



**OFFICE OF
SHERIFF, CUSTER COUNTY**
702 Rosita Avenue, Westcliffe, Co. 81252
Phone (719)783-2270 Fax (719) 783-9085



SHANNON K. BYERLY
SHERIFF

CHRISTOPHER R. BARR
UNDERSHERIFF

September 20, 2019

Greg Reeve

Westcliffe, CO. 81252

Mr. Reeve,

I have thoroughly and comprehensively reviewed and evaluated all documentation associated with regards to your recent internal affairs investigation #19IA03. Your conduct off duty on 9/9/19 was unbecoming of a member of our agency, violated the good order, efficiency and morale and tends to reflect unfavorably upon our agency.

Based on the totality of the circumstances, I, Shannon K. Byerly, will be mandating the following sanctions:


- Three days suspension without pay
- Read and acknowledge Policy 319 Standards of Conduct.
- Probationary status for six months with no further disciplinary actions

You will return to work on **DATE_9.25.19.**

Let this incident serve as an educational and training issue. Please take the necessary measures to prevent this type of unacceptable behavior from reoccurring. Please be advised that any further valid complaints of this nature will result in more severe, corrective actions which can include termination of employment.

Sincerely,


Shannon K. Byerly, Sheriff

 09-25-2019
Deputy Reeve Date

cc: Custer County Sheriff's Office
Human Resources



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SHERIFF, CUSTER COUNTY**
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SHANNON K. BYERLY
SHERIFF

CHRISTOPHER R. BARR
UNDERSHERIFF

September 20, 2019

Mike Kear

Westcliffe, CO. 81252

Mr. Kear,

I have thoroughly and comprehensively reviewed and evaluated all documentation associated with regards to your recent internal affairs investigation #19IA03. Your conduct off duty on 9/9/19 was unbecoming of a member of our agency, violated the good order, efficiency and morale and tends to reflect unfavorably upon our agency.

Based on the totality of the circumstances, I, Shannon K. Byerly, will be mandating the following sanctions:

- Five days suspension without pay
- Read and acknowledge Policy 319 Standards of Conduct.
- Probationary status for six months with no further disciplinary actions

You will return to work on **DATE_9.25.19.**

Let this incident serve as an educational and training issue. Please take the necessary measures to prevent this type of unacceptable behavior from reoccurring. Please be advised that any further valid complaints of this nature will result in more severe, corrective actions which can include termination of employment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shannon K. Byerly".

Shannon K. Byerly, Sheriff

A handwritten signature in blue ink, appearing to read "Mike Kear".
Deputy Kear Date 09/24/2019

cc: Custer County Sheriff's Office
Human Resources

SALIDA POLICE DEPARTMENT- CO0080200

Offense / Incident Report

GENERAL OFFENSE INFORMATION
Report Type: Initial Report

Agency SALIDA POLICE DEPARTMENT	Location 110 3RD STREET #B SILVER CLIFF COLORADO 81252
Case # 19-2324	
File #	
Description ASSIST OTHER AGENCY	
Incident Status	From Date/Time 09/09/2019 18:00
	To Date/Time 09/10/2019 06:00
	Report Date 09/24/2019 08:45
Reporting Officer MARTELLARO, R	Initial Rep. Date 09/24/2019 08:45

COMPLAINANT

Name DAY, WHITNEY				
Address 1200 QUANAH DR WESTCLIFF CO 81252			Phone 513-907-5612	
Race W	Ethnic U	Sex F	DOB 10/4/1990 (28)	
Height	Weight	Hair	Eyes	
S.S.N. _ _ - _ _	DL & St.	JRN#		

SUBJECT(S)

Name SCHOCH, DEVYNNE				
Address 622 BROADWAY SILVER CLIFF, CO 81252			Phone 719-252-6606	
Race W	Ethnic U	Sex F	DOB 9/12/2002 (17)	
Height 5'07"	Weight 120	Hair RED	Eyes GRN	
S.S.N. ***_**_****	DL & St. *****	JRN#		
Sub. Type OTHER	Arrest ID	Citation #		
Notes				

Name SCHLABACH, LATISHA				
Address 2025 4TH STREET SILVER CLIFF, CO 81252			Phone 719-371-2488	
Race W	Ethnic U	Sex F	DOB 12/19/1998 (20)	
Height 5'02"	Weight 120	Hair BLN	Eyes BRO	
S.S.N. ***_**_****	DL & St. *****	JRN#		
Sub. Type OTHER	Arrest ID	Citation #		
Notes				

Name	REEVE, GREG					
Address	110 3RD ST #B SILVER CLIFF, CO 81252			Phone	719-371-0076	
Race	W	Ethnic	U	Sex	M	
DOB	6/17/1998 (21)		Weight	195	Hair	BRO
Height	5'11"	DL & St.	*****	JRN#		
S.S.N.	***_**_****	Arrest ID		Citation #		
Sub. Type	OTHER					
Notes						

Name	KEAR, MICHAEL					
Address	108 3RD STREET #B SILVER CLIFF, CO 81252			Phone	719-371-2583	
Race	W	Ethnic	U	Sex	M	
DOB	10/25/1995 (23)		Weight	215	Hair	BRO
Height	6'04"	DL & St.	*****	JRN#		
S.S.N.	***_**_****	Arrest ID		Citation #		
Sub. Type	OTHER					
Notes						

PROPERTY

Property Category	RECORDINGS - AUDIO/VISUAL	Loss Type	EVIDENCE
Description	AUDIO RECORDED STATEMENT FROM LATISHA SCHLABACH		
Notes			
Make	Model	Style	
Serial No / VIN		Color	
Vehicle Year	Plate No/ State/ Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	9/13/2019	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

Property Category	RECORDINGS - AUDIO/VISUAL	Loss Type	EVIDENCE
Description	AUDIO RECORDED STATEMENT FROM DEVYNNE SCHOCH		
Notes			
Make	Model	Style	
Serial No / VIN		Color	
Vehicle Year	Plate No/ State/ Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	9/13/2019	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

Property Category	RECORDINGS - AUDIO/VISUAL	Loss Type	EVIDENCE
Description	AUDIO RECORDED STATEMENT FROM GREG REEVE		
Notes			
Make	Model	Style	
Serial No / VIN		Color	
Vehicle Year	Plate No/ State/ Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	Rec Quantity	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

Property Category	RECORDINGS - AUDIO/VISUAL	Loss Type	EVIDENCE
Description	AUDIO RECORDED STATEMENT FROM MICHAEL KEAR		
Notes			
Make	Model	Style	
Serial No / VIN		Color	
Vehicle Year	Plate No/ State/ Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	Rec Quantity	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

Property Category	RECORDINGS - AUDIO/VISUAL	Loss Type	EVIDENCE
Description	AUDIO RECORDED STATEMENT FROM WHITNEY DAY		
Notes			
Make	Model	Style	
Serial No / VIN		Color	
Vehicle Year	Plate No/ State/ Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	Rec Quantity	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

INVESTIGATOR

Name	MARTELLARO, R	Assigned Date		Supplement No	0
Entered By	MARTELLARO, R	_____			
Officer	MARTELLARO, R	_____			
Supervisor		_____			

SALIDA POLICE DEPARTMENT
448 East 1st Street, Salida, CO 81201

Incident # 19-2324

MARTELLARO, R

On 09/12/2019 at about 11:00 AM, I, Lieutenant Rob Martellaro, was contacted by Salida Police Chief Russ Johnson. Chief Johnson advised me of an internal investigation he wanted me to conduct. Chief Johnson said he was contacted by Custer County Sheriff Shannon Byerly and asked to give his office an assist regarding an internal investigation. Chief Johnson said he was advised that the incident needing to be investigated involved two Custer County Sheriff Office (CCSO) deputies having a party with an underage females. Chief Johnson said one female is 17-years-old and the other was 20-years-old. Chief Johnson said it was alleged that the females were consuming alcohol and one of them may have been subjected to unlawful sexual contact. Chief Johnson said to complicate the issue, the 17-year-old female was the daughter of a sergeant at the Custer County Sheriff's Office and he was out of town when the incident occurred in Westcliff, Colorado.

Chief Johnson then handed me a letter from Custer County Undersheriff Chris Barr that outlined what had been alleged and indicated that the two deputies had been placed on administration leave. Through the letter, I learned that the deputies were identified as (S) Michael Kear (DOB: 10/25/1995) and (S) Greg Reeve (DOB: 06/17/1998). The two females were identified as (SBJ) Latisha Schlabach (DOB: 12/10/1998) and (SBJ) Devynne Schoch (DOB: 09/12/2002). I learned that Devynne's father was a Sergeant with CCSO and he was identified as Brandon Schoch. Chief Johnson told me to make contact with CCSO Undersheriff Barr to make arrangements for the investigation.

On 09/12/2019 at about 1:20 PM, I called Undersheriff Barr on the phone. Undersheriff Barr relayed to me what he knew about the incident up to that point. Undersheriff Barr told me that Devynne is a senior at Custer County High School and Latisha works for the Custer County Department of Human Services. Undersheriff Barr said both deputies were on administrative paid leave. Undersheriff Barr said both deputies were required to be available if needed. I told Undersheriff Barr that I was planning on going to Westcliff the next day (09/13/2019) to conduct the investigation. I told Undersheriff Barr that I would need to review the personnel files of both deputies and then track down people to interview. Undersheriff Barr said he could arrange a location for me to conduct interviews and would have the personnel files on both deputies available.

On 09/13/2019 at about 9:30 AM, I arrived at the Custer County Sheriff's Office (CCSO) and met with Undersheriff Barr. Undersheriff Barr gave me a rundown of what had occurred regarding this incident. Undersheriff Barr said that the Custer County Sheriff's Office was interested in having this case investigated for any possible criminal charges and/or policy violations within their own department. Undersheriff

Barr provided me with the CCSO Standard of Conduct Policy. Undersheriff Barr also provided me the personnel files on Deputy Kear and Deputy Reeve. Undersheriff Barr said he had arranged for me to conduct interviews in the court room of the Custer County Court. Undersheriff Barr handed me a piece of paper that contained phone numbers for Deputy Kear and Deputy Reeve. The piece of paper also contained phone numbers for Brandon Schoch and his daughter Devynne. I was also given a phone number for Latisha Schlabach.

I first reviewed the personnel files of Deputy Kear and Deputy Reeve. I found that Deputy Kear had been with the CCSO since May of 2018. I learned that Deputy Kear was from Canon City, Colorado. I found one thing in Deputy Kear's personnel file that was concerning. I learned that prior to working as a deputy for the CCSO, Deputy Kear had worked as a security guard for St. Thomas More Hospital in Canon City, Colorado. I learned that Deputy Kear had been fired from the hospital. The reason given for Deputy Kear being fired was due to obstructing an investigation at the hospital. I found that Deputy Reeve had been with CCSO since June of 2019. I learned that Deputy Reeve was from Pueblo, Colorado. I did not find anything in Deputy Reeve's personnel file that caused me concern regarding this investigation.

On 09/13/2019 at about 10:15 AM, I met with Latisha Schlabach in the unoccupied court room at the Custer County Court. I explained to Latisha who I was and why I was meeting with her. Latisha said she understood and said she was willing to speak with me. I explained to Latisha she was not in custody and did not have to speak with me. Latisha said she understood and said she didn't feel as if she were in custody. Latisha said she knew why I wanted to talk with her and was willing to talk to me about the incident. I then took a recorded statement from Latisha.

Latisha told me that she works for the Custer County Department of Human Services and also coaches volleyball at the high school. Latisha confirmed she knew Devynne Schoch, Greg Reeve and Michael Kear. Latisha told me that on 09/09/2019, she had gone to a movie party at Greg's residence in Silver Cliff. Latisha said she went to the party with Devynne. Latisha explained that the party had been planned for Devynne's birthday. Latisha said that she, Devynne, Greg and Dakota Schoch were the only people at the party during the first part of the evening. Latisha said they had gathered at Greg's apartment after she and Devynne got out of volleyball practice that evening (09/09/2019) around 7:00 PM. Latisha said initially Michael was not going to be at the party because his girlfriend didn't want him to be there, but he did show up at the apartment a few times throughout the night. Latisha explained that Dakota Schoch is Devynne's older sister and she is 18-years-old.

Latisha said at some point when Michael arrived at the party they cooked pizza rolls and then all sat down to watch a movie. Latisha explained that they all sat on a large couch. Latisha said after the movie Michael said he had to go back to his apartment so he left Greg's apartment. Latisha said that Michael lived in an apartment next to Greg. Latisha said the rest of the group at the small party cooked more pizza rolls and sat around and talked. Latisha said they all eventually watched another movie.

Latisha said Dakota had to leave before the second movie was completed. Latisha said Dakota was house sitting for someone and she needed to get back to the house. Latisha said Michael came back to the party after Dakota left. Latisha said she believed that Dakota left the party around 12:00 AM (09/10/2019) and Michael came back to the party around 1:30 AM (09/10/2019). Latisha confirmed that when Michael came back to the party at about 1:30 AM the people at the party were her, Devynne, Greg and Michael.

Latisha said initially they all sat around and talked for a little bit before watching another movie. Latisha said Michael talked about fighting/arguing with his girlfriend. Latisha said she and Greg had been consuming alcohol. Latisha said when Michael came to the party the second time he also began to consume alcohol. Latisha said she consumed about two beers. Latisha said the beer was already at Greg's apartment when she arrived earlier that night and she had asked Greg if she could have some of the beers and he said she could. Latisha said she believed Greg and Michael were drinking Tequila. Latisha said Devynne was not drinking and Dakota had not consumed any alcohol while she was at the party.

Latisha said they all decided to watch another movie. Latisha said she, Devynne, Greg and Michael all sat down on the large "U" shaped couch to watch the movie. Latisha said they all sat in a boy/girl way on the couch. Latisha said it was her on the left side, then Greg, The Devynne and then Michael. Latisha said just before the movie started Devynne got up and sat next to her so they could share some snacks. Latisha said a short time later Devynne got back up and moved back in between Greg and Michael. Latisha said at some point during the movie Greg laid down and put his head in Devynne's lap and his feet on her (Latisha's) lap. Latisha said at some point Michael also laid down. Latisha said about half way through the movie Devynne moved on the couch so she could lay down as well. Latisha said Devynne positioned herself so she couldn't see the movie and then went to sleep. Latisha said when Devynne moved Greg moved onto the floor near the couch. Latisha said she laid down on the couch after Greg moved onto the floor. Latisha said she began to doze off and Michael tapped the couch to wake her up. Latisha said Michael asked her to come sit by him. Latisha said she told Michael she was fine were she was at on the couch. Latisha said after she declined to sit with Michael, he appeared to get upset and said he was tired. Latisha said Michael then got up and left. Latisha said she believed Michael left the party around 4:00 AM.

I asked Latisha if this was planned as an all-night party and she said it was not planned that way. Latisha said she had to work the next day and Devynne had school. Latisha said that Devynne's parents were in Denver, Colorado because Devynne's mother was having surgery. Latisha said she, Greg and Michael had been watching Devynne while her parents were out of town. Latisha admitted that Devynne's parents didn't know she was out that late. I again asked Latisha about the alcohol. Latisha said she had two beers. Latisha said Greg and Michael had also consumed alcohol. Latisha said Devynne did not consume any alcohol. Latisha said she did remember asking Devynne to hold her beer at one point, but she didn't think Devynne consumed

any of the beer. Latisha said she told Devynne she could have a drink, but wasn't absolutely sure if she did drink or not. Latisha said Devynne is on medication for Epilepsy and Narcolepsy so she didn't think Devynne would drink alcohol. Latisha said she had consumed two beers and she felt she was not highly intoxicated, but was tipsy at one point.

I asked Latisha about anything sexual that had occurred at the apartment during the party. Latisha said that after Michael left and the last movie was over, she and Greg had to wake Devynne up because she had fallen asleep. Latisha said Devynne asked her and Greg if they thought Michael was being weird when they were all sitting on the couch. Latisha said she told Devynne that she thought Michael was being a little weird. Latisha said that Devynne then told her that Michael had made her (Devynne) feel uncomfortable when they were watching the movie. Latisha said she and Greg asked Devynne what she meant. Latisha said Devynne told her Michael was lying on her shoulder and she was alright with that because she had known Michael for a while. Latisha said that Devynne told her that Michael started poking her with his finger on her side and that made her feel uncomfortable. Latisha said she knew what Devynne was talking about because she had seen Michael do this in the past and he has even done it to her. Latisha said Michael does this in a flirtatious way. Latisha said Devynne told her that Michael was talking to her about how skinny her legs were. Latisha said Devynne told her that Michael touched her on the hip, chest and legs. Latisha said that Devynne was claiming these touches from Michael made her feel uncomfortable. Latisha said she didn't actually see Michael touching Devynne and everything she was being told was what Devynne said happened. Latisha said Devynne did not claim that Michael touched her on any intimate parts of her body (breast, vagina or buttocks).

I asked Latisha if any of the people at the party had been involved romantically with each other in the past or present. Latisha said last spring she and Michael were talking a lot, but that was about the extent of any relationship. Latisha said she did think Greg was attractive, but they were not romantically involved. Latisha said Devynne is not involved with Greg or Michael. Latisha said Greg and Michael are more like older brothers to Devynne. Latisha said the entire event was supposed to be an innocent night of watching movies and wasn't any sort of a romantic encounter.

Latisha said that they all went home after the movie party. Latisha said she drove Devynne to her residence and Greg followed them in his truck. Latisha said that she dropped Devynne off and Greg left his truck at Devynne's residence. Latisha said that Greg then got in her car and she drove Greg to the high school so he could get Devynne's car and take it back to her house. Latisha said that Greg dropped off Devynne's car and then went home. Latisha said that she went home from that point as well and got home around 6:00 AM. Latisha said she still lives at home with her parents and when she got in she eventually had to tell her mother where she had been all night. Latisha said her mother was upset with her for being out so late. Latisha said once she got home she basically had to get ready to go to work.

Latisha said later that day she found out that Devynne had spoken to a teacher at school about what had occurred the night before. Latisha said later that night, there was a meeting at Devynne's residence between everyone at the party, the teacher and her (Latisha's) mother. Latisha said it was explained to her, Greg, and Michael how it was wrong to have Devynne out at a party so late where there was alcohol consumption. Latisha said Devynne had told her teacher that Michael had made her feel uncomfortable and that issue was partly addressed as well. Latisha said there was talk from the teacher that Greg and Michael had "groomed" Devynne for sexual purposes. Latisha said she felt that was not accurate. Latisha said she understood they were wrong for having Devynne out so late and around alcohol. Latisha said she felt it was inappropriate for the guys to be in physical contact with Devynne, but it was not sexual in nature by Greg. Latisha said Michael is a touchy feely and shouldn't have touched Devynne the way he was touching her. Latisha said Devynne didn't claim that Michael touched her on the breast, vagina or buttocks. Latisha said she didn't see anyone with their clothes off. Latisha said nobody was kissing or holding hands. Latisha said nobody had any sexual relations at the party that night.

Latisha said both Greg and Michael spoke to Devynne's father on the telephone and explained to him what had happened. Latisha said Devynne's father is a sergeant with the Custer County Sheriff's Office. Latisha said Greg and Michael are supervised by her father. Devynne's father was identified as Brandon Schoch. Latisha said Brandon contacted his supervisor and advised him of what had occurred. Latisha said the incident was then reported. I then concluded the recorded statement with Latisha Schlabach.

On 09/13/2019 at about 11:30 AM, I contacted Brandon Schoch on the telephone. I explained to Brandon who I was. I told Brandon I had been assigned to investigate this matter. Brandon said he was familiar with what had occurred. I told Brandon I was wanting to meet with Devynne so I could interview her in reference to this case. Brandon told me he was fine with me interviewing Devynne and told me he would bring her to my location so she could be interviewed.

On 09/13/2019 at about 11:40 AM, I met with Devynne Schoch and I took a recorded statement from her. Devynne said she was aware of why I wanted to speak with her. Devynne said she knew the case involved what occurred with her and two sheriff deputies. I asked Devynne if she knew Latisha Schlabach, Greg Reeve and Michael Kear. Devynne said she did know all of them. Devynne said Latisha is her volleyball coach and also works for her mother. Devynne said Michael and Greg work as deputies for the Custer County Sheriff Office with her father. Devynne said she has gotten to know Greg and Michael well because of them working with her father.

I asked Devynne to start from the beginning and tell me what she knew about the case I was investigating. Devynne said that she, Latisha, Dakota, Greg and Michael had a movie party at Greg's apartment on Monday (09/09/2019). Devynne said the party was supposed to be for her birthday. Devynne explained that Dakota is her older sister. Devynne said Michael wasn't originally going to be able to make the party

because of his girlfriend, but it turned out he was able to make some of the party.

Devynne said they all met at Greg's apartment just after she and Latisha got out of volleyball practice that evening on 09/09/2019. Devynne said they cooked some food and then watched a movie. Devynne said at the party in the apartment at that time was her, Latisha, Dakota, Greg and Michael. Devynne said after the movie, Michael left to go to his apartment next door. Devynne said the rest of the people in the party sat around talking in the kitchen at Greg's apartment. Devynne said they also made some more food. Devynne said Dakota left the party a little while after Michael left the party. Devynne said that she, Latisha and Greg then watched another movie.

Devynne said at about 3:00 AM, Michael came back to Greg's apartment and joined all of them again. Devynne said Michael seemed angry and told them he had been arguing with his girlfriend. Devynne said Michael asked Greg for an alcoholic beverage and Greg made Michael two drinks. Devynne said Michael was drinking mixed drinks. Devynne said they were all hanging out in the kitchen at this time.

Devynne said they all decided to watch another movie. Devynne said they all got on the couch to watch the movie. Devynne said Michael sat next to her and sat close enough that she had to scoot down the couch to make room for him. Devynne said she had her legs kicked up and Michael began to tell her how skinny her legs were. Devynne said she told Michael she had lost a lot weight this year because of being sick. Devynne said she told Michael that she bet he could fit his hand around her ankle. Devynne said Michael and Greg both began to try to put their hands around her ankle. Devynne said Greg tried and then stopped, but Michael kept talking about her body. Devynne said Michael talked about her legs and arms having muscle. Devynne said Michael told her she was really toned and that made her feel uncomfortable because that was just a weird thing to say. Devynne said she was going through her Instagram and found a photo of herself. Devynne said Michael took her phone and looked at the photo. Devynne said Michael began to tell her she looked pretty in the photo and going on about how beautiful she was. Devynne said she thanked him and then took her phone from him so she could lock it.

Devynne said they began to watch the movie and Michael laid his head on her shoulder. Devynne said she was not initially bothered by this because she had been around her brother and his friends in the past and they all would watch movies in the same way. Devynne said she was covered in a blanket and Greg had his head in her lap. Devynne said about halfway through the movie Michael laid his hand on her hip. Devynne said this made her feel uncomfortable so she began to fidget in hopes that Michael would move. Devynne said she kept moving her legs and Greg asked her if she was alright. Devynne said she told Greg she was alright. Devynne said that Michael had his head on her right shoulder and then placed his hand on her chest near the collarbone. Devynne said she again fidgeted and Michael moved his hand. Devynne said she asked Greg if he scoot his head up. Devynne said she asked Greg to do this in hopes that Michael would stop and he did stop.

Devynne said the movie ended and they decided to watch another movie. Devynne said she felt like she was going to fall asleep. Devynne said she didn't feel comfortable falling asleep next to Michael so she got up and moved to another location on the couch next to Latisha. Devynne said she then fell asleep for a while. Devynne said when she woke up she found that Michael had left and went back to his apartment next door. Devynne said when she woke up she asked Latisha and Greg if they noticed Michael acting weird. Devynne said Latisha and Greg agreed that Michael was acting weird. Devynne said she told them that Michael made her feel uncomfortable. Devynne said Latisha told her that she had fallen asleep during the last movie and Michael woke her up and asked her to come sit by him. Devynne said Latisha told her that she declined to sit by Michael so he got pissed off and left Greg's apartment at that time. Devynne said she was then driven home by Latisha and believed it was around 6:00 AM.

Devynne said she had to go to school that morning. Devynne said while at school she kept thinking about how weird Michael had acted and how he made her feel so uncomfortable. Devynne said she eventually spoke to her teacher about what had happened. Devynne identified the teacher as (W) Whitney Day (DOB: 10/04/1990). Devynne said she believed Whitney ended up reporting to the police what had happened. Devynne said Whitney was very upset by what she had told her and explained to her that it was totally unacceptable. Devynne said Whitney came to her at the end of school that day and told her that she felt a conversation needed to happen with everybody involved. Devynne said Whitney explained that her (Devynne's) parents needed to be advised of what happened. Devynne said she didn't want to tell her parents because her mother was in the hospital and her father would "freak out". Devynne said these were the people her father worked with and who he left her with to be safe.

Devynne said that she talked with Latisha and told her that Whitney Day was aware of what happened because she had talked to her. Devynne said she told Latisha that Whitney was really angry with Michael. Devynne said they all decided to get together and talk about what happened. Devynne said they all met at her house. Devynne said Whitney was present for the meeting and so was Latisha's mother. Devynne said Michael and Greg were there as was Latisha and Dakota. Devynne said she was apprehensive to tell Michael he had made her feel uncomfortable. Devynne said Whitney "went off" on Latisha, Greg and Michael. Devynne said Whitney explained to them that with the drinking and late hours they put her (Devynne) into a bad situation. Devynne said she explained about their positions in the county and how that was wrong. Devynne said she eventually spoke to Latisha's mother and Whitney about how Michael made her feel uncomfortable. Devynne said she was then told she had to tell her father what happened.

Devynne said Greg first called her father and told him what had occurred. Devynne said she then spoke to her father and told him what happened. Devynne said her father subsequently contacted his supervisor at the CCSO and reported what happened. Devynne said she knew the case was under investigation.

I asked Devynne about who all consumed alcohol. Devynne said Greg, Michael and Latisha had all consumed alcohol at the party. Devynne was clear that she and Dakota did not consume any alcohol while at the party. Devynne said there was a point in the party where Latisha handed her a beer and told her she should taste it. Devynne said she acted like she took a sip, but she didn't actually drink any alcohol. Devynne said because of certain medications she is on she cannot consume alcohol. Devynne confirmed that they were at Greg's apartment from about 6:30 PM on 09/09/2019 until about 5:00 AM on 09/10/2019. Devynne said she observed the three adults drink during that time. I asked Devynne if Michael had touched her on intimate parts of her body (breast, vagina area and buttocks) and she said he did not. I asked Devynne if Michael had tried to kiss her she said he did not. I asked Devynne if she felt Michael had tried to proposition her sexually. Devynne said she didn't know for sure and couldn't say. Devynne said she felt that Michael was acting inappropriately and was more bothered by the fact that he was sober when he was acting that way. Devynne was clear that she was never bothered by anything that Greg did during the time at the party and that she was upset how Michael had acted. I then concluded the recorded statement with Devynne Schoch.

On 09/13/2019 at about 12:27 PM, I met with Greg Reeve in the unoccupied court room of the Custer County Court. Greg met with me voluntarily. I explained to him that he was not in custody and did not have to speak with me at that time if he did not wish too. Greg said he understood. Greg said he did not feel as if he were in custody and was willing to talk to me about this case. I then took a recorded statement from Greg Reeve.

Greg confirmed that he is a sheriff's deputy for the Custer County Sheriff's Office (CCSO) and has been employed with that office since June of 2019. I asked Greg if he knew Devynne Schoch. Greg said he knew Devynne through her father, Brandon Schoch. Greg said he works with Brandon at the CCSO. I asked Greg if he knew Latisha Schlabach. Greg said he knew Latisha through Stacey Schoch because Latisha works for Stacey at the Custer County Department of Human Services. Greg said he knows Michael Kear from work at the CCSO. Greg said he was aware why I wanted to talk with him about an incident that occurred at his residence on 09/09/2019. Greg said he lives at 110B 3rd Street in Silver Cliff, Colorado.

I asked Greg to tell me what had happened. Greg said everyone involved in the incident (him, Michael, Latisha, Devynne and Dakota) had planned a movie night at his residence. Greg said they even contacted Brandon Schoch and had asked him about it. Greg said Brandon was fine with the movie party. Greg said he advised Brandon he and Michael would probably be drinking alcohol, but assured Brandon that Devynne and Dakota would not be drinking.

Greg said in the afternoon of 09/09/2019, he was at his residence and Michael came over first. Greg said Michael was only there for a short time. Greg said Michael told him he was going to come back over later for the movie party, but he didn't want his

girlfriend to know because they had been fighting. Greg said Michael then left and went back to his apartment. Greg explained that Michael lives next door to him. Greg said Dakota Schoch came to house next. Greg said that Latisha and Devynne arrived at his residence after Dakota. Greg said he knew that Latisha and Devynne wouldn't get to his residence until after volleyball practice that evening. Greg said Michael came over to his apartment once Dakota, Devynne and Latisha arrived. Greg thought everyone was at his apartment around 6:00 PM.

Greg said after everybody arrived at his apartment, he started consuming alcoholic beverages. Greg said Latisha got a beer out of the refrigerator and started drinking. Greg said Michael was not drinking at this time. Greg said they all sat down on his couch to watch the first movie. Greg confirmed that it was him, Michael, Dakota, Latisha and Devynne watching the movie. Greg said that after the first movie, Michael left to go back to his apartment. Greg said the rest of the people in the apartment listened to music and cooked pizza rolls to eat. Greg said they all began to watch a second movie. Greg said when they started to watch the second movie, Dakota left because she had to get to a house she was taking care of. Greg said after Dakota left, it was him, Latisha and Devynne in the apartment.

Greg said sometime later, Michael came back over to his apartment. Greg said Michael was complaining about fighting with his girlfriend. Greg said he then poured Michael some tequila and Michael "chugged" it down. Greg said Michael had a couple more shots of tequila. Greg said he believed that it was during this time that Latisha grabbed another beer out of the refrigerator. Greg said they all went back to the couch to continue to watch a movie. Greg said Latisha was seated on the end of the couch and he was laying between Latisha and Devynne. Greg said he had his knees on Latisha and his head on Devynne's stomach. Greg said Michael was laying on the other side of Devynne with his head leaned up on her shoulder.

Greg said while they were watching the movie he noticed that Devynne started moving around. Greg said he asked Devynne if she was alright, but she didn't answer. Greg said at some point Devynne got up from where she was laying on the couch and moved to another area of the couch. Greg said Devynne moved to the opposite side of the couch from Michael. Greg said he then moved onto the floor. Greg said they finished the second movie and started a third movie. Greg said he was still on the floor. Greg said Michael, Latisha and Devynne were on the couch. Greg said Latisha and Devynne were laying by each other and Michael was sitting by himself.

Greg said that during the third movie, Michael decided to go home, so he left. Greg said Devynne was asleep when Michael left. Greg said Latisha was half awake and half asleep. Greg said when the third movie ended Devynne and Latisha woke up. Greg said it was about 5:00 AM at this time. Greg said Devynne started saying how Michael was making her feel uncomfortable because of how he was touching her. Greg said Devynne said Michael touched her on her hip and chest. Greg said he asked Devynne if she was alright with him laying his head on her stomach and she said she was alright with that. Greg said he told Devynne he would talk to Michael

about touching her. Greg said Latisha then told them that during the third movie, Michael wanted her to sit closer to him and tried to touch her leg. Greg said he didn't hear any of this occurring because he was watching the movie. Greg said he didn't see anything either. Greg said Devynne and Michael were under a blanket when they were on the couch.

Greg said he and Latisha then drove Devynne home because she was too tired to drive. Greg said he then had Latisha drive him to the high school so he could drive Devynne's car back to her house. Greg said later that day, he was at his apartment when he was contacted by Devynne. Greg said Devynne and Latisha wanted to come by to talk about what happened. Greg said they did come to his apartment. Greg said Devynne talked to her teacher at school about what happened. Greg said he told Devynne he wanted to talk to the teacher. Greg said there was a meeting with him, Devynne, Latisha, Latisha's mother (Joann), Whitney Day (teacher) and Michael. Greg said they met at Devynne's residence. Greg said he wanted to talk to the teacher because he felt like he was getting accused of doing something to Devynne. Greg said he didn't wrongfully touch any of the girls at his apartment. Greg admitted that he did give Latisha two beers.

Greg said during the meeting, Whitney Day explained to them why she was angry with them. Greg said Whitney told them they shouldn't have been drinking around Devynne or had her out so late. Greg said that looking back at it he understood. Greg said he felt like he had to explain to Whitney about Devynne. Greg said Devynne was very apprehensive to talk to Michael about how she felt uncomfortable being touched. Greg said Whitney told him that she was going to have to report what happened. Greg said he decided to call Brandon and tell him what happened. Greg said he is not sure when Michael actually found out that Devynne was uncomfortable about how he touched her.

I asked Greg about who had consumed alcohol at his apartment the night of the movie party. Greg said he, Michael, and Latisha consumed alcohol that night. Greg said Dakota and Devynne did not consume alcohol. I asked Greg if Devynne ever claimed that Michael touched her on any intimate parts of her body (breast, vagina area or buttocks). Greg said Devynne said Michael touched her on the upper chest and hip area. Greg said he didn't see Michael touch Devynne on any of her intimate parts. I asked Greg about him driving the next morning after he had been drinking. Greg said he had sobered up because he had not consumed alcohol from after the second movie. Greg said he drank water the remainder of the party. Greg said in conversations that he has had with Devynne she told him that he did not make her feel uncomfortable, but Michael did. Greg said he feels like Devynne and Latisha are family, but he should have been more aware in letting Latisha drink. I then concluded the recorded statement with Greg Reeve.

On 09/13/2019 at about 2:27 PM, I met with Michael Kear in the unoccupied court room of the Custer County Court. Michael met with me voluntarily. I explained to him that he was not in custody and did not have to speak with me at that time if he did not

wish to. Michael said he understood. Michael said he did not feel as if he were in custody and was willing to talk to me about this case. I then took a recorded statement from Michael Kear.

Michael confirmed that he is a deputy for the CCSO and has been a deputy for a little over a year. Michael confirmed that he knew what this investigation was about regarding the incident on 09/09/2019. Michael said he is on paid leave from the CCSO because of the incident on 09/09/2019. Michael confirmed that he knows Greg Reeve, Latisha Schlabach and Devynne Schoch. I told Michael to tell me what he knows about what occurred.

Michael said he, Greg and Latisha had been watching out for Devynne because her parents had been out of town. Michael explained that he works with Devynne's father at the CCSO. Michael said on 09/09/2019, there was a planned movie night at Greg's apartment. Michael explained that he lives next door to Greg. Michael said that Greg, Dakota Schoch, Devynne and Latisha were at Greg's at about 6:00 PM on 09/09/2019. Michael said he stopped in at the party for a while, but then returned back to his apartment. Michael explained that he had been fighting with his girlfriend so he just decided to go back to his apartment.

Michael said at about 10:30 PM, he went back to Greg's apartment to see what was going on. Michael said he could hear music so he assumed they were all hanging out. Michael said when he got back to Greg's apartment everyone was still there except for Dakota. Michael said when he got to the party he had a few shots of tequila. Michael said Greg was drinking as well and was not sure if Latisha was drinking. Michael said Devynne was not drinking and cannot consume alcohol because of medication she takes. Michael said they sat around talking for a while and then decided to watch a movie. Michael said they all sat on the couch to watch the movie. Michael said he was sitting next to Devynne on the couch and fell asleep next to her. Michael said Greg fell asleep with his head on Devynne's stomach and Latisha fell asleep at the end of the couch. Michael said when he woke up he had his arm wrapped around Devynne's arm. Michael said he then went back to his apartment at about 4:30 AM.

Michael confirmed that he had been at Greg's earlier, left the apartment and then returned later. Michael confirmed that Devynne was not drinking alcohol. I asked Michael about having physical contact with Devynne. I explained to Michael that Devynne had reported that he made her feel uncomfortable in the way that he touched her that night. Michael said he was aware of what she was saying. I asked Michael if he could think of something that he did that would make Devynne feel uncomfortable. Michael said that maybe it was because when he woke up he had his arms wrapped around her arm. Michael said Devynne has a boyfriend and that wouldn't have looked good. Michael said he did not recall touching Devynne on the leg, hip or chest area. Michael did admit that he put his hands around Devynne's arms to see if he could reach his hand around her arm. Michael said he didn't recall looking at a photo of Devynne on her phone. Michael said he couldn't recall talking to

Devynne about how skinny she was. I asked Michael if he were intoxicated and he said he was to a degree. Michael said he did recall moving while he was half asleep and touching Devynne on the shoulder or upper chest.

I asked Michael if it were possible that because he was fighting with his girlfriend if he might have been trying to strike up something romantic or sexual with Devynne or Latisha. Michael said he was absolutely not trying to do anything like that. Michael said he views Devynne like a younger sister. Michael said he and Latisha are just good friends. Michael said Latisha likes Greg and he is just a friend. I explained to Michael that he made Devynne feel uncomfortable in the way that he acted and touched her. I told Michael that it was not normal for him to be lying next to Devynne and falling asleep holding her arm with his arms. Michael said he understood and agreed. I told Michael that he and Greg are sheriff deputies hanging out late and drinking around a sixteen year-old girl. Michael said he understood and agreed. I asked Michael if he ever touched Devynne on any intimate parts of her body and he said he did not.

Michael said after the incident, he found out the next day that Devynne had reported what happened to a teacher. Michael said he subsequently met with Devynne's teacher as well and they all talked about what happened. Michael said Devynne never told him about him making her feel uncomfortable and he could understand why she would have a hard time talking to him. Michael said he eventually called Brandon Schoch and talked to him about what had happened. Michael said he understood the mistakes made with all of what he did. Michael said he didn't have any intention of being inappropriate and that looking back at it, he understands why this was wrong. Michael said he wanted to make it clear he had no intention on hurting anyone. Michael said there are no other young girls who he is friendly with. Michael said Devynne and her family are like family to him. I then concluded the recorded statement with Michael Kear.

After these interviews were concluded, I met with CCSO Undersheriff Chris Barr and CCSO Sheriff Shannon Byerly. I explained to them that I still needed to interview Whitney Day, but I had received enough information in my investigation to give them an update. I explained what I had learned from all of my interviews. I told them that based on everything that I had learned, I did not believe there were any criminal charges forthcoming. I told them that Devynne had not consumed any alcohol. I told them that Latisha did consume two beers, but she is 20 years-old. I explained that there did not appear to be any unlawful sexual contact based on the statements made by everyone. I told Sheriff Byerly that I would send my report to the District Attorney's Office for review when I was completed. I told Sheriff Byerly that there are clearly policy violations from the CCSO policy 319 Standards of Conduct. The particular policies violated are CCSO 319.3 (m) and 319.3.3 (ab).

On 09/18/2019 at about 10:15 AM, I called Whitney Day on the telephone and took a recorded statement from her. Whitney confirmed that she is a teacher at Custer County High School. Whitney said she has taught Devynne Schoch at the school and

is very familiar with her and her family. Whitney said Custer County is a small school and Westcliffe, Colorado is a small town so everyone knows everyone.

Whitney said on 09/10/2019, she spoke with Devynne at school about the incident that took place at Greg Reeve's apartment the night, and early morning, before. Whitney said she was very upset that three county employees (Greg, Michael and Latisha) were with a 16 year-old girl that late and consuming alcohol. Whitney said Devynne told her that Michael Kear had made her feel uncomfortable while they were sitting on the couch watching movies. Whitney said Devynne told her that Michael touched her on the hip, chest and legs. Whitney said when she learned of what occurred she made sure it was reported to Devynne's father. Whitney said she met with all of the acting parties that night and explained how stupid it was for them to put Devynne in that situation. Whitney said she also reported everything to her principal at the high school. Whitney said Latisha is an assistant volleyball coach at the high school and because of what happened with the drinking and everything, she will be getting dismissed from that job. I then concluded the recorded statement with Whitney Day.

On 09/20/2019 at about 4:15 PM, I received a phone call from Stacey Schoch. Stacey is the mother of Devynne Schoch. Stacey wanted to know how she could get a copy of the report. I explained to Stacey she would have to contact the Chaffee County Records Office to get a copy of the report. I gave Stacey the phone number for the records department. I explained to Stacey how my investigation went. I told Stacey that based on the investigation I did not believe there would be criminal charges filed. I explained to Stacey that the determination of charges would actually be done by the District Attorney's Office. I told Stacey that i would send my report to the District Attorney's Officer for review. Stacey told me that based what she was told happened with this incident, she didn't believe this was criminal. Stacey did state she was very upset with Michael, Greg and Latisha. I then concluded the phone call with Stacey Schoch.

It should be noted that both Michael Kear and Greg Reeve voluntarily submitted written statements to me. I downloaded the written statements into the media section of this report. This report will be forwarded to the District Attorney's Office for review.

No more information at this time.

Lieutenant Rob Martellaro
Salida Police Department

On 09/12/2019 at about 11:00 AM, I, Lieutenant Rob Martellaro, was contacted by Salida Police Chief Russ Johnson. Chief Johnson advised me of an internal investigation he wanted me to conduct. Chief Johnson said he was contacted by Custer County Sheriff Shannon Byerly and asked to give his office an assist regarding an internal investigation. Chief Johnson said he was advised that the incident needing to be investigated consisted of two Custer County Sheriff Office (CCSO) deputies having a party with an underage females. Chief Johnson said one female is 17-years-old and the other was 20-years-old. Chief Johnson said it was alleged that the females were consuming alcohol and one of them may have been subjected to unlawful sexual contact. Chief Johnson said to complicate the issue, the 17-year-old female was the daughter of a sergeant at the Custer County Sheriff's Office and he was out of town when the incident occurred in Westcliff, Colorado.

Chief Johnson then handed me a letter from Custer County Undersheriff Chris Barr that outlined what had been alleged and indicating that the two deputies had been placed on Administration Leave. Through the letter I learned that the deputies were identified as (S) Michael Kear (DOB: 10/25/1995) and (S) Greg Reeve (DOB: 06/17/1998). The two females were identified as (SBJ) Latisha Schlabach (DOB: 12/10/1998) and (SBJ) Devynne Schoch (DOB: 09/12/2002). I learned that Devynne's father was a Sergeant with CCSO and he was identified as Brandon Schoch. Chief Johnson told me to make contact with CCSO Undersheriff Barr to make arrangements for the investigation.

On 09/12/2019 at about 1:20 PM, I called Undersheriff Barr on the phone. Undersheriff Barr relayed to me what he knew about the incident up to that point. Undersheriff Barr told me that Devynne is a senior at Custer County High School and Latisha works for the Custer County Department of Human Services. Undersheriff Barr said both deputies were on administrative paid leave. Undersheriff Barr said both deputies were required to be available if needed. I told Undersheriff Barr that I was planning on going to Westcliff the next day (09/13/2019) to conduct the investigation. I told Undersheriff Barr that I would need to review the personnel files of both deputies and then track down people to interview. Undersheriff Barr said he could arrange a location for me to conduct interviews and would have the personnel files on both deputies available.

On 09/13/2019 at about 9:30 AM, I arrived at the Custer County Sheriff's Office (CCSO) and met with Undersheriff Barr. Undersheriff Barr gave me a rundown of what had occurred regarding this incident. Undersheriff Barr said that the Custer County Sheriff's Office was interested in having this case investigated for any possible criminal charges and/or policy violations within their own department. Undersheriff Barr provided me with the CCSO Standard of Conduct Policy. Undersheriff Barr also provided me the personnel files on Deputy Kear and Deputy Reeve. Undersheriff Barr said he had

arranged for me to conduct interviews in the court room of the Custer County Court. Undersheriff Barr handed me a piece of paper that contained phone numbers for Deputy Kear and Deputy Reeve. The piece of paper also contained phone numbers for Brandon Schoch and his daughter Devynne. I was also given a phone number for Latisha Schlabach.

I first reviewed the personnel files of Deputy Kear and Deputy Reeve. I found that Deputy Kear had been with the CCSO since May of 2018. I learned that Deputy Kear was from Canon City, Colorado. I found one thing in Deputy Kear's personnel file that was concerning. I learned that prior to working as a deputy for the CCSO, Deputy Kear had worked as a security guard for St. Thomas More Hospital in Canon City, Colorado. I learned that Deputy Kear had been fired while working for the hospital. The reason given for Deputy Kear being fired was due to obstructing an investigation at the hospital. I found that Deputy Reeve had been with CCSO since June of 2019. I learned that Deputy Reeve was from Pueblo, Colorado. I did not find anything in Deputy Reeve's personnel file that caused me concern regarding this investigation.

On 09/13/2019 at about 10:15 AM, I met with Latisha Schlabach in the unoccupied court room at the Custer County Court. I explained to Latisha who I was and why I was meeting with her. Latisha said she understood and said she was willing to speak with me. I explained to Latisha she was not in custody and did not have to speak with me. Latisha said she understood and said she didn't feel as if she were in custody. Latisha said she knew why I wanted to talk with her and was willing to talk to me about the incident. I then took a recorded statement from Latisha.

Latisha told me that she works for the Custer County Department of Human Services and also coaches volleyball at the high school. Latisha confirmed she knew Devynne Schoch, Greg Reeve and Michael Kear. Latisha told me that on 09/09/2019, she had gone to a movie party at Greg's residence in Silver Cliff. Latisha said she went to the party with Devynne. Latisha explained that the party had been planned for Devynne's birthday. Latisha said that she, Devynne, Greg and Dakota Schoch were the only people at the party during the first part of the evening. Latisha said they had gathered at Greg's apartment after she and Devynne got out of volleyball practice that evening (09/09/2019) around 7:00 PM. Latisha said initially Michael was not going to be at the party because his girlfriend didn't want him to be there, but he did show up at the apartment a few times throughout the night. Latisha explained that Dakota Schoch is Devynne's older sister and she is 18-years-old.

Latisha said at some point when Michael arrived at the party they cooked pizza rolls and then all sat down to watch a movie. Latisha explained that they all sat on a large couch. Latisha said after the movie Michael said he had to go back to his apartment so he left Greg's apartment. Latisha said that Michael lived in an apartment next to Greg. Latisha said the rest of the group at the small party cooked more pizza rolls and sat around and talked. Latisha said they all eventually watched another movie. Latisha said Dakota had to leave before the second movie was completed. Latisha said Dakota was house sitting for someone and she needed to get back to the house. Latisha said Michael came back to the party after Dakota left. Latisha said she believed that Dakota left the party around 12:00 AM (09/10/2019) and Michael came back to the party around 1:30 AM (09/10/2019). Latisha confirmed that when Michael came back to the party at about 1:30 AM the people at the party were her, Devynne, Greg and Michael.

Latisha said initially they all sat around and talked for a little bit before watching another movie. Latisha said Michael talked about fighting/arguing with his girlfriend. Latisha said she and Greg had been consuming alcohol. Latisha said when Michael came to the party the second time he also began to consume alcohol. Latisha said she consumed about two beers. Latisha said the beer was already at Greg's apartment when she arrived earlier that night and she had asked Greg if she could have some of the beers and he said she could. Latisha said she believed Greg and Michael were drinking Tequila. Latisha said Devynne was not drinking and Dakota had not consumed any alcohol while she was at the party.

Latisha said they all decided to watch another movie. Latisha said she, Devynne, Greg and Michael all sat down on the large "U" shaped couch to watch the movie. Latisha said they all sat in a boy/girl way on the couch. Latisha said it was her on the left side, then Greg, The Devynne and then Michael. Latisha said just before the movie started Devynne got up and sat next to her so they could share some snacks. Latisha said a short time later Devynne got back up and moved back in between Greg and Michael. Latisha said at some point during the movie Greg laid down and put his head in Devynne's lap and his feet on her (Latisha's) lap. Latisha said at some point Michael also laid down. Latisha said about half way through the movie Devynne moved on the couch so she could lay down as well. Latisha said Devynne positioned herself so she couldn't see the movie and then went to sleep. Latisha said when Devynne moved Greg moved onto the floor near the couch. Latisha said she laid down on the couch after Greg moved onto the floor. Latisha said she began to doze off and Michael tapped the couch to wake her up. Latisha said Michael asked her to come sit by him. Latisha said she told Michael she was fine were she was at on the couch. Latisha said after she declined to sit with Michael, he appeared to get upset and said he was tired. Latisha said Michael then got up and left. Latisha said she believed Michael left the party around 4:00 AM.

I asked Latisha if this was planned as an all-night party and she said it was not planned that way. Latisha said she had to work the next day and Devynne had school. Latisha said that Devynne's parents were in Denver, Colorado because Devynne's mother was getting surgery. Latisha said she, Greg and Michael had been watching Devynne while her parents were out of town. Latisha admitted that Devynne's parents didn't know she was out that late. I again asked Latisha about the alcohol. Latisha said she had two beers. Latisha said Greg and Michael had also consumed alcohol. Latisha said Devynne did not consume any alcohol. Latisha said she did remember asking Devynne to hold her beer at one point, but she didn't think Devynne consumed any of the beer. Latisha said she had told Devynne she could have a drink, but wasn't absolutely sure if she did drink or not. Latisha said Devynne is on medication for Epilepsy and Narcolepsy so she didn't think Devynne would drink alcohol. Latisha said she had consumed two beers and she felt she was not highly intoxicated, but was tipsy at one point.

I asked Latisha about anything sexual that had occurred at the apartment during the party. Latisha said that after Michael left and the last movie was over she and Greg had to wake Devynne up because she had fallen asleep. Latisha said Devynne asked her and Greg if they thought Michael was being weird when they were all sitting on the couch. Latisha said she told Devynne that she thought Michael was being a little weird. Latisha said that Devynne then told her that Michael had made her (Devynne) feel uncomfortable when they were watching the movie. Latisha said she and Greg asked Devynne what she meant. Latisha said Devynne said Michael was lying on her shoulder and she was alright with that because she had known Michael for a while. Latisha said that Devynne told her that Michael started poking her with his finger on her side and that made her feel uncomfortable. Latisha said she knew what Devynne was talking about because she had seen Michael do this in the past and he has even done it to her. Latisha said Michael does this in a flirtatious way. Latisha said Devynne told her that Michael was talking to her about how skinny her legs were. Latisha said Devynne told her that Michael touched her on the hip, chest and legs. Latisha said that Devynne was claiming these touches from Michael made her feel uncomfortable. Latisha said she didn't actually see Michael touching Devynne and everything she was being told was what Devynne said happened. Latisha said Devynne did not claim that Michael touched her on any intimate parts of her body (breast, vagina or buttocks).

I asked Latisha if any of the people at the party had been involved romantically with each other in the past or present. Latisha said last spring she and Michael were talking a lot, but that was about the extent of any relationship. Latisha said she did think Greg was attractive, but they were not romantically involved. Latisha said Devynne is not involved with Greg or Michael. Latisha said Greg and Michael are more like older

brothers to Devynne. Latisha said the entire event was supposed to be an innocent night of watching movies and wasn't any sort of a romantic encounter.

Latisha said that they all went home after the movie party. Latisha said she drove Devynne to her residence and Greg followed them in his truck. Latisha said that she dropped Devynne off and Greg left his truck at Devynne's residence. Latisha said that Greg then got in her car and she drove Greg to the high school so he could get Devynne's car and take it back to her house. Latisha said that Greg dropped off Devynne's car and then went home. Latisha said that she went home from that point as well and got home around 6:00 AM. Latisha said she still lives at home with her parents and when she got in she eventually had to tell her mother where she had been all night. Latisha said her mother was upset with her for being out so late. Latisha said once she got home she basically had to get ready to go to work.

Latisha said later that day she found out that Devynne had spoken to a teacher at school about what had occurred the night before. Latisha said later that night there was a meeting at Devynne's residence between everyone at the party, the teacher and her (Latisha's) mother. Latisha said it was explained to her, Greg and Michael how it was wrong to have Devynne out at a party so late where there was alcohol consumption. Latisha said Devynne had told her teacher that Michael had made her feel uncomfortable and that issue was partly addressed as well. Latisha said there was talk from the teacher that Greg and Michael had "groomed" Devynne for sexual purposes. Latisha said she felt that was not accurate. Latisha said she understood they were wrong for having Devynne out so late and around alcohol. Latisha said she felt it was inappropriate for the guys to be in physical contact with Devynne, but it was not sexual in nature by Greg. Latisha said Michael is a touchy feely and shouldn't have touched Devynne the way he was touching her. Latisha said Devynne didn't claim that Michael touched her on the breast, vagina or buttocks. Latisha said she didn't see anyone with their clothes off. Latisha said nobody was kissing or holding hands. Latisha said nobody had any sexual relations at the party that night.

Latisha said both Greg and Michael spoke to Devynne's father on the telephone and explained to him what had happened. Latisha said Devynne's father is a sergeant with the Custer County Sheriff's Office. Latisha said Greg and Michael are supervised by her father. Devynne's father was identified as Brandon Schoch. Latisha said Brandon contacted his supervisor and advised him of what had occurred. Latisha said the incident was then reported. I then concluded the recorded statement with Latisha Schlabach.

On 09/13/2019 at about 11:30 AM, I contacted Brandon Schoch on the telephone. I explained to Brandon who I was. I told Brandon I had been assigned to investigate this matter. Brandon said he was familiar with what had occurred. I told Brandon I was wanting to meet with Devynne so I could interview her reference this case. Brandon told me he was fine with me interviewing Devynne and told me he would bring her to my location so she could be interviewed.

On 09/13/2019 at about 11:40 AM, I met with Devynne Schoch and I took a recorded statement from her. Devynne said she was aware of why I wanted to speak with her. Devynne said she knew the case involved what occurred with her and two sheriff deputies. I asked Devynne if she knew Latisha Schlabach, Greg Reeve and Michael Kear. Devynne said she did know all of them. Devynne said Latisha is her volleyball coach and also works for her mother. Devynne said Michael and Greg work as deputies for the Custer County Sheriff Office with her father. Devynne said she has gotten to know Greg and Michael well because of them working with her father.

I asked Devynne to start from the beginning and tell me what she knew about the case I was investigating. Devynne said that she, Latisha, Dakota, Greg and Michael had a movie party at Greg's apartment on Monday (09/09/2019). Devynne said the party was supposed to be for her birthday. Devynne explained that Dakota is her older sister. Devynne said Michael wasn't originally going to be able to make the party because of his girlfriend, but it turned out he was able to make some of the party.

Devynne said they all met at Greg's apartment just after she and Latisha got out of volleyball practice that evening on 09/09/2019. Devynne said they cooked some food and then watched a movie. Devynne said at the party in the apartment at that time was her, Latisha, Dakota, Greg and Michael. Devynne said after the movie Michael left to go to his apartment next door. Devynne said the rest of the people in the party sat around talking in the kitchen at Greg's apartment. Devynne said they also made some more food. Devynne said Dakota left the party a little after the time that Michael left the party. Devynne said that she, Latisha and Greg then watched another movie.

Devynne said at about 3:00 AM, Michael came back to Greg's apartment and joined all of them again. Devynne said Michael seemed angry and told them he had been arguing with his girlfriend. Devynne said Michael asked Greg for an alcoholic beverage and Greg made Michael two drinks. Devynne said Michael was drinking mixed drinks. Devynne said they were all hanging out in the kitchen at this time.

Devynne said they all decided to watch another movie. Devynne said they all got on the couch to watch the movie. Devynne said Michael sat next to her and sat close enough that she had to scoot down the couch to make room for him. Devynne said she had her legs kicked up and Michael began to tell her how skinny her legs were. Devynne said she told Michael she had lost a lot weight this year because of being sick. Devynne said she told Michael that she bet he could fit his hand around her ankle. Devynne said Michael and Greg both began to try to put their hands around her ankle. Devynne said Greg tried and then stopped, but Michael kept talking about her body. Devynne said Michael talked about her legs and arms having muscle. Devynne said Michael told her she was really toned and that made her feel uncomfortable because that was just a weird thing to say. Devynne said she was going through her Instagram and found a photo of herself. Devynne said Michael took her phone and looked at the photo. Devynne said Michael began to tell her she looked pretty in the photo and going on about how beautiful she was. Devynne said she thanked him and then took her phone from him so she could lock it.

Devynne said they began to watch the movie and Michael laid his head on her shoulder. Devynne said she was not initially bothered by this because she had been around her brother and his friends in the past and they all would watch movies in the same way. Devynne said she was covered in a blanket and Greg had his head in her lap. Devynne said about halfway through the movie Michael laid his hand on her hip. Devynne said this made her feel uncomfortable so she began to fidget in hopes that Michael would move. Devynne said she kept moving her legs and Greg asked her if she was alright. Devynne said she told Greg she was alright. Devynne said that Michael had his head on her right shoulder and then placed his hand on her chest near the collarbone. Devynne said she again fidgeted and Michael moved his hand. Devynne said she asked Greg if he scoot his head up. Devynne said she asked Greg to do this in hopes that Michael would stop and he did stop.

Devynne said the movie ended and they decided to watch another movie. Devynne said she felt like she was going to fall asleep. Devynne said she didn't feel comfortable falling asleep next to Michael so she got up and moved to another location on the couch next to Latisha. Devynne said she then fell asleep for a while. Devynne said when she woke up she found that Michael had left and went back to his apartment next door. Devynne said when she woke up she asked Latisha and Greg if they noticed Michael acting weird. Devynne said Latisha and Greg agreed that Michael was acting weird. Devynne said she told them that Michael made her feel uncomfortable. Devynne said Latisha told her that she had fallen asleep during the last movie and Michael woke her up and asked her to come sit by him. Devynne said Latisha told her that she declined to sit by Michael so he got pissed off and left Greg's apartment at that time. Devynne said she was then driven home by Latisha and believed it was around 6:00 AM.

Devynne said she had to go to school that morning. Devynne said while at school she kept thinking about how weird Michael had acted and how he made her feel so uncomfortable. Devynne said she eventually spoke to her teacher about what had happened. Devynne identified the teacher as (W) Whitney Day (DOB: 10/04/1990). Devynne said she believed Whitney ended up reporting to the police what had happened. Devynne said Whitney was very upset by what she had told her and explained to her that it was totally unacceptable. Devynne said Whitney came to her at the end of school that day and told her that she felt a conversation needed to happen with everybody involved. Devynne said Whitney explained that her (Devynne's) parents needed to be advised of what happened. Devynne said she didn't want to tell her parents because her mother was in the hospital and her father would "freak out". Devynne said these were the people her father worked with and left her with to be safe.

Devynne said that she talked with Latisha and told her that Whitney Day was aware of what happened because she had talked to her. Devynne said she told Latisha that Whitney was really angry with Michael. Devynne said they all decided to get together and talk about what happened. Devynne said they all met at her house. Devynne said Whitney was present for the meeting and so was Latisha's mother. Devynne said Michael and Greg were there as was Latisha and Dakota. Devynne said she was apprehensive to tell Michael he had made her feel uncomfortable. Devynne said Whitney "went off" on Latisha, Greg and Michael. Devynne said Whitney explained to them that with the drinking and late hours they put her (Devynne) into a bad situation. Devynne said she explained about their positions in the county and how that was wrong. Devynne said she eventually spoke to Latisha's mother and Whitney about how Michael made her feel uncomfortable. Devynne said she was then told she had to tell her father what happened.

Devynne said Greg first called her father and told him what had occurred. Devynne said she then spoke to her father and told him what happened. Devynne said her father subsequently contacted his supervisor at the CCSO and reported what happened. Devynne said she knew the case was under investigation.

I asked Devynne about who all consumed alcohol. Devynne said Greg, Michael and Latisha had all consumed alcohol at the party. Devynne was clear that she and Dakota did not consume any alcohol while at the party. Devynne said there was a point in the party where Latisha handed her a beer and told her she should taste it. Devynne said she acted like she took a sip, but she didn't actually drink any alcohol. Devynne said because of certain medications she is on she cannot consume alcohol. Devynne

confirmed that they were at Greg's apartment from about 6:30 PM on 09/09/2019 until about 5:00 AM on 09/10/2019. Devynne said she observed the three adults drink during that time. I asked Devynne if Michael had touched her on intimate parts of her body (breast, vagina area and buttocks) and she said he did not. I asked Devynne if Michael had tried to kiss her she said he did not. I asked Devynne if she felt Michael had tried to proposition her sexually. Devynne said she didn't know for sure and couldn't say. Devynne said she felt that Michael was acting inappropriately and was more bothered by the fact that he was sober when he was acting that way. Devynne was clear that she was never bothered by anything that Greg did during the time at the party and that she was upset how Michael had acted. I then concluded the recorded statement with Devynne Schoch.

On 09/13/2019 at about 12:27 PM, I met with Greg Reeve in the unoccupied court room of the Custer County Court. Greg met with me voluntarily. I explained to him that he was not in custody and did not have to speak with me at that time if he did not wish too. Greg said he understood. Greg said he did not feel as if he were in custody and was willing to talk to me about this case. I then took a recorded statement from Greg Reeve.

Greg confirmed that he is a sheriff's deputy for the Custer County Sheriff's Office (CCSO) and has been employed with that office since June of 2019. I asked Greg if he knew Devynne Schoch. Greg said he knew Devynne through her father, Brandon Schoch. Greg said he works with Brandon at the CCSO. I asked Greg if he knew Latisha Schlabach. Greg said he knew Latisha through Stacey Schoch because Latisha works for Stacey at the Custer County Department of Human Services. Greg said he knows Michael Kear from work at the CCSO. Greg said he was aware why I wanted to talk with him about an incident that occurred at his residence on 09/09/2019. Greg said he lives at 110B 3rd Street in Silver Cliff, Colorado.

I asked Greg to tell me what had happened. Greg said everyone involved in the incident (him, Michael, Latisha, Devynne and Dakota) had planned a movie night at his residence. Greg said they even contacted Brandon Schoch and had asked him about it. Greg said Brandon was fine with the movie party. Greg said he advised Brandon he and Michael would probably be drinking alcohol, but assured Brandon that Devynne and Dakota would not be drinking.

Greg said in the afternoon of 09/09/2019, he was at his residence and Michael came over first. Greg said Michael was only there for a short time. Greg said Michael told him he was going to come back over later for the movie party, but he didn't want his girlfriend to know because they had been fighting. Greg said Michael then left and went

back to his apartment. Greg explained that Michael lives next door to him. Greg said Dakota Schoch came to house next. Greg said that Latisha and Devynne arrived at his residence after Dakota. Greg said he knew that Latisha and Devynne wouldn't get to his residence until after volleyball practice that evening. Greg said Michael came over to his apartment once Dakota, Devynne and Latisha arrived. Greg thought everyone was at his apartment around 6:00 PM.

Greg said after everybody arrived at his apartment, he started consuming alcoholic beverages. Greg said Latisha got a beer out of the refrigerator and started drinking. Greg said Michael was not drinking at this time. Greg said they all sat down on his couch to watch the first movie. Greg confirmed that it was him, Michael, Dakota, Latisha and Devynne watching the movie. Greg said that after the first movie Michael left to go back to his apartment. Greg said the rest of the people in the apartment listened to music and cooked pizza rolls to eat. Greg said they all began to watch a second movie. Greg said when they started to watch the second movie Dakota left because she had to get to a house she was taking care of. Greg said after Dakota left it was him, Latisha and Devynne in the apartment.

Greg said sometime later Michael came back over to his apartment. Greg said Michael was complaining about fighting with his girlfriend. Greg said he then poured Michael some Tequila and Michael "chugged" it down. Greg said Michael had a couple more shots of Tequila. Greg said he believed that it was during this time that Latisha grabbed another beer out of the refrigerator. Greg said they all went back to the couch to continue to watch a movie. Greg said Latisha was seated on the end of the couch and he was laying between Latisha and Devynne. Greg said he had his knees on Latisha and his head on Devynne's stomach. Greg said Michael was laying on the other side of Devynne with his head leaned up on her shoulder.

Greg said while they were watching the movie he noticed that Devynne started moving around. Greg said he asked Devynne if she was alright, but she didn't answer. Greg said at some point Devynne got up from where she was laying on the couch and moved to another area of the couch. Greg said Devynne moved to the opposite side of the couch from Michael. Greg said he then moved onto the floor. Greg said they finished the second movie and started a third movie. Greg said he was still on the floor. Greg said Michael, Latisha and Devynne were on the couch. Greg said Latisha and Devynne were laying by each other and Michael was sitting by himself.

Greg said that during the third movie Michael decided to go home so he left. Greg said Devynne was asleep when Michael left. Greg said Latisha was half awake and half

asleep. Greg said when the third movie ended Devynne and Latisha woke up. Greg said it was about 5:00 AM at this time. Greg said Devynne started saying how Michael was making her feel uncomfortable because of how he was touching her. Greg said Devynne said Michael touched her on her hip and chest. Greg said he asked Devynne if she was alright with him laying his head on her stomach and she said she was alright with that. Greg said he told Devynne he would talk to Michael about touching her. Greg said Latisha then said that during the third movie Michael wanted her to sit closer to him and tried to touch her leg. Greg said he didn't hear any of this occurring because he was watching the movie. Greg said he didn't see anything either. Greg said Devynne and Michael were under a blanket when they were on the couch.

Greg said he and Latisha then drove Devynne home because she was too tired to drive. Greg said he then had Latisha drive him the high school so he could drive Devynne's car back to her house. Greg said later that day he was at his apartment when he was contacted by Devynne. Greg said Devynne and Latisha wanted to come by to talk about what happened. Greg said they did come to his apartment. Greg said Devynne talked to her teacher at school about what happened. Greg said he told Devynne he wanted to talk to the teacher. Greg said there was a meeting with him, Devynne, Latisha, Latisha's mother (Joann), Whitney Day (teacher) and Michael. Greg said they met at Devynne's residence. Greg said he wanted to talk to the teacher because he felt like he was getting accused of doing something to Devynne. Greg said he didn't wrongfully touch any of the girls at his apartment. Greg admitted that he did give Latisha two beers.

Greg said during the meeting Whitney Day explained to them why she was angry with them. Greg said Whitney told them they shouldn't have been drinking around Devynne or had her out so late. Greg said looking back at it he said he understood. Greg said he felt like he had to explain to Whitney about the touching of Devynne. Greg said Devynne was very apprehensive to talk to Michael about how she felt uncomfortable. Greg said Whitney told him that she was going to have to report what happened. Greg said he decided to call Brandon and tell him what happened. Greg said he is not sure when Michael actually found out that Devynne was uncomfortable about how he touched her.

I asked Greg about who had consumed alcohol at his apartment the night of the movie party. Greg said he, Michael and Latisha consumed alcohol that night. Greg said Dakota and Devynne did not consume alcohol. I asked Greg if Devynne ever claimed that Michael touched her on any intimate parts of her body (breast, vagina area or buttocks). Greg said Devynne said Michael touched her on the upper chest and hip area. Greg said he didn't see Michael touch Devynne on any of her intimate parts. I asked Greg about him driving the next morning after he had been drinking. Greg said he had sobered out because he had not consumed alcohol from after the second movie.

Greg said he drank water the remainder of the party. Greg said in conversations that he has had with Devynne she told him that he did not make her feel uncomfortable, but Michael did. Greg said he feels like Devynne and Latisha are family, but he should have been more aware in letting Latisha drink. I then concluded the recorded statement with Greg Reeve.

On 09/13/2019 at about 2:27 PM, I met with Michael Kear in the unoccupied court room of the Custer County Court. Michael met with me voluntarily. I explained to him that he was not in custody and did not have to speak with me at that time if he did not wish too. Michael said he understood. Michael said he did not feel as if he were in custody and was willing to talk to me about this case. I then took a recorded statement from Michael Kear.

Michael confirmed that he is a deputy for the CCSO and has been a deputy for a little over a year. Michael confirmed that he knew what this investigation was about regarding the incident on 09/09/2019. Michael said he is on paid leave from the CCSO because of the incident on 09/09/2019. Michael confirmed that he knows Greg Reeve, Latisha Schlabach and Devynne Schoch. I told Michael to tell me what he knows about what occurred.

Michael said he, Greg and Latisha had been watching out for Devynne because her parents had been out of town. Michael explained that he works with Devynne's father at the CCSO. Michael said on 09/09/2019, there was a planned movie night at Greg's apartment. Michael explained that he lives next door to Greg. Michael said that Greg, Dakota Schoch, Devynne and Latisha were at Greg's at about 6:00 PM on 09/09/2019. Michael said he stopped in at the party for a while, but then returned back to his apartment. Michael explained that he had been fighting with his girlfriend so he just decided to go back to his apartment.

Michael said at about 10:30 PM, he went back to Greg's apartment to see what was going on. Michael said he could hear music so he assumed they were all hanging out. Michael said when he got back to Greg's apartment everyone was still there except for Dakota. Michael said when he got to the party he had a few shots of Tequila. Michael said Greg was drinking as well and was not sure if Latisha was drinking. Michael said Devynne was not drinking and cannot consume alcohol because of medication she takes. Michael said they sat around talking for a while and then decided to watch a movie. Michael said they all sat on the couch to watch the movie. Michael said he was sitting next to Devynne on the couch and fell asleep next to her. Michael said Greg fell asleep with his head on Devynne's stomach and Latisha fell asleep at the end of the

couch. Michael said when he woke up he had his arm wrapped around Devynne's arm. Michael said he then went back to his apartment at about 4:30 AM.

Michael confirmed that he had been at Greg's earlier, left the apartment and then returned later. Michael confirmed that Devynne was not drinking alcohol. I asked Michael about having physical contact with Devynne. I explained to Michael that Devynne had reported that he made her feel uncomfortable in the way that he touched her that night. Michael said he was aware of what she was saying. I asked Michael if he could think of something that he did that would make Devynne feel uncomfortable. Michael said that maybe it was because when he woke up he had his arms wrapped around her arm. Michael said Devynne has a boyfriend and that wouldn't have looked good. Michael said he did not recall touching Devynne on the leg, hip or chest area. Michael did admit that he put his hands around Devynne's arms to see if he could reach his hand around her arm. Michael said he didn't recall looking at a photo of Devynne on her phone. Michael said he couldn't recall talking to Devynne about how skinny she was. I asked Michael if he were intoxicated and he said he was to a degree. Michael said he did recall moving while he was half asleep and touching Devynne on the shoulder or upper chest.

I asked Michael if it were possible that because he was fighting with his girlfriend if he might have been trying to strike up something romantic or sexual with Devynne or Latisha. Michael said he was absolutely not trying to do anything like that. Michael said he views Devynne like a younger sister. Michael said he and Latisha are just good friends. Michael said Latisha likes Greg and he is just a friend. I explained to Michael that he made Devynne feel uncomfortable in the way that he acted and touched her. I told Michael that it was not normal for him to be lying next to Devynne and falling asleep holding her arm with his arms. Michael said he understood and agreed. I told Michael that he and Greg are sheriff deputies hanging out late and drinking around a sixteen year-old girl. Michael said he understood and agreed. I asked Michael if he ever touched Devynne on any intimate parts of her body and he said he did not.

Michael said after the incident the next day he found out that Devynne had report what happened to a teacher. Michael said he subsequently met with Devynne's teacher as well and they all talked about what happened. Michael said Devynne never told him about him making her feel uncomfortable and he could understand why she would have a hard time talking to him. Michael said he eventually called Brandon Schoch and talked to him about what had happened. Michael said he understood the mistakes made with all of what he did. Michael said he didn't have any intention of being inappropriate and that looking back at it he understands why this was wrong. Michael said he wanted to make it clear he had no intention on hurting anyone. Michael said there are no other

young girls who he is friendly with. Michael said Devynne and her family are like family to him. I then concluded the recorded statement with Michael Kear.

After these interviews were concluded I met with CCSO Undersheriff Chris Barr and CCSO Sheriff Shannon Byerly. I explained to them that I still needed to interview Whitney Day, but I had received enough information in my investigation to give them an update. I explained what I had learned from all of my interviews. I told them that based on everything that I had learned I did not believe there were any criminal charges forthcoming. I told them that Devynne had not consumed any alcohol. I told them that Latisha did consume two beers, but she is 20 years-old. I explained that there did not appear to be any unlawful sexual contact based on the statements made by everyone. I told Sheriff Byerly that I would send my report to the District Attorney's Office for review when I was completed. I told Sheriff Byerly that there are clearly policy violations from the CCSO policy 319 Standards of Conduct. The particular policies violated are CCSO 319.3 (m) and 319.3.3 (ab).

On 09/18/2019 at about 10:15 AM, I called Whitney Day on the telephone and took a recorded statement from her. Whitney confirmed that she is a teacher at Custer County High School. Whitney said she has taught Devynne Schoch at the school and is very familiar with her and her family. Whitney said Custer County is a small school and Westcliffe, Colorado is a small town so everyone knows everyone.

Whitney said on 09/10/2019, she spoke with Devynne at school about the incident that took place at Greg Reeves apartment the night and early morning before. Whitney said she was very upset that three county employees (Greg, Michael and Latisha) were with a 16 year-old girl that late and consuming alcohol. Whitney said Devynne told her that Michael Kear had made her feel uncomfortable while they were sitting on the couch watching movies. Whitney said Devynne told her that Michael touched her on the hip, chest and legs. Whitney said when she learned of what occurred she made sure it was reported to Devynne father. Whitney said she met with all of the acting parties that night and explained how stupid it was for them to put Devynne in that situation. Whitney said she also reported everything to her principal at the high school. Whitney said Latisha is an assistant volleyball coach at the high school and because of what happened with the drinking and everything she will be getting dismissed from that job. I then concluded the recorded statement with Whitney Day.

No more information at this time.

Lieutenant Rob Martellaro
Salida Police Department

