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**LARIMER COUNTY SHERIFF'S OFFICE
PROFESSIONAL STANDARDS SECTION**

Investigative Report and Findings
Internal Affairs Case #IA2022-00084
Prepared by Sergeant Brian Peranteaux

Date/Time of Incident: September 13, 2022
Location of Incident: Larimer County Jail
Case Report Number: IA2022-00084
Complainant: Sergeant Mirela Tutundzic
Involved Employees: Deputy Kobi Davis, Jail Operations

Findings Pertaining to the Internal Investigation for Internal Affairs Case #2022-00084

Deputy Kobi Davis is in violation of LCSO Policy 10000.2.8 (Truthfulness)

All employees will be truthful when testifying, making reports, and conducting any Office business. Employees will not knowingly make false statements or misrepresentations to a fellow employee or supervisor, or during any incident review, internal affairs investigation or supervisor's inquiry. Employees will not make false statements or misrepresentations to the general public.

Davis was untruthful and deceived his doctors, his supervisors, Larimer County Risk Management and the Arapahoe County Sheriff's Office. Davis chose not to divulge information that would have affected his Workers' Compensation claim. Davis acknowledged a disclaimer prior to completing a physical agility test with the Arapahoe County Sheriff's Office. Davis did not report that he was under doctor's care and had medical restrictions that would prohibit him from participating in the physical agility test. Davis failed to report to LCSO, supervisors or his Workers' Compensation doctors that he violated his restrictions, thus, not participating in his recovery process. The lack of truthfulness changed his path for a speedy recovery.

Therefore, I recommend this violation be found as **Improper Conduct**

LCSO Policy 10000.2.2 (Violation of Laws) for theft by deception of services.

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Employees will observe and obey all federal laws and statutes, state laws and statutes, county resolutions and local ordinances. In the event of improper actions, it will be presumed that the employee was familiar with the law, statute, resolution, or ordinance. Employees who are contacted, arrested or charged with any offense, other than traffic offenses less than 12 points, will immediately notify the Sheriff or a Division Commander who may place the employee on immediate suspension, in accordance with disciplinary procedures.

Davis did not interview with LCSO investigators. The charge of theft was not substantiated.

Therefore, I recommend this violation be found as **Insufficient Evidence**

Deputy Kobi Davis is in violation of LCSO Policy 10000.2.1 (Violation of Rules)

Employees will not commit any act which constitutes a violation of any Office rule, policy, procedure, responsibility, instruction, or order. In the event of improper action or breach of discipline, it will be presumed that the employee was familiar with the rules, policies, procedures, responsibilities, instructions or orders. Any other act or omission which the employee knew or should have known was contrary to good order and discipline of the Office can be also considered as a rule violation.

Davis failed to follow LCSO policy and responsibility. In addition, he failed to follow his medical restrictions as outlined by his attending doctor violating the Workers Compensation policy.

Therefore, I recommend this violation be found as **Alternate Improper Conduct**

Deputy Kobi Davis is in violation of LCSO Policy 31728.10.14 (Engaging in careless and inappropriate physical activity resulting in injury)

Employees shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Colorado Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion, transfer or removal of any employee:

14. Engaging in careless and inappropriate physical activity resulting in injury or property damage or the reasonable possibility thereof.

Davis participated in a physical fitness test for the Arapahoe County Sheriff's Office. Davis had medical restrictions in place to aid in his recovery. Davis violated each restriction causing him to miss additional work and aggravating his injury and extending his Workers' Compensation

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claim. His MMI (Maximum Medical Improvement) was pushed out significantly after he violated his medical restrictions.


Therefore, I recommend this violation be found as **Alternate Improper Conduct**

Deputy Kobi Davis is in violation of LCSO Policy 10000.3.5 (Feigning Illness or Injury)
Employees will not feign illness or injury in an effort to avoid duty.

After being placed on multiple medical restrictions, Davis participated in an out of agency physical fitness test and passed. Davis stated, the test did not contribute to his pain. Although he was in adequate physical condition to participate in the physical fitness test, he presented a physical ankle injury complaint through Workers' Compensation to have days off and to avoid working a Alternate Duty assignment. Davis did not notify Workers' Compensation that he violated all their restrictions by participating in a fitness test with the Arapahoe County Sheriff's Office.

Therefore, I recommend this violation be found as an **Alternate Improper Conduct**

Respectfully submitted,



Brian Peranteaux, Sergeant
Professional Standards Section

September 27, 2022
Date