



Sheriff Richard A. Reigenborn

Character • Integrity • Transparency

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MEMORANDUM

TO: Division Chief Christopher Laws
FROM: Commander Michael McKinney
DATE: 07/08/22
SUBJ: Personnel Complaint (Deputy Kevin Gates)

On 070722 I was assisting in dumping trash from B module, when I was contacted by Sergeant [REDACTED] about a situation, they were having with Deputy Gates.

I have limited previous knowledge of Deputy Gates displaying unprofessional conduct towards another employee, [REDACTED] that Commander Robbins was investigating. I was advised of an incident in Commerce City where CCPD was called about Deputy Gates possibly having a dispute with [REDACTED]

Deputy [REDACTED] advised me of an incident where [REDACTED] asked him if he would escort her to her vehicle when they left work. [REDACTED] complied and escorted [REDACTED] to her vehicle. During the escort [REDACTED] seemed to believe [REDACTED] recognized someone in the parking lot and asked if it was relationship trouble. [REDACTED] indicated that it was. [REDACTED] got into her vehicle and as she pulled out a white SUV with a subdued American Flag tint on the back window pulled out behind [REDACTED] and began following her. [REDACTED] started to follow [REDACTED] to see if she was ok, and even tried to call her on the phone, but she did not answer. Deputy [REDACTED] stopped following [REDACTED] after a couple blocks.

I share an office with Commander Robbins, and both of us were in the office on 07/05/22. On that date, [REDACTED] called our phone and Sergeant Robbins answered it on speaker. The voice on the other end of the phone was [REDACTED] [REDACTED] asked Commander Robbins if she could come up and speak with him. Commander Robbins said it was fine and told me that he may need to speak with her alone. Commander Robbins believed that it was probably about [REDACTED] and Gates' relationship and that due to his rapport with [REDACTED] he believed it would be better for him to speak with her 1 on 1 for about 10 minutes, however,

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because Deputy Gates is on B-Platoon he would let me know if it escalated to the point where he would let me know.

I stepped out of the office and Commander Robbins spoke with [REDACTED]. After about 15 minutes I knocked on the door. The door was opened, and I observed [REDACTED] was visibly upset and had red and puffy eyes as if she had just been crying. I asked if they needed anything, and they said no. Later, I spoke with Commander Robbins about the incident, and he said that [REDACTED] did not want to file a complaint. Commander Robbins indicated that he had spoken with Deputy Gates after a previous incident and ordered him that while he was at work, he will conduct himself in a professional manner, and only have contact at work if it's about professional business.

On 070722 I attended the Recruiting and Retention Committee and met with HR after. Upon returning to work I went to my office and opened the door. Unknown to me, I was interrupting a meeting between Commander Robbins and [REDACTED]. Again, [REDACTED] looked upset as if she had just been crying. Commander Robbins advised that he was considering his options due to Deputy Gates disobeying his orders. Commander Robbins was going to speak with Division Chief Laws.

On 070722 as stated initially I was contacted by Sergeant [REDACTED] and Sergeant [REDACTED] about Deputy Gates not at his post. Sergeant [REDACTED] was called advising that Deputy Gates was in [REDACTED] office. I walked with Sergeant [REDACTED] and Sergeant [REDACTED] up to the F side admin areas. Sergeant [REDACTED] and [REDACTED] walked around near the front employee entrance, and I walked through the admin hallway, and we met at Ashley's Office. Upon arriving at Ashley's office, I observed Deputy Gates and [REDACTED] [REDACTED] appeared visibly upset again. Sergeant [REDACTED] offered to walk [REDACTED] out and she accepted. Sergeant [REDACTED] told Deputy Gates that they were going to talk. I recommended that we talk in my office, and we walked to my office to have a conversation.

In my office Sergeant [REDACTED] sat in the chair near the window, and I sat in the chair at my desk. I told Deputy Gates to have a seat noting that there were two chairs directly across from me under the TV. Deputy Gates refused and became upset saying I have no idea what is going on in his life. I offered for Deputy Gates to explain it to me, and he declined. Deputy Gates was upset and I again trying to de-escalate him told him to sit down. Again, Sergeant [REDACTED] and I were already sitting down and not towering over him. Deputy Gates again refused to sit down. I asked if he remembered Commander Robbins telling him he would remain professional with [REDACTED] and Deputy Gates said he didn't do anything wrong, and that everything said about him was rumors and not true. I ordered Deputy Gates several more times to sit down and he refused. Deputy Gates turned and started to walk out of the office. I told him that he was not excused, and he needed to stop being insubordinate. Deputy Gates continued to argue and refused to sit down. With the continued insubordination and him refusing to follow orders given to him, I did not believe any further issuance of orders would change his behavior. I advised him that he was to turn over his badge and commission card and that he was relieved of duty. Deputy Gates accused me of threatening his career. Deputy Gates then walked over to the chair and sat down.

Sergeant [REDACTED] and I attempted to speak with Deputy Gates and council him about his actions and behavior's and how they could become criminal. Sergeant [REDACTED] advised of an argument he had with [REDACTED] in the parking lot where he grabbed her. Additionally, that

there was a dispute over a purse and that he wouldn't give [REDACTED] her purse. Gates said, he never grabbed her and that she had her purse, but he had her key. Gates continued to blame shift or not take accountability for his actions. Gates accused Commander Robbins of telling everyone his business and seemed to blame [REDACTED] for spreading rumors and this was everyone else's fault. I explained to Deputy Gates that we recently had a Patrol Deputy fired for a domestic incident that occurred while he was on duty. I explained that the entire incident was just 1 phone call, and that Gates' actions could be considered to be much larger than that.

Sergeant [REDACTED] had arrived and took up a seat next to Deputy Gates. Sergeant [REDACTED] attempted to empathize with Deputy Gates and recalled a personal story of something that happened to him professionally and personally. Sergeant [REDACTED] explained the difficulty in dealing with that. While Sergeant [REDACTED] was speaking with Gates, Deputy Gates reached into his shirt pocket and pulled out his phone and began texting. Gates did this for about 20-30 seconds while Sergeant [REDACTED] was speaking. I looked at Sergeant [REDACTED] who looked up at me with raised eyebrows. It seemed obvious that there was not anything we could say to Deputy Gates that would get through to him in an effort to help him or change his behavior. However, I decided that because we were able to get Deputy Gates to somewhat calm down that I was not going to relieve him of duty.

I reiterated to Deputy Gates that he will conduct himself in a professional manner. I also advised Deputy Gates that he was no longer while he was at work to have contact with [REDACTED] unless he clears it with his Sergeant First. Additionally, if Deputy Gates is off duty and wishes to speak with [REDACTED] who is on duty, he will need to clear it with her supervisor first. Deputy Gates would just stare angrily at me, However, he said he understood, and I told him he was dismissed. Sergeant [REDACTED] told Gates he was to wait in the briefing room and clear his eyes before returning to work. Upon leaving my office Deputy Gates turned south down the hallway not north towards the briefing room as ordered by Sergeant [REDACTED].

I had to go downstairs to check on a person who was turning themselves in. Once this was completed, I was advised that Deputy Gates was not answering his radio. The sergeant tried again to call him on the radio, but he refused to respond. We began to attempt to locate Deputy Gates. I pulled up the video and observed Deputy Gates leave the facility through the F-side doors at about 1705 hours, which was right after our conversation ended. I watched on video as Deputy Gates walked to the parking lot and got into a white SUV nearest to the building. The time was nearing 1735 hours, and I watched on fast forward until it caught up to being live. It appeared Deputy Gates was still in the vehicle. Fearing Deputy Gates may harm himself or may have already I spoke with Sergeant [REDACTED] to find two deputies to accompany us to check his well-being.

Deputy [REDACTED] and Sergeant [REDACTED] met me on F side, and I explained my concerns to them. I advised Deputy [REDACTED] that the vehicle had dark tinted windows and to approach from the front because the windshield would not be tinted, and they could see. Deputies were able to contact Deputy Gates inside his vehicle. However, he did not want to come out. Eventually after about 20 minutes they were able to convince him to get out of the vehicle. Gates got out of his vehicle, and he was unarmed but still in uniform. He began walking towards work release and I called out to him. Gates refused to stop, and I called out to him again. Gates continued to walk and started to approach the sitting area. I ordered Gates to stop, and he finally did. I walked over to the sitting area and again tried to have a conversation

with Deputy Gates. I sat down and asked Deputy Gates to sit down. Deputy Gates began his disobedience again refusing to sit down again after several more lawful orders were given.

Gates continued to display the same behavior as before, questioning my orders and refusing to follow them. Seeing this was going nowhere I told gates he had two choices. He could either join me and we could have a conversation, or he could place his badge and commission card on the table and leave. Gates again did neither and argued that he shouldn't have to. Gates instead decided to start walking towards the work release door on F side. I told Deputy Gates he was not allowed back into the facility however, he continued to walk towards the door and start to open it. I had to call on the radio for F control not to let Deputy Gates back into the facility. At this time Deputy Gates was already inside the open and unsecured outside work release door. However, F control did not open the other door and Deputy Gates was not allowed entry. Deputy Gates continued to argue, and I told him he was relieved from duty. Like before this prompted him to sit down on the bench in work release and say he would talk to me.

At this point I had observed entirely an extreme amount of insubordination and failure to follow direct and lawful orders that I relieved Deputy Gates from duty. Deputy Gates continued to argue and refuse to relinquish his badge and commission / proxy card. Deputy Gates would argue that he did not refuse to follow orders and that he was not insubordinate.

Deputy [REDACTED] both attempted to talk to Deputy Gates. Deputy [REDACTED] seemed to have the best rapport with Gates and eventually was able to get him to hand over his badge and commission card. Deputy Gates advised that his gun and his bag was in the facility. Fearing Deputy Gates would harm himself or others I advised him that his gun would remain in the facility and that he could get it later. Deputy Gates' bag was retrieved and given to him. Gates was advised that he would be contacted by someone from the Sheriff's Office with instructions on what he needed to do next. Gates continued to argue but eventually left. Gates realized he had keys on him and briefly returned and was met by deputies to return his keys.