

## RESIGNATION

I, Justin Gressman, am resigning from the position of **Patrol Deputy** with the **Ouray County Sheriff's Office**. This is my formal withdraw from this position. I have worked with the agency for 7 years. At this time, I no longer feel I can remain with the current direction that the **leadership and the Country** is taking law enforcement as a whole. I leave with no malice but feel this profession no longer cares for its true purpose in the country. It is with a heavy heart that I leave a career that I love in a county that I loved to work in. It has been an honor to conduct law enforcement for the County and Citizens of Ouray, but it is time for me to move on to another field of work. I thank the County of Ouray for giving me the opportunity to work in what was once an honorable profession in such a beautiful place. I am afraid at this time I no longer can continue to work with the Ouray County Sheriff's Office. Once more thank you for some of the best years of my career.



Justin Gressman

2/22/2021



# OURAY COUNTY SHERIFF'S OFFICE

JUSTIN PERRY, SHERIFF  
TAMMY STROUP, UNDERSHERIFF

421 6<sup>th</sup> Ave.  
Ouray, Colorado 81427  
(970)-325-7272

\*\*\* HONESTY \*\*\* INTEGRITY \*\*\* SERVICE \*\*\*

To: District Attorney Seth Ryan  
From: Ouray County Undersheriff Tammy Stroup  
Ref.: Brady Issue  
Date: 02/24/2021

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DA Seth Ryan,

Justin Gressman is no longer employed with the Ouray County Sheriff's Office effective 02/23/21. Untruthfulness was a contributing factor in an internal investigation which led to his resignation in lieu of being terminated.

Best Regards,

Tammy R. Stroup  
Undersheriff

Ouray County Sheriff's Office  
970-325-7272



# Notification of Finding of Untruthfulness

FORM

# 13

Colorado Department of Law - POST  
1300 Broadway 9<sup>th</sup> Floor  
Denver, CO 80203  
post@coag.gov 720-508-6721 FAX 866-858-7486

October 2019

SB19-166  
24-31-305 (2.5)

Ouray County Sheriff's Office

Undersheriff Tammy Stroup

Agency Name  
970-325-7272

Name of Agency Executive Submitting Form 13  
tstroup@ouraycountyco.gov

Agency Executive Phone Number  
Gressman

Agency Executive Email Address  
Justin Lee

Peace Officer - Last Name

Peace Officer - First Name Middle Name

Peace Officer Last Known Personal Address  
unknown

City State Zip

Peace Officer Personal Email Address (if known)

Peace Officer Personal Cell Phone (if known)

Date(s) of Employment: 08/27/2014

Date(s) of Incident: 01/06/2021

Peace Officer Date of Birth

Colorado PID# 135109 (000000 or 0000-0000)

**Please check the applicable boxes below.**

- The certificate holder knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact: (At least ONE of the following MUST apply; please check ALL that apply)
  - On an official criminal justice record.
  - While testifying under oath.
  - During an internal affairs investigation.
  - During an administrative investigation and/or disciplinary process<sup>1</sup>.
- The law enforcement entity that employs or employed the certificate holder has done each of the following: (ALL of the following MUST apply; please check)
  - Completed an administrative process, as defined by a published policy in effect at the time of the untruthful statement concerning a material fact OR omission of a material fact.
  - Determined by a clear and convincing standard of the evidence<sup>2</sup> through an administrative investigation and/or disciplinary process the certificate holder knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on an official criminal justice record, OR while testifying in court, OR during an internal affairs investigation OR comparable administrative investigation.
  - Certifies that the certificate holder has elected not to exercise OR has exhausted the internal disciplinary appeal rights provided by their employer.

**Please retain documentation of investigative details for possible future review. Do not need to include with form.**

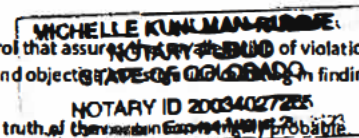
PURSUANT TO 24-31-305(2.5), C.R.S., UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS AFFIDAVIT AND ACCOMPANYING DOCUMENTS AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THEY ARE TRUE, CORRECT AND COMPLETE. I FURTHER ACKNOWLEDGE THAT ANY FALSE STATEMENT, MISSTATEMENT, OR INACCURACY MAY RESULT IN REVOCATION OF MY CERTIFICATION, AS WELL AS CRIMINAL PROSECUTION.

Tammy R Stroup  
Agency Executive's Signature

State of Colorado  
County of Ouray

Signed before me this 23 day of February, 2021

My Commission Expires: 08-29-2023 Michelle Kuhlman-Ruemme  
NOTARY PUBLIC



<sup>1</sup> Administrative Investigation and Disciplinary Process means an employer's formal process of internal control that assures that any violation of employer rules, policy, procedure, or other misconduct or improper actions by an employee are subject to a complete and objective review. Findings of fact and disciplinary action for any substantiated violation.  
<sup>2</sup> Clear and convincing standard of evidence means proof that persuades the decision-maker to find that the truth of the matter is more probable than not.

On January 7, 2021, I was notified by Sheriff Perry of a complaint made by [REDACTED] in Ouray County Case number: 21OR-0077. The complaint was that they had called into dispatch about a marijuana smell in the area. [REDACTED] stated that Deputy Gressman called her and stated he would respond to her residence and never showed up, after telling her the issue was civil.

I had just reviewed a report written by Deputy Gressman about the incident. Please see the following:

OURAY SHERIFF OFFICE CASE REPORT

CR: 21OR-0077

DATE: 01/06/2021

OFFICER: GRESSMAN

NARRATIVE:

On 01/06/2021 at 2049 hours, dispatch advised me of civil complaint at [REDACTED] County Road 22 in the county of Ouray, in the state of Colorado. I called [REDACTED] by phone. [REDACTED] advised that the smell of the marijuana grow at [REDACTED] Melody Lane was unbearable. She wanted me to file a report on it. I told her I would.

I responded to [REDACTED] County Road 22 and climbed out of my marked patrol vehicle. I smelled the air for approximately 2 minutes, but I was unable to smell any Marijuana in the air. The wind was also blowing east. I tried contacting [REDACTED] by knocking on the door, but no one answered.

I cleared the residence and drove down to [REDACTED] Melody Lane. The facilities gate was locked and no one appeared to be around. While standing at the gate I was able to detect a faint smell of marijuana in the air, but it was sporadic with the wind and very faint. I cleared the call.

SIGNATURE: /s/ Justin Gressman

I also pulled the radio log for the incident please see below:

21:25:09 01/06/2021 SO4 CMPLT OURS OURS Brock Gatt incid#=21OR-0077 Completed call call=308I

21:17:36 01/06/2021 SO4 ARRVD OURS OURS Brock Gatt incid#=21OR-0077 Arrived on scene call=308I

20:58:04 01/06/2021 SO4 ENRT OURS OURS Brock Gatt incid#=21OR 0077 Enroute to a call clr:RTF call=308I

20:52:15 01/06/2021 SO4 ASSGN OURS OURS Brock Gatt incid#=21OR-0077 Assigned to a call call=308I

After receiving the dispatch recordings, I listened to the initial call made by [REDACTED] at 0850 hours. I then listened to radio traffic as follows:

2051 hours- dispatch advised Deputy Gressman of the complaint – Deputy Gressman advised he would call the complainant

2058 hours- Deputy Gressman advised dispatch he would be en-route to the complaint's residence

2117 hours - Deputy Gressman advised he was out at the residence

2121 hours – Deputy Gressman advised he didn't smell anything and would be en-route to the grow.

Note: Out of car – 4 minutes

2125 hours – Deputy Gressman cleared the call

Note: - 3 Minutes from Complaint's to grow – Video footage from complaint's residence show's patrol vehicle at the end of the driveway of the residence at 2121 hours

The day prior to this complaint, I verbally advised Deputy Gressman that any calls re: Melody Lane or the surrounding area that involved a marijuana odor need a response. He explained that it was civil and that it was land use' job to look into these matters. I again explained that I was giving him a directive to respond and document his findings when he has a call of this nature.

On January 7, 2021, I contacted [REDACTED] by telephone and asked her to tell me what had happened. [REDACTED] stated that the smell of marijuana was so bad on the evening of January 6, 2021, that she called into dispatch at approximately 8:50 pm and was advised by dispatch that they would notify the on call deputy [REDACTED] explained that she received a phone call from Deputy Justin Gressman shortly after calling into dispatch. She stated that Deputy Gressman told her he would be at her residence located at [REDACTED] County Road 22, in Ouray County in 10 to 15 minutes. [REDACTED] further advised me that Deputy Gressman told her it was a civil issue. She said that she and [REDACTED] waited until 10:30 for Deputy Gressman and he never showed up. I could hear [REDACTED] in the background mention a game camera. I asked [REDACTED] if they had surveillance during the time frame she had described above. [REDACTED] said, yes but that there was nothing on it. I asked if the camera would have picked up Deputy Gressman's patrol vehicle if he had driven into their driveway, she said yes. She further stated, that she nor [REDACTED] heard or seen anyone to include Deputy Gressman arrive or leave their residence. I then asked [REDACTED] to preserve the surveillance.

I then contacted [REDACTED] the manager of [REDACTED] a marijuana grow located at [REDACTED] Melody Lane. I asked [REDACTED] if his camera located at the entry gate was working, he stated, "not yet." I asked him if he would've known if someone was at the gate during the time frame referenced above. He told me that he had his dogs locked up in the house and if someone would've been at the gate the dogs would've barked.

On January 7, 2021, after talking to [REDACTED] I contacted [REDACTED] who resides [REDACTED] Melody Lane, I was aware that [REDACTED] had placed cameras on her property for security. The camera is motion activated and feeds into her cell phone. I asked her if she would be willing to look for any activity on January 6, 2021 between the hours of 0900 and 0930. She looked but didn't see anything, she did mention that the camera doesn't always work.

On January 7, 2021, Corporal Derrick Linnell and I traveled to the residence of [REDACTED]. Upon our arrival, we met with both parties. I noted that upon on ringing the doorbell and knocking on the door, [REDACTED] answered very timely, I also took note of the fact that two small dogs inside the residence began to bark immediately. We then entered and walked into the kitchen area of the home. [REDACTED] was seated next to an east facing window that had a clear view to the parking area of her residence along with the entry door to the home. I asked [REDACTED] to tell me about the incident on January 6, 2021. She stated that she called dispatch at approximately 0847 hours about the smell of marijuana in the area. [REDACTED] said she then received phone call from Deputy Gressman at 0854 hours wherein he stated he would be responding to her residence in ten to fifteen minutes. [REDACTED] told me that she waited until 10:30 pm for Deputy Gressman to show up but she never did see him. [REDACTED] advised that she sat in the same place she was seated upon our arrival and waited by the window for Deputy Gressman. [REDACTED] stated she was seated in her wheelchair by the window, I noted that while we were in contact with her she was seated in the same wheelchair by the window. It should also be noted that the view from the window was clear with no shade cover or curtains. She recalled being at the window at 10:00 PM specifically because this is the time, [REDACTED] had brought her medication to take. I asked if she ever heard a knock at the door, she said no.

When asked [REDACTED] told us that he was also waiting for Deputy Gressman's arrival, and never did see lights and didn't hear a knock at the door or a doorbell. [REDACTED] has game cameras set up on his property, one at the entry gate to his residence. We asked to look at the pictures that were taken from the game camera from 0900 pm to 0930 pm. We observed what appeared to be a patrol vehicle in the entry to the driveway at 0921 hours. We didn't see that the patrol vehicle actually entered the driveway. No other traffic was observed during this time frame. Further both [REDACTED] stated that neither of their dogs barked letting them know someone was at the residence.

[REDACTED] wished to file a formal complaint in reference to this issue and stated that she was concerned that if there were an emergency in the future, she questioned an actual response. [REDACTED] completed a formal written complaint, I told both [REDACTED] that Corporal Linnell would be looking into the incident and encouraged them to call with any additional concerns.

January 11, 2021, both Corporal Linnell and I met with Deputy Gressman at the Ouray County Sheriff's Office. We explained to Deputy Gressman that a formal complaint had been filed with the Sheriff's Office in reference to case number: 21OR-0077 an Odor complaint reported by [REDACTED]. Deputy Gressman acknowledged he was aware of the case. Corporal Linnell asked Deputy Gressman to explain what had happened. Deputy Gressman stated that he received the call from dispatch and contacted [REDACTED] by phone. He said that he advised [REDACTED] he would be responding to her address within ten to fifteen minutes. Deputy Gressman said that he entered the driveway of the [REDACTED] residence and drove all the way into the parking area, he said he stepped out of his patrol vehicle and checked for any marijuana odor's in the air. He stated he didn't detect an odor and then walked to the east facing entry door of the residence and knocked on the door. Deputy Gressman said he knocked pretty hard and didn't get a response. He then stated he looked through the window located on the east side of the residence and could see lights on but didn't see anyone inside and left

Deputy Gressman advised that he had been to this residence before and knew the layout of the property, he told us that he had driven by while on patrol and often can see lights on in the home at late hours of the night.

When asked if he heard anything from inside the residence he stated he didn't. He was also asked if he tried ringing the doorbell, he said he didn't know there was a door bell. I then asked Deputy Gressman if he tried calling [REDACTED] he told me no, he figured she was in bed. Please note this is approximately fifteen minutes from when he last spoke with [REDACTED] by telephone and she was awaiting his response. Deputy Gressman stated, he left the residence and went to the gate located at [REDACTED] Melody Lane, the location of the Marijuana Grow. He said he smelt a very faint smell of Marijuana and documented it. It should also be noted that he knew there was a camera at this gate and mentioned it. We explained that we would be looking into the matter more and thanked Deputy Gressman for his time.

After talking with Deputy Gressman, I made a phone call to [REDACTED] I advised that we had talked with Deputy Gressman and he indicated he had knocked on the door and didn't get a response, I also asked if at any time she may have left the window area where she was seated. [REDACTED] was adamant that she didn't leave where she was seated and would've known if Deputy Gressman knocked on her door.

After briefing with Corporal Linnell about this complaint, we agreed to reach out to the Montrose County Sheriff's Office and ask for an agency assist to polygraph Deputy Gressman reference this complaint in an effort to be transparent and fair to all parties.

I then reached out to Lt. Ty Cox with the Montrose County Sheriff's Office, he stated that his agency would assist. I then contacted Sgt. Charles Searcy a paleographer with Montrose County Sheriff's Office to see what his availability was to conduct a polygraph. Sgt. Searcy gave me a date of February 22, 2021 at 1:00 pm at the Montrose County Sheriff's Office

On February 18, 2021, prior to confirming this polygraph, Corporal Linnell and I again met with [REDACTED] [REDACTED] We asked them again how sure they were that Deputy Gressman didn't come to their door the night of January 6, 2021. They were both very adamant that they would've know if he did. I asked if they heard their dogs bark that evening. Both [REDACTED] said no, and that the dogs always bark when someone is at the door, even if they know the person.

I then contacted Sgt. Searcy and confirmed the date and time for the Polygraph.

On February 21, 2021, Corporal Linnell notified me that he had contacted Deputy Gressman about the Polygraph. He advised me that Deputy Gressman was very upset and asked if he needed an attorney. Corporal Linnell reported telling Deputy Gressman that the issue is not a criminal matter. He further stated he explained to Deputy Gressman that the reporting parties are adamant that he didn't come to their door the night of the incident and we were merely clearing the air. According to Corporal Linnell, Deputy Gressman stated he would submit to the Polygraph. He further indicated that at the end of the conversation, Deputy Gressman hung up without a closing statement.

On February 22, 2021 Deputy Gressman reported to the Montrose County Sheriff's Office to undergo a Polygraph with Sgt. Charles Searcy. I was notified by Sgt. Searcy that Deputy Gressman failed the polygraph. Deputy Gressman then reported to the Ouray County Sheriff's Office and was in plain

clothes. Deputy Gressman had in hand a resignation letter and some Ouray County Sheriff's Office property.

We discussed him failing the polygraph, he indicated that the incident involved was, "a bullshit call". At that time, he was asked to turn in his patrol keys and all other property belonging to the Ouray County Sheriff's Office. I escorted Gressman to the patrol vehicle and did an inventory of the items being turned in.

After collecting all items belonging to the Ouray County Sheriff's Office, Gressman left with a third party.

On February 23, 2021, a copy of Gressman's resignation letter was provided to the Ouray County HR department. Further a Form 13 was sent to Colorado POST and a Brady letter was issued to the 7<sup>th</sup> Judicial District Attorney's Office.

All documentation mentioned in this report has been attached to the investigative file.

End of Report.

/S/: Undersheriff Tammy Stroup