

IA2022-03
Deputy Kear, Michael

SUMMARY OF CRIMINAL AND ADMINISTRATIVE INVESTIGATION

CBI Case Number 2022-208
CBI Investigator Chris Adams

CCSO Case Number 2022-03
CCSO Investigator Lloyd Smith

Previous Associated Case: Salida PD – CO 0080200

ADMINISTRATIVE CHARGES:

TIMELINE

On August 10, 2022, Sergeant Brandon Schoch reported that [REDACTED] claimed that Deputy Michael Kear had sexually assaulted her.

On August 12, 2022, Sheriff Robert Hill requested assistance from the Colorado Bureau of Investigations, in conducting a criminal investigation into the allegations.

On August 13, 2022, Sheriff Robert Hill and Mr. Lloyd Smith met with Deputy Kear and placed him on paid administrative leave until the criminal investigation could be completed.

The Colorado Bureau of Investigation team faced a backlog of cases. They were unable to begin their investigation until August 29, 2022.

On September 23, 2022, the Colorado Bureau of Investigation presented their investigation to the 11th Judicial District District Attorney Linda Stanley for review.

On October 5, 2022, the 11th Judicial District District Attorney Linda Stanley determined there was insufficient evidence to file criminal charges on Deputy Michael Kear.

On October 13, 2022, Undersheriff Smith completed the Internal Affairs Administrative Investigation.

SYNOPSIS

Sergeant Brandon Schoch, his wife Stacey Schoch, and Frecom Dispatcher Samantha Moos were eating at the Four Kings Restaurant in Silver Cliff Colorado on August 10, 2022. Sergeant Schoch and Stacey Schoch reported that [REDACTED] disclosed to them that she was sexually assaulted by Deputy Michael Kear while he was off duty.

It was reported that Deputy Michael Kear sent photographs of his penis to a dispatcher using the snapchat app on his cellular phone.

It was reported that Deputy Michael Kear had sex with a person in his car while parked at the Silver Dome Saloon in Silver Cliff.

EVIDENCE:

1. CCSO Policy manual
2. Criminal Investigative report from Colorado Bureau of Investigation, Special Agent Christopher Adams Including SA Christopher Adam’s audio recordings of interviews
3. Internal Investigation audio/video recording of two interviews.
4. Text Messages retrieved from the work cellular phone issued to Deputy Michael Kear.

CONCLUSION:

Criminal Charges:

After reviewing the criminal investigative report and conducting an internal investigation that includes personnel interviews, interviews with witnesses or potential victims I do find the following:

There is insufficient evidence based on the statements of the victim, suspect, and witnesses to determine if Deputy Michael Kear did or did not sexually assault [REDACTED].

Comparison Of Key Issues Brought Up By Witness/Suspect/Victim							
Witness	Rape	Consensual	Drunk	Initiated by MK	Initiated by BG	Call to CM Rape	Call to CM Disgust
Jessica R	No	Yes	Yes	No	Yes		
[REDACTED]	No	Yes	Yes	Yes	No		Yes
Stacey S	Yes	No	Yes	Yes	No	Yes	
Brandon S	Yes	No	Yes	Yes	No	Yes	
Samantha M	Yes	No					
Michael K	No	Yes	No	No	Yes		
Christi M	No	Yes	Yes	Yes	No	No	Yes

Custer County Sheriff’s Office Policy Manual.

Law Enforcement Code of Ethics: **Sustained**

Deputy Kear did not keep his private life unsullied as an example to all and did not behave in a manner to not bring discredit to himself or the Sheriff’s Office.

320.3 Conduct that may result in discipline: **Sustained**

- Deputy Kear did not abide by standards of ethical conduct that brought discredit to the sheriff's office and made Deputy Kear susceptible to a possible black mail attempt by Kenny Boss.
- Deputy Kear used indecent language to describe a young woman he encountered on a traffic stop.
- Deputy Kears actions with [REDACTED], Danika Croft, and [REDACTED] brought discredit to the sheriff's office.

320.3.3 Performance: **Sustained**

Deputy Kears off duty conduct was reasonably suspected to be unbecoming to a member of a law enforcement agency and reflects unfavorably on the office of the sheriff.

320.12.9 Conduct: **Sustained**

Deputy Kear's use of a county provided cell phone while on duty used derogatory language for a member of the public.

701.6g Use of Personal Communications Device: **Sustained**

Deputy Kear used the agency provided communication device for inappropriate conduct on duty.

1030.4 Prohibited Speech, Expression and Conduct: **Sustained**

Deputy Kear sent text messages that were demeaning of a young woman he encountered on a traffic stop, using the county provided cellular phone while on duty.

RECOMMENDATION

Based on a thorough review of the evidence provided during the CBI investigation, the results of my own administrative investigation, and past behavior; It is my recommendation that Deputy Michael Kear be terminated from employment with the Custer County Sheriff's Office.