked that up".***
- ***In his interview, [REDACTED] states that he has had numerous conversations and briefings with his officers that they have to get names of all involved parties when they are on calls.***
- [REDACTED] ***was asked if he had taken into consideration the lack of sufficient seatbelts for the three juvenile females in the back of Officer Ellis' patrol vehicle prior to transporting them to the police department.***

██████████ stated he did taken into consideration but since it was such a short drive to the police department it wasn't a big deal.

5. Interview with Officer Ellis January 12, 2022

On January 12, 2022 I conducted a formal recorded interview with Officer Ellis at the Firestone Police Department. Prior to the interview Officer Ellis was provided with his Notice of Complaint Form which he reviewed and signed. Officer Ellis was also provided with a Garrity Advisement Form with he reviewed and signed. The following is a summary of the interview with Officer Ellis.

Officer Ellis advised at approximately 2:00am he was dispatched to a "Shots Fired" on Farmdale. When he arrived in the area, he drove with his take down lights on looking for evidence or damage related to shots being fired.

Officer Ellis stated that dispatch advised a reporting party observed three females at house, he couldn't remember the exact address that dispatch provided. At that point he headed to the area and located the females. Officer Ellis stated the females were wearing very little clothing, and didn't have any coats. Officer Ellis recalled the temperature at the time was extremely cold, and he observed the females were visibly shaking, and that "I was cold and I was fully dressed".

Officer Ellis advised that when he first made contact with the females they stated they were here to come to a party and they showed him a Snapchat post with the address of the party.

Officer Ellis stated his first thing that went in his head was to get the females warm so he placed them the back of his patrol vehicle. **Officer Ellis did not call for or request a female officer to come to the scene to search or pat down the females.**

In response to the IA investigators question if there is anything else police customarily do before placing anyone in the back seat of the car, Officer Ellis stated "Yes, you pat them down. But in all honesty based on what these females were wearing I felt like a visual inspection was acceptable".

Officer Ellis stated he asked the females if they heard or had seen anything regarding shots fired and they stated "No". Officer Ellis asked the females how old they were and they said they were 14 years old and then asked how they were going to get home. Officer Ellis stated that one of the females advised that her brother was going to pick her up and instructed the females whomever was going to pick them up to come and get them.

Officer Ellis advised that the female's brother refused to come and pick them up. He instructed the female to call her someone else to pick them up. He decided to transport the three females to Firestone Police Department because he felt it would be easier to have the father of one the girls to pick them up from the police department.

Officer Ellis advised that he waited in the lobby with the females and one of the juvenile's mother showed up. The mother took custody of her daughter but he refused to take custody of the other two juvenile females.

Officer Ellis stated he had the girls attempt to contact other family member to pick them up. An uncle in Brighton and an aunt in Longmont both stated they could not pick up the girls. Officer Ellis stated the mother of one of the females agreed to pick up the remaining two juvenile females. When the mother arrived, Officer Ellis stated he released the remaining two juvenile females to the mother.

Officer Ellis advised he spoke with the female and male residents at the scene and the male stated he heard some loud noises but couldn't recall if the male advised that he heard fireworks at first or not.

Officer Ellis advised he spoke with ██████████ and muted a portion of his conversation. Officer Ellis stated he thought he activated his Dashcam video when he placed the females in the back of his patrol car. **Officer Ellis concurred with the IA investigator's comment that it is our cultural practice to activate Dashcam video when we place anyone in our patrol**

vehicles. Officer Ellis reinforced this practice by stating that anytime, especially when he is not inside the patrol vehicle, he will activate his Dashcam video, and stated he thought he did so in this case.

Officer Ellis was asked by the IA investigator why he did not ask for identification or names for the females, to which he replied "I did not think about it... It was a lapse in judgement on my part."

When asked by IA investigator how many seat belts he had in the passenger compartment of his patrol vehicle, Officer Ellis responded "Two". Officer Ellis stated he did not ask the juveniles to put their seat belts on, and asserted that when he usually transports someone he will personally ensure they are buckled in, but in this instance "they were already back there and I didn't think about it".

When asked by the IA investigator if Officer Ellis had confirmed the identification of any of the people who had come to pick up the juveniles he stated "No". "I was doing everything in my power to get them home".

In the interview the IA investigator asked Officer Ellis about one of the females showing him Pepper Spray. A review of the BWC footage shows that the female was In fact asking and inquiring about a Taser. This was an error on the IA investigators part when asking about the Pepper Spray, the investigator meant to ask about a Taser. In the interview Office Ellis confirmed that the female had asked about Taser/Pepper Spray and if it was legal for her to carry. Officer Ellis advised that he was aware of the female having the Taser/Pepper Spray, and used his officer discretion when telling her to keep it in her purse.

When asked by the IA investigator if he believed the "Shots Fired" call was legitimate, Officer Ellis replied that at the time he did not think it was, as he had not observed any evidence that any shots had occurred.

Officer Ellis confirmed that while still on-duty he had received an email from [REDACTED] containing a Ring Camera Video sent by one of the reporting party's. Officer Ellis stated he did not forward the video to his supervisor or any other officers. Officer Ellis stated that he did not view the video until after he was off duty.

When Officer Ellis was asked if he believed his actions during the call were his best police work, he responded "No, it wasn't". Officer Ellis stated that he had already spoke with his supervisor and told him as well that he had messed the call up. Officer Ellis continues, and states that he didn't want to be "babysitting" the juveniles and he wanted to get them somewhere so he get back to doing something important.

Officer Ellis confirmed with the IA investigator that he failed to:

- ID the juvenile females
- ID the parent/guardian who picked up the juveniles
- Ensure a search of the juveniles was conducted
- Ensure the juveniles were properly restrained prior to transport
- Activate his Dashcam

End of Report


Professional Standards Sergeant
Daniel Wittler