

Memo

To: Chief Buseck
From: Corporal Sonnenberg
cc: Name
Date: 6/1/2021
Re: CR# 210444

Sir,

COPY 1BF

This memo is to address my concerns about the use of force during an incident on 5/30/2021. Detective Hanning and Officer Summers were dispatched to 3201 Riverside Dr #211 for a report of an assault.

Hanning and Summers contacted the victim Brittany Odom and Timothy Braden. After gathering information Hanning and Summers walked to room 210 to contact the suspect Michael Clark.

Hanning knocked on the door, but never announced himself. Summers can be seen with her right hand on her sidearm. Clark opened the door, and yelled "what do you want". Hanning stepped back from the doorway, and said, "what the fuck", "put that mother fucking shit down", referring to a stick in Clarks right hand, similar to a Hawaiian saw fish sword. Clark can be seen stepping back into the apartment, as Detective Hanning entered into the apartment and kicked Clark in the left leg.

Clark walked several steps back into the apartment and placed the sword on top of a book case located in the dinning area. During this time, Officer Summers drew her sidearm and was pointing it at Clark. Hanning retreated out of the apartment, as Clark walked to the door to address them. Both Hanning and Summers were giving Clark verbal commands to get on the ground and to get out of the apartment. Clark is seen pointing towards Odem's apartment, and attempting to explain his side of the incident to Hanning and Summers. When ordered by Summers to get on the ground, Clark said "no".

Hanning drew his TASER and with out warning to Clark or Summers deployed the TASER, successfully making contact with Clark. Clark is seen falling backwards, with complete NMI (neuromuscular incapacitation). Clark strikes the back of his head on either a wooden dinning chair or a wood dinning table. The result is that Clark was rendered unconscious. Hanning and Summers pull Clark out into the Hallway, Handcuff him and place his body in the recovery position. Clark regains conscious after approximately 2 minutes. Hanning and Summers immediately called for paramedics to come and treat Clark.

Concerns:

1. Hanning never announced who he was. Clark later was heard saying that if he knew it was the Police, he wouldn't have brought the stick to the door.
Police 300.5 – Notice of authority and identity
2. Hanning didn't attempt to contact Clark or deescalate the situation.
Policy 300.3 – De-escalation of potential force encounters
3. Hanning immediately entered into Clark's apartment, and kicked him in the left leg. As stated above, it appears that Clark was retreating from the door not moving towards Hanning or Summers.
4. Clark complied with commands and put the stick away. Summers continued to point her sidearm at Clark.
Policy 300.8 – Display of firearms
5. Hanning and Summers were giving Clark conflicting commands, either get down, or get out here.
6. Hanning failed to warn Clark or Summers that he was deploying his TASER, which is taught by TASER and is standard SOP.
Policy 304.4 – verbal and visual warnings
7. Hanning didn't evaluate the area, and didn't take into consideration obstacles that could harm Clark if he were to fall into them. TASER trains this, and is standard SOP.
Policy 304.5.2(f) – Special deployment considerations
8. Hanning's TASER deployment to a passively resisting Clark was not a +1 standard on the UOF scale.
Policy 304.5.1 (a)(b) – Application of the TASER device
9. Clark hit his head, and was rendered unconscious.

Officers Summers did call me 2320hrs, but failed to explain that Clark had been rendered unconscious. Policy 300.9.1(g)

No further information at this time



1404
Corporal Richard Sonnenberg #1404
Idaho Springs Police
Patrol Division

COPY 1BF

Ryan Frost

From: Nathan Buseck
Sent: Thursday, June 3, 2021 1:34 PM
To: Ryan Frost
Subject: 21044, Hanning, Summers

Corporal Frost,

I am directing you to open a formal Internal Affairs investigation into the incident involving Officer Nick Hanning and Officer Ellie Summers that occurred on 5/30/21 at approximately 2243 hours at 3201 Riverside Dr. (CR # 210444).

Nate Buseck



Nathan Buseck
Police Chief
3000 Colorado Blvd
P.O. Box 907
Idaho Springs, CO. 80452
Office: 303-567-4291
Fax: 303-567-1014

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IDAHO SPRINGS POLICE DEPARTMENT

3000 Colorado Blvd. Box 907 Idaho Springs, CO. 80452

Office 303-567-4291 /Fax 303-567-1014

www.idahospringsco.com

ADMINISTRATIVE LEAVE

PAID/UNPAID

Nicholas Hanning:

You are hereby being placed on paid Administrative Leave pending the outcome of an internal investigation regarding: CR 210444.

While on Administrative Leave your work hours have now been changed to Monday – Friday from 0800 – 1700, with a one-hour lunch that can be used at your own discretion. Any other time away from your residence during this work schedule, you are required to notify your immediate supervisor. Any extended periods away from your residence will require you to use PTO time.

You are ordered to not speak of this matter to anyone with the exception of your legal counsel, clergy, or spouse.

You are required to answer your phone during work hours for phones calls from Corporal Sonnenberg, Corporal Frost, Chief Buseck and Andrew Marsh, City Administrator.


You are hereby notified that deviations from this order may result in disciplinary action.



Signature

06/04/21

Date/Time

 6/7/21 2:08 p.m.

Witness

Date/Time

**Idaho Springs Police
Department**

Memo

To: Chief Nathan Buseck
From: Corporal Ryan Frost
cc: Corporal Rich Sonnenberg
Date: June 26, 2021
Re: Internal Affairs Investigation IA #21-01

On June 3, 2021 I Corporal Ryan Frost was given a directive to conduct an Internal Affairs Investigation, on an internal complaint filed by Corporal Rich Sonnenberg, on an incident that occurred on May 30, 2021 at approximately 2243hrs at 3201 Riverside Drive.

On May 30, 2021 at approximately 2243hrs, Detective Nick Hanning and Officer Ellie Summers were dispatched to 3201 Riverside Drive #211, in the City of Idaho Springs on a report of an assault in progress.

Both Officers arrived on scene at approximately 2248hrs.

Detective Hanning and Officer Summers both entered the building at the same time and walked up the stairs and contacted Timothy Braden (W/M DOB 05/29/1991) at apartment number 211. Braden said that he was not involved. Braden stated that his roommate, Brittany Odom (W/F DOB 10/26/1990) was the one assaulted by a neighbor,

Odom emerged from the apartment and spoke with Hanning and Summers.

Odom said that her neighbor was banging on her wall and yelling, "Shut the fuck up!" Odom did not know the name of her neighbor. Odom described him as an older male, six feet tall, with white hair. The neighbor was later identified as Michael Clark (W/M DOB 05/07/1946) At some point Odom either left her apartment or Clark came to her door, this part of the report is not clear as Odom and Clark give different accounts of what happened. According to Odom she was confronted by Clark who swung his fist and struck her in the face. Hanning does note later

in his report that Odom did tell him that she went over to Clark's apartment to confront him about how upset she was about him banging on the wall. Officer Summers notes her report that the confrontation happened in the hallway.

Hanning and Summers left apartment 211 and went to apartment 210, which Odom identified as Clark's.

Hanning knocked on the door and did not announce that he was with Idaho Springs Police.

Clark can be heard saying "what do you want?!" Clark answered the door with a weapon in his hand, according to Detective Hanning in his report, "in a manner as if he were going to attack someone with it." The weapon is described by Hanning in his report as "Hawaiian shark tooth war sword". Hanning said that the weapon was in his right hand.

Hanning says, "What the fuck?" Hanning entered the apartment and kicked Clark in the left leg, telling Clark to, "Drop it mother fucker!" Summers enters the apartment with her gun drawn.

Clark walks over to a bookshelf in his apartment and places the weapon on the top. Both officers back up and exit the apartment. Clark follows them to the door and stops. Summers continues to point her weapon at Clark.

Officer Summers is yelling for Clark to get down on the ground. Detective Hanning is telling Clark to come out of the apartment.

Clark then explains to both Officers that his neighbors are making a lot of noise. Summers asks Clark to "get on the ground!" Clark says "No. They hit that wall so hard I thought they were going to come through the wall."

Hanning next points his taser at Clark and without a warning fires his taser into Clark, causing Clark to fall backwards.

As the Officers enter the apartment Hanning tells Summers to "put your gun away". Summers complies. Clark can be heard "snoring" and appears to be unconscious. Summers says, "The party is unconscious." Hanning removes the chair that had fallen on Clark and hands it to Summers. Hanning attempts to roll Clark on his side and Clark's head strikes the bookcase in the apartment. Hanning drags Clark out into the complex's hallway, Summers radios to dispatch that subject answered the door with a machete.

Hanning radios for an ambulance after Clark is handcuffed. Hanning attempts to sit Clark up, Clark however appears to still be unconscious.

Clark is placed into a recovery position while the Officers wait for Clear Creek EMS to arrive on scene.

On June 1, 2021 Corporal Sonnenberg filed a complaint against Officer Summers for the following Policy Violations, 300.8 Display of Firearms and 300.9.1(g) Notify Supervisor

On June 9, 2021 at approximately 1957hrs, I Corporal Ryan Frost conducted an interview with Officer Ellie Summers for IA21-01.

My body worn camera was activated and recorded the interview.

I explained to Summers the reason for the complaint had to do with Idaho Springs Case Report 210444 and her actions during that call.

I asked Summers if she read and understood the Garrity Order. Summers stated she understood and signed the document.

I explained to Summers that Corporal Sonnenberg had filed two internal complaints against her, one was 300.8 Display of Firearms. I asked Summers if she was aware of the policy and if she understood it, Summers said that she was aware of the policy and understood it.

The second internal complaint filed by Corporal Sonnenberg was 300.9.1 Notifications to Supervisors, specifically section (g) which states that a supervisor must be notified if a subject is rendered unconscious. I asked Summers if she was aware of the policy and if she understood the policy. Summers said she was aware of the policy and understood it.

I informed Summers that this is an investigation interview and I am only focusing on the complaint and the call and what took place. I explained to Summers that I am going to ask her questions and collect the information she provides. I explained to Summers that I will be giving a report to Corporal Sonnenberg for review and he will make recommendations and present those to the Chief of Police.

Officer Summers had her firearm pointed at Clark after he answered the door with a weapon in his right hand. Summers stated to me that she did not see the weapon until they got into a physical altercation. Summers said that she was bladed at the time. Summers also stated that she got a glimpse of the weapon "really quickly, but I know me seeing it and him (Hanning) getting into a physical altercation, are almost immediate."

Summers said she entered the apartment because Hanning did.

Summers stated that she did see Clark place the weapon on the bookshelf. Summers said she kept her gun pointed at Clark after he put his weapon down because, "he was still between us and that weapon and I think I was just processing where we are at. I was trying to figure out his mental state and what was going on, and I needed to know if this was going to escalate further."

Summers stated she was concerned that it might escalate but also stated, "I will acknowledge that he took a step to putting the weapon back on the bookshelf, but he was still between us and the weapon and I think that I wanted to feel more comfortable trying to talk to him and I went back in my head before the taser was deployed and I was listening to him."

Summers stated the following in our interview: "I also want to bring out two points of my training. I've been told that when you pull out your gun, you mean it. I was told that multiple times by Corporal Sonnenberg as well as other RSO's (range safety officer) that trained me.

Second, I've been told by Corporal Sonnenberg as well as RSO's multiple times not to be too quick to put my gun away."

Summers continued to point her gun at Clark after he has placed the weapon on the bookshelf and is standing with his hands at his side. Summers did not holster her weapon until after Clark was tased and told to by Hanning.

Summers noticed that Clark was rendered unconscious after he was struck with the taser. Summers did radio in that Clark was unconscious. Summers did provide care by rolling Clark over to the recovery position and rubbing his chest so he could regain consciousness.

Corporal Sonnenberg said that he did not receive notification that Clark was unconscious, Summers told me that she believed she did but she could not remember.

On the first complaint Idaho Springs Policy states:

300.8 DISPLAY OF FIREARMS

Firearms may be readied for use in situations where it is anticipated they may be required. Firearms shall not be displayed or pointed in a threatening or intimidating fashion unless it is objectively reasonable to believe there is a substantial risk that the situation may escalate to the point where deadly force would be permitted. Firearms shall be secured or re-holstered as soon as reasonably practicable when it is determined that deadly force is no longer necessary.

The sighting or aiming a any firearm at a person will be documented in the criminal report and a Response to Resistance Report.

Summers pointed her firearm at Clark after Hanning entered the apartment when Clark answered the door with a weapon. Summers continued to point her firearm at Clark after he had placed the weapon on top of a bookshelf and was talking to the Officers. Summers stated that the reason she kept her firearm pointed at Clark was "he is still in close proximity of that weapon. I can't see what's behind him and there was an active intent coming to the door with that and there is a twenty second time period from the time he put a machete on the bookshelf behind him to the time the taser was deployed. I had less than twenty seconds to perceive and deescalate it."

This complaint is sustained. Summers had time to re-holster her weapon after Clark put the weapon down and came to the door. Clark was attempting to tell the Officers what had happened and Summers continued to point her firearm at him. Clark at this time had no weapon, was in his boxers and his arms were at his side, deadly force is no longer necessary.

On the second complaint for Officer Summers, Idaho Springs Policy states;

300.9.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- g. The individual subjected to the force was rendered unconscious.

This complaint is not sustained. Clark was rendered unconscious. Officer Summers on scene recognized that Clark was unconscious and did render aid immediately. Officer Summers did inform dispatch of the situation. Officer Summers did relay this information, just not to Corporal Sonnenberg at the time of the incident.

On June 24, 2021 at approximately 0945hrs, I Corporal Ryan Frost conducted an interview with Detective Nick Hanning.

My body worn camera was activated and recorded the interview.

I explained to Hanning the reason for the complaint had to do with Idaho Springs Case Report 210444 and his actions during that call.

I asked Hanning if he read and understood the Garrity Order. Hanning stated he understood and signed the document.

I explained to Hanning that Corporal Rich Sonnenberg had filed five internal complaints against him. I informed Hanning that the complaints were 300.5 Notice of Authority and Identify, 300.3 De-escalation of Potential Force Encounters, 304.4 Verbal and Visual Warnings, 304.5.2(f) Special Deployment Considerations, 304.5.1(a)(b) Application of the TASER Device.

I explained to Hanning that I would be showing him his body worn camera for that day to help me as I ask questions.

Hanning said that the call was toned as an assault in progress and he and Summers arrived at the Bighorn Apartments at about the same time.

Hanning said that he talked to the victim, Odom who said that a neighbor had come over to her place and punched her in the face. Odom said that the person that assaulted her was older gentleman with white hair.

Hanning approached Clark's door and knocked. Hanning did not announce his presence. I asked Hanning why he did not announce his presence and he stated, "This seemed like a pretty bizarre event, the young lady got punched in the face for nothing more than being loud. So, with that I wanted to consider some officer safety issues. That announcing myself at the door right away, I didn't want to get shot through the door and then the other too is I didn't know who this gentleman was, I wanted him to come to the door. I thought if I would have announced police right away that he would not."

I told Hanning that on his and Summer's body cam I could not see Clark, I asked Hanning to describe what he saw, Hanning stated "Right when he opened the door, and I could see him. He had a bladed stance, he had that sword in his hand. He was holding it in a cocked back position, ready to swing."

I asked Hanning why he entered the apartment and he said "I didn't want him coming out in the hallway after us with that sword." I asked Hanning if he still had the sword up or down and he said, "By the time I had stepped in the doorway he had it down but still had it to where he could swing."

Clark put the sword down and I asked Hanning what he was thinking at that moment, Hanning stated, "Right now, I am trying to get him to step out in the hallway."

I asked Hanning why he drew his taser at him and fired, Hanning stated "Given what had just happened, and then he wouldn't come out in the hallway, and then verbalize he would not comply, I felt that there was an immediate need to apprehend him. He was standing next to that cabinet, I couldn't really see what was in it. He was standing next to a dark door way, and I couldn't see what was in there and he was still within reaching distance, or at least lunging distance of that sword."

I asked Hanning how far the cabinet was, since I could not see it clearly on the video, Hanning stated "About two steps."

I asked Hanning why he did not say "Taser, Taser, Taser." Hanning replied, "No. Well I thought I had verbalized to Ellie that I was going to deploy my taser and I don't think I did. But like I said, I felt that if I had given him a warning that at any moment the dynamics could have changed for the worse." I asked Hanning if he thought he could de-escalate that situation at that moment, and he stated "No." I asked Hanning "Why not?" Hanning replied "He answered that door and had the intent to use that sword. Even after a use of force he doesn't comply. He goes and casually walks away from me, puts the sword on top of the cabinet and verbalizes that he is not going to comply with us by telling us "no".

Hanning said that he did not see any immediate hazards behind Clark before he tased him. Hanning said that Clark hit his head on the floor not on the chair that was on top of him. Hanning stated that he was trying to render aid to Clark but it was cramped in the apartment. Hanning dragged Clark into the hallway to continue to render aid. When Clark could not sit up on his own, Hanning placed Clark into the recovery position.

I informed Hanning that I could only find a taser certification for him that was dated 11/07/2018. I said that Sergeant Lucas of Clear Creek County informed me in an email that Hanning did attend the training on 03/10/2021 but Hanning had to view a powerpoint and return the signed re-certification form to him. Sergeant Lucas said that he did not receive that form. I asked Hanning if he remembered doing that and he replied, "No I don't." I asked if there was a place it might be, and Hanning said, "No."

I asked Hanning if he logged onto Lexipol and acknowledged our policy or remembered doing that and he replied, "I don't know if I did or not."

I asked Hanning if there was anything he wanted to say to me, Hanning replied "No, I don't think so. No."

I asked Hanning again, if he thought de-escalation with Clark was not going to work, Hanning replied, "That is correct." I replied that was based on? "Based on the interaction I had with him. There was evidence from Ms. Odom that she had been punched in the face. My interaction with him and him verbalizing his non-compliance, and given the layout of the room and where he was standing and the immediate danger to Officer Summers and I." I asked Hanning if he put the sword down immediately after he saw them, I told Hanning I can not see what Clark is doing. Hanning stated, "I don't know. He had it raised, in a ready to strike position, and then when I stepped into the doorway, he had it down but still in a position that he could swing it."

I showed Hanning a screenshot from Officer Summers camera where it appeared that the weapon was up, Hanning stated "That's how I saw it, when he answered the and cracked it open he had it raised."

I asked Hanning one more time if he wanted to say anything else to me and he declined.

The first complaint, Idaho Springs Policy states;

300.5 NOTICE OF AUTHORITY AND IDENTITY

If it is not already reasonably known by the subject to be searched or arrested, or it is not reasonably impracticable to do so, officers should make clear their intent and identify themselves as a peace officer before using force.

Officer Summers stated that she was not told by Detective Hanning why he did not announce who they were when they knocked on Clark's door. Detective Hanning stated, "This seemed like a pretty bizarre event, the young lady got punched in the face for nothing more than being loud. So, with that I wanted to consider some officer safety issues. That announcing myself at the door right away, I didn't want to get shot through the door and then the other too is I didn't know who this gentleman was, I wanted him to come to the door. I thought if I would have announced police right away that he would not."

This complaint is sustained, Hanning did not identify himself by announcing who he was, or why he was contacting Clark. The event went immediately into a use of force situation.

The second complaint, Idaho Springs Policy states;

300.3 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance. Nothing in this de-escalation policy requires an officer to place themselves in harm's way to attempt to de-escalate a situation. Recognizing that circumstances may rapidly change, officers may need to

abandon de-escalation efforts after they have commenced. Understanding that no policy can realistically predict every situation an officer might encounter, the Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the reasonable deescalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the ISPD Policy Manual or specific officer training that addresses de-escalation.

Detective Hanning was asked if he could have de-escalated the situation he stated, "No." I asked Hanning "Why not?" Hanning replied "He answered that door and had the intent to use that sword. Even after a use of force he doesn't comply. He goes and casually walks away from me, puts the sword on top of the cabinet and verbalizes that he is not going to comply with us by telling us "no".

I asked Hanning again in the interview and he stated, "Based on the interaction I had with him. There was evidence from Ms. Odom that she had been punched in the face. My interaction with him and him verbalizing his non-compliance, and given the layout of the room and where he was standing and the immediate danger to Officer Summers and I."

This complaint is sustained. After Clark put the weapon down and was explaining to the Officers what was happening, at no point in their interaction with him was there any attempt to de-escalate the situation. Clark was given conflicting orders by Summers and Hanning, both Officers shouting at him, and no effort was made to de-escalate.

The third complaint, Idaho Springs Policy states;

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

I asked Detective Hanning why he did not give a warning, Hanning stated, "No. Well I thought I had verbalized to Ellie that I was going to deploy my taser and I don't think I did. But like I said, I felt that if I had given him a warning that at any moment the dynamics could have changed for the worse."

This complaint is sustained. Hanning stated that he believed that if he had given Clark a warning that the dynamics could change, however Clark was not given a reasonable opportunity to comply. Hanning points his taser at Clark and fires instantly while Clark was trying to explain his side of the dispute.

The fourth complaint, Idaho Springs Policy states;

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals with obviously low body mass.
- d. Individuals who are handcuffed or otherwise restrained.
- e. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- f. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Detective Hanning said that he did not see any hazards behind Clark and he was rendered unconscious by hitting his head on the floor not on the chair that had fallen on top of him, Hanning also believed that due to Clark's attitude towards the initial use of force that a taser was the option.

This complaint is sustained. Although Clark did not appear to not react to the initial use of force, the use of the taser was used without using all other available methods, including de-escalation.

The fifth complaint, Idaho Springs Policy states;

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- a. The subject is violent or is physically resisting.

- b. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

This complaint is sustained. Clark was not violent or physically resisting. Clark did answer the door with a weapon, however after the first use of force, he put the weapon away. He did not physically resist, he passively resisted by responding "No" to conflicting orders from the Officers on scene.



Corporal Ryan Frost #1601

COPY 1BF

Summit

**Idaho Springs Police Department
Investigative Interview Warning (Garrity Order)
IA # 21-01**

You are to be questioned as apart of an administrative investigation being conducted by the Idaho Springs Police Department. As an employee you have specific rights and responsibilities in regard to this investigation. Please read the following information carefully.

1. You are being compelled by an Idaho Springs Police Department supervisor to truthfully answer questions relating to your duties/conduct, and if you refuse to answer questions, administrative charges will be brought against you for the dismissal of your employment.
2. Questions, tests or examinations will be narrowly and specifically related to your performance of duties and fitness for office.
3. Any compelled statements, tests or examination results can be used against you in disciplinary/administrative/civil proceeding, but will not be used against you in any subsequent criminal action related to the scope of this investigation. However, false statements made by you can be used in other criminal action, such as prosecution for False Reporting or Obstruction of justice.
4. Any sustained false, deceptive or misleading statements you make will lead to your dismissal of employment, as well as your suspension or revocation of your POST Peace Officer Certification.
5. You are being given a direct order not to discuss this investigation, including your interview, with any unauthorized person. The only other persons you may speak with regarding this investigation are your legal/association representative, detectives and attorney's assigned to the case (if applicable), court personnel, health care provider and/or clergy. The Chief of Police must approve exceptions to this order.
6. Your initial interview has been scheduled for 06/09/2021 at 2000 hrs.

Your signature below indicates that you have read and understand this notice.

Employee Signature EA 1902 Date 06-09-21

Investigator's Signature [Signature] Date 6/9/21

17 June 2021

**Idaho Springs Police Department
Investigative Interview Warning (Garrity Order)
IA # 21-01**

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6. Your initial interview has been scheduled for 06/24/2021 at 1000hrs.

Your signature below indicates that you have read and understand this notice.

Employee Signature [Signature] 1404 Date 06/24/2021

Investigator's Signature [Signature] Date 6/24/21



IDAHO SPRINGS POLICE DEPARTMENT

3000 Colorado Blvd. Box 907 Idaho Springs, CO. 80452

Office 303-567-4291 /Fax 303-567-1014

www.idahospringsco.com

June 14, 2021

Nathan Buseck
Chief of Police

Sara Schielke
Attorney & Counselor at Law
1209 Cleveland Avenue
Loveland, CO. 80537

Re: Inquiry as to the condition of Mr. Clark
Interview request as part of an internal affairs investigation


COPY 1BF

Dear Ms. Schielke,

The Idaho Springs Police Department was involved in an incident on May 30th, 2021 with your client, Michael Clark. Mr. Clark was injured during this incident and transported to St. Anthony's Hospital and Medical Campus. The Idaho Springs Police Department would like to inquire as to his current condition along with extending our thoughts and prayers to Mr. Clark and his family. I would request that you, Mr. Clark or a trusted family member please contact me, Chief Nathan Buseck, directly to provide an update as to his current condition (303-567-4291, ext. 2102). We would please like to know how he is doing.

I also wanted to notify you and Mr. Clark the Idaho Springs Police Department opened an internal affairs investigation into the actions of the officers involved in the May 30th, 2021 incident that occurred in the 3200 block of Riverside Dr. The Idaho Springs Police Department has put one of the officers involved in this incident on administrative leave pending the outcome of the internal investigation. As part of this thorough investigation into the actions of the officers, the Idaho Springs Police Department is making a formal request to speak with Mr. Clark regarding the events of that evening, if his condition will safely allow for an interview. Please contact me at your earliest convenience to discuss if this request is feasible.

Respectfully,


Nathan Buseck, Chief of Police

- MS. SCHIELKE CALLED ON
6/14/21
- I EXPLAINED TO HER THAT C.B.I.
WAS INVESTIGATING AND AN I.A. WAS
ON-GOING
- SCHIELKE WOULD NOT PROVIDE COMMENT
NB



IDAHO SPRINGS POLICE DEPARTMENT

3000 Colorado Blvd. Box 907 Idaho Springs, CO. 80452

Office 303-567-4291 /Fax 303-567-1014

www.idahospringsco.com

Internal Affairs Supplemental Report

06/28/21

Chief Nathan Buseck

Corporal Frost completed the internal affairs investigation (IA #21-01) regarding CR 210444 on 06/26/21. There was a review of the actions of both Detective Hanning and Officer Summers. Corporal Frost compiled a list of various policy violations related to this incident. As the Police Chief, I am submitting this supplemental report to review the policy violation findings of Corporal Frost and formally state if I concur with his findings. I am also including further policy violations that were uncovered as part of this internal investigation.

Policy Violations per Corporal Frost:

Officer Summers-

300.8 Display of Firearms –	Concur with Cpl. Frost	Sustained
300.9.1 Notification to Supervisors-	Concur with Cpl. Frost	Not Sustained

Officer Hanning-

300.3 De-escalation of Potential Force Encounters	Concur with Cpl. Frost	Sustained
300.5 Notice of Authority and Identity	Concur with Cpl. Frost	Sustained
304.4 Verbal and Visual Warnings	Concur with Cpl. Frost	Sustained
304.5.1 Application of the Taser Device	Concur with Cpl. Frost	Sustained
304.5.2 (b) Special Deployment Considerations	Concur with Cpl. Frost	Sustained

After reviewing all of the materials, the below listed policies were also violated by Detective Hanning in relation to incident CR 210444.

300.2.1 Assessment and De-escalation

(b) 2. Tactical Repositioning	Sustained
-------------------------------	-----------

(b) 3. Verbal Persuasion	Sustained
300.6.1 Use of Force to Effect an Arrest	Sustained
300.6.5 Alternative Tactics – De-escalation	Sustained

Detective Hanning made the decision to escalate the situation by using a level force that was not warranted and a clear violation of ISPD policy. Mr. Clark had complied with the verbal direction of the officers to put the weapon down, after Detective Hanning kicked Mr. Clark in the leg. Mr. Clark then no longer had a weapon in his hands and was standing in his underwear trying to explain to the officers what had happened with the neighbor. Detective Hanning's decision to escalate the level of force to using a taser when there was no longer a clear, articulable danger to him or to Officer Summers is not acceptable and a clear violation of ISPD policy.

Detective Hanning was presented with an opportunity to de-escalate the situation and listen to Mr. Clark's side of what had happened as soon as Mr. Clark put the weapon on the shelf. Mr. Clark was in his underwear and had nothing in his hands. Mr. Clark did tell the officers, "No," when they gave conflicting verbal directions. Mr. Clark has white hair and is clearly elderly.

Detective Hanning was presented with an opportunity to continue to speak with, and listen to, Mr. Clark because he and Officer Summers had retreated outside of the room and Mr. Clark had put the weapon on a shelf. Detective Hanning had created a safe distance from Mr. Clark in which he could have continued to speak with Mr. Clark. The distance allowed for the officers to react to any potentially dangerous actions of Mr. Clark while continuing to de-escalate the encounter. However, Detective Hanning then chose to escalate his force when there was no clear, articulable reason to do so. Hanning gave no verbal warning when he chose to deploy his taser.

Detective Hanning is an experienced officer, with almost ten years of total law enforcement experience. I find the actions of Detective Hanning, during this particular incident, to be very disappointing and in clear violation of numerous ISPD policies.



Nathan Buseck, Chief of Police

6/28/21



21-01



Idaho Springs Police Department

Formal Complaint Form

Initiated in-house Initiated by citizen

Name of Employee: Nick Hanning

Badge #: 1704

Complainant's Name: Chief N. Buseck

Address: 3000 Colorado Blvd.

Email: nbuseck@idahospingsco.com

Phone: 303-567-4291, ext. 2102

Person Taking Complaint: Chief Buseck

Signature/Date-Time:

6/13/21

DETAILS OF COMPLAINT - Use continuation form if necessary

Date/Time of Occurrence: 5/30/21

Location: 3201 Riverside Dr. #210

Complaint Summary:

I acknowledge that I was advised of the complaint against me: Officer Hanning responded to an assault in progress and during the course of the investigation came into contact with a suspect named Mr. Clark. Mr. Clark answered the door and was holding a club with a tooth-like serrated edge. Hanning kicked the suspect before first giving verbal commands to drop the weapon and identify himself as a police officer. Mr. Clark then put the weapon on a shelf and was standing with his hands to his side wearing nothing but underwear. Hanning had backed away from Mr. Clark and was giving verbal commands, to which Mr. Clark appeared to say, "No." Hanning then deployed his Taser without verbal warning to Mr. Clark and when Mr. Clark no longer had a weapon in his hands or appeared to be an immediate threat to the officers.

COPY 1 BF

Notifying Person's Signature:

Date: 6/4/21

Employee's Signature:

1704

Date: 06/04/21

THIS SECTION ONLY COMPLETED BY SUPERVISING/INVESTIGATING EMPLOYEE

Disposition Options: Exonerated, Not Sustained, Sustained, Unfounded

Allegation(s) - list policy title/description

1.) De-escalation of Potential Force / 300.3

Recommended Disposition

Sustained RAS

Final Disposition (Lt. or Chief)

Sustained NB

2.) Use of Force to Effect an Arrest / 300.6.1

Sustained RAS

Sustained NB

Immediate Supervisor Recommended Disciplinary Action/Comments:

Final Disciplinary Action/Comments: (Lt. or Chief)

TERMINATION

Supervisor's Signature: _____ Date: _____

() Concur () Not Concur - with SV recommendation
Lt. Signature: _____ Date: _____

() Concur () Not Concur - with LT. recommendation
Chief Signature: Date: 7/9/21

FINAL SECTION - NOTIFICATIONS TO COMPLAINANT/EMPLOYEE

Complainant notified of final disposition:

Date:

Notifying person's name:

Employee notified of final disposition:

Date:

Notifying person's name:

7/7/21

CHIEF BUSECK

Signature of Employee:

Date:

7/9/21

VSA HANING TO
LARA JONES 2



2102

Idaho Springs Police Department

Formal Complaint Form

Initiated in-house Initiated by citizen

Name of Employee: Ellie Summers

Badge #:

Complainant's Name: Chief N. Buseck

Address: Click or tap here to enter text.

Email: nbuseck@idahospingsco.com

Phone: Click or tap here to enter text.

Person Taking Complaint: Click or tap here to enter text.

Signature/Date-Time:

[Signature] 6/7/21

DETAILS OF COMPLAINT – Use continuation form if necessary

Date/Time of Occurrence: 5/30/21

Location: 3201 Riverside Dr. #210

Complaint Summary:

I acknowledge that I was advised of the complaint against me: Officer Summers responded to an assault in progress and during the course of the investigation came into contact with a suspect named Mr. Clark. Mr. Clark answered the door and was holding a club with a tooth-like serrated edge. Officer Hanning kicked the suspect before first giving verbal commands to drop the weapon and identify himself as a police officer. Summers drew her firearm which was appropriate given the initial circumstances. Mr. Clark then put the weapon on a shelf and was standing with his hands to his side wearing nothing but underwear. Summers had backed away from Mr. Clark and was giving verbal commands, to which Mr. Clark appeared to say, "No." Summers continued to keep her firearm aiming in the direction of Mr. Clark, even though he no longer had a weapon in his hands or appeared to be an immediate deadly threat to the officers.

COPY 1BF

Notifying Person's Signature: [Signature]

Date: 6/7/21

Employee's Signature: [Signature]

1902

Date: 06-07-21

THIS SECTION ONLY COMPLETED BY SUPERVISING/INVESTIGATING EMPLOYEE

Disposition Options: Exonerated, Not Sustained, Sustained, Unfounded

Allegation(s) - list policy title/description

1.) Display of Firearms / 300.8

2.) NOTIFICATIONS TO SUPERVISORS
300.9.1 (a)

Recommended Disposition

SUSTAINED
NOT SUSTAINED

Final Disposition (Lt. or Chief)

SUSTAINED
NOT SUSTAINED

Immediate Supervisor Recommended Disciplinary Action/Comments:

[Empty box for supervisor comments]

Final Disciplinary Action/Comments: (Lt. or Chief)

WRITTEN RECOMMENDATION

Supervisor's Signature: _____ Date: _____

() Concur () Not Concur - with SV recommendation

Lt. Signature: _____ Date: _____

() Concur () Not Concur - with LT. recommendation

Chief Signature: [Signature] Date: 6/30/21

FINAL SECTION – NOTIFICATIONS TO COMPLAINANT/EMPLOYEE

Complainant notified of final disposition:

Date:

Notifying person's name:

[Empty box]

[Empty box]

Employee notified of final disposition:

Date:

Notifying person's name:

7-12-21

Summers R [Signature]

Signature of Employee:

[Signature] 1902

Date:

07-12-21



TASER
TRAINING

TASER Training Version 20.2

TASER® CEW User Applicant Certification Form Annual Recertification

PRINT LEGIBLY AND CLEARLY PLEASE!

Which CEWs were you certified on (Check all that apply): M26 X26 X26P X2 X3

Name: Nicholas Hanning Agency: Idaho Springs Police Department
Email: nhanning@idahospringsco.com Phone: 303-567-4291
Address/State/Zip: 3000 Colorado Blvd., Idaho Springs, CO 80452

By signing below, I hereby acknowledge receipt of TASER's Product Warnings. I understand that I must Read and understand these warnings PRIOR to participating in any hands-on CEW drills required by the certification Course.

Student Signature: (Required) [Signature] 17041

TASER Instructor Use Only

Instructor is required to verify that applicant has successfully completed all CEW User Certification/Recertification requirements.

- Review current Annual User Recertification Course PowerPoint Presentation(s) & training bulletins (if applicable)
- Demonstrate safe handling of CEW to include:
proper finger positioning, aiming and deploying at preferred target area and while loading / unloading
- Deploy a minimum of 2 live cartridges (for each weapon certification), placing both probes in preferred target zones
- Perform a proper warning ARC
- (X2 & X3) Utilize the ARC switch to re-energize deployed probes

I hereby certify that the above-named applicant has satisfactorily completed all components of the TASER End-User Certification, or Annual Re-Certification, training program and is hereby certified as a user of this system for one year.

Attested by Certifying Instructor: Isaac Lucas [Signature]
(Print Name) (Signature)

Date: 11-7-18 Location of Training: CCSO

**Do not Send this Form to TASER Training
Keep this Form for Department Training Records**

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Nathan Buseck

From: Isaac Lucas <ilucas@clearcreeksheriff.us>
Sent: Tuesday, June 8, 2021 1:22 PM
To: Nathan Buseck
Subject: Re: training record
Attachments: Taser .pdf; image.png

The only training record I have is his annual recertification from 11/07/2018 (attached). The training is broken down into two parts, one part is the review of the powerpoint, and the other is the in person taser manipulation and firing drills. Hanning did complete the taser manipulation and firing drills on 03/10/21. I sent him an email (attached) on 03/17/21 with instructions to view the powerpoint and to return the signed re-certification form. As of today, I have not received that form back from him.

Let me know if I can do anything else for you.

Sergeant Isaac Lucas

Clear Creek County Sheriff's Office

Detentions Division

ilucas@clearcreeksheriff.us

Phone: (303) 679-2407 - Fax: (303) 679-2449

COPY 1 B F

On Jun 8, 2021, at 12:24 PM, Nathan Buseck <nbuseck@idahospringsco.com> wrote:

Sgt. Lucas,

I am looking to track down the training rosters for the annual Taser recertification for Officer Nickolas Hanning from ISPD. You may have heard we had a recent incident involving Taser deployment.

I have been going through our training records and do not see that he has done a recert recently.

Corporal Sonnenberg said you might be the person to speak with regarding attendance at your annual Taser recert classes? I would be looking for records that go back to 2017.

Please call me or let me know if you have any questions.

Take care,

Nate Buseck
307-214-3876 cell

<image001.png>

Nathan Buseck

Police Chief
3000 Colorado Blvd
P.O. Box 907
Idaho Springs, CO. 80452
Office: 303-567-4291
Fax: 303-567-1014

This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. If you are not the intended recipient of the e-mail, you are hereby notified that any dissemination, distribution or copying of the e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me immediately by telephone or e-mail and destroy the original message without making a copy. Thank you.

COPY 1BF

From: Isaac Lucas ilucas@clearcreeksheriff.us
Subject: Taser
Date: Mar 17, 2021 at 2:56:15 PM
To: nhanning@idahospingsco.com

<https://my.axon.com/s/training-resources-user-courses>

Use the above link and click on "V22 X2 User Course" to review the powerpoint. After you have reviewed the powerpoint, Fill out the top portion of the attached form, and send it back to me. Thanks

Sergeant Isaac Lucas
Clear Creek County Sheriff's Office
Detentions Division
ilucas@clearcreeksheriff.us
Phone: (303) 679-2407 - Fax: (303) 679-2449

COPY 1BF



Hanning .pdf
627 KB

CITY OF IDAHO SPRINGS
IDAHO SPRINGS POLICE DEPARTMENT

NOTICE OF RECOMMENDED DISCIPLINE

TO: Nicholas Hanning NOTICE DATE: 6/30/21
FROM: Chief Nathan Buseck
DATE OF HIRE: 10/02/2017 POSITION: Police Officer

I have reviewed the materials associated with the internal affairs investigation, IA 21-01, regarding CR 210444. You are hereby notified my current recommendation is termination. You are afforded the opportunity to review all the materials related to the investigation and prepare and file a response directly to me.

This recommended discipline is based on the following sustained policy violations. The internal investigation has determined the following polices were violated:

- Policy 300 – Response to Resistance and Use of Force
 - 300.3 De-escalation of Potential Force Encounters
 - 300.2.1 Assessment and De-escalation
 - (b) 2. Tactical Repositioning
 - (b) 3. Verbal Persuasion
 - 300.5 Notice of Authority and Identify
 - 300.6.1 Use of Force to Effect an Arrest
 - 300.6.5 Alternative Tactics – De-escalation
- Policy 304 – Electro-Muscular Disruption Technology Guidelines
 - 304.4 Verbal and Visual Warnings
 - 304.5.1 Application of the Taser Device
 - 304.5.2 Special Deployment Considerations
 - (b) Elderly individuals or obvious juveniles

You may respond orally or in writing to me within five days of the date of this notice.

Once you have completed a response or if you elect to waive any such response, I will consider all information received and render a timely written decision to the you. The written decision will specify the grounds and reasons for the discipline and the effective date of the discipline. Once I issue a written decision, the discipline shall become effective.


Pre-discipline process for the employee:

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review

the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be adversarial or a formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

I hereby acknowledge receipt of the Notice of Recommended Discipline.



Employee

06/30/2021 14:13 HRS
Date

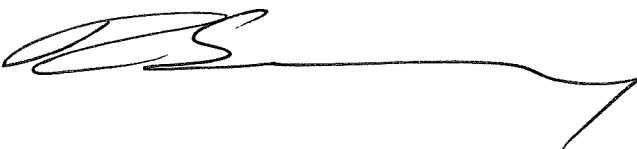


Chief of Police

6/30/21 14:13 HRS
Date

City Administrator

Date



6-30-21 @ 14:13 HRS

CITY OF IDAHO SPRINGS
IDAHO SPRINGS POLICE DEPARTMENT

NOTICE OF DISCIPLINE

TO: Nicholas Hanning NOTICE DATE: 7/09/21
FROM: Chief Nathan Buseck TERMINATION DATE: *7/15/21
DATE OF HIRE: 10/02/2017 POSITION: Police Officer

I have reviewed the materials associated with the internal affairs investigation, IA 21-01, regarding CR 210444. You were provided with the Notice of Recommended Discipline on 6/30/21 and did not file a written response. My final decision is termination from the City of Idaho Springs.

This discipline is based on the following sustained policy violations. The internal investigation has determined the following polices were violated:

- Policy 300 – Response to Resistance and Use of Force
- 300.3 De-escalation of Potential Force Encounters
 - 300.2.1 Assessment and De-escalation
 - (b) 2. Tactical Repositioning
 - (b) 3. Verbal Persuasion
 - 300.5 Notice of Authority and Identify
 - 300.6.1 Use of Force to Effect an Arrest
 - 300.6.5 Alternative Tactics – De-escalation
- Policy 304 – Electro-Muscular Disruption Technology Guidelines
- 304.4 Verbal and Visual Warnings
 - 304.5.1 Application of the Taser Device
 - 304.5.2 Special Deployment Considerations
 - (b) Elderly individuals or obvious juveniles

Post-discipline appeal procedure:

Unless otherwise specified in local or state civil service rules, an employee has the right to formally appeal the Chief of Police's imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee:

- (a) All members of the Department who receive formal disciplinary action amounting to a suspension, demotion, termination, or transfer where the individual will receive lesser compensation, may appeal the disciplinary decision through the grievance procedure.
- (b) Individuals wishing to appeal disciplinary actions shall do so in writing within five **calendar** days of receiving notice of discipline.
- (c) The decision of the Chief of Police in the matter is final.

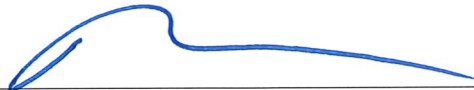
July 9, 2021

- (d) An officer may seek a review of disciplinary action by the City Administrator.
- (e) An officer may seek judicial relief after exhausting Department and City grievance procedures and other administrative remedies through application to the district court.

*If you timely formally appeal this discipline pursuant to the above, this Termination Date shall be stayed until the appeal process has concluded.

I hereby acknowledge receipt of the Notice of Discipline.

RECEIVED TO LISA JEWELL VIA EMAIL 7/9/21 9:00 A.M.
Employee (ATTORNEY FOR LAWYERS) _____ Date



Chief of Police

7/9/21

Date



City Administrator

7/9/21

Date

COPY 1BF

Nathan Buseck

From: Lara Jimenez <lara.jimenez@thefrontlinelawyers.com>
Sent: Friday, July 9, 2021 12:43 PM
To: Nathan Buseck
Subject: Re: Notice of Discipline, Nicholas Hanning

Chief Buseck,

I can confirm that I am in receipt of the below email.

Thank you,

Lara Jimenez

ATTORNEY

Phone: 720-282-1266

Mobile: 720-897-9618

Email: lara.jimenez@thefrontlinelawyers.com

Website: www.thefrontlinelawyers.com

Address: Front Line Law, LLC

3401 Quebec St

Suite 7000

Denver, CO 80207



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COPY 1BF

From: Nathan Buseck <nbuseck@idahospingsco.com>
Date: Friday, July 9, 2021 at 9:00 AM
To: Lara Jimenez <lara.jimenez@thefrontlinelawyers.com>
Cc: Andrew Marsh, City Administrator <admin@idahospingsco.com>, Carmen Beery <cbeery@mdbrlaw.com>
Subject: Notice of Discipline, Nicholas Hanning

Ms. Jimenez,

As the Attorney representing Nicholas Hanning, can you please ensure he receives this Notice of Discipline? I would ask that you please respond to this message to confirm you have received the email.

Please be advised the allowance for the final appeal is **five (5) calendar days**.

Respectfully,

Nate Buseck

— DID NOT RECEIVE AN APPEAL.
NB