

TO: File

FROM: Lloyd Ackerman, Investigator
Administrative Investigations Unit

DATE: January 29, 2019

SUBJECT: CASE SUMMARY IA2019-004

ALLEGATION:

Deputy Lovato was alleged to have had an inappropriate relationship and participated in criminal activity with a Jefferson County Sheriff's Office, Detention Facility inmate.

Employee(s):

Deputy Myriah Lovato | Detentions Division | [REDACTED]

Reporting Party:

Undersheriff Patricia Mundell | Executive Division | [REDACTED]

Witnesses:

Deputy Drew Oudeman | Detentions Division | [REDACTED]
Investigator Wes Beale | Criminal Investigations Division | [REDACTED]
Investigator James Taylor | Criminal Investigations Division | [REDACTED]
Sergeant Chris Felton | Criminal Investigations Division | [REDACTED]
Deputy Samuel VanAlphen | Detentions Division | [REDACTED]
Investigator Paul Spokas | Criminal Investigations Division | [REDACTED]
Investigator Jennifer Jones | Criminal Investigations Division | [REDACTED]

INVESTIGATION:

On January 21, 2019, the Administrative Investigations Unit was assigned a case in reference to Jefferson County Sheriff Office (JCSO) Deputy Myriah Lovato, who was alleged to have had an inappropriate relationship and participated in criminal activity with JCSO Inmate/Detainee (ID) Justice Espinoza (JCID#P-101080), a known member of the gang the Gallant Knights Insane (GKI), while he was incarcerated in the JCSO Detention Facility. Lovato is alleged to have used her position as a member of the JCSO Detentions Gang Unit to have private contact with ID Espinoza where they are alleged to have engaged in sexual activity. In addition to the relationship, Lovato is alleged to have introduced narcotics and other contraband into the JCSO Facility, which were given to ID Espinoza.

Lovato's activities were brought to the attention of the JCSO on December 21, 2018, when an inmate notified Deputy Drew Oudeman of Lovato's activities. The JCSO Criminal Investigations Division (CID) interviewed Lovato on December 22, 2018.

Lovato was subsequently suspended without pay as a result of her alleged actions and CID interview. Lovato was also processed through the Jefferson County Detention Facility, Booking Unit and released pending formal felony charges being filed by CID on that date.

Lovato submitted her letter of resignation to the Jefferson County Sheriff's Office on January 2, 2019.

On January 18, 2019, Lovato was formally arrested and charged with:

- 1 count of Unlawful Possession of a Controlled Substance – Schedule 2 - F4
- 1 count of Introducing Contraband in the First Degree – F4
- 2 counts of Introducing Contraband in the Second Degree – F6
- 2 counts of Sexual Conduct in a Correctional institution – F6
- 3 counts of First Degree Official Misconduct – M2
- 1 count of Possession of Drug Paraphernalia – P2

Review of JCSO Criminal Investigation Reports – Case Report 18-30231

On January 21, 2019, Investigator (Inv.) Wes Beale provided me with a copy of the reports in reference to CR 18-30231. I reviewed the information contained in those reports and found the following. [See Section titled – JCSO reports for the Case Filing and Reports].

Supplement #1 – the report was authored by Deputy Oudeman.

Deputy Oudeman documented the information he received from ID [REDACTED] [REDACTED] on December 21, 2018. The report included information that Lovato was in a romantic relationship with ID Espinoza and he had used three different inmate's telephone PIN numbers on the JCSO Detention Facility, Securus Phone System, to call Lovato on a "burner" phone.

ID [REDACTED] stated the following; Lovato and ID Espinoza had frequently met in the Module 6A, Medical closet and Pass-through closet alone, but would not speculate on what had occurred during those meetings. Lovato had provided Espinoza with food from outside the facility and ID Espinoza had given her food from his commissary order, specifically chips called the "Whole Shabangs."

ID Espinoza had also asked Lovato to bring heroin, methamphetamines and suboxone into the Detention Facility and was angered when she refused to.

Deputy Oudeman advised he listened to a phone recording from the Securus Phone System (The Inmate Phone System) and had identified Lovato's voice on the recording. Deputy Oudeman documented he recognized Lovato's voice on the recordings because he has both a working and personal relationship with her and regularly speaks with her on the phone. Deputy Oudeman informed Sergeant (Sgt.) Isom of the information he had received.

Supplement #4 – the report was authored by Inv. James Taylor.

On December 22, 2018, Inv. Taylor reported Lovato was brought to the CID and interviewed in reference to the allegations that had been made, with her consent. Sgt. Chris Felton and Inv. Beale conducted the interview. During the interview Lovato explained she had been taking her ████████ ADD (Attention Deficit Disorder) medications to help her stay awake to drive home. Lovato advised the prescription bottle was in her car and she had one capsule in the wallet in her black backpack. Lovato then gave her permission to search her vehicle and backpack.

Inv. Taylor advised he searched the black backpack and located a blue and orange capsule in Lovato's wallet in the backpack. Inv. Taylor documented the backpack was going to be brought into the Detention Facility when Lovato began her shift that evening. Lovato reported she had last taken the ADD medication on December 17, 2018.

In addition to her backpack, Lovato had brought a box with ten bags of the "Whole Shabang" chips to work. The box of chips were also going to be brought into the Detention Facility. Lovato said she had purchased the chips which had been sent to her residence.

Supplement #9 – the report was authored by Inv. Beale.

Inv. Beale reported on December 22, 2018, he was contacted by Sgt. Felton to respond to the JCSO Detention Facility and meet with Detentions staff. Inv. Beale advised he met with Sergeants Felton, Chase Walker and Michael DeNuzzi at the JCSO Detention Facility. Sergeants Walker and DeNuzzi then briefed Inv. Beale on the situation. Inv. Beale reported he was advised ID ████████ had firsthand knowledge Lovato and ID Espinoza were involved in an intimate relationship and she was communicating with him using a "burner" phone. ID Espinoza had also been using three different inmate's phone PIN numbers to call Lovato.

Additionally, Deputy Oudeman had listened to recorded conversations between Lovato and ID Espinoza and had positively identified the female voice on the recordings as Lovato's. Sergeants Walker and DeNuzzi had also identified Lovato's voice on the recording they had listened to.

Supplement #11 – the report was authored by Inv. Beale

Inv. Beale reported he conducted an interview of ID Espinoza's cellmate ID James Ortega on December 22, 2018. ID Ortega advised he had given ID Espinoza permission to use his phone PIN number but did not know whom he had called. ID Ortega stated he knew of Lovato and ID Espinoza's relationship and confirmed he had observed them kiss and hold hands, but had no direct knowledge of sexual contact between them.

During a recent search of ID Ortega's cell he was found to be in possession of a substance he identified as Soboxone. ID Ortega advised he had found the substance next to the toilet in 6A unit 3 while completing his duties as an inmate worker.

Supplement #13 – the report was authored by Inv. Beale

Inv. Beale reported he conducted an interview of ID Espinoza on December 22, 2018. During the interview, ID Espinoza was asked about his relationship with Lovato. He stated he had talked with Lovato about “gang shit, or whatever” but they did not have a personal relationship. ID Espinoza advised he and Lovato were not talking on the phone nor had any plans to get together after his release.

Supplement #15 – the report was authored by Sgt. Felton

Sgt. Felton’s report dated December 22, 2018, documented previously reported information as well as the following. After listening to telephone recordings, he also identified Lovato’s voice as the female voice on the Securus Phone System recordings. He then queried the number of calls made to the phone number associated with Lovato’s “burner” phone and found the following information.

- 513 calls were made to the phone.
- 188 calls were completed.
- Over 2,200 minutes of conversation had taken place.
- The first call was captured by the Securus phone system on November 11, 2018 and the last call had been made on December 17, 2018.

In listening to the recordings, Sgt. Felton found that Lovato and ID Espinoza frequently stated they loved each other and made sexually explicit statements to one another.

Sgt. Felton stated due to the allegation and information that ID Espinoza had solicited Lovato to bring narcotics into the facility it was determined she would be contacted once she reported to work, on December 22, 2018. Additionally, a plan was formulated to conduct an administrative search of the detention facility for narcotics and other evidence due to the allegations that had been made.

Supplement #24 – the report was authored by Inv. Beale

On January 4, 2019, Inv. Beale conducted an interview with Deputy Samuel VanAlphen. Deputy VanAlphen advised he remembered Lovato’s interactions with ID Espinoza began in early October when she started talking to him (ID Espinoza) about gang related issues that were occurring in the Detention facility. He estimated Lovato visited ID Espinoza once or twice a week and all of their visits were conducted in view of Deputy VanAlphen except one.

Deputy VanAlphen advised all of the interviews had been conducted near the counselling booth in Module 6A except one which had occurred near the module entry door out of the view of the dayrooms and other inmates.

Deputy VanAlphen stated on several occasions he observed ID Espinoza on the workstation with Lovato where they were viewing mugshots of inmates. Deputy VanAlphen stated he had presumed Lovato was gathering intelligence for the “gang unit” during these instances.

Deputy VanAlphen was asked about an incident he had reported where ID Espinoza had made reference to a subpoena he (Deputy VanAlphen) had received. Deputy VanAlphen stated he had not been in Module 6A due to other assignments and being off work. He reported on approximately November 23, 2018, he entered Module 6A through the supply hallway from Module 6B and ID Espinoza was standing near the stairs leading to the deputy workstation. Lovato was sitting at the workstation computer.

VanAlphen said when ID Espinoza saw him, he (ID Espinoza) asked if the reason he had not been in Module 6A was because he was going to be testifying against ID Edward Barron, who was housed in the module. Deputy VanAlphen reported ID Espinoza attempted to question him about the case but he did not respond to the questions.

Deputy VanAlphen advised he later asked Lovato how ID Espinoza could have known about the subpoena because he had not publicized that he had received it and there was no reason for him to have known about it. Deputy VanAlphen said Lovato seemed concerned and commented something to the effect of, "I don't know, but he seems to be finding out information." Deputy VanAlphen then expressed his concern that his personal information had been shared with an inmate or inmates.

Supplements #17 and 25 – were reports was authored by Investigators Paul Spokas and Jenifer Jones respectively

Investigators Spokas and Jones supplemental reports #17 and #25 are summaries of Lovato's and ID Espinoza's phone conversations, which were captured on the Securus phone system.

Supplement #26 – the report was authored by Inv. Taylor

On January 4, 2018, Investigators Taylor, Beale and Sgt. Felton conducted an interview with ID Espinoza in the Programs room of the JCSO Detention Facility. ID Espinoza stated he first met with Lovato in late October after over hearing a conversation between Deputy Christopher Shine and her. ID Espinoza advised Lovato and Deputy Shine were discussing "gang stuff" at the time.

ID Espinoza said Lovato returned the next night and asked if she could talk with him about "gang issues" in the jail. ID Espinoza reported he believed Lovato was trying to set him up at that point in time.

ID Espinoza advised a couple weeks passed at which time Lovato again contacted him and asked to speak to him about how to deal with some female inmates in the facility, who were claiming to be GKI and getting into fights. ID Espinoza stated Lovato provided him with the names of three female inmates, who he knew and spoke about. ID Espinoza said Lovato asked if he could have them "chill out." ID Espinoza stated the females were told to stop and they did.

ID Espinoza reported one to two weeks later Lovato again contacted him because the females were acting out again and also advised him of an inmate named Smith in Crowley Correctional Facility who had been putting "hits" out on female inmates.

ID Espinoza advised, Lovato began contacting him more and more. She would contact him while he was performing his duties as an inmate worker in the Module 6A or after the evening lockdown in the module. Inv. Taylor then reported the following:

Justice said he had to set "boundaries" with Myriah if they were going to continue to talk. He said he told her he was not just going to talk to her because she "as cute." Justice thought she was using him as a "Confidential Informant" (CI). He said Myriah started asking about his "baby mama", his kids and family. Justice said one day he had gotten done cleaning in the module after doing haircuts and Myriah was hanging around at the counter. He said she was "having blurred lines of where her loyalties were at." [Sic]

Justice said that one month ago he told Myriah about a guy coming in from the courts who was going to be remanded into custody. The guy was going to have "a lot of shit" (Meaning drugs on him) Justice said that the guy, known as "Hoods" a West Wood Hoods gang member, was supposed to hold the drugs and give Justice half for payment of what was owed from the last time he was in custody. Justice said that "Hoods" was not moved into 6A and went to module 6C. He found this out because inmates had "fell out" and Justice figured it was from the drugs brought into the jail. Justice said that his half of the drugs were given to an inmate named "Erick" who is known to other inmates as always making "Hooch." Justice said Myriah was off when "Hoods" came into jail. [Sic]

Justice said from then on Myriah would show up multiple times a week if he had Information or not. They would talk in the closet, outside the medical room and recreation yard. Myriah met with him on the last night she worked, December 21, 2018, and they "shot hoops" in the recreation yard. [Sic]

Inv. Taylor reported ID Espinoza was asked the following questions during his interview:

- *Have he and Myriah had ever had sexual encounters?*

He said that they had not, "Not no chances to do anything. Deputies were always around. You know how the Deputies are with the female Deputies." [Sic]

- *Was Myriah ever assigned to 6A?*

- He said that she would come in and the assigned deputies would have he and the other workers go into the units unless he was giving haircuts. [Sic]*
- *Did you ever help her out in the module?*
 - *"I would walk with her when she would do a walk through and hold the doors open for her." He said he would not walk through the module with her because it was disrespectful for him to look into other inmates cells. He did not help her by delivering mail. Justice said that when there are two Deputies in the module they would split the walk-throughs. Myriah would take one unit and the other Deputy would take another. [Sic]*
 - *We asked about the phone calls between he and Myriah.*
 - ***Justice said that he started calling Myriah in November.** Justice said that he spoke with Myriah about writing him and she was "making me hot." Myriah said she could not write to him. **Justice said they started talking on the phone and things got "hotter."** At first, justice said Myriah got the phone and gave him the phone number. He later changed his story and said his mother, Cynthia Medina, bought the phone and gave it to Myriah and she set it up and paid for the minutes and **Myriah gave him the phone number of [REDACTED]**. Justice said that after talking on the phone, he asked Myriah to help him out with his visits because his wife got kicked off "forever" for sexual acts on video. Myriah could not help him with that issue. [Sic]*
 - *How many calls?*
 - *Justice said they did not talk on weekends. (We knew this was false since the last call between Myriah and Justice was as she was walking into work on December 22, 2018 at 5:45 p.m.) **He said they spoke** for a few hours a day. They talked about their future and kids together. He said Myriah was Jealous of his **wife, Erica.** Sgt. Felton asked if this was a "forever" relationship and Justice said "Talk is cheap." [Sic]*
 - *Was there any sexual contact between you two at work?*
 - *Justice said there was not because Myriah was "Too scared. There are always Deputies or inmates around." He said "You can't trust anyone, not even your Homies." [Sic]*
 - *What would happen if you got out of prison early?*

- *"She would dump him." (In reference to Myriah's fiancée.) [Sic]*
- *What PIN numbers were you using to call her?*
 - *Justice said he was using the PIN numbers of James Ortega and Albert "G String" Ohlmeier. [Sic]*
- *What was your relationship status? Love? Forever person?*
 - *Justice said Myriah was "Tripping on me" because she thought he was "going after" Deputy Valdez. Justice said he had asked Deputy Valdez to look something up and she would not. [Sic]*
- *Was there any rubbing, kissing or groping between you two?*
 - *Justice said that he rubbed up against Myriah's butt one time. He said he tried to kiss her once and she ducked away. "She dipped out." He said that Myriah was conducted a walkthrough of his housing unit and saw him in the shower once. Justice said he was in the lower shower and she walked up the stairs and looked into the shower and saw him. [Sic]*
- *Was she seeing/calling any other inmates?*
 - *"I don't think so." [Sic]*
- *Would she look up case information or bond information on other people for you?*
 - *Justice said no at first, but then added times she did give information. "We would be talking and she would throw out a name and show me a photo and I would confirm who they were. [Sic]*
- *Would Myriah look up people in the department of Corrections or Federal Bureau of Prisons?*
 - *No. [Sic]*

During the interview ID Espinoza advised he had asked Lovato to bring in pictures of herself which she refused to do. ID Espinoza stated he had tried to get Lovato to bring "things" into the jail for him but she would not. **[Inv. Taylor noted this was not true because Lovato had brought in tamales and ten bags of the Whole Shabang chips for him on December 22, 2018].** ID Espinoza was asked if he had asked Lovato to bring drugs into the facility for him, he said he had not.

ID Espinoza was asked the following questions due to inaccuracies in his previous statements:

- *Who bought the burner, black, phone?*

- **Justice said he asked his mother, Cynthia, to buy it and set it up for Myriah. He said his mom bought it and handed the entire package to Myriah without setting it up and Myriah set up the phone and number. Myriah was buying the minutes on the track phone. [Sic]**
- *Did Myriah bring in a letter to you from your mom?*
 - *No. She never brought any mail in for me. [Sic]*
- *Did she ever bring in meals or food?*
 - **Myriah brought in pizza and gave me some. "She was on ledger for 10 bags of "Shabangs." (Myriah was bringing in a box of 10 bags of Shabangs the night of December 22, 2018.) [Sic]**
- *Did you or Myriah ever grope each other while she was conducted walk throughs?*
 - *Yes. One time when she and VanAlphen were working together. VanAlphen went into one unit and Myriah went into another and he walked with her. Justice said he "smacked her ass between units and she said nothing." [Sic]*
- *Did Myriah ever grab your butt?*
 - *"I don't think so." [Sic]*
- *Maybe when you were standing near the stairs to the work station and she was walking down the stairs?*
 - **"She did. I didn't know it was intentional, but she did. It was like a pinch"[Sic]**
- *Where and how many times did you kiss?*
 - **Justice said, "We kissed two times and it was near the closet by the workstation. They were kisses on the lips with no tongue." [Sic]**
- *We asked Justice to "spill everything" that he was not truthful about.*
 - **Justice said he did send a note to his mom through Myriah. She did take one to her and it was origami for my son." Justice said, "She did bring in some small drawings from my son that were folded in paper. I told mom not to show her because it was none of her business." Justice added, "I feel like I have feelings for her. She was having problems at home." [Sic]**
- *Who is Ray? [This question was asked in reference to a Securus phone system conversation, which occurred shortly after ID Espinoza had made comments to Deputy VanAlphen*

about a subpoena he had received – See Supplemental Report #24, for details].

- *Justice said it was a nickname for Deputy VanAlphen because of the Ray Ban sunglasses he wears; Justice said he knew Deputy VanAlphen was not working in module 6A any longer because he was subpoenaed in a case against one of the 6A inmates. [Sic]*
- *Was Myriah doing anything to impress you?*
- *"She painted her nails purple and said she bought purple Adidas." [Sic]*

Did you have any names/monikers for Myriah?

- *"Gigi or Gucci gang." [Sic]*

Supplement #33 – the report was authored by Inv. Beale

On January 10, 2018, Investigators Beale and Taylor conducted a follow-up interview with ID Espinoza. The following is a transcript of the interview:

On January 10, 2019, at about 2:45 p.m., Investigator Taylor and I met with Justice Espinoza, DOB: [REDACTED] to clarify information he previously provided during an interview on January 4, 2019. Specifically, there were three questions needing clarification, information about the Deputy VanAlphen incident, Espinoza's assistance with gang intelligence for Deputy Myriah Lovato and his observation of Tiburon information, and if Lovato sent him photos of herself.

Espinoza agreed to speak with us and provided the following as clarification: [Sic]

VanAlphen Incident - *Espinoza estimated that sometime in November 2018, unknown specific date, Lovato told him that Deputy Samuel VanAlphen was no longer allowed to work in housing unit 6A because he was subpoenaed to testify in a criminal case against an inmate currently housed in 6A. Espinoza had previously asked Lovato why Deputy VanAlphen had not been working housing unit 6A. Sometime thereafter, unknown date, Deputy VanAlphen came into housing unit 6A because "escorts" were needed to help with something. Espinoza was outside his cell and asked Deputy VanAlphen one time, "Who put you on that case." Deputy VanAlphen did not respond to Espinoza. Espinoza had no additional information. [Sic]*

Tiburon Database Viewing - *Espinoza said that while he was assisting Lovato with the gang related female incidents in housing units 7C and 7D, Lovato would show him mugshots of female inmates suspected of causing the problems. The mugshots were from the Tiburon database, a jail record management system documenting personal demographic and contact*

information of inmates in addition to daily jail specific management concerns, events, etc. When Lovato would show Espinoza the mugshots, there would be personal identifying information to the side of the mugshot, but Espinoza said he would only focus on the photo and identify the inmate for Lovato. Espinoza said he had no interest in the personal information and did not share any information with other inmates. Espinoza said he **assisted** Lovato three times in this manner and identified the inmates only as ¹¹"Ramonos," "Flores," and "Monica Sandoval." Espinoza had no additional information. [Sic]

I later checked for the names Espinoza provided and found: Monica Ann Sandoval, [REDACTED]. Sandoval was in the JCSO jail during Espinoza's custody and a validated GKI member. Not in JCSO custody.

Arlita Indalecia Flores, [REDACTED]. Arlita was in the JCSO jail during Espinoza's custody and remains incarcerated. Flores is a validated GKI member.

Ramonos - Could not identify with various spelling of name and no Tiburon jail records. [Sic]

Pictures:

Espinoza said he repeatedly tried to get Lovato to take and provide personal pictures of herself to him. Lovato refused to send Espinoza pictures for fear the pictures would be discovered during a random cell search of Espinoza's cell. Espinoza was able to convince Lovato to show him a picture of herself wearing a low-cut, revealing red dress during her time working for "Hooters." Lovato showed Espinoza the picture once, which was stored and viewed on her cellular phone. [Sic]

Supplement #27 – the report was authored by Sgt. Felton

On December 22, 2018, at about 1800 hours, Sgt. Felton and Inv. Beale conducted an interview of Lovato in the CID interview room. He began the interview by asking if she knew why she was there. Lovato said, "No."

Lovato stated on December 13th or 14th Counselor Austin Clark had told her ID [REDACTED] had alleged she was passing narcotics to ID Espinoza. Both ID [REDACTED] and ID Espinoza were housed in Module 6A. Lovato said she told Clark, "absolutely not." She reiterated to Sgt. Felton, "No way, I would ever do some stupid shit like that."

Sgt. Felton asked if Lovato had her cell phone with her, which she did and voluntarily gave it to him. Sgt. Felton continued the interview by asking how her work and home life were. Lovato expressed her displeasure about the type of treatment the mental health inmates were receiving in the JCSO Special housing Unit.

As for her home life, Lovato stated her mother and grandmother watch her 11 month old child and that her child care is "good" and her home life is "Okay." She explained she

only sees her fiance on Wednesdays for about half of the day due to work schedules. Her fiance is Agent Ian Candelaria with the Lakewood Police Department.

Sgt. Felton advised Lovato of the allegation that she was bringing narcotics into the facility and asked if she was willing to speak with him about the allegation. She said, "Absolutely." Due to the severity of the allegations Lovato was advised of her Miranda rights which she acknowledged and waived.

Sgt. Felton asked her to elaborate on her discussion with Clark in reference to the allegation she was bringing narcotics into the facility. Lovato stated Clark had told her he needed to tell her something, and then said ID ██████ had said she was bringing drugs into the facility. She said she told Clark, "I was like, whoa, hell no."

Lovato then advised Deputy VanAlphen had relayed to her, he was concerned because ID Espinoza had approached him because Clark had been validating his buddy's as gang members. Sgt. Felton documented Lovato made the following comments:

- *"I only let people know a certain amount of information. I think we shouldn't even put our names in the database as the ones validating gang members." [Sic]*
- *She stated sometimes people communicate things that comprise officer safety. "When our names get dropped it's a safety hazard." [Sic]*

Sgt. Felton asked what ID Espinoza's first name was and Lovato replied slowly and with hesitation "Justice." Lovato went on to explained he was a validated GKI and she only knew him because she had spoken to him in reference to some GKI female inmates who had repeatedly been in fights in the facility. She advised ID Espinoza had guided her on how to confront the females and put them in their place.

Lovato claimed she had never talked with ID Espinoza in any other environment other than the module in full view of the workstation deputy.

Sgt. Felton documented he believed Lovato was not being truthful with him and confronted her giving her, a second chance to be honest with him.

Sgt. Felton then asked Lovato what type of relationship she had with ID Espinoza. Lovato stated, "So, initially I would just go up and interview him, and then he would tell me things I probably wanted to hear." Sgt. Felton asked if she was implying she was vulnerable and she said, "Yes." Lovato said she had fallen into a "stupid trap" by ID Espinoza flattering her.

Lovato then stated, "I know 100% I would never give him drugs" but admitted to providing him with food items such as pizza.

Sgt. Felton asked if she had any type of sexual encounters with ID Espinoza. Lovato reported ID Espinoza had grabbed her and tried to kiss her, but she would pull away and tell him she could not do that. Lovato told Sgt. Felton she was not a victim in this and stated she had not “thrown” herself at ID Espinoza.

Lovato was asked if she had ever kissed ID Espinoza inside the detention facility. She said, “Yes.” Later in the interview Lovato advised she and ID Espinoza had kissed twice and it was initiated by him.

Lovato stated ID Espinoza had grabbed her buttocks a couple of times but did not recall him touching any other part of her body.

Lovato was asked if she had ever grabbed ID Espinoza’s buttocks to which she replied, “Uhh, I think I was walking down the workstation stairs and my hand was just like there. I didn’t grab him or anything.” Later in the interview Lovato was asked if she had touched ID Espinoza’s buttocks intentionally and she stated, “Jokingly but yes.”

Sgt. Felton asked if she had ever performed oral sex on ID Espinoza or grabbed his genitals. She stated she had not to both questions.

Sgt. Felton asked Lovato how often she communicated with ID Espinoza while off-duty. Lovato commented, “Um, probably more times that I can count.” Lovato advised the black flip phone she used to talk with ID Espinoza was either in her car or work bag which is a black backpack. Lovato reported she had received the phone from ID Espinoza’s mother (Cynthia Medina) and had initially been hesitant to communicate by phone with him, for fear of being caught. Lovato said she felt like she had gotten into “deep water” but went through with getting the phone, reiterating she was not a victim.

Lovato described ID Espinoza as “somebody that could literally come after me and my family.” Lovato stated ID Espinoza knew her first name before she ever met with him and said, “As much as I wasn’t innocent, I was a little scared too.”

Lovato advised she communicates with Medina and had passed a note to his mother for ID Espinoza. She stated she also brought a note into the facility for Medina and delivered it to ID Espinoza. Lovato said the notes were the only thing she had every passed for ID Espinoza and she was scared, so she did not open them. Lovato later advised she was scared to know what was in the note but did not suspect it to be drugs.

Lovato was asked if she had ever brought heroin or methamphetamine into the facility. She said she had not. Lovato reported she had only brought in the one note, and was scared to open it, but would not have brought drugs in even if ID Espinoza had threatened her life.

Sgt. Felton asked at what point during the relationship Lovato had felt it did not feel right and it needed to stop. She said ID Espinoza had always said how much power he had and he could touch anybody, “it’s the gang life.” Sgt. Felton asked if Lovato had ever

considered ending the relationship and telling someone about it. Lovato said she had, but her best friend and Sgt. Walker had not been available, so she had not discussed the relationship.

Lovato explained Medina was putting money on ID Espinoza's account so they could talk and she (Lovato) knew he was using other inmate's accounts to avoid being detected. Lovato advised they had pre-arranged times to call and their conversations were sexually explicit for both their benefits.

Lovato was asked, and she consented to, a search of her work bag for the black cell phone. Sgt. Felton asked if she had any illegal, narcotics or otherwise in her car or bag that she had intended to bring into the facility. Lovato advised she had her [REDACTED] ADHD medication (Vyvanse) in her car. She stated she also keeps the Vyvanse pills in her wallet. Lovato explained she had been using the medication for two to three months and it helped her stay awake at work and on her drive home from work.

Lovato reported the prescription belonged to her [REDACTED] and she had given it to her (Lovato) to use, because she had been drinking too many "Rock Star" energy drinks. Sgt. Felton documented; Vyvanes contains salts and isomers of amphetamines and is categorized as a schedule II controlled substance per Colorado revised statutes and is unlawful to possess in any amount without a prescription. Lovato reported the pills had worked for their intended purpose but she was not "hooked" on them.

Lovato advised she had talked to ID Espinoza prior to coming to work that day (December 22, 2018) and had told him she had brought tamales for dinner. When asked if she had intended to give ID Espinoza the tamales she said, "Possibly." When Sgt. Felton gestured that he thought she was going to give him a tamales she nodded in the affirmative.

Sgt. Felton asked Lovato if she had told him everything that had occurred between her and ID Espinoza she stated, she felt like she had and felt better. When Lovato was questioned about what she felt her consequences should be and what was going through her mind when she was committing the criminal acts. Lovato gave the following explanations:

- She stated, "I just felt I had to keep moving."
- "It was fucking stupid."
- "I didn't think it out"
- She felt that the more time the relationship went on, the more normal it felt and "it was going to be okay."
- Espinoza kept telling her that it was going to be okay and that she needed to stop being scared.
- Lovato admitted she didn't think of the consequences of her actions. She stated that the actions felt "morally wrong" but she never thought of them as being illegal.

Sgt. Felton documented that a search of Lovato's car and backpack produced, a bottle of Vyvanse pills from her vehicle, and a single Vyvanse pill was found in her wallet, with the black flip phone in her backpack.

Sgt. Felton questioned Lovato further about having access to confidential information and she denied ever sharing any sensitive law enforcement information with ID Espinoza.

Sgt. Felton documented it was determined that there was enough probable cause found for the crimes of Possession of a Schedule II Controlled Substance, Introduction of Contraband in the First Degree, Sexual Conduct in a Correctional Institution, and Official Misconduct in the First Degree and Lovato would be booked through the JCSO Detention facility and released.

[See Section titled – JCSO reports for the Case Filing and Reports].

Investigator Comments:

Deputy Myriah Lovato has been employed by the Jefferson County Sheriff's Office since January 17, 2016. Deputy Lovato has not been the subject of any administrative investigations.

Disposition:

Forward to the **EXECUTIVE SECTION** for review.