



# DOUGLAS COUNTY SHERIFF'S OFFICE

## Patrol



### NOTIFICATION OF FINDINGS / 22PCR-038

State of Colorado, County of Douglas  
Certified to be a full, true, and correct  
copy of the original in my custody  
Darren M. Weekly  
Sheriff of Douglas County

DATE: August 11, 2022  
TO: Cpl. Mark Tracy  
FROM: Lt. Lori Bronner  
SUBJ: **DISPOSITION**

By EAguiar 1733  
6 Pages

Digitally signed by EAguiar  
1733  
Date: 2023.06.29 13:43:23  
06:00

You are hereby notified that the investigation of alleged misconduct has been completed. The final disposition is shown below.

<u>SECTION #</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>
P&P-B-170	<b>General Report Writing</b>	
	<b>Guidelines</b>	
	III Procedures	<b>SUSTAINED</b>
	IV When to take a Report, All allegations of Domestic Violence (B)	<b>SUSTAINED</b>
P&P-B-173	<b>Mobile Video Recorder, Audio</b>	
	<b>Recording and Body Worn Camera Policy</b>	
	III Policy and Procedures -MVR	<b>SUSTAINED</b>
	V Operation Requirements	<b>SUSTAINED</b>
	VII, MVR &BWC (A), Equipment Activating (D)	<b>SUSTAINED</b>
P&P-C-101	<b>General Conduct II, (I) Insubordination,</b>	<b>SUSTAINED</b>
	(DD) Completing reports, Processing Evidence, and Other Official Activity,	<b>SUSTAINED</b>
	Unsatisfactory Performance (HH),	<b>SUSTAINED</b>
	Control of Property and Records IV(K)	<b>SUSTAINED</b>

**DOUGLAS COUNTY SHERIFF'S OFFICE****Patrol****NOTIFICATION OF FINDINGS / 22PCR-038****Summary**

“On 07/08/22 Records Clerk [REDACTED] emailed the reports pending list to a variety of supervisors in the office, one of which was Cpl. Tracy. On 07/20/22 I [REDACTED] was contacted via email by my supervisor, Lt. Bronner, about Cpl. Tracy being on the reports pending list. Cpl. Tracy showed five separate case report numbers that he pulled that had not yet been submitted to Douglas County Records. One of the oldest pending reports was for a fraud report under case number 2022-00047878. Cpl. Tracy pulled that case number on 06/17/22. Lt. Bronner said that Cpl. Tracy had not entered any CAD notes and she could not find any BWC footage associated with the call. Lt. Bronner emailed Cpl. Tracy on 07/11/22 asking him if he had taken care of the delinquent reports. According to Lt. Bronner he did not respond to the email. Lt. Bronner directed me [REDACTED] to investigate the reason behind the delinquency of the report.

During my [REDACTED] investigation I uncovered 22 separate BWC violations that are required by policy between 06/17/22 and 07/21/22, a chain of custody violation as it pertains to evidence, failing to write a report for a call of domestic violence, and failing to follow a supervisor's briefing directive and written policy regarding the pre-shift testing of BWC/In-car Camera units.” [REDACTED]

**Standard of Conduct / Policy****P&P-B-173 Mobile Video Recorder, Audio Recording and Body Worn Camera Policy**

**III. POLICY** *Members assigned MVR/BWC equipment, “office issued or reimbursed smart phones, that have audio, video and image capturing technology, and all other recording and imaging devices, shall use them in compliance with manufacturer’s operational guidelines, office training, and this policy. It is the policy of this Office to authorize the use of MVR and BWC to collect audio-visual evidence of criminal activity, and to record enforcement members’ interactions with the public. An MVR/BWC recording is to be used when there is a clear benefit to such a recording. These recordings can also be used as a training tool for members. The evidence obtained in the use of the MVR/BWC is a useful tool in assisting in prosecution.”*

**V. OPERATION REQUIREMENTS** *“Prior to going into service, each Patrol Division deputy and each Detention Division deputy will check out the appropriate equipment, if required. Members and supervisors issued MVR/BWC equipment shall test their assigned MVR/BWC system making sure it is operational in accordance with manufacturer specifications and office training at the start of each shift. Testing includes: (a) That the camera/recording device is functional. (b) Verifying the device has an adequate power source. (c) Ensuring that the device properly placed/affixed for optimal use. (d) Documentation of officer information if system being used requires it. (e) At the end of duty period, the MVR/BWC will be docked and charged accordance with manufacturer specifications and office training. (f) If at any time, the MVR/BWC is found to be not functioning properly, it is to be removed from service and the appropriate supervisor and Sheriff’s Technology staff will be notified as soon as reasonably possible. VI. ACTIVATION/DEACTIVATION OF THE MVR OR BWC <L”*

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**VII. PROCEDURES** – “MVR A. MVR equipment installed in vehicles is the responsibility of the member assigned to that vehicle and must be maintained according to manufacturer's recommendations. Prior to each shift, members shall determine whether their MVR equipment is working satisfactorily and shall bring any problems to the attention of their immediate supervisor as soon as feasible. B. MVR and all BWC equipment within 30 feet from the car will automatically activate when the vehicle's emergency overhead lights are moved into operation to position two when an Axon Signal Device is installed in the vehicle. C. Members shall use their MVR equipment, to include video and audio, if vehicles are equipped with MVR devices, in the following situations: 1. Traffic stops to include but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops. If the circumstances of the traffic stop indicate the MVR is no longer needed, then it is the officer's discretion to end the recording and document the reason why. 2. Priority responses. (Code 3) 3. Vehicle pursuits. 4. High-Risk traffic stops. 5. Suspicious person/vehicle contacts. 6. When responding to in-progress calls or critical incidents when there is a possibility of capturing images of fleeing suspects/vehicles, or any other evidence. 7. When placing a person in custody or under detention, when feasible. 8. Vehicle searches. 9. Physical or verbal confrontations or use of force situations. 10. Domestic Violence Calls. 11. DUI investigations including field sobriety maneuvers. 12. Any call for service involving a crime where a recording would clearly aid in the apprehension and/or prosecution of a suspect. 13. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording. 14. When transporting any person other than a ride-along, members will ensure that the P&P-B-173 – Mobile Video Recorder, Audio Recording and Body Worn Camera 7 of 20 camera is positioned in a manner to collect video on the subject being transported. The member will also keep in mind that any audio interference needs to be kept to a minimum, such as radio traffic, music or other noises that may prohibit the in-car camera microphone from collecting spontaneous statements made by the transporting person. 15. All field contacts involving actual or potential criminal conduct within video or audio range. D. Any time the MVR equipment is activated, the commissioned officer should do the following: 1. Check that the video recorder is positioned and adjusted to record events; 2. Check that the MVR is not deactivated until the enforcement action is completed; and 3. Check that the wireless microphone is activated in order to provide narration with the video recording”

### P&P-C-101 General Conduct

#### II. GUIDELINES, WORK RULES AND EXPECTATIONS

**I Insubordination** “Members shall be deemed insubordinate for failing or refusing to promptly obey a lawful order given by a supervisor. Ridiculing a supervisor's order(s) whether or not in their presence shall also be deemed insubordination.”

**DD. Completing Reports, Processing Evidence, And Other Official Activity** “All members shall promptly report any information or incident coming to their attention that might indicate the need for action by this Office.”

**HH. Unsatisfactory Performance** “Members shall perform their duties efficiently and to the satisfaction of the Administration. ‘Unsatisfactory performance’ may be established when a member: 1. Receives unsatisfactory work performance evaluations. 2. Is unwilling or unable to

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perform assigned tasks. 3. Fails to achieve a passing score in any required training or qualification session. 4. Performs at a level significantly below the standard achieved by others in the member's rank, grade unit or position. 5. Violates Sheriff's Office directives, rules, policies or procedures as set out in this manual or elsewhere 6. Fails to submit reports, citations, or other appropriate paperwork in a timely manner. 7. Is found by the Accident Review Board to have been the driver of a County-owned vehicle involved in a 'preventable' collision four times within any 36- month period. 8. Otherwise fails to meet Sheriff's Office standards."

#### IV. CONTROL OF PROPERTY AND RECORDS

**K. Safeguarding Money, Property, Evidence and Non-Evidence** "Members shall safeguard money, property, evidence, and non-evidence while it is in their possession. They shall exercise care when handling money and do so consistent with Office rules and procedures. Members shall log all property/evidence and place it in the appropriate property/evidence facility before the member ends their shift."

#### **P&P-B-170 General Report Writing Guidelines**

II. POLICY: "It is the policy of the Sheriff's Office to identify the reports required for efficient operation and transfer of information within and between operational components and to our external partners. The report writing process documents an investigation into a crime or incident. The case report and supplemental case reports are used to document a criminal investigation and are provided to the District Attorney's Office and/or the Courts to file charges against a suspect. The case report and supplemental case reports document all the information the deputies obtained surrounding a criminal investigation. The discovery process, which is regulated under Rule 16 C.R.S. Discovery and Procedure Before Trial, requires law enforcement to provide all the information gathered during a criminal investigation be given to the District Attorney's Office or directly to the Courts. All information gathered can included verbal or written statements, handwritten documents, pictures, videos, audio recordings, etc. III.

PROCEDURE: A. Criminal Case Reports • A report of all the following criminal cases, incidents, or complaints will be made: o Reports of crimes where there is probable cause that a crime has been committed, even in cases where the victim declines or is reluctant a case report will be taken. o Complaints against the agency or its members will be reported in accordance with PSD-A-900 Interview Procedures through PSD-A-905 Blueteam Report Procedures. o All incidents resulting in an employee being dispatched or assigned to a complaint will be reported by the dispatch center assigning a sequential incident number through the Computer Aided Dispatch (CAD) system in accordance with COM C-501 Criminal Justice Information Systems through COM-C-523 Paging Procedures. o All criminal and non-criminal cases initiated by Sheriff's Office employees will be reported utilizing a case number or incident number. o All cases involving arrest, citation or summons, including traffic. P&P B-170 - General Report Writing Guidelines 2 of 18 • Calls from citizens where there is a complaint that may include but is not limited to reports of such things as; debris on the road way, dead animals, dog running loose, traffic light out, etc., will be noted in CAD and then either handled by the deputy or transferred to the appropriate agency. Unless it meets the criteria of taking a report, then CAD notes will be maintained as the call documentation. • Any report taken in which the criminal act did NOT actually occur in our jurisdiction, must be written as an Incident Report. The Incident Report will be titled "INC-Agency Assist". Do not list the applicable charges anywhere in the

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report. For example, if you respond to Highlands Behavioral to take a report of a sex assault that occurred in Arvada, write it as an Incident Report, listing the details of the offense in the body of the report. This will ensure correct reporting in the NIBRS reporting system. Supervisors will route the report to the appropriate Division/Section for follow-up with the appropriate Law Enforcement agency. • All reports are to be submitted by the end of the deputy's shift. • All reports that have been submitted will be reviewed by the shift supervisor prior to being submitted for merging into records. The supervisor will review reports for completeness, grammar, format, clarity and conciseness. If errors are identified by the supervisor review, they will be returned to the reporting deputy for correction. • Records clerks do not read the reports or make corrections of errors this is the responsibility of the supervisor reviewing the report, usually a sergeant, or the responsibility of the deputy to correct. • When a report is sent to records and it cannot be merged due to errors that the deputy has made. The only options are rejecting the report to the deputy or merge the report with the errors and then notify the deputy and their supervisor that a supplement would have to be written correcting the errors. B. Report Forms • The Sheriff's Office will have a central repository for all forms used within the patrol division; most of these forms are stored electronically. Responsibilities of ensuring forms are up to date will rest with the respective lieutenant or captain. • Paper forms will be maintained and stocked in case of computer system failure or if the form cannot be electronic. • Development, modification and review of forms: a. The respective lieutenant or captain is responsible for the development, modification and review of all forms used within the patrol division. • A list of all Forms will be maintained within Policy Management."

#### **IV. WHEN TO TAKE A REPORT**

**B. All allegations of domestic violence**, "even if it is determined that no crime occurred. All verbal domestics will be documented in a case report. The occurred incident type should be classified as an incident report – verbal dispute."

#### **Evidence Supporting**

Axon body and car camera logs, confirming Cpl. Tracy did not activate his camera(s) as required by policy and state law.

New World records and Beast Inventory System records that Cpl. Tracy did not complete reports or turn in the evidence required by policy.

Cpl. Tracy confirmed and took ownership during an interview that he did not follow policy, turn on his camera(s) as required by policy, or complete a daily function test. He did not complete his reports in a timely manner, he forgot to do them and ignored emails directing him to complete them, and failed to book evidence into BEAST in accordance with policy.

#### **Evidence Refuting**

None

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**Conclusion**

All alleged policy violation against Cpl. Mark Tracy are sustained.

Member served with a copy of this **Notification of Findings** on 8-11-22.

Member signature and OSN Mark E. Tracy 0005

Server signature and OSN J. Bonner 9721

Member is to receive a copy of this **Notification of Finding** and copy to be retained with the Internal Affairs investigation folder.