

Internal Affairs Investigation

2022-002

Nicholas Smith



Conducted by: Samuel Maestas, Captain
12/21/2022

Introduction:

On November 29, 2022, I was directed by Chief Kenneth Anderson to complete an Administrative Internal Affairs Investigation IA2022-002, with case #22-2618, which involved a traffic infraction initiated by Officer Nick Smith. The incident was reported as eluding a police officer, operating an unregistered vehicle, and operator of an uninsured motor vehicle. This incident occurred on November 12, 2022, at 13:09 hours.

Synopsis:

Case Report Narrative (22-2618) Author: Nick Smith, Alamosa PD Officer:

"On November 12, 2022 at approximately 13:09 hours I, K9 Officer Nick Smith, was traveling north on Railroad Avenue near 10th Street when I observed a dirt bike traveling northbound ahead of me without any displayed registration. The dirt bike did not make any complete stops as required by the stop signs and turned east where I initiated a traffic contact with it in the 1000 block of 8th Street. This is in the City and County of Alamosa, State of Colorado.

I initiated my lights behind the bike and the rider then turned north by the railroad tracks and looked back towards me. The dirt bike then accelerated at a high rate of speed and I initiated my emergency siren as well. The bike crossed the intersection of Ross Avenue and continued traveling east over empty lots and rail road land. I followed the vehicle until I lost sight of it in the dust near the 500 block of 8th Street in the north alley. I followed the dirt bike's tracks to a residential area and into a backyard where the tracks went into a shed. The shed's door was propped open and not secured and when I opened it I observed a male party I knew as Rikk Chavez next to two dirt bikes.

Chavez stated he did not see the police trying to contact him and did not hear a siren due to the helmet he was wearing and noise of his bike. Chavez stated he knew it was not legal to ride the dirt bike on city streets and stated he did not have registration on it or insurance on the bike to be riding it on the city and county roads. Chavez was issued a summons for eluding, operating an unregistered vehicle, and operating an uninsured motor vehicle on a public roadway.

Case Cleared and Summons issued, nothing further from this Officer."

Email by Captain Spangler addressed to Chief Kenneth Anderson:

Dated November 28, 2022, at 17:32 hours

Chief,

"I wanted to bring up an issue that arose from Officer Smith's PIP to see how you would like to proceed. Prior to this issue, I have been documenting the random AXON audits on a form and meeting with Officer Smith bi-weekly to go over what was observed. During these meetings, I

identify the positives that were observed as well as the negative that need to be addressed and worked on going forward.

The one issue that I am bringing to your attention is a little more serious and it is a repeat offense of the 4th Amendment violation.

During my review I observed a body-cam incident from Nov. 12, 2022, at approximately 1309 hours, case #22-2618. This started off as a misdemeanor eluding case, where Officer Smith followed the tracks into a backyard and garage. He did a great job investigating the pursuit that led to this backyard and garage and if you read the report at face value it shows he did his job properly. The issue that I see is in the report Officer Smith states that the door was propped open and unsecured prior to opening it and seeing the suspect, but in the body-cam I observed the door to be closed and latched. You could clearly hear Officer Smith unlatch the door and open it. From what I observed I can't see any exigency or fresh pursuit, but I think this definitely needs to be looked into further for clarification. If you would like me to address at our next bi-weekly PIP meeting please let me know."

Thanks,
Joey Spangler, Captain

Email by Chief Kenneth Anderson addressed to Captain Samuel Maestas

Dated November 29, 2022, at 10:16 hours

Captain Maestas,

As you are aware Officer Smith is currently on a PIP. Captain Spangler has been tasked with supervising the PIP and completing 6 random videos from Officer Smith every week until the completion of his performance improvement plan. I was notified yesterday, November 28, 2022 by Captain Spangler that he has a concern with case number 22-2618. The incident is in regards to a pursuit which Officer Smith initiated and the report indicates he located the vehicle which fled from him. My concern is the report indicates that the door to the garage or shed was propped open and the video shows that the door was latched before he made an unlawful entry into the structure. Due to the amount of time it took to locate the tracks which led Officer Smith to the location of the motorcycle, I do not believe this would be covered by fresh pursuit.

I am assigning you this investigation as an official administrative IA. Officer Smith is currently on vacation so I will meet with him on December 7, 2022 to provide him with his official letter explaining what this IA 2022-01 is about. I will let you know after I talk with Officer Smith so you can begin your investigation. Do not discuss this with anyone until I have time to talk with Officer Smith. If you have any questions, please get with me so we can discuss. Thanks

Chief Ken Anderson
Alamosa Police Department

Summary:

Allegations:

It is alleged that Officer Nick Smith made an unlawful entry into a private, secure structure without exigency, consent, or warrant. There is cause for concern with untruthfulness. There is a discrepancy in Nick's report from what is recorded with his AXON body-cam footage. Paragraph two of Case # 22-2618 states, "The shed's door was propped open and not secured, and when I opened it, I observed a male party I knew as Rikk Chavez next to two dirt bikes." In the review of the AXON body-cam footage, the door is closed and appears latched with a slide bolt lock.

Policy Violations - Review of Conduct:

Policy: 339 Standards of Conduct

- **339.4 General Standards:**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

- **339.5.1 Laws, Rules, and Orders:**

c. Violation of federal, state, local, or administrative laws, rules, or regulations.

- **339.5.8 Performance:**

a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

e. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.

i. Any act on - or off-duty that brings discredit to this department.

- **339.5.9 Conduct:**

c. Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.

Evidence:

On Tuesday, December 21, 2022, at 13:05 hours, I met with Nick Smith, K9 Officer with the Alamosa Police Department, for an interview related to IA2022-002 involving case 22-2618. Present via electronic meeting link was Nick's attorney, Jack Roth of The Gasper Law Group in Colorado Springs, Colorado, throughout the entire interview.

Interview:

During our interview, I provided Nick and his attorney with a brief synopsis relating to this administrative internal investigation and the case involved. (Case #22-2618).

Nick Smith, Officer with the Alamosa Police Department, was notified of the Department Investigation, and his Garrity Rights were read to him verbatim per the department form. Nick Smith was advised that this Internal Investigation was strictly administrative in nature. Nick Smith acknowledged and said he understood his Garrity Right and documented his initials by each right read to him and signed the form, including the date and time. I, too, signed the form, including the date and time.

Education:

I asked Nick Smith to provide me with his POST Education. Nick told me he attended Colorado Law Enforcement Training Academy with Trindade State College and received his POST certificate in 2017.

Work History:

I asked Nick to provide me with his work history. Nick indicated that he started his law enforcement career with the Alamosa County Sheriff's Office and worked in that capacity for three years. Nick then gained employment with the Alamosa Police Department, and the hire date was June 24, 2019. It was noted that Nick Smith went through an FTO (Field Training Officer) Program. While completing the program, Nick Smith reviewed and signed off, acknowledging the Alamosa Police Department Policies and Procedures. Nick Smith was promoted to the position of K9 Officer in January 2021. Part of these duties included having knowledge of the 4th Amendment (Search & Seizure). Nick acknowledged that it is reasonable to say he would have more in-depth training regarding the 4th amendment than an average officer.

4th Amendment:

I asked Nick to summarize what the 4th Amendment was in his own words. His response was it's the... basically to protect a citizen or somebody else from unlawful search or seizure of in itself the property or home.

I asked Nick to tell me what a violation of the 4th Amendment right would be in his own words. His response was when an officer enters some place unlawfully without probable cause, exigent circumstances, fresh pursuit, or any of those reasons.

4th Amendment:

The Constitution, through the Fourth Amendment, protects people from unreasonable searches and seizures by the government. The Fourth Amendment, however, is not a guarantee against all searches and seizures, but only those that are deemed unreasonable under the law.

Discussion with the PIP (Performance Improvement Plan):

I asked Nick about his PIP and how his actions resulted in him being placed on one. Nick's response was, according to the chief, mainly because he filed a complaint on Officer Bagwell for Officer Safety, Another incident involving an untruthful issue, and the reason was because of a complaint filed by Nicholas Hepworth where he was connected, and he ran, and now we are currently in litigation over it and failed to have a warrant. The last incident involved Augustine Martinez had jumped out of a secondary story window.

Case 22-0217:

I asked Nick to tell me more about the Augustine Martinez incident, Case #22-0217, which occurred on January 26, 2022, at 13:30 hours. Nick stated that Officer Juarez had observed Augustine Martinez and Sahra Gallegos parked in front of an apartment complex located at 2069 Mullins Avenue. Nick said it was an overlap day and a SWAT day, and he was one of the senior officers on duty at the time. Officer Ledezma and CSO Officer Juarez were present, and he can't remember any other officers but specifically remembers those two present. Nick said they went looking for the vehicle and spotted their vehicle, and as he drove through the parking lot, Augustine and Sahra exited the vehicle and ran to an upstairs apartment belonging to [REDACTED]. Nick said that Ledezma was covering the front of the apartment with him, and Officer Juarez was covering the rear of the building. Nick said he remembers glass breaking and Officer Juarez shouting that Augustine was jumping out of the second-story window. Nick said at that time, he was talking to [REDACTED], the apartment owner, and told him to send Augustine or he would get a search warrant for his residence. Nick said [REDACTED] response to him was that he did not need to do that and he would send him out. Nick said when he heard the glass breaking, he entered the apartment. I asked Nick to tell me what [REDACTED] had told him before entering the apartment. Nick said [REDACTED] told him he did not want him in his apartment without a warrant and that he could get Augustine to come out.

AXON Camera Review:

A review of Nick Smith's Axon Body Camera indicating Officer Nick Smith knocks on the door of [REDACTED] at 13:40:03 hours. Officer Smith knocks and announces, "police open the door." [REDACTED] opens the door, and Officer Smith addresses [REDACTED] by telling him to have Augustine come out, or he will get a search warrant for the house. Officer Smith tells [REDACTED] that he observed Augustine enter the apartment and that if he needs to, he will get a warrant for everyone and everything inside the residence and tell Sahra to come out too. Officer Smith tells [REDACTED] to leave the front door open as [REDACTED] was going to close it. [REDACTED] tells Officer Smith that his son is inside the residence. [REDACTED] tells someone inside the residence that they need to go outside or they are going to get a search warrant for the residence. Officer Marco Ledezma and Officer Tina DeSanti are covering Officer Smith during the initial contact. At 13:40:56, Officer Ledezma and Officer DeSanti broke away

from covering Officer Smith to give chase to a suspect who was fleeing out the window. Officer Smith asks [REDACTED] if Sahra is inside. [REDACTED] said I think so, and Officer Smith told [REDACTED] that he was coming in. [REDACTED] response "no... what? Dude, you can't" Officer Smith has broken the threshold of the entrance; and walks past [REDACTED] saying, "yeah, I can. Where is he at, [REDACTED]... Where is he at? don't fuck with me." [REDACTED] responds that they are in his room; Officer Smith asks [REDACTED], "right one," as he approaches the bedroom door, which is closed. Officer Smith tries to open the door, which is locked, and tells the people inside the room to open the door twice with his duty weapon drawn at the low ready. A female opens the door, and Officer Smith asks a male subject inside the room who is sitting down. Where is Sahra? The male subject points towards the wall and Officer Smith grabs Sahra, who was hiding behind the curtains, place her in custody, and escorts her to his patrol vehicle. Augustine Martinez fled the residence through an open window and was contacted and placed in custody without incident.

Case #21-1361:

I asked Nick Smith about a complaint with Ibarra on June 25, 2021. The complaint was for ramming a vehicle, airing the suspect rammed him, running up to a vehicle on a felony stop, and using the department firearm to break a window. Nick felt this was a notice of contention and said when he originally stopped, his bumper touched Ibarra, and he reversed his vehicle, trying to run Nick over. Nick noted that he disagreed with the findings on that. Nick admitted to failing to conduct a felony stop as policy states. I asked Nick if he used his firearm to break a window. Nick told me he didn't break a window but did have his firearm out. No questions or comments were made related to this incident.

AXON Camera Review:

A review of Nick Smith's Axon Body Camera indicates he initiated a traffic stop at Main Street and La Due Avenue on June 25, 2022, at approximately 04:33 Hours with a possible suspect Alex Ibarra. Officer Smith has his emergency lights on. Officer Smith deems a pursuit at Main and Denver and pursues the suspect vehicle west on Main Street at high speeds. The suspect vehicle turns north onto Craft Drive, continues east onto Clarks Street, and south onto Stadium Drive. The suspect vehicle turned west onto Franklin Street, south onto Berkeley Avenue, west onto Sunset Drive, and east onto Oliver Avenue, merged onto Clark Street, and continued traveling westbound. The suspect vehicle turned south onto Craft Drive, traveling past Main Street, turned east on West 1st Street, and merged onto Stockton Street. The suspect vehicle continued to flee, turned south onto Washington Avenue, and merged onto Tremont Street, traveling eastbound West Avenue. The suspect vehicle turns east onto 8th Street and south onto Denver Avenue. The suspect vehicle turns west onto 9th Street to State Avenue, travels to Princess Ann Place, and turns into the cul-de-sac, where Officer Smith rams the passenger rear quarter panel of the suspect's vehicle with his patrol car. Officer Smith exits his patrol car as the suspect vehicle is trying to back up and strikes Officer Smith's patrol car. At 04:42:41, Officer Smith approached the passenger side door of the suspect's vehicle while standing near his patrol car's front driver's side fender and began to punch the passenger side window four times with his duty firearm clutched in his right hand.

Case# 21-2752:

I asked Nick Smith to tell me about a complaint that occurred on December 17, 2021, at 22:36 hours involving Nicolas Hepworth, which resulted in a Use of Force complaint. Nick told me he responded to a shots fired call in an alleyway near [REDACTED] and [REDACTED]. Nick Smith said he saw Nicholas Hepworth and knew he had been on the active warrant list a week prior. Nick Smith said during his contact with Hepworth to verify information, That Hepworth took off running through some bushes to a house. Nick Smith said that since Hepworth ran, he must have warrants, exited his patrol vehicle, gave chase, and contacted and grabbed him before entering the apartment. Nick said as soon as he grabbed Hepworth resisted and began fighting. So I clarified with Nick Smith that he assumed Hepworth had a warrant and did not have an active warrant for his arrest after a wants and warrant check. Nick Smith confirmed he placed Hepworth in custody. I asked Nick Smith if Hepworth had sustained any injuries related to the arrest, and Nick said that he was medically cleared at the SLV Health for what he thought was a broken rib or whatever he had. I asked Nick Smith if he had given any verbal direction to Hepworth before the initial contact. Nick stated that he did upon contact in the alleyway, but his AXON body cam was not activated at the time.

I asked Nick Smith if he received verbal counseling on the case we just reviewed. Nick believed he received written reprimands in each case and additional training involving one of those incidents but didn't recall the incident or training.

Disciplinary Action - Documented Written for Speeding:

I asked Nick Smith to tell me about a driving complaint that occurred on June 24, 2021. Nick told me he was driving back from training in Colorado Springs, Colorado. There was a complainant that someone called in and said he was speeding. I found that written notice by Sergeant Orlando Dordan that Nick Smith did admit to speeding and violated department policy 339 Standards of Conduct, Section 339.5.10(f) Safety: Unsafe or improper driving habits or action in the course of employment or appointment.

Disciplinary Action - Documented Verbal Written for Missing Court:

I confirmed with Nick if he was counseled verbally for missing a (DOR) Department of Revenue hearing with Robert L. Martinez on March 25, 2022, case #9671411. Nick confirmed being counseled for that incident.

Disciplinary Action - Documented and placed on PIP:

I confirmed with Nick Smith that he received disciplinary action on August 11th, 2022. It was brought to your attention with concerns over your decision-making, de-escalation tactics, and professionalism. These concerns were found sustained, and you received disciplinary action, which resulted in 40 hours of suspension, with 30 hours to be held in abeyance for 12 months and 10 hours to be served. A PIP (Performance Improvement Plan) plan was created for you to include 90 days of random audits of the AXON video system and 90 days of dayshift with intensive supervision under the direction of the Division Commander. If necessary, this can be extended in 90-day increments, up to 12 months. Signed by you on August 29, 2022, for the following policy violations:

300.1 - Use of Force
3001.1 - Alternative Tactics De-Escalation
300.1.2 - Use of Force to Effect an Arrest
309 - Conducted Energy Device
309.7 - Medical Treatment
339 Standards of Conduct
339.5.8 - Performance(d)(e)
339.5.9 - Conduct(b)(c)
351.1 - Mutual Aid Outside Agency Assist
351.2 Assisting Outside Agencies

Case# 22-2618 - Eluding Incident Ricc Chavez

I asked Nick if he was working on Saturday, November 12, 2022, day shift, in full uniform, operating a city-owned vehicle marked for police with operational emergency equipment. Nick said yes. I asked Nick what his assignment for the day was to patrol and respond to calls for service. He doesn't recall what district was assigned to him.

Breakdown of incident: AXON footage shows 20:00 and is really 13:00:

- Smith observes dirtbike at 10th Street & Railroad Avenue (13:08:21 - AXON)
 - No visible registration
 - Stop violations
- Smith activates lights at 8th Street & Railroad (13:09:08 -AXON)
- Smith Calls 10-75 with Traffic with a dirt bike (13:08:52 AXON)
- Smith calls out dirtbike is not stopping & provides the direction of travel (13:09:08 AXON)
- Smith activates the siren (13:09:16 AXON)
- Smith deactivates the siren at the intersection of Ross Avenue, and the dirt bike continues eastbound (13:09:20 AXON)
- The Siren was activated for 4 seconds.
- Smith continues pursuing the dirt bike eastbound through the railroad yard, not pushing that hard; the dirt bike is headed toward 8th Street (13:09:38 AXON)
- Smith approaches State Avenue and deactivates the emergency lights. (13:10:02 AXON)
- Smith advises he is in the alley-ways and turns into the alley (13:10:11 AXON)
- Smith travels to the intersection of Hunt Avenue (700 block) and asks citizens if they have seen a motorcycle, response no (13:10:50 AXON)
- Smith turns onto 8th Street and stops at State Avenue (13:11:12 AXON)
- Smith turns into the Alta Parking lot and drives down the alley-way (13:11:24 AXON)
- Smith stops at a property behind ALTA Fuels which is believed to be [REDACTED] 8th Street with alley access. (13:11:30 AXON)
- Smith exits his patrol vehicle (13:11:41 AXON)
- Smith enters a yard through a chain link gate that was partially open to the alley (13:11:51 AXON)
- Smith follows dirtbike tracks to a storage building (13:12:14 AXON)
- Smith approaches the closed doors to the storage building. Video shows locked door with slide bolt gate lock (13:12:23 AXON)
- Smith unlatched the slide bolt lock and opened the closed doors (13:12:26 AXON)
- Smith observes and contacts Rikk Chavez and advises he is under arrest. (13:12:32 AXON)

Nick Smith's Observations:

Nick tells me that he observes the dirt bike tire tracks go into an open yard. He follows the tire tracks to a group of sheds and hears someone inside. Nick said he didn't remember if the door was cracked.

Hot Pursuit Doctrine:

I asked Nick if he knew what the Hot Pursuit Doctrine states, and he said in his own words that when you give chase to someone without causing delay, you can chase them into their house or structure as long as you can justify that you're in hot/fresh pursuit.

Hot Pursuit Doctrine: United States v. Santana, 427 U.S. 38 (1976)

The hot pursuit doctrine provides that police may pursue a fleeing suspect into a home without a warrant when they have probable cause to make an arrest and when that arrest was already in motion in a public place within their jurisdiction.

Questions: (Please refer to the interview for detailed answers, This is not intended to be verbatim, just a summary)

- I asked Nick Smith if he remembered deeming the incident a pursuit or a traffic stop through dispatch. *Answer: He said he doesn't know and doesn't remember.*
- I asked Nick why didn't he deem the traffic stop a pursuit. *Answer: He said because it is against policy to pursue dirt bikes. Nick said the only reason he followed the dirtbike was that he felt he had containment set up in the area with his fellow officers who were on duty and in the immediate area.*
- I asked Nick how much time had elapsed from the time he deactivated his emergency lights when he was located at 8th Street and State Avenue and lost sight of the dirt bike. *Answer: He told me he thought about two to four minutes. (The actual time would have been two minutes and seven seconds elapsed.)*
- I asked Nick Smith if he felt the incident met the Fresh/Hot Pursuit Doctrine. *Answer: I did at the time. Nick followed up and said that his adrenaline was going, and it didn't seem that much time had passed and only felt like a couple of seconds had passed during his search in the area before locating the tire tracks, and he felt it wasn't more than two minutes.*
- I asked Nick if he had any concerns about imminent injury or danger. *Answer: No*
- I asked Nick if he had the exigency to enter the property. *Answer: Yes, and provided reasoning, such as he saw the dirtbike tire tracks that led him there, and he doesn't know if the dirtbike operator lives there. The property was an open yard that wasn't secured, and he thought that the property belonged to [REDACTED]*
- I asked Nick if the property located at [REDACTED] 8th Street is open to the public or private. *Answer: I'm not sure the front is an apartment complex, and the back part is storage sheds. The front yard has no fence, and the back part had a fence but was not locked. The chain link gate/fence was approximately five feet and could be shut.*
- I asked Nick if there was any reasonable expectation of privacy where he located the dirt bike and Ricc Chavez. *Answer: If the property belongs to Ricc, yes, because there was a fence, but the gate was open, and I was unsure who lived there.*
- I asked Nick if the storage shed was on private property. *Answer: yes, it is located off the alleyway. (The shed was off the alleyway but faced south and had to be accessed through the yard to the shed's doors.*
- I asked Nick if there was any concern about the destruction of evidence related to the incident. *Answer: No.*

- I asked Nick if there was there any evidence related to the traffic stop. *Answer: No, other than him (Ricc) fleeing and hiding the dirtbike.*
- I asked Nick if he recalled if he had unsecured a slide bolt lock before opening the doors to the shed. Pictures were provided. *Answer: No, I asked what the doors appeared to be in the photograph. Answer: Closed. I asked Nick if he saw the lock hardware. There appears to be a bolt, but I can't tell if it is locked in the picture.*
- I informed Nick that on his body cam, it sounds like a bolt slides open right before he opens the door and asked if he recalled it. *Answer: No, I would have to watch my body cam.*

Video Review (In-Car & Body Cam):

We reviewed the dash cam and body cam video footage of Nick's actions related to case# 22-2618. Nick explained and said he never unlocked a slide lock bolt. Nick said he remembers pulling some type of rusty padlock hardware, which is the noise you hear o the body cam. Nick said he never touched the bottom slider, which would have resulted in being secured from the outside. Nick indicated the door was not wide open and had to pull it open but never had to unlock it.

Questions: (Please refer to the interview for detailed answers, this is not intended to be verbatim, just a summary)

- I asked Nick if he had consent to search the property. *Answer: No,*
- I asked Nick if he had consent to search the sheds. *Answer: No*
- I asked Nick where Riicc Chavez lived. *Answer: I thought he lived in Antonito, Colorado. After making contact with Ricc Chavez, where does he live? Answer: He lives in the first apartment in front of the buildings. (█████ 8th Street).*
- I asked Nick if it was reasonable to believe that the sheds in question belonged to Ricc Chavez. *Answer: I'm not sure who they belong to, and I thought ██████████ might have owned them. A forklift and stuff near that section belonged to the Green Spot.*
- I asked Nick if he had Consulted with ██████████ from the Green Spot. *Answer: No*
- Nick told me he cleared the area at night where the greenhouses, truck, and forklift are located, and I asked him if it looked like two separate properties in the view we watched. *Answer: He said it was hard to tell, but you could see a fence on the property line as he got closer. He said at that point, it would be two separate properties. I clarified with Nick that there is a residential and industrial property owned by the Green Spot and a fence on the property line separating the two properties. Nick does state he feels that the property where the storage sheds are located appears to be an industrial property which is located on the residential side of the property.*
- I clarified with Nick that Ricc lives at the said property; he either rents or owns the property and the storage buildings. *Nick said that he believed Ricc Chavez had a right to be there.*
- I asked Nick if he had a search warrant for the property. *Answer: No*
- I asked Nick if he felt he violated Rikk Chavez's fourth amendment right. *Answer No; based on the act, he committed a felony act on which he gave him a break. Nick states he followed the dirtbike tracks into the property and to the storage shed in less than two minutes.*
- Nick states that he thought he was confident in his abilities but after being told he shouldn't be confident in his abilities in the last year. Nick follows up by providing examples of other pursuits that led them to a foot chase into a private property where they hid and made an arrest. Nick said he didn't know who the

operator of the dirtbike was, he didn't know it was Ricc Chavez, and He didn't know that the operator lived there. Nick's perception what that he went into the property to hide. At the time, he believed that the property was industrial and belonged to [REDACTED] and the Green Spot. Nick said he doesn't feel he violated Ricc's 4th Amendment Rights based on previous similar calls for service, training, and experience. But after speaking to me, he would have done things differently.

- I asked Nick if he had time to get a search warrant. *Answer: Yes, I suppose I did.*
- I asked Nick if he had discussed any actions he took that day with his immediate supervisor. *Answer: No, he thought Corporal Veneman and Sergeant Kindschuh were right behind him.*
- I asked Nick to read the last sentence of paragraph two of his narrative related to case 22-2618. *(The shed's door was propped open and not secured, and when I opened it, I observed a male party I knew as Rikk Chavez next to two dirt bikes.)* I pointed out an observation in which he wrote that the door was propped open and not secured. I showed him a picture that was taken from his body cam footage in which the doors were closed, and I asked Nick to clarify his observations in the picture. *Answer: Nick said he didn't know how to explain it and didn't view his body cam footage before writing his report. He remembers seeing a gap, and he could hear someone in there. He said he saw a gap in the door with the photograph I presented him, but he doesn't remember the door being tightly sealed, that the door was more ajar, so he grabbed it and pulled it open.*
- I asked Nick if the door was ajar as indicated is there still a reasonable expectation of privacy before opening that door. *Answer: Nick said if he did not have a reason to be there, absolutely.*
- I asked Nick if he had the opportunity, under different circumstances, to ask the owner of the property for consent to search the property and curtilage. *Answer: I suppose so, yeah.*
- I asked Nick if you were untruthful after reading that sentence in your report. *Answer: No, The incident is how he remembered it with the door not being shut, not secure, not tight, not locked, and he remembers seeing a slight gap and pulling the door open.*
- I advised Nick there could have been a better outcome to this event if he had reviewed his body cam before writing his report. I asked if he knew he was allowed to view the body cam before writing his report, and there is nothing in the policy to say differently. *Answer: he said there is nothing in the policy that says we can not.*
- I asked Nick if it would be reasonable to say that a common or reasonable person who was presented with the picture would say the doors are closed. *Answer: Nick said that would be true.*
- This concluded my questions.

Alleged Unlawful Entry into Storage Shed:

After review of all camera footage, reports, and policy to include state and federal laws, it is reasonable to say Nick Smith, K9 Officer with the Alamosa Police Department, understands and acknowledges department policy and procedures and knows the local, state, and federal laws and rights pertaining to the 4th amendment through his education, training, and experience.

Searches and seizures inside a secure structure without a warrant are presumptively unreasonable. *Payton v. New York*, 445 U.S. 573 (1980).

However, there are some exceptions. If there is probable cause to search and exigent circumstances; *Payton v. New York*, 445 U.S. 573 (1980). This type of situation requires imminent danger, destruction of evidence or a suspect's escape is about to happen.

A warrantless search may be lawful: If an officer is given consent to search; *Davis v. United States*, 328 U.S. 582 (1946). Nick Smith did not attempt to obtain consent from either the homeowner or who he believed was the property owner, [REDACTED], from the Green Spot. The door was closed, and any reasonable officer or person could say that the door was closed. The Fourth Amendment protects people from warrantless searches of places or seizures of persons or objects, in which they have a subjective expectation of privacy that is deemed reasonable. In my opinion, an individual's reasonable expectation of privacy is violated as it relates to case# 22-2618. Nick Smith could have knocked on the shed door and identified himself if he heard someone inside the shed. Nick had an opportunity to have two supervisors present before the search to discuss and address any concerns he may have had. This did not occur, and he chose to open the door to the shed, which resulted in poor judgment.

The shed was clearly in a secure yard area, not open to the public, with a gate (open) and chainlink fence. The shed door was not facing the alleyway, and you must enter the property to view the gate door. The area in question would not be considered open to the public and would be curtilage to the private property of [REDACTED] 8th Street.

Nick Smith did have time to obtain a warrant. In his interview, he indicated that his fellow officers had set up a perimeter. No concerns of exigency are documented leading up to the search. The offense occurred at 1:00 pm, which is a reasonable time of day to obtain consent for the search of the sheds.

The pursuit of the dirtbike was terminated as policy and procedures indicate, and two minutes and seven seconds had elapsed from deactivating his emergency lights to discovering the tracks from the dirtbike. No official pursuit was deemed through our dispatch center. So I don't feel this event would fall within the guidelines of the Hot Pursuit Doctrine: *United States v. Santana*, 427 U.S. 38 (1976).

Nick Smith did have a previous violation on January 26, 2022, where entry was made to a residence to effect an arrest after the lessor of the apartment told him he needed the search warrant to make

entry into the residence. Nick Smith **disregarded** the lessor's requests and bypassed him at the threshold, and made entry to conduct a search of the residence for persons with an active warrant (Case 22-0217).

Alleged Untruthfulness:

It is alleged that Officer Nick Smith may have been untruthful in making a statement in his narrative on his police report regarding case # 22-2618, which is an official criminal justice record. In a review of his interview and all camera footage, reports, and policy to include state and federal laws. Nick Smith **knowingly** made an untruthful statement in his report, which is different from the review of his AXON bodycam footage.

There is cause for concern about whether this act was intentionally done by Officer Smith to conceal or cover up any wrongdoing during his investigation of the incident when he typed his report. Nick Smith's report differs from what is seen on his AXON bodycam footage. Officer Smith did have time and can review his body camera footage to confirm his observations or actions at the time of the search and to ensure they did not differ from his bodycam footage before documenting his facts in an official criminal record.

Conclusion:

After review of all camera footage, reports, and policy to include state and federal laws. Here are my findings after this investigation involving Nick Smith, K9 Officer with the Alamosa Police Department.

Violation of the 4th Amendment:

Sustained: When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Untruthfulness:

Sustained: When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Helping People First™

CRIMINAL DEFENSE • FAMILY LAW • CHILD CUSTODY
MILITARY DIVORCE • PROBATE & ESTATE PLANNING



THE GASPER LAW GROUP

A PROFESSIONAL LIMITED LIABILITY COMPANY
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CARRIE E. KELLY
RYAN E. LARSON
JACK B. ROTH
EMILY K. MOY
CHRISTINE A. SALAMON
HARJOT R. SINGH
ROBERT F. TOOLE

ALLEN C. GASPER - RETIRED

December 19, 2022

Captain Sam Maestas
Alamosa Police Dept.
425 Fourth Street
Alamosa, CO 81101

Via Email

Re: Officer Nicholas Smith

Dear Captain Maestas:

Thank you for taking the time to speak with me today regarding my representation of Officer Smith. I also would like to thank you for your kindness and generosity in moving the hearing from 11:00 am to 1:00 pm to allow me to attend. As you know, I already had a court hearing scheduled at 11:30 am so your willingness to move the hearing is greatly appreciated.

Pursuant to our discussion, I am writing to request your full IA file on Officer Smith, including whatever charging document Alamosa PD has prepared for tomorrow's hearing. My request includes all police reports, dispatch logs, 911 calls, and particularly, any reports authored by my client, Nicholas Smith.

Thank you for your attention to this matter. Sending the documents via email would be perfectly agreeable and I am sure save significant time.

Very Truly Yours,

THE GASPER LAW GROUP, PLLC

Jack Roth
Partner, Gasper Law Group, PLLC

JBR/
Cc: file

IA2022-002
Nick Smith
Date: December 01, 2022



Review of Conduct

★ Policy: 339 Standards of Conduct

- **339.4 General Standards**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

- **339.5.1 Laws, Rules, and Orders**

- c. Violation of federal, state, local, or administrative laws, rules, or regulations.

- **339.5.8 Performance:**

- a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- e. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.

-
- i. Any act on - or off-duty that brings discredit to this department.

- **339.5.9 Conduct**

- c. Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.



Alamosa Police Department

Administrative "Garrity Rights" Warning

Employee: Nick Smith	Rank: K9 Officer	ID# 8335	Division: Patrol
Date: 12/20/2022		Time: 13:05 HRS	
IA #IA2022-002		Investigator: Samuel Maestas, Captain	

You have been involved in an incident, or you have personal knowledge of an incident that is under administrative investigation.

1. In the administrative investigation, you are **required** to truthfully answer any and all questions directed to you; both orally and when requested in writing, which is specifically, directly, and narrowly related to the performance of duty or fitness for office. Therefore, **you do not have the right to remain silent**. You are advised that your statements or responses constitute an official police report. MS

2. You are also directed to disclose to the assigned investigator any and all information materials that may pertain to this investigation. This includes the existence of any possible witnesses, as well as recordings, photographs, notes, documents, records, statements, electronic records or equipment, etc. Your failure to comply constitutes a violation of the Standards of Conduct and may serve as a basis for more serious disciplinary action, including discharge from the department. MS

3. If you refuse to answer any questions directed to you, you will be ordered by a superior officer to answer the question. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Standards of Conduct and may serve as a basis for more serious disciplinary action up to, including discharge from the department. MS

4. You are required to be truthful in all your responses. If during the course of this investigation, it is discovered that you have been untruthful in your responses, you are advised that your untruthful responses constitute a violation of the Standards of Conduct and may serve as a basis for more serious disciplinary action up to, including discharge from the department. MS

5. While this incident is under investigation, you are directed not to discuss or make any information concerning this investigation with anyone other than your direct Chain of Command, your attorney/representative, or members that are assigned to the internal affairs unit. Investigations conducted by the Internal Affairs Unit, which result in **no sustained** allegations, are considered complete. The accused employee's chain of command reviews the investigation, and the investigation is returned to Internal Affairs for proper filing. Investigations resulting in **sustained** allegations are considered complete when the Chief of Police has acted on the complaint. MS

6. Your statement, as well as any information or evidence, is gained through your statement, cannot be used against you in a criminal proceeding, except that you may be subject to criminal prosecution for any false statement which you may include in any written internal statement. MS



Alamosa Police Department

Administrative "Garrity Rights" Warning

- 7. Accused Officers are allowed to have an attorney/representative of their choice present during any interview in a formal or firearms discharge investigation. If you are the accused officer, you choose to have an attorney/representative at the appropriate time and place. Any financial liability incurred through the use of an attorney is the responsibility of the accused officer. Failure of the attorney/representative to follow established guidelines may result in the loss of this privilege. #15

- 8. If you have any questions regarding this warning or if you have any questions concerning the procedures to be followed, you may direct those questions to the Professional Standards Manager or the Chief of Police. #15

The undersigned hereby acknowledges receipt of the above warning.

Signature: [Handwritten Signature] 12/20/2022 @ 1308

Investigator: [Handwritten Signature] 12/20/2022 @ 1308 HRS

Witness: _____



Alamosa Police Department

Serving Our Community Since 1878

Kenneth Anderson, Chief of Police

To: Officer Nick Smith
From: Chief Kenneth Anderson
Subject: Administrative Leave Notification
Date: December 7, 2022

This memorandum is to inform you that effective immediately I am placing you on paid administrative leave. This notice comes as a result of Captain Joey Spangler completing his random Axon body camera inspection of your videos due to your current performance improvement plan. During his review of a pursuit which you initiated, it is alleged that you made an illegal entry where you apprehended a suspect who fled from you. It is also alleged that your RMS report of the incident appears to have factual discrepancies which differ from what your body camera shows.

As a member of the Alamosa Police Department, you have the right to be notified of an internal investigation which has been initiated and is only administrative in nature. I believe all requirements have been met per policy. I have advised you of your rights as outlined per Alamosa Police Department Policy 1019.6.2.

The investigation will focus on all actions to ensure compliance with applicable policies. The investigation shall compile all relevant information and reports necessary for the department to determine any policy violations. Any indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

Police Headquarters
425 4th Street
Alamosa, Colorado 81101
(719) 589-2548

"Protect & Serve"

Mailing Address
P.O. Box 1101
Alamosa, CO 81101
Fax: (719) 589-5257



Alamosa Police Department

Serving Our Community Since 1878

Kenneth Anderson, Chief of Police

While you are on paid administrative leave you are:

1. Not to report for your regular duty assignment.
2. Not to take any law enforcement action.
3. Remain available to the Police Department and Chief Anderson or his designated person by telephone between the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Finally, if there are any needed changes to the conditions of your administrative leave status these will be made to you in writing. If you have any questions concerning this matter, please contact me directly.

Kenneth Anderson
Alamosa Police Department
Chief of Police

Police Headquarters
425 4th Street
Alamosa, Colorado 81101
(719) 589-2548

"Protect & Serve"

Mailing Address
P.O. Box 1101
Alamosa, CO 81101
Fax: (719) 589-5257



Samuel Maestas <smaestas@ci.alamosa.co.us>

Smith IA

1 message

Ken Anderson <kanderson@ci.alamosa.co.us>
To: Sam Maestas <smaestas@ci.alamosa.co.us>

Tue, Nov 29, 2022 at 10:16 AM

Captain Maestas,

As you are aware Officer Smith is currently on a PIP. Captain Spangler has been tasked with supervising the PIP and completing 6 random videos from Officer Smith every week until the completion of his performance improvement plan. I was notified yesterday, November 28, 2022 by Captain Spangler that he has a concern with case number 22-2618. The incident is in regards to a pursuit which Officer Smith initiated and the report indicates he located the vehicle which fled from him. My concern is the report indicates that the door to the garage or shed was propped open and the video shows that the door was latched before he made an unlawful entry into the structure. Due to the amount of time it took to locate the tracks which led Officer Smith to the location of the motorcycle, I do not believe this would be covered by fresh pursuit.

I am assigning you this investigation as an official administrative IA. Officer Smith is currently on vacation so I will meet with him on December 7, 2022 to provide him with his official letter explaining what this IA 2022-02 is about. I will let you know after I talk with Officer Smith so you can begin your investigation. Do not discuss this with anyone until I have time to talk with Officer Smith. If you have any questions, please get with me so we can discuss. Thanks

Chief Ken Anderson
Alamosa Police Department
425 4th Street
719-589-2548
kanderson@ci.alamosa.co.us



Samuel Maestas <smaestas@ci.alamosa.co.us>

Fwd: PIP Update

1 message

Ken Anderson <kanderson@ci.alamosa.co.us>
To: Sam Maestas <smaestas@ci.alamosa.co.us>

Tue, Nov 29, 2022 at 11:24 AM

This is the email which Captain Spangler sent me to inform me of the PIP,

Chief Ken Anderson
Alamosa Police Department
425 4th Street
719-589-2548
kanderson@ci.alamosa.co.us

----- Forwarded message -----

From: **Joey Spangler** <jspangler@ci.alamosa.co.us>
Date: Mon, Nov 28, 2022 at 5:32 PM
Subject: PIP Update
To: Ken Anderson <kanderson@ci.alamosa.co.us>

Chief,

I wanted to bring up an issue that arose from Officer Smith's PIP to see how you would like to proceed. Prior to this issue, I have been documenting the random AXON audits on a form and meeting with Officer Smith bi-weekly to go over what was observed. During these meetings, I identify the positives that were observed as well as the negative that need to be addressed and worked on going forward.

The one issue that I am bringing to your attention is a little more serious and it is a repeat offense of the 4th Amendment violation.

During my review I observed a body-cam incident from Nov. 12, 2022, at approximately 1309 hours, case #22-2618. This started off as a misdemeanor eluding case, where Officer Smith followed the tracks into a backyard and garage. He did a great job investigating the pursuit that led to this backyard and garage and if you read the report at face value it shows he did his job properly. The issue that I see is in the report Officer Smith states that the door was propped open and unsecured prior to opening it and seeing the suspect, but in the body-cam I observed the door to be closed and latched. You could clearly hear Officer Smith unlatch the door and open it. From what I observed I can't see any exigency or fresh pursuit, but I think this definitely needs to be looked into further for clarification. If you would like me to address at our next bi-weekly PIP meeting please let me know.

Thanks,
Joey Spangler, Captain
Alamosa Police Department
425 4th St. Alamosa, CO. 81101
Office- 719-589-2548
Cell- 719-580-6011
jspangler@ci.alamosa.co.us

ALAMOSA POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Initial Report

Agency ALAMOSA PD	Location 1000 blk 8TH ST ALAMOSA COLORADO 81101
Case # 22-2618	
File #	
Description ELUDING / UNREGISTERED VEHICLE / UNINSURED VEHICLE	
Incident Status CLEARED BY ARREST	From Date/Time 11/12/2022 13:09
	To Date/Time
	Report Date 11/12/2022 15:30
Reporting Officer SMITH, N	Initial Rep. Date 11/12/2022 15:30

OFFENSE(S)

Offense	ELUDE/ATTEMPT TO ELUDE POLICE OFFICER		
Statute	42-4-1413		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			
Offense	OPERATED UNREGISTERED VEHICLE (MISD)		
Statute	42-3-121(1)(a)		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

Offense	OWNER OPERATED AN UNINSURED MOTOR VEHICLE ON A PUBLIC ROADWAY		
Statute	42-4-1409(1)/1409(1)		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

COMPLAINANT

Name	SMITH, NICK			Phone	____-____-____
Address	425 4TH ST ALAMOSA CO 81101			DOB	██████████
Race	W	Ethnic	N	Sex	M
Height		Weight		Hair	
S.S.N.	____-____-____	DL & St.		JRN#	

VICTIM(S)

Name	COLORADO, STATE OF			Phone	719-589-2548
Address	425 4TH ST ALAMOSA, CO 81101			DOB	
Race		Ethnic		Sex	
Height		Weight		Hair	
S.S.N.	____-____-____	DL & St.		JRN#	
Type of Victim	SOCIETY/PUBLIC	Victim Of	NONE	Injury Type	
Homicide/Assault Circumstance					

SUBJECT(S)

Name	CHAVEZ, RIKK DONOVAN			Phone	██████████
Address	██████████	ALAMOSA, CO 81101		DOB	██████████
Race	W	Ethnic	H	Sex	M
Height	6'00"	Weight	135	Hair	BLK
S.S.N.	***_*_*****	DL & St.	*****	JRN#	
Sub. Type	ARRESTEE	Arrest ID	A22-1306	Citation #	E002879
Notes					

RELATIONSHIP(S)

Person A	STATE OF COLORADO	Relationship	NONE	Person B	RIKK DONOVAN CHAVEZ
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INVESTIGATOR

Name	SMITH, N	Assigned Date		Supplement No	0
-------------	----------	----------------------	--	----------------------	---

Case No: 22-2618

Entered By SMITH, N

Officer SMITH, N

Supervisor KINDSCHUH, T

Incident # 22-2618

SMITH, N

On November 12, 2022 at approximately 13:09 hours I, K9 Officer Nick Smith, was traveling north on Railroad Avenue near 10th Street when I observed a dirt bike traveling northbound ahead of me without any displayed registration. The dirt bike did not make any complete stops as required by the stop signs and turned east where I initiated a traffic contact with it in the 1000 block of 8th Street. This is in the City and County of Alamosa, State of Colorado.

I initiated my lights behind the bike and the rider then turned north by the railroad tracks and looked back towards me. The dirt bike then accelerated at a high rate of speed and I initiated my emergency siren as well. The bike crossed the intersection of Ross Avenue and continued traveling east over empty lots and rail road land. I followed the vehicle until I lost sight of it in the dust near the 500 block of 8th Street in the north alley. I followed the dirt bike's tracks to a residential area and into a backyard where the tracks went into a shed. [The shed's door was propped open and not secured and when I opened it I observed a male party I knew as Rikk Chavez next to two dirt bikes.]

Chavez stated he did not see the police trying to contact him and did not hear a siren due to the helmet he was wearing and noise of his bike. Chavez stated he knew it was not legal to ride the dirt bike on city streets and stated he did not have registration on it or insurance on the bike to be riding it on the city and county roads. Chavez was issued a summons for eluding, operating an unregistered vehicle, and operating an uninsured motor vehicle on a public roadway.

Case Cleared and Summons issued, nothing further from this Officer.

UNIFORM SUMMONS & COMPLAINT OR PENALTY ASSESSMENT

Alamosa Police Department
City & County of Alamosa, State of Colorado

Citation# E002879

IR# / CR# 22-2618

Defendant's Name (Last)	(First)	(Middle)	Age	DOB				
CHAVEZ	RIKK	DONOVAN	29					
City		State/Zip		Phone				
ALAMOSA		CO/81101						
Mailing Address	Apt#	City	State/Zip					
Drivers License #	State	DL Type	Race	Sex	Hgt	Wgt	Hair	Eyes
	CO	R	W	M	600	145	BRO	BRO
Vehicle License #	State	V.I.N.	Van Color					
N/A	CO		GREEN					
Yeh Year	Make	Model	Style					
2009	KAWASAKI	KX	MOTORCYCLE					
DMV	DOT #	HazMat						
No		No						
Registered Owner Name (Last)	(First)	(Middle)	(Suffix)					
RO Address	RO City	RO State/Zip						
		CO/						

YOU ARE SUMMONED AND ORDERED TO APPEAR TO ANSWER CHARGES AS STATED BELOW AT:

Court Name: ALAMOSA COUNTY COURT Court Date: 12/13/2022
Court Address: 8955 Independence Way Court Time: 08:30 AM
Alamosa, CO 81101

TO ANSWER TO THE CHARGE(S) OF VIOLATING THE FOLLOWING SECTION(S) OF THE CITY CODE OF THE COUNTY OF ALAMOSA, STATE OF COLORADO, AS AMENDED, AND THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, AS AMENDED: AT THE APPROXIMATE LOCATION OF:

800 BLK RAILROAD AVE

at the approximate time of: 11/09/2022/13:09

Charge No.	Stop Result	Statute	Com. Code
1	CITATION	42-3-121(1)(a)	040
Description OPERATED UNREGISTERED VEHICLE			
Fine	Surcharge	Points	
COURT REQD	COURT REQD	COURT REQD	
Charge No.	Stop Result	Statute	Com. Code
2	CITATION	42-4-1409(2)	956
Description OPERATED AN UNINSURED MOTOR VEHICLE ON A PUBLIC ROADWAY			
Fine	Surcharge	Points	
COURT REQD	COURT REQD	COURT REQD	
Charge No.	Stop Result	Statute	Com. Code
3	CITATION	42-4-1413	011
Description ELUDE/ATTEMPT TO ELUDE POLICE OFFICER			
Fine	Surcharge	Points	
COURT REQD	COURT REQD	COURT REQD	
Total Fine	Total Surcharge	Total Due	Total Points
COURT REQD	COURT REQD	COURT REQD	COURT REQD
Speed Determined By	Speed (MPH)	Speed Limit (MPH)	
<input type="checkbox"/> Accident	<input type="checkbox"/> Injury	<input type="checkbox"/> Arrest	<input type="checkbox"/> School Zone <input type="checkbox"/> Construction Zone <input type="checkbox"/> Interpreter Needed

Without admitting guilt, I hereby promise to appear at the date, time, and place indicated above. Failure to appear constitutes a separate offense and will result in a warrant being issued for arrest.

DEFENDANT: R Donovan

NOTICE: SEE INSTRUCTIONS BELOW

THE UNDERSIGNED HAS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED THE OFFENSE(S) AGAINST THE PEACE AND DIGNITY OF THE PEOPLE OF THE STATE OF COLORADO AND AFFIRMS THAT A COPY OF THIS SUMMONS AND COMPLAINT OR PENALTY ASSESSMENT WAS DULY SERVED UPON THE DEFENDANT.

Date: 11/09/2022 Officer: N. SMITH Badge: 14

Officer Notes:

2nd Officer:	Ethnicity: H	# of Occupants:
DL Expires: 01/04/2024	County: ALAMOSA	Unit: 8
CDL: No	Weather:	STEP:
Surface Conditions:	DL Expires: 01/04/2024	Dist Driving Factor:
Reg Exp:	Weather:	Traffic:
Body Worn Camera: Yes	Surface Conditions:	Attitude:
Pounds Overweight: 0	Reg Exp:	Road Type:
School:	Body Worn Camera: Yes	Interp Language: -1
Mail Address Type:	Pounds Overweight: 0	Parent Name:
	School:	Grade:
	Mail Address Type:	SSN:

Speed Determined:	Radar/Lidar #:
Vis Est:	Distance:
Radar Calibrated:	
Stop Info	
Sequence:9	Agency ORI: CO0020100
Initiation:PRO	Reason For Contact: PRO
Search Cond?: Yes	Force Used: Yes
Duration:51	Collected Method: DL

Stop Action	
Result For Contact: CITA	Seizure: Yes
Offense Charged: TOTM	
Suspected Crime: TOTM	

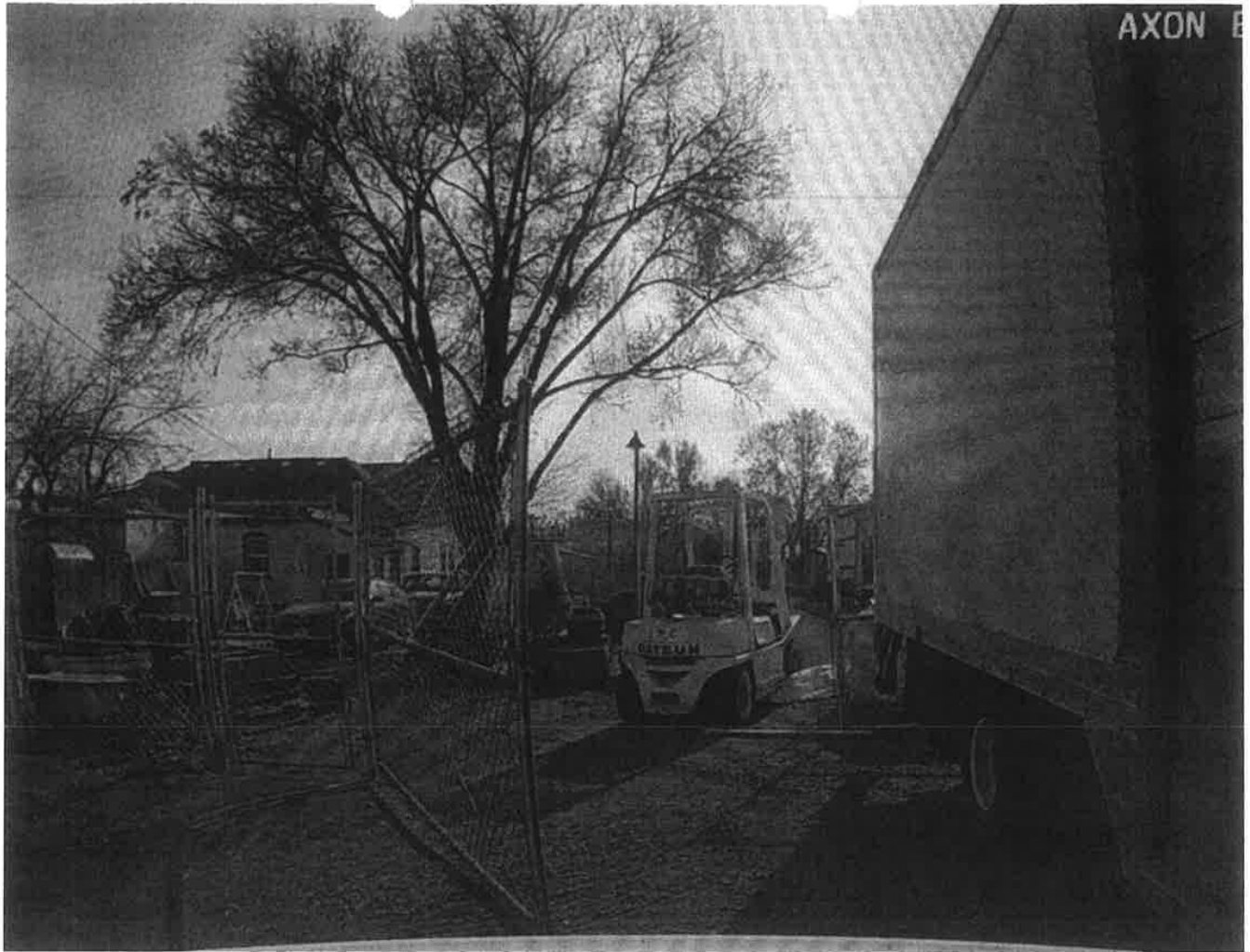
Stop Search	
Requested Permission to Search: Yes	Search Conducted:
Granted Permission to Search: Yes	Contraband Found: Yes
Unannounced Entry: Yes	Basis for Person Search:
Warrant: No	Basis For Vehicle Search:
Show-up: Yes	Basis For Property Search:
Outcome of Show-Up:	

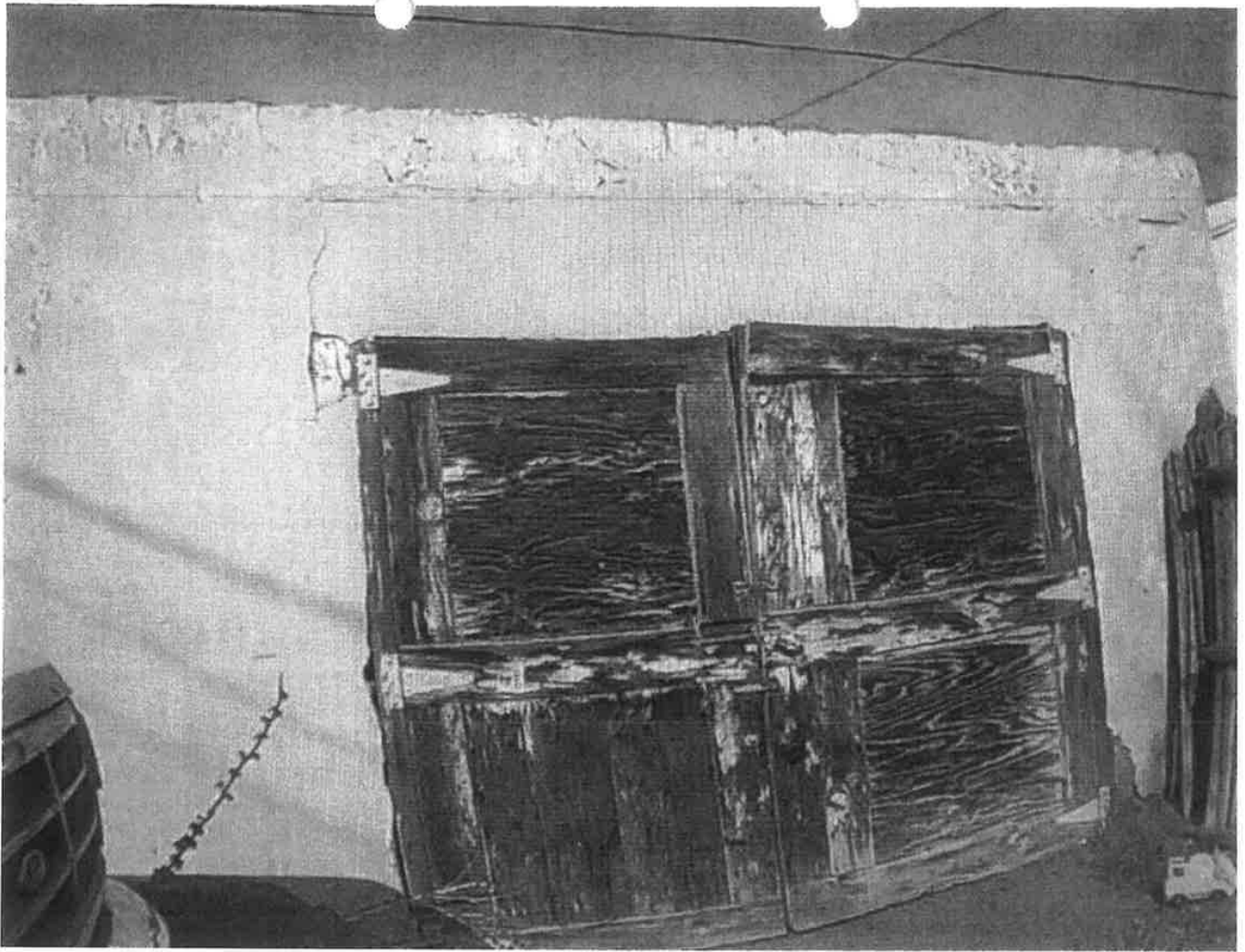
Eyewitness	
Eyewitness Gender: M	Eyewitness Race:
Eyewitness Ethnicity: Consent	

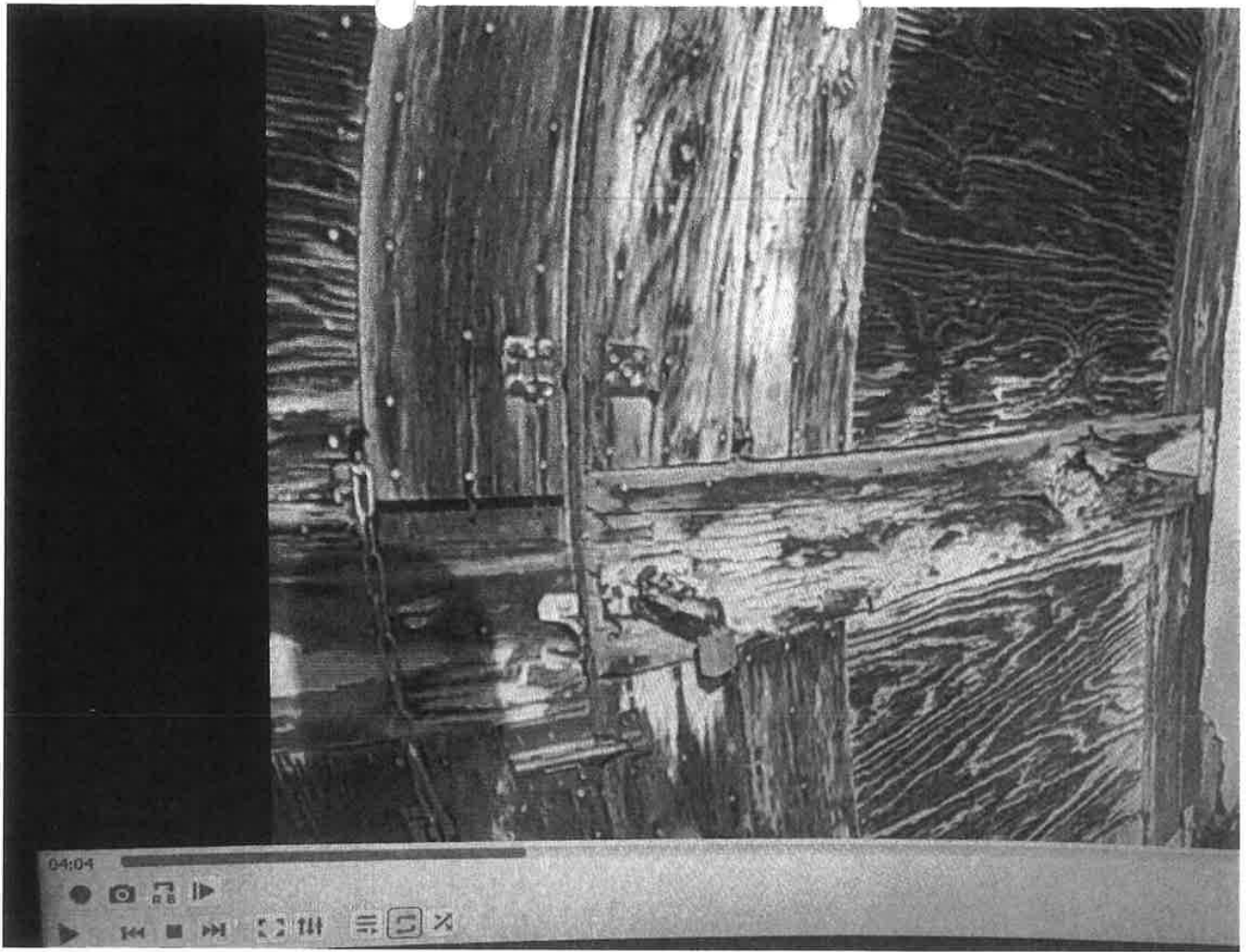
Force	
Transp. to Hosp.: No	
Subject Injury Severity:	
Subject Injury Nature:	Exhibited Weapon: No
Ambulance Call: No	Weapon Type:

Picture:











Alamosa Police Department

Alamosa, CO, US

Document generated: 05 Dec 2022 - 12:42:55 -07:00 by Brubacher, Tammy(001)



EVIDENCE AUDIT TRAIL

Evidence		Source	
Evidence ID	RIKK CHAVEZ	Device Type	Axon Fleet 2 Camera
Categories	Arrest	Device Name	X54018128
Title	ELUDING	Serial Number	X54018128
Document Checksum	Sha2-3e83b0f3be4ac3331596eb2d19ddd026389139ba8144a182dc403c3380e55397		
Record Start	12 Nov 2022 13:08:49		
Uploaded	12 Nov 2022 19:31:07		
Uploader	PTL Smith, Nick (Badge ID: 8335)		
Unique ID	0D123B53B20E4C05A8C31AC0E39934F9		
Usage			
Page views	8		
File downloads	1		
Video playbacks	5		
Last Viewed Or Downloaded On	05 Dec 2022 12:42:54		

#	Date	Time	User	Activity
1	12 Nov 2022	13:08:48 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Recording started after Axon Signal Vehicle activation using trigger(s) 12
2	12 Nov 2022	13:08:50 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	GPS added to video metadata using Axon View XL
3	12 Nov 2022	13:22:21 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Recording stopped due to event button hold
4	12 Nov 2022	13:22:50 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence streamed using Axon View XL
5	12 Nov 2022	13:23:22 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence streamed using Axon View XL
6	12 Nov 2022	19:31:07 (-07:00)	System	Evidence Record Created
7	12 Nov 2022	19:31:07 (-07:00)	System	Custom metadata field axon.mountId set to ceeb335c-1db1-476a-9014-ea921c179966
8	12 Nov 2022	19:31:07 (-07:00)	System	Custom metadata field axon.mountOrientation set to front
9	12 Nov 2022	19:31:07 (-07:00)	System	Custom metadata field axon.vehicleId set to 8EDDC719-CAEB-4931-888C-0A4633D4C053
10	12 Nov 2022	19:31:07 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence automatically deleted from camera after successful upload using Axon View XL
11	14 Nov 2022	16:13:02 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Evidence Record Added to Case '22-2618 Rikk Chavez'

#	Date	Time	User	Activity
12	14 Nov 2022	16:14:36 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Evidence Record Accessed. Client IP Address: 64.57.60.228
13	14 Nov 2022	16:14:37 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Media File Buffered by System at Page Load. Client IP 64.57.60.228
14	14 Nov 2022	16:14:40 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Evidence Record Streamed. Client IP Address: 64.57.60.228
15	15 Nov 2022	14:02:58 (-07:00)	Client IP Address: 69.146.216.246	Evidence downloaded in case evidence package 1 of 1 via download link emailed to McNerney, Shay (Badge ID: a6367324f8c8, Agency: my.evidence.com).
16	16 Nov 2022	15:23:04 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence Record Accessed. Client IP Address: 64.57.60.228
17	16 Nov 2022	15:23:08 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Media File Buffered by System at Page Load. Client IP 64.57.60.228
18	16 Nov 2022	15:23:13 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence Record Streamed. Client IP Address: 64.57.60.228
19	16 Nov 2022	15:23:25 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence title updated from 'AXON Fleet 2 Video 2022-11-12 1308' to 'ELUDING'
20	16 Nov 2022	15:23:25 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	External ID 'RIKK CHAVEZ' added
21	16 Nov 2022	15:23:26 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Category 'Arrest' Added
22	23 Nov 2022	12:13:46 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Accessed. Client IP Address: 64.57.60.228
23	23 Nov 2022	12:13:47 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Media File Buffered by System at Page Load. Client IP 64.57.60.228
24	23 Nov 2022	12:13:49 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Streamed. Client IP Address: 64.57.60.228
25	23 Nov 2022	12:17:33 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Media File Buffered by System at Page Load. Client IP 64.57.60.228
26	23 Nov 2022	12:17:36 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Streamed. Client IP Address: 64.57.60.228
27	23 Nov 2022	13:57:18 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Evidence Record Accessed. Client IP Address: 64.57.60.228
28	23 Nov 2022	13:57:19 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load, Client IP 64.57.60.228
29	23 Nov 2022	13:57:33 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Evidence Record Streamed. Client IP Address: 64.57.60.228
30	23 Nov 2022	14:07:05 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Evidence Record Accessed. Client IP Address: 64.57.60.228
31	23 Nov 2022	14:07:05 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load. Client IP 64.57.60.228
32	23 Nov 2022	14:07:25 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load. Client IP 64.57.60.228
33	23 Nov 2022	14:07:59 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load. Client IP 64.57.60.228

#	Date	Time	User	Activity
34	23 Nov 2022	14:08:43 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load. Client IP 64.57.60.228
35	23 Nov 2022	14:16:10 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Evidence Record Accessed. Client IP Address: 64.57.60.228
36	23 Nov 2022	14:16:10 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load. Client IP 64.57.60.228
37	28 Nov 2022	09:34:04 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Evidence Record Accessed. Client IP Address: 64.57.60.228
38	28 Nov 2022	09:34:07 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Media File Buffered by System at Page Load. Client IP 64.57.60.228
39	05 Dec 2022	12:40:39 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Evidence Record Accessed. Client IP Address: 64.57.60.228
40	05 Dec 2022	12:40:42 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Media File Buffered by System at Page Load. Client IP 64.57.60.228
41	05 Dec 2022	12:40:56 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Evidence Record Downloaded; Internal Record ID: FILE:9532EFAB10F848BA865083C43D8B8D13@01E2246F88E040758EF6F167E8C51C6D Client IP Address: 64.57.60.228
42	05 Dec 2022	12:42:53 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Evidence Audit Trail Downloaded



Alamosa Police Department

Alamosa, CO, US

Document generated: 05 Dec 2022 - 12:56:27 -07:00 by Brubacher, Tammy(001)



EVIDENCE AUDIT TRAIL

Evidence		Source	
Evidence ID	RIKK CHAVEZ	Device Type	Axon Body 3
Categories	Other	Device Name	X60A6294P
Title	600 BLK 8TH - ELUDING	Serial Number	X60A6294P
Document Checksum	Sha2- bc39219d4f07ec8863ee104e4099e81543d963990fcd33131354340f22d59e25		
Record Start	12 Nov 2022 13:08:48		
Uploaded	12 Nov 2022 17:48:39		
Uploader	PTL Smith, Nick (Badge ID: 8335)		
Unique ID	BEECE23E0D1A48DA9C7A179AE0E74DE6		
		Usage	
		Page views	10
		File downloads	1
		Video playbacks	8
		Last Viewed Or Downloaded On	05 Dec 2022 12:56:25

#	Date	Time	User	Activity
1	12 Nov 2022	13:08:48 (-07:00)	System	Recording started due to Axon Signal Vehicle activation Pre-event audio recording: Disabled Video mask: Disabled Trigger(s): 12
2	12 Nov 2022	13:35:42 (-07:00)	System	Recording stopped due to button press
3	12 Nov 2022	17:41:22 (-07:00)	System	Evidence upload started when camera was docked
4	12 Nov 2022	17:41:23 (-07:00)	System	Evidence Record Created
5	12 Nov 2022	17:41:23 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence title added: 'Axon Body 3 Video 2022-11-12 1308 X60A6294P'
6	12 Nov 2022	17:48:39 (-07:00)	System	Evidence successfully uploaded when camera was docked
7	12 Nov 2022	17:48:39 (-07:00)	System	Evidence Uploaded with Checksum. Computed Checksum: TREE-1024k 0aa58b86d117edea1075403b7f13d16390f133adef9ab15589991e3aaf7a91b4b1
8	12 Nov 2022	17:48:39 (-07:00)	System	Evidence Authenticity Validated. Device Serial Number: X60A6294P
9	12 Nov 2022	17:48:40 (-07:00)	System	Evidence automatically deleted from device after successful upload when docked
10	12 Nov 2022	17:48:48 (-07:00)	System	Evidence Checksum Recomputed. Computed Checksums: TREE-1024k 0aa58b86d117edea1075403b7f13d16390f133adef9ab15589991e3aaf7a91b4b1 SHA-256 bc39219d4f07ec8863ee104e4099e81543d963990fcd33131354340f22d59e25

#	Date	Time	User	Activity
11	14 Nov 2022	16:13:02 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Evidence Record Added to Case '22-2618 Rikk Chavez'
12	14 Nov 2022	16:13:08 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Evidence Record Accessed. Client IP Address: 64.57.60.228
13	14 Nov 2022	16:13:09 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Media File Buffered by System at Page Load. Client IP 64.57.60.228
14	14 Nov 2022	16:13:18 (-07:00)	Van Ry, Mindi (Badge ID: 102) Username: mvanry@ci.alamosa.co.us User ID: f806be2b87db456596ef37934f0a150f	Evidence Record Streamed. Client IP Address: 64.57.60.228
15	15 Nov 2022	14:02:58 (-07:00)	Client IP Address: 69.146.216.246	Evidence downloaded in case evidence package 1 of 1 via download link emailed to McNerney, Shay (Badge ID: a6367324f8c8, Agency: my.evidence.com).
16	16 Nov 2022	15:22:15 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence Record Accessed. Client IP Address: 64.57.60.228
17	16 Nov 2022	15:22:18 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Media File Buffered by System at Page Load. Client IP 64.57.60.228
18	16 Nov 2022	15:22:19 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence Record Streamed. Client IP Address: 64.57.60.228
19	16 Nov 2022	15:22:55 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Evidence title updated from 'Axon Body 3 Video 2022-11-12 1308 X60A6294P' to '600 BLK 8TH - ELUDING'
20	16 Nov 2022	15:22:55 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	External ID 'RIKK CHAVEZ' added
21	16 Nov 2022	15:22:56 (-07:00)	PTL Smith, Nick (Badge ID: 8335) Username: nsmith User ID: 72b59e44be4240659650daf2b043bfae	Category 'Other' Added
22	23 Nov 2022	12:17:49 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Accessed. Client IP Address: 64.57.60.228
23	23 Nov 2022	12:17:50 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Media File Buffered by System at Page Load. Client IP 64.57.60.228
24	23 Nov 2022	12:17:51 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Streamed. Client IP Address: 64.57.60.228
25	23 Nov 2022	14:09:23 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Evidence Record Accessed. Client IP Address: 64.57.60.228
26	23 Nov 2022	14:09:24 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Media File Buffered by System at Page Load. Client IP 64.57.60.228
27	23 Nov 2022	14:09:30 (-07:00)	SGT Kindschuh, Tate (Badge ID: 5282) Username: tkindschuh@ci.alamosa.co.us User ID: c2c0a513345b4089a5fb2590bc258ef4	Evidence Record Streamed. Client IP Address: 64.57.60.228
28	23 Nov 2022	16:27:32 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Accessed. Client IP Address: 64.57.60.228
29	23 Nov 2022	16:27:34 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Media File Buffered by System at Page Load. Client IP 64.57.60.228
30	23 Nov 2022	16:27:36 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Streamed. Client IP Address: 64.57.60.228
31	23 Nov 2022	17:28:27 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Accessed. Client IP Address: 64.57.60.228
32	23 Nov 2022	17:28:29 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Media File Buffered by System at Page Load. Client IP 64.57.60.228

#	Date	Time	User	Activity
33	23 Nov 2022	17:28:34 (-07:00)	CPT Spangler, Joey (Badge ID: 6679) Username: jspangler@ci.alamosa.co.us User ID: ba6f6e6b087f4f739a4387d7d9943030	Evidence Record Streamed. Client IP Address: 64.57.60.228
34	28 Nov 2022	09:34:25 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Evidence Record Accessed. Client IP Address: 64.57.60.228
35	28 Nov 2022	09:34:27 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Media File Buffered by System at Page Load. Client IP 64.57.60.228
36	28 Nov 2022	09:34:35 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Evidence Record Streamed. Client IP Address: 64.57.60.228
37	28 Nov 2022	10:28:54 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Evidence Record Accessed. Client IP Address: 64.57.60.228
38	28 Nov 2022	10:28:58 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Media File Buffered by System at Page Load. Client IP 64.57.60.228
39	28 Nov 2022	11:46:43 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Evidence Record Accessed. Client IP Address: 64.57.60.228
40	28 Nov 2022	11:46:45 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Media File Buffered by System at Page Load. Client IP 64.57.60.228
41	28 Nov 2022	11:50:54 (-07:00)	Chief Anderson, Ken (Badge ID: 8752) Username: kanderson@ci.alamosa.co.us User ID: 9709b2764fea406b8748b5112d5f5bba	Evidence Record Streamed. Client IP Address: 64.57.60.228
42	05 Dec 2022	12:51:26 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Evidence Record Accessed. Client IP Address: 64.57.60.228
43	05 Dec 2022	12:51:29 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Media File Buffered by System at Page Load. Client IP 64.57.60.228
44	05 Dec 2022	12:51:39 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Evidence Record Downloaded; Internal Record ID: FILE:9E942BBB9F1A4BE5983E9C77097C7DD9@01E2246 F88E040758EF6F167E8C51C6D Client IP Address: 64.57.60.228
45	05 Dec 2022	12:56:23 (-07:00)	Brubacher, Tammy (Badge ID: 001) Username: tbrubacher User ID: f09c5acf13c546f7b74a793076e655cf	Evidence Audit Trail Downloaded

Officer Smith Performance Improvement Plan Log

12 Random Audits Every 2 Week of Axon Body Cam for Use of Force, Professionalism, Decision Making and Mutual Aid
October 13th through January 1st, 2023

CASE NUMBER	DATE	TIME	NOTES	TYPE OF CONTACT	DISPOSITION	
Bi-Weekly from 10/13/2022 through 10/26/2022						
22-2379	10/13/2022	1130 hrs	False reporting, call in the county, professional demeanor, good decision making, realized the call was false	Robbery	False Reporting	JS
N/A	10/13/2022	1847 hrs	Steven Ortega, stayed professional during the entire contact	ASO Assist	Assist	JS
N/A	10/14/2022	1453 hrs	Disturbance at 300 blk 8th St./ unfounded/ polite and professional to parties he encountered	Disturbance	Unfounded	TK
22-2387	10/14/2022	1608 hrs	Theft/ Trespassing at Walmart- citation/ Professional during time with irate suspect.	Theft/ Trespass	Citation	TK
22-2395	10/15/2022	1347 hrs	Drug complaint at Carroll Park/ Professional/ Conducted vehicle search/ Officer report for destruction	Drug complaint	Ofc. report	TK
22-2394	10/15/2022	1515 hrs	Cover officer for Ofc. DeSanti	3rd degree assault	Cover officer	TK
N/A	10/20/2022	1450 hrs	All officers on scene were sarcastic towards overdose party and her friend	Overdose	Narcan admini.	TK
22-2439	10/20/2022	1509 hrs	Suspect upset, argumentative- remained professional and calm	Trespassing	Summons	TK
22-2447	10/21/2022	1610 hrs	Didn't call out on the radio, "get off the radio", drove like a "jackass", "hito" x6 hispanic male party,	Warrant Arrest	Arrest	JS
22-2448	10/21/2022	1610 hrs	Raul Fernandez,"hito" towards a hispanic male, stayed professional throughout the rest of the contact	Warrant Arrest	Arrest	JS
22-2455	10/22/2022	0845 hrs	Anthony Garcia, I thought the contact was appropriate and professional for the situation	Warrant Arrest	Arrest	JS
N/A	10/22/2022	2210 hrs	Good contact, good investigations, professional demeanor	Stolen Vehicle	Unfounded	JS
Bi-Weekly from 10/27/2022 through 11/9/2022						
N/A	10/27/2022	1114 hrs	Traffic complaint/ cover officer/ polite and professional	Cover officer	No action	TK
Acc# 22-0307	10/27/2022	1139 hrs	Traffic accident investigation/ Polite and respectful to at fault driver/ related to at fault driver	Cover officer	Assist	TK
22-2505/022-2507	10/27/2022	1207 hrs	Utilized "mute" function to make phone call in patrol car/ Calm and professional while dealing with Patrick	False Reporting	Citation	TK
N/A	10/27/2022	1212 hrs	Ricky Deluna, turned off camera instead of using the "mute" function	FI Contact	Assist	JS
N/A	10/27/2022	1647 hrs	Michael Morgan, cracked window, drug questioning, overall great contact	Traffic Contact	Citation	JS
N/A	11/2/2022	1510 hrs	Terrance Scarborough, suspicious vehicle, talked to mother during contact professionally, Overall good contact	Suspicious Vehicle	Cleared	JS
N/A	11/3/2022	Unk	Robert Maxwell, Overall good contact, turned off camera at least 2 minutes early	Intoxicated Party	Civil Standby	JS
N/A	11/3/2022	1536 hrs	Disturbance/ civil issue at 111 Pike Ave/ Good contact/ very professional and polite to everyone	Civil issue	Cleared	TK
22-2561	11/3/2022	1610 hrs	Josh Medina, turned off camera instead of using the "mute" function, turned back on, Overall good contact	Felony Menacing	Arrest	JS
22-2575	11/5/2022	1600 hrs	Traffic Contact, DUR verified prior to contact???, no PC, failed to signal was eventually disclosed,	DUR	Citation	JS
-	-	-	Original PC should have been disclosed, not as an afterthought, similar to Hepsworth case	-	-	-
N/A	11/9/2022	0826 hrs	ATL on missing juvenile/ Nakia Pettis/ followed policy and procedure/ good contact/ polite and professional	Cover officer	Contact	TK
N/A	11/9/2022	1207 hrs	72 State Drug call/ PC search/ On Patdown with Ronnie Smith stated "hito now I have to get close and personal	Cover officer	Search	TK
-	-	-	with you again", Ronnie stated "please don't call me hito", Really only searching your car because you told me I couldn't.	-	-	-

Meeting on 11/18/22

Meeting has been delayed due to calls for service, officer involved shooting, and pursuit.

Meetings are scheduled every other Thursday for the remainder of the PIP, next meeting is December 1st, 2022

Talking Points:

Calling hispanic males "hito", the perception of this is not good and this exact issue has been addressed verbally prior to the PIP. This is now noted and will be monitored for the remainder of the PIP.

Turning off the camera on three occasions, instead of the mute function, this issue has also been addressed prior to the PIP. This is now noted and will be monitored for the remainder of the PIP.

Did not call out on a radio on a felony warrant until after the contact, ASUPD wouldn't get off of the radio which is understandably annoying. If that was who he was looking for, he should have let his partners know.

*On the phone with Brandon, during this contact.

Overall polite and professional contacts, even during hostile and irate contacts. Very good investigations during those contacts. Officer Smith is a very knowledgeable officer and it shows in these recordings.

Nicks Response:

Growing up in Center, it was a cultural thing to call people "hito". Doesn't mean it disrespectfully, usually already has a rapport with the individual. The one complaint that came, he stopped and apologized.

Sign of endearment

11/18/2022

On November 12, 2022 at approximately 13:09 hours I, K9 Officer Nick Smith, was traveling north on Railroad Avenue near 10th Street when I observed a dirt bike traveling northbound ahead of me without any displayed registration. The dirt bike did not make any complete stops as required by the stop signs and turned east where I initiated a traffic contact with it in the 1000 block of 8th Street. This is in the City and County of Alamosa, State of Colorado.

I initiated my lights behind the bike and the rider then turned north by the railroad tracks and looked back towards me. The dirt bike then accelerated at a high rate of speed and I initiated my emergency siren as well. The bike crossed the intersection of Ross Avenue and continued traveling east over empty lots and rail road land. I followed the vehicle until I lost sight of it in the dust near the 500 block of 8th Street in the north alley. I followed the dirt bike's tracks to a residential area and into a backyard where the tracks went into a shed. The shed's door was propped open and not secured and when I opened it I observed a male party I knew as Rikk Chavez next to two dirt bikes.

Chavez stated he did not see the police trying to contact him and did not hear a siren due to the helmet he was wearing and noise of his bike. Chavez stated he knew it was not legal to ride the dirt bike on city streets and stated he did not have registration on it or insurance on the bike to be riding it on the city and county roads. Chavez was issued a summons for eluding, operating an unregistered vehicle, and operating an uninsured motor vehicle on a public roadway.

Case Cleared and Summons issued, nothing further from this Officer.



City of Alamosa PERFORMANCE IMPROVEMENT PLAN

Employee Name: Nick Smith

Position: Patrol Officer

Department: Alamosa Police Department

Date: 10/12/2022

Description of Current Performance:

Please review the corresponding Disciplinary Action Form for further information.

Between May and August of 2022, it was found that Officer Smith made or was part of 7 complaints made on a fellow officer. The 7 complaints encompassed 4 incidents and all were unfounded after review of Axon body-cam footage. During the review of Axon body-cam footage during this investigation it was discovered that Officer Smith continues to make unprofessional conduct and remarks during his contacts with members within the community.

On August 10th, 2022, Officer Smith self-deployed to an Alamosa County call for a suicidal party without being asked for assistance and I received a complaint from Undersheriff Woods in reference to Officer Smith being “demeaning” to his deputies while on scene. Undersheriff Woods stated this is an ongoing issue with Officer Smith treating his deputies unprofessionally, making them feel like they do not know what they are doing.

On August 11th, 2022, during a review of the Axon body-cam footage for a Use of Force incident that Officer Smith was involved in, it was found that Officer Smith deployed the Taser and removed the probes on his own without medical assistance. During the contact with the suspect Officer Smith was unprofessional with the subject in custody.

Has similar performance been noted in the past: Yes No

If yes, explain?

June 4th, 2021, at 0231 hours, during a pursuit review board it was discovered that Officer Smith "rammed" into the suspect vehicle, and proceeded to air over the radio that the suspect vehicle "rammed" him. This is important due to the fact that the supervisor on duty only has the information that he hears on the radio to make the decision to terminate pursuit or not. Also during this pursuit review of the Axon body cam, it showed Officer Smith run up to the vehicle in motion and use his firearm in a manner it was not intended for by striking the passenger side window.

December 17th, 2021 at 2236 hours, during a Use of Force complaint review of the Axon body cam, it was discovered that Officer Smith did not use "alternative tactics-de escalation" during a contact of a suspicious party. Officer Smith resorted to immediate force without clarification on the situation. During the review of the Axon body cam it was discovered that the suspect did not make any attempt to flee from the situation and communication should have been utilized prior to "hands-on".

January 26th, 2022 at 1330 hours, during a review of a foot pursuit it was discovered that Officer Smith made entry into a residence/apartment without fresh pursuit, consent, warrant, or exigency. The male suspect Officer Smith was looking for had jumped out of the second story window and was in custody prior to him entering this residence. The resident advised Officer Smith that he could not enter, but Officer Smith proceeded to clear the residence.

RECOMMENDED ACTION TO IMPROVE PERFORMANCE:

(List & complete below for each issue.)

Performance Issue

Professionalism
Decision Making
Mutual Aid Response
Use of Force

Agreed Action

-Random Axon Audit -12 every
-Bi-Weekly Meeting with 2 weeks
Captain and Sergeant
-Intensive Supervision on Day
Shift

Completion Date

January 1st, 2023

Supervisor's Name: Joey Spangler

Date: 10/12/2022

The following is the policy violation that Officer Smith was disciplined for:

300.1 Use of Force

300.1.1 Alternative Tactics- De-Escalation

300.1.2 Use of Force to Effect an Arrest

309 Conducted Energy Device

309.7 Medical Treatment

339 Standard of Conduct

339.5.8 Performance-

d. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

339.5.9 Conduct-

b. Unreasonable and unwarranted force to a person encountered or a person under arrest.

c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

351.1 Mutual Aid and Outside Agency Assistance

351.2 Assisting Outside Agencies

EMPLOYEE'S COMMENTS

Employees Signature



Date:

10/13/2022

Supervisor's Signature



Date:

10/13/22

Original: HR Office/Personnel File

cc: Supervisor – To be noted on the Annual Performance Evaluation.
Employee

APPENDIX A

On June 6th, 2022, I was investigating 7 complaints I received throughout the week on Officer Bagwell from Sergeant Kindschuh, Corporal Van Ry, and Officer Smith. These 7 complaints encompassed 4 separate incidents.

On May 25th, I received a memo from Officer Smith in reference to an incident that occurred on **April 25th**, 2022, while dealing with a female party trespassing with a warrant with the following complaints:

- Officer Smith contacted a female party who was non-compliant, which was advised via radio.
- The female party "took off on foot and had to be taken to the ground".
- Officer Bagwell had to be advised several times via radio that they were now across the street from the original call.
- Officer Bagwell did not hear radio traffic or acknowledge the severity of the situation.
- Officer Bagwell did not respond to his location for assistance until Corporal Van Ry arrived.

I reviewed body-cam from this incident and found the following:

- Officer Bagwell was first on scene to assist Officer Smith
- Officer Smith did not relay over the radio that he was across the street, so Officer Bagwell went to the last known location.
- Eventually Officer Smith stated he was across the street, to which Officer Bagwell responded on foot, which was the fastest choice.
- The female party was casually walking away, which is still non-compliant but other measures could have been used to de-escalate the situation.
- Officer Bagwell arrived prior to Corporal Van Ry arriving to assist.
- This complaint was unfounded.

On May 25th, I received a memo from Officer Smith in reference to an incident that occurred on **April 26th**, 2022, in reference to a shots fired call with the following complaints:

- Officer Bagwell failed to recognize the severity of the incident by not drawing his firearm.
- Officer Bagwell failed to recognize the severity of the incident by not utilizing cover.
- Officer Bagwell stayed in the direct line of view of the window and was not ready to respond to any threats.

APPENDIX A

I reviewed body-cam from this incident and found the following:

- Officer Bagwell was the least experienced officer on scene but kept his hand on his firearm which was still in the holster.
- The other officers on scene did not have their firearms out, nor had their hand on their firearm to respond to the severity of the situation.
- The other officers walked up to the doorway to knock and announce without utilizing cover.
- The other officers searched the front yard for shell casings, while turning their back on the residence in question.
- Officer Bagwell had the best officer safety on scene during this incident.
- This complaint was unfounded.

On May 25th, I received a memo from Corporal Van Ry in reference to an incident that occurred on **May 3rd**, 2022, while dealing with a male party with a no bond warrant for a weapons offense with the following complaints:

- Officer Bagwell did not acknowledge radio traffic to respond to their location until he asked a second time to respond.
- When Officer Bagwell arrived, he did so without any urgency and “looked as if he was not sure what to do”.
- Officer Bagwell stood in front of the door's threshold with his hands on his vest.

On the same incident, I received the following complaints from Officer Smith.:

- Officer Bagwell did not acknowledge radio traffic of a barricaded wanted subject.
- Officer Bagwell stood in a compromised position and was not ready to respond to any threat appropriately.
- Officer Bagwell did not have his firearm or rifle ready to go

I reviewed body-cam from this incident and found the following:

- Officer Bagwell did acknowledge the initial radio traffic to respond as Corporal Van Ry was exiting his vehicle, therefore he probably did not hear it. The acknowledgement asked where they were so he could respond.
- Officer Bagwell's acknowledgement led me to believe that the warrant transmission was not aired over the radio, but possibly by cell phone.

APPENDIX A

-Without knowing where to respond and for what purpose, how is Officer Bagwell to understand the severity of the incident.

-Other officers on scene were walking around without any urgency or firearms drawn.

-I believe this complaint to be unfounded as Officer Bagwell was just acting on what he knew and what he observed other officers doing.

On **June 5th**, Sergeant Kindschuh sent an email in reference to Officer Bagwell not answering his radio during Summerfest on an incident that occurred during an encounter with a “drunk and belligerent male”. Sergeant Kindschuh advised me that he had a one-on-one counseling session with Officer Bagwell on the importance of communicating through the radio for officer safety reasons. I asked Sergeant Kindschuh why he sent me a detailed email in reference to this case over a missed radio transmission and if this is common practice under his supervision. Sergeant Kindschuh advised me that the one-on-one verbal counseling session was sufficient to him, but Officer Smith asked him to document this incident to me in a memo. I did not find any body-cam footage for this incident.

I asked Corporal Van Ry why he sent me an email complaint on Officer Bagwell missing his radio traffic, and if this was common practice under his supervision and he stated he was asked to send it up through the chain of command by Officer Smith.

I also had Corporal Van Ry, review all the complaints I received as the first line supervisor and his findings are attached, as well as the original complaints.

On 8/10/2022, at approximately 2130 hours, I received a call from Undersheriff Woods in reference to Officer Smith self-deploying to a county call without their request. Undersheriff Woods stated this is an ongoing problem with Officer Smith. Undersheriff Woods stated Officer Smith responded to the county in reference to a suicidal male party who was barricaded. Undersheriff Woods stated Officer Smith takes over the calls when he is on scene and is “demeaning” to his deputies making them feel like they don’t know what they are doing. I did receive a call earlier in the day from Sergeant Kindschuh asking for permission to respond to the county as it seemed they were escalating a suicidal barricade situation. Sergeant Kindschuh called me back approximately 5 minutes later stating everybody is clearing the scene as an unfounded suicidal male party. Undersheriff Woods stated he would make a formal complaint, but as of today (8/24/2022) I have not received anything from him.

On 8/11/2022, I was reviewing body-cam footage of a use of force on a male party that occurred on 8/10/2022. The male party was tased by Officer Smith. The use of force was justified, but Officer Smith proceeded to remove the probes prior to medical personnel arriving to remove the probes per policy.

APPENDIX A

There were numerous issues in the past, with similar types of behavior (decision making, de-escalation, professionalism) with Officer Smith that have been documented through verbal counseling, write-ups, and annual evaluations (21-1183/Ibarra, 21-2752/Hepworth, and 22-0217/Augustin). In conjunction with the previously documented issues, as well as the current issues documented in this report, I believe a formal Performance Improvement Plan to be beneficial for Officer Smith as well as the department.

X The PIP will include the following:

- 90 day random audits of AXON body-cam for professionalism and decision making conducted by his Sergeant and/or Captain.

- 90 days on dayshift with direct supervision from the Captain on professionalism, decision making, and use-of-force.

- Either will be extended in 90 day increments, if necessary, up to 12 months.

APPENDIX B

300.1 Use of Force

300.1.1 Alternative Tactics- De-Escalation- When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.1.2 Use of Force to Effect an Arrest- An officer should apply nonviolent means, when possible, and may use physical force only if nonviolent means would be ineffective to effect an arrest, prevent an escape, or prevent an imminent threat of serious bodily injury or death to officers or others (CRS § 18-1-707).

309 Conducted Energy Device

309.7 Medical Treatment- Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

339 Standard of Conduct- This policy establishes standards of conduct that are consistent with the values and mission of the Alamosa Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.5.8 Performance-

d. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

339.5.9 Conduct-

b. Unreasonable and unwarranted force to a person encountered or a person under arrest.

c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

351.1 Mutual Aid and Outside Agency Assistance-The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance from another law enforcement agency

351.2 Assisting Outside Agencies-Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Shift Supervisor's office or an on-duty supervisor for approval.

Pursuit with Ibarra, 21-1183

- 6/4/21, at 0231 hours
- Pursuit Review Board
- Ramming the vehicle
- Airing the suspect rammed him
- Running up to the vehicle
- Using the gun as a window break

Received verbal
Counseling on
These Complaints

Arrest of Nicholas Hepworth, 21-2752

- 12/17/21, at 2236 hours
- Use of Force Complaint
- Contacted for possible warrants
- Warrants ended up being cleared up
- Secondary reason for contact was possible shots fired call within the area 10 minutes prior
- No communicating with the party, resorted straight to hands-on
- Results of broken ribs
- PPCT instructor did not feel comfortable with the approval of the use of force

Arrest of Augustin Martinez, 22-0217

- 1/26/22, at 1330 hours
- Initial complaint of not calling out on the radio
- Unlawful Entry into Residence of [REDACTED]
- Reviewed by all 4 sergeants, unanimously agree the entry was unlawful
- Did not have fresh pursuit, consent, exigency, or warrant.
- Perimeter was established prior to the contact

ALAMOSA POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Cumulative Report

Agency	ALAMOSA PD	Location	1100 10TH ST ALAMOSA COLORADO 81101
Case #	21-1183		
File #			
Description	VEHICLE PURSUIT / FELONY ELUDING / RECKLESS DRIVING		
Incident Status	INACTIVE	From Date/Time	06/04/2021 02:31
		To Date/Time	
		Report Date	06/04/2021 04:00
Reporting Officer	SMITH, N	Initial Rep. Date	06/04/2021 04:00

OFFENSE(S)

Offense	VEHICULAR ELUDING		
Statute	18-9-116.5		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol	N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

Offense	RECKLESS DRIVING		
Statute	42-4-1401/1401		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol	N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

Offense	1ST DEGREE AGGRAVATED MOTOR VEHICLE THEFT (FEL)		
Statute	18-4-409(2)		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	RESIDENCE/HOME		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

COMPLAINANT

Name	CSP DISPATCH,		
Address	3110 W 1ST ST ALAMOSA CO 81101	Phone	719-589-5807
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL & St.	JRN#	

VICTIM(S)

Name	COLORADO, STATE OF		
Address	425 4TH ST ALAMOSA, CO 81101	Phone	719-589-2548
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL & St.	JRN#	
Type of Victim	SOCIETY/PUBLIC	Victim Of	NONE
		Injury Type	
Homicide/Assault Circumstance			

Name	VENZOR, OSCAR ADRIAN		
Address	[REDACTED]	Phone	[REDACTED]
Race	[REDACTED]	Ethnic	[REDACTED]
Height	[REDACTED]	Weight	[REDACTED]
S.S.N.	[REDACTED]	DL & St.	*****
Type of Victim	INDIVIDUAL	Victim Of	NONE
		Injury Type	
Homicide/Assault Circumstance			

SUBJECT(S)

Name	IBARRA, ALEX LEE		
Address	[REDACTED] ST, MONTE VISTA, CO 81144	Phone	[REDACTED]
Race	W	Ethnic	H
Height	5'08"	Weight	145
S.S.N.	***_*_*_****	DL & St.	*****
Sub. Type	SUSPECT	Arrest ID	
		Citation #	
Notes			

Name	MALDONADO, UNIQUE E		
Address	[REDACTED]		Phone NA
Race	[REDACTED]	Ethnic [REDACTED]	Sex [REDACTED]
Height	[REDACTED]	Weight [REDACTED]	DOB [REDACTED]
S.S.N.	[REDACTED]	DL & St. *****	JRN#
Sub. Type	OTHER	Arrest ID	Citation #
Notes			

RELATIONSHIP(S)

Person A	STATE OF COLORADO	Relationship	UNKNOWN	Person B	ALEX LEE IBARRA
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VEHICLE(S)

Details	2011 BMW 528I		
VIN	WBAAFR1C51BC260094		Colors GRAY
Plate No	BDZD02	State	CO
Impound		Year	0
		Type	

PROPERTY

Property Category	AUTOMOBILES		Loss Type	STOLEN
Description				
Notes				
Make	BMW	Model	528I	Style
Serial No / VIN	WBAAFR1C51BC260094		Color	GRAY
Vehicle Year	2011	Plate No/ State/ Type	BDZD02/CO/	
Loss Date	6/4/2021	Loss Quantity	1	Loss Value \$15,000.00
Rec Date		Rec Quantity		Rec Value
Drug Type		Drug Quantity		Drug UOM

Property Category	CD ROM/DVD/FLOPPY DISC		Loss Type	EVIDENCE
Description	VIDEO FROM RACHEL SANDOVAL			
Notes				
Make		Model		Style
Serial No / VIN		Color		
Vehicle Year		Plate No/ State/ Type		
Loss Date		Loss Quantity		Loss Value
Rec Date		Rec Quantity		Rec Value
Drug Type		Drug Quantity		Drug UOM

INVESTIGATOR

Name	SMITH, N	Assigned Date		Supplement No	0
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Case No: 21-1183

Entered By SMITH, N

Officer SMITH, N

Supervisor SQUIRES, W

Incident # 21-1183

SMITH, N

On June 4, 2021 at approximately 02:31 hours I, K9 Officer Nick Smith, heard via radio traffic Deputy Crawford with the Alamosa Sheriff's Office attempting to contact a vehicle that was leaving a storage unit in the County of Alamosa. Deputy Crawford initiated a contact and the vehicle failed to yield and began traveling erratically and a high rate of speed. The vehicle eluded Deputies and traveled down County Road 8 South where Deputy Crawford terminated his pursuit as the vehicle was traveling at a high rate of speed. I was in route to assist when the pursuit was ended and I turned onto 10th street from West Avenue. This is in the City and County of Alamosa, State of Colorado.

While traveling East on 10th Street I saw a vehicle with no lights traveling at a high rate of speed pull out in front of me from Rail Road Avenue turn right on 10th Street and run the stop signs located there and at the railroad crossing. I observed the vehicle matched the description from the ACSO pursuit. This vehicle was a silver BMW Sedan bearing Colorado Plate BDZD02. I observed the vehicle to continue to drive recklessly onto Alamosa Avenue. I initiated my emergency lights to contact the vehicle and the vehicle failed to yield and at this time initiated a second pursuit with the vehicle.

The vehicle traveled south on Alamosa Avenue reaching speeds of 55 MPH and turned East on 14th Street. I observed the vehicle strike a dog at a high rate of speed on 14th Street and then continue to Ross Avenue and then onto 13th Street without yielding for traffic control devices or emergency lights and sirens. The vehicle traveled north on Edison Avenue running several stop signs and traveling at approximately 50 MPH. The vehicle then turned West on 8th Street ignoring several stop signs and reached speeds of 85-90 MPH before traveling south around Alamosa Elementary School. The vehicle then turned East on West 10th Street and reached high rate of speeds of approximately 90 MPH heading back into residential areas.

ACSO Deputies attempted to deploy stop sticks at West and 10th Street but the vehicle traveled South on West before going back to Rail Road Ave and turning East again on 10th Street. At this time the vehicle accelerated heavily passing speeds of 100 MPH. For community safety I didn't continue to keep pace with the vehicle and I advised the speeds to Sgt. Dordan who advised to terminate the pursuit for Community Safety in the residential area.

I turned off my emergency lights and stopped any further pursuit at the intersection of Denver Avenue on 10th Street. The BMW continued East at a high rate of speed and turned north on Old Airport Road. No further contact was seen or made with the vehicle. The vehicle was registered to Oscar Venzor and Mayra Molina from [REDACTED]

At approximately 06:00 hours I was advised by Dispatch that Oscar Venzor was calling in to report his vehicle stolen. I met with Oscar and Mayra, the registered owners of the vehicles and Oscar reported to me that at approximately 15:00 hours on June 3, 2021 he had lent his Silver BMW to his friend Unique Maldonado. He stated he took his vehicle to [REDACTED] and described the residence as a pink smaller home with a two tone older jeep out front.

This description matches the residence which I was familiar with from previous calls and knew to be the residence where Maldonado was staying. He stated he left the vehicle with her and at approximately 02:45 hours he received messages via Facebook messenger where Maldonado was asking him to report the vehicle stolen and stated she would pay him to report it stolen. Maldonado then tried to

Case No: 21-1183

delete the messages but Venzor had screenshotted them.

Oscar was interviewed about the pursuit and he stated he had no knowledge of it and stated he was unable to get ahold of Maldonado. He stated he didn't know who she was around or staying with. At this time Oscar believed Maldonado had stolen the vehicle after the pursuit and he stated the vehicle was not at the residence at [REDACTED]

The vehicle will be entered as stolen into NCIC/CCIC and this case is active pending further investigation. Nothing further from this Officer.

Incident # 21-1183 (1)

CROWTHER, B

On Friday June 4, 2021 at approximately 0231 hours, I (Officer Crowther) heard radio traffic through CSP where a Alamosa County Deputy Dalton Crawford, was attempting to stop a vehicle in the County of Alamosa. The vehicle was failing to stop and was heading into the City of Alamosa.

I began traveling south on West Avenue because the vehicle was coming into town on the 8 South. I was traveling behind Officer Smith when I heard Smith say over the radio he spotted the vehicle driving without lights. I followed Smith on to 10 Street where Smith activated his overhead lights. I activated my overhead lights and began following Smith in pursuit of the vehicle. The vehicle was driving very erratically at excessive speeds.

Due to the erratic driving and varying speeds I began to lose visual of Officer Smith. Shortly after losing visual of Smith and the suspect the pursuit was terminated. At this time I turned my overhead lights off and stopped any further pursuit by going another direction.

No further information at this time, the previous has been a summary.

Incident # 21-1183 (2)

LOPEZ, E

On 6/4/2021 at approximately 0230 hours, I Cpl. Evan Lopez was at the police department located at 425 4th St in the City and County of Alamosa, State of Colorado.

I heard Deputy Crawford from the Alamosa County Sheriff's Office advice he was trying to contact a vehicle for suspicious activity at storage sheds and the vehicle was not stopping. He later advised that the vehicle was accelerating at high rate of speeds and terminated trying to contact the vehicle and this occurred near Hwy 285 and CR 8 south.

Officer Smith who was in that area of 10th St and Railroad Ave advised the vehicle was driving erratic, running stop signs, driving with no lights. This time of night is dark and only lit up by street lights. Traffic was light. Roads were dry with light pedestrian traffic also. Officer Smith activated his emergency light and advised he was trying to contact the vehicle. The vehicle failed to stop for his emergency lights and accelerated at high rates of speeds which during this incident were 45-100 mph in residential areas. Officer Smith advised that the vehicle was south on Alamosa Ave and east on 14th St. I was in the area of 10th St and went east on 10th to parallel the pursuit. Officer Smith advised the vehicle continued north on Edison Ave at high rate of speed. I was one block away and the vehicle crossed in front of me and it appeared the vehicle did not have lights on. I traveled north on Ross Ave and Officer Smith advised the vehicle was west on 8th St. The I approached 8th St on Ross Ave and the vehicle crossed in front of me. The vehicle continued west on 8th St and failed to stop at the stop sign near Railroad Ave (railroad tracks). Vehicle continued west on 8th St and failed to stop at West Ave (Hwy 285) crossing the intersection at a high rate of speed and continued west on 8th St. From 8th St the vehicle turn south on Jefferson St and east on 10th St. I diverted from the pursuit and paralleled on 8th St going east in attempt to find a location to possible set up spike strips to disable the vehicle. I continued east on 8th St and heard Sgt. Dordan advice to terminate the pursuit after Officer Smith stated that the pursuit was nearing State Ave at 100 mph. I pulled off to the side of the road and turned off my lights.

I later checked the area of the last known location of the vehicle to see if I could find it anywhere and was not able to find it. Officer Smith advised the last possible location was near 10th St and Old Airport Rd where it appeared the vehicle had gone north.

On 6/4/2021 at approximately 1918 hours, I was on patrol in the area of Old Airport Road at 10th St. I observed a vehicle that was off the east side of the road in a field

parked in an awkward way. The plate on the vehicle matched the plate from the vehicle involved in the pursuit. The plate was BDZD02. By this time I also had knowledge that the owner of the vehicle who was identified as Oscar Venzor had reported this vehicle stolen. I asked dispatch to run the plate and they confirmed to me that the plate was stolen. The entry was cleared as recovered. I collected photos of the scene and of the vehicle. I sealed the car as evidence and asked that Layton's Towing come for it and transport it to PD impound.

At 1954 hours, Layton's took custody of the car and took it to PD impound. I cleared the call at 2024 hours.

While on scene at 10th and Old Airport Road, I was contacted by a neighbor advising that car had almost hit his trailer sometime last night and he got a male and female on camera leaving down the alley.

Officer Crowther later met with the males wife who was identified as [REDACTED]. She was able to provide screen shots of the camera as part of this investigation.

At approximately 2200 hours, I went with Officer Smith to [REDACTED] to attempt to locate Unique Maldonado in reference to the stolen car and her being a possible party in vehicle and being the female who was suspected of leaving the area of the car at 0243 hours. We made contact with a Daniel Romero. He advised he had not seen Unique for a couple of days and he was not aware of what was going on with the car. He stated a party had come looking for his car and that the same party had brought the car over to Unique couple of days ago.

At this time I have no further information.

Case closed.

Case No: 21-1183

Incident # 21-1183 (3)

SMITH, N

On June 22, 2021 at approximately 14:30 hours I, Officer Nick Smith, advised Oscar Venzor via phone that his BMW was being released to Layton's Towing. At 15:00 hours Laytons Towing took possession of the vehicle from our impound yard. The vehicle was released to them and a Tow sheet was completed.

Supplemental Report, nothing further from this Officer.

Incident # 21-1183 (4)

SMITH, N

I, K9 Officer Nick Smith, have conducted multiple field interviews with witnesses ([REDACTED]) who observed Unique Maldonado driving the BMW reported stolen by Oscar Venzor with a male party they identified as "Skillz." This person is known to me as Alex Ibarra who is wanted for an outstanding warrant and has frequently been involved in high speed pursuits in the past. Maldonado refused to cooperate and has been observed on surveillance footage leaving the vehicle with a male party matching the description of Alex Ibarra. Due to the lack of cooperation of Maldonaldo, case will be inactive. Maldonado's foot wear were on the passenger side of the vehicle confirming she was not in the driver's seat as she was seen barefoot running from the vehicle crash.

Case No: 21-1183

Incident # 21-1183 (5)

LOPEZ, E

On 7/20/2021, I Cpl. Evan Lopez had in my box a video of parties running away from the pursuit and down the alley behind a residence at 9th and Old Airport Road. The video was received from [REDACTED] who lives at the corner house. The video was placed into evidence.

Nothing further.

ALAMOSA POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Cumulative Report

Agency	ALAMOSA PD	Location	700 BLK 11TH ST ALAMOSA COLORADO 81101
Case #	21-2752		
File #			
Description	2ND DEGREE ASSAULT ON A PEACE OFFICER / VIOLATION OF RESTRAINING ORDER / POSSESSION OF SCHEDULE I / RESISTING / OBSTRUCTING		
Incident Status	CLEARED BY ARREST	From Date/Time	12/17/2021 22:36
		To Date/Time	
		Report Date	12/18/2021 01:00
		Initial Rep. Date	12/18/2021 01:00
Reporting Officer	BERTSCH, T		

OFFENSE(S)

Offense	2ND DEGREE ASSAULT POLICE OFFICER-NO WEAPON (FEL)		
Statute	18-3-203		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	OTHER/UNK		
Computer	N	Alcohol	N
Weapons	PERSONAL WEAPONS		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			
Offense	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE (MISDEMEANOR) (MISD)		
Statute	18-18-403.5(2)(c)		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	OTHER/UNK		
Computer	N	Alcohol	N
Weapons	NONE		
Criminal Activity	POSSESSING/CONCEALING		
Bias Type	NONE		
Bias Motivation			

Offense	VIOLATION OF RESTRAINING ORDER		
Statute	18-6-803.5		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	OTHER/UNK		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			
Offense	RESISTING OR OBSTRUCTING AN OFFICER		
Statute	18-8-103		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	OTHER/UNK		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			
Offense	OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER		
Statute	18-8-104		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	OTHER/UNK		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

COMPLAINANT

Name	SMITH, NICK			Phone	_____
Address	425 4TH ST ALAMOSA CO 81101			DOB	████████
Race	W	Ethnic	N	Sex	M
Height	_____	Weight	_____	Hair	_____
S.S.N.	_____	DL & St.	_____	JRN#	_____

VICTIM(S)

Name	COLORADO, STATE OF		
Address	425 4TH ST. ALAMOSA, CO 81101		Phone 719-589-2548
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL. & St.	JRN#	
Type of Victim	SOCIETY/PUBLIC	Victim Of NONE	Injury Type
Homicide/Assault Circumstance			

Name	SMITH, NICK		
Address	425 4TH ST. ALAMOSA, CO 81101		Phone [REDACTED]
Race W	Ethnic N	Sex M	DOB [REDACTED]
Height	Weight	Hair	Eyes
S.S.N.	DL. & St.	JRN#	
Type of Victim	INDIVIDUAL	Victim Of NONE	Injury Type APP. MINOR INJURY
Homicide/Assault Circumstance			

SUBJECT(S)

Name	HEPWORTH, NICHOLAS JAMES		
Address	[REDACTED] AVE ALAMOSA, CO 81101	Phone	[REDACTED]
Race W	Ethnic U	Sex M	DOB [REDACTED]
Height 5'07"	Weight 190	Hair BLN	Eyes BLU
S.S.N. ***_*_****	DL & St. *****	JRN#	
Sub. Type	ARRESTEE	Arrest ID A21-1372	Citation #
Notes			

RELATIONSHIP(S)

Person A NICK SMITH	Relationship NONE	Person B NICHOLAS JAMES HEPWORTH
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PROPERTY

Property Category	DRUGS/NARCOTICS	Loss Type	SEIZED
Description	1.1 GRAMS OF HEROIN IN PLASTIC BAGGY		
Notes			
Make	Model	Style	
Serial No / VIN		Color	
Vehicle Year	Plate No/ State/ Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	Rec Quantity	Rec Value	
Drug Type HEROIN	Drug Quantity 1.1	Drug UOM	GRAMS

Case No: 21-2752

INVESTIGATOR

Name	Assigned Date	Supplement No
BERTSCH, T		0

Entered By BERTSCH, T _____

Officer BERTSCH, T _____

Supervisor SQUIRES, W _____

Incident # 21-2752

BERTSCH, T

On December 17, 2021 at approximately 2232 hours, I Officer T. Bertsch, assisted another officer in the 700 block of 11th Street. This is in the City and County of Alamosa and State of Colorado.

I heard via radio Officer Smith callout with someone, but I did not hear the location, only the north alley. Moments later I heard Officer Smith call out over the radio that he was fighting one. Colorado State Patrol (CSP) Dispatch advised that he was in the alley off of 11th Street. I drove north bound down Ross Avenue and made a right hand turn onto 11th Street when I observed Officer Smith's patrol car.

I drove up a little further until I saw Officer Smith fighting with one on the ground in front of an apartment complex with the address of 708 11th Street. I put my patrol vehicle in park and ran to Officer Smith's location. I assisted by grabbing the male parties legs, crossing them at the ankles, and bending them at the knee so the laces of his shoes were resting on his upper thigh area. I was able to sit on his legs in this position and assist with gaining control of his left arm, which he was holding above his head in effort to not be placed into custody.

Officer Smith and I continued to give verbal commands, getting no compliance. Officer Smith executed two knee strikes to his left common peroneal area while I grabbed his left arm and rotated it safely to place it behind his back. We were able to finally get the male into custody (checking for tightness and double locking the handcuffs).

At this time I realized the male party was Nicholas Hepworth (DOB [REDACTED] and Officer Smith stated he was sure he had a warrant. Officer Smith also informed me that the male party punched him. Nicholas insisted he did not have a warrant nor punch Officer Smith. His information was run through CSP Dispatch who advised he did not have any active warrants for his arrest but had an active restraining order which restrained him from consuming or possessing controlled substances (Alamosa County Docket D0022021CR000190 issued on July 19, 2021).

Sergeant Squires performed a pat down on Nicholas before placing him in my patrol car. During the pat down he did locate a clear baggie with a brown powder like substance that is consistent with heroin. The brown substance was later tested and came back presumptive proof positive for 1.1 grams of heroin.

I transported Nicholas to the Emergency Room where he was medically cleared and staff advised that he had two broken ribs.

I transported Nicholas to the Alamosa County Sheriff's Office and released him to jail staff on the charges of 2nd degree assault on a peace officer, violation of a restraining order, unlawful possession of a controlled substance, resisting arrest, and obstructing a peace officer.

The above statement is only a summary.

Incident # 21-2752 (1)

SMITH, N

On December 17, 2021 at approximately 22:32 hours I, K9 Officer Nick Smith, was in the area of 700 block of 12th Street in relation to a shots fired call that had been aired to Officers approximately 10 minutes prior. This is in the City and County of Alamosa, State of Colorado.

While in the area I observed a person near a residence in the north alley way between 11th and 12th Streets in the 700 block. I entered the alley way and pulled alongside the male party to contact him. The male party began walking north in the alley and pulled his phone from his pocket. I recognized the male party as Nicholas Hepworth. I knew Hepworth to have recently had a warrant for his arrest for failing to appear in Alamosa County Court and I told Hepworth to stop and talk to me. I turned on my alley light and followed Hepworth as he continued to walk away. He ignored my presence and began walking faster. I told him to stop and Hepworth continued. He continued to walk, ignoring commands to stop and left the alley way and began moving towards the residence at [REDACTED] street where began to try and open the door. Based on the behavior Hepworth was displaying I believed he was attempting to flee inside the residence because there was still an active warrant.

Hepworth turned towards me and I told him I was talking to him and to come to me. He ignored that command and stated he was going inside. I told him to place his hands behind his back and removed my handcuffs to detain him and keep him from fleeing into the residence. Hepworth stated he didn't do anything and grabbed his arm to place him into custody. He began pulling away from me and began to resist and try to pull away. Hepworth began yelling he wasn't doing anything and I gave him commands to place his hands behind his back. Hepworth pulled away from me and then struck me in the chest with his fist while pulling away. Hepworth continued to struggle and at one point struck me in the jaw with a closed fist while holding a set of keys causing pain to my facial region. When Hepworth struck my chest it broke my K9's Collar Remote holster loose and knocked my K9 remote away.

I radioed to dispatch I was fighting the party and Hepworth continued to struggle and fight me while I attempted to gain control of him. I grappled with Hepworth and we struggled to the ground. I repeatedly gave loud verbal commands to Hepworth to place his hands behind his back and he continued to resist and did not provide his hands. I delivered a knee strike to Hepworth's body while trying to control his right hand. Hepworth continued to resist and was given continuous commands to place his hands behind his back. I delivered a second knee strike to his body and was able to place Hepworth's right arm behind his back to gain control of it.

*Note: During the struggle my department issued body camera was struck and stopped recording during the confrontation and struggle only recording the open contact and struggle but does not record any of the incident while struggling with Hepworth on the ground.

At this time Officer Taylor Bertsch arrived on scene and began assisting. She gained control of his legs and I delivered a third knee strike to his body and Officer Bertsch was able to pull Hepworth's left arm and put it behind his back to be handcuffed. Officer Bertsch and I stood Hepworth up moved him to a patrol vehicle. A search of his person located a digital scale and a baggie containing a brown powder substance consistent with pure form heroin.

Hepworth was run through dispatch and no longer had an active warrant for his arrest but did have an active protection restraining him from possessing any controlled substances on Alamosa County Docket D0022021CR000190 issued on July 19, 2021. The substance was presumptive proof positive for heroin and weighed at approximately 1.10 grams.

Hepworth was medically cleared at the San Luis Valley Regional Medical Center and was transported to the Alamosa County Detention Center for the charges of Obstructing a Peace Officer, Resisting Arresting, 2nd Degree Assault on a Peace Officer, Unlawful Possession of a Controlled Substance, and Violation of Restraining Order.

Officer Taylor Bertsch is the charging Officer and this is a supplemental report. Nothing further from this Officer.

Incident # 21-2752 (2)

SMITH, N

On December 18, 2021 I, Officer Nick Smith, documented injuries sustained to my person during the confrontation with Nicholas Hepworth. During the confrontation Hepworth struck me in the face with a closed fist and caused my lip to split and swell. The injury has been documented and attached to this report. This is a supplemental report as the injury was not originally observed until after the incident. Please reference photographs.

This is a supplemental report.

Incident # 21-2752 (3)

LOPEZ, E

On 12/17/2021 at approximately 2236 hours, I Cpl. Evan Lopez of the Alamosa Police Department heard Officer Smith advise he was in the alleyway in the 700 blk of 12th St in the City and County of Alamosa, State of Colorado in reference to an FI contact.

Prior to this FI contact we received calls of shots fired. I heard Officer Smith on the radio and it appeared that he was struggling with someone.

I arrived on scene and located Officer Smith and Officer Bertsch in front of [REDACTED] St. There I parked my patrol car and exited. I saw that they were trying to handcuff a party who I knew to be Nicholas Hepworth. I heard Officer Smith advise that Hepworth had punched him. Hepworth was handcuffed and escorted to a patrol car. Officer Smith advised that Hepworth had run from him north in the alleyway.

I checked the alleyway to make sure there was nothing dropped or tossed by Hepworth such as drugs, property or firearms.

I did not find anything of interest after checking the alleyway and later clear from the scene.

At this time I have no further information and this is only a summary.

ALAMOSA POLICE DEPARTMENT

Arrest Report

Arrest # A21-1372

ARRESTEE DETAILS

Name	NICHOLAS JAMES HEPWORTH		
Address	[REDACTED] ALAMOSA CO 81101		
Phone	[REDACTED]	SSN	***_*_*
		DL	*****
Race	W	Sex	M
		Age	39
DOB	[REDACTED]		
Height	5'07"	Weight	190
Hair	BLN		
Eyes	BLU	JRN	
SID	[REDACTED]		
FBI	[REDACTED]	MID	
Resident	N	Inc.#	21-2752
Place of Birth			

ARREST INFORMATION

Arrest Date-Time	12/17/2021 - 22:38	Hold Reason	WARRANTLESS/ON VIEW	
Arrest Location	[REDACTED] ALAMOSA CO 81101			
Arrest Agency	ALAMOSA PD	Release To	ACDC	
Arrest Type	ON VIEW	Resist Arrest	N	Arrested Before N
Arrest Disp	JAILED ON BOND	Arrest Officer	N SMITH	
Supervisor	W SQUIRES	Miranda Officer		
Arrest Condition	NARCOTICS			
Armed With	UNARMED			

ARREST CHARGES

Violation	2ND DEGREE ASSAULT POLICE OFFICER-NO WEAPON (FEL)			
Statute	18-3-203			
Judgement				
Judge		Court	ALAMOSA COUNTY	
Disp Date	12/17/2021	Court Date		Bond Amt \$0.00
Warrant #		Citation #		Incident # 21-2752
Disposition	JAILED ON BOND	Bond Type		

Violation	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE (MISDEMEANOR) (MISD)			
Statute	18-18-403.5(2)(c)			
Judgement				
Judge		Court	ALAMOSA COUNTY	
Disp Date	12/17/2021	Court Date		Bond Amt \$0.00
Warrant #		Citation #		Incident # 21-2752
Disposition	JAILED ON BOND	Bond Type		

Violation	VIOLATION OF RESTRAINING ORDER		
Statute	18-6-803.5		
Judgement			
Judge		Court	ALAMOSA COUNTY
Disp Date	12/17/2021	Court Date	
Warrant #		Citation #	
Disposition	JAILED ON BOND	Bond Amt	\$.00
		Incident #	21-2752
		Bond Type	

Violation	RESISTING OR OBSTRUCTING AN OFFICER		
Statute	18-8-103		
Judgement			
Judge		Court	ALAMOSA COUNTY
Disp Date	12/17/2021	Court Date	
Warrant #		Citation #	
Disposition	JAILED ON BOND	Bond Amt	\$.00
		Incident #	21-2752
		Bond Type	

Violation	OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER		
Statute	18-8-104		
Judgement			
Judge		Court	ALAMOSA COUNTY
Disp Date	12/17/2021	Court Date	
Warrant #		Citation #	
Disposition	JAILED ON BOND	Bond Amt	\$.00
		Incident #	21-2752
		Bond Type	

ALAMOSA POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Initial Report

Agency ALAMOSA PD	Location [REDACTED]
Case # 22-0217	ALAMOSA COLORADO 81101
File #	
Description WARRANT ARREST X2	
Incident Status CLEARED BY ARREST	From Date/Time 01/26/2022 13:30
	To Date/Time
	Report Date 01/26/2022 16:30
Reporting Officer SMITH, N	Initial Rep. Date 01/26/2022 16:30

OFFENSE(S)

Offense	FUGITIVE FROM JUSTICE/WARRANT/BOND REVOCATION		
Statute	16-19-103		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

Offense	FUGITIVE FROM JUSTICE/WARRANT/BOND REVOCATION		
Statute	16-19-103		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

Offense	OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER		
Statute	18-8-104		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

Offense	RESISTING OR OBSTRUCTING AN OFFICER		
Statute	18-8-103		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol N	Drug N
Weapons	NONE		
Criminal Activity	NONE/UNKNOWN GANG		
Bias Type	NONE		
Bias Motivation			

COMPLAINANT

Name	SMITH, NICK			Phone	_____
Address	425 4TH ST ALAMOSA CO 81101			DOB	██████████
Race	W	Ethnic	N	Sex	M
Height	_____	Weight	_____	Hair	_____
S.S.N.	_____	DL & St.	_____	JRN#	_____

VICTIM(S)

Name	COLORADO, STATE OF			Phone	719-589-2548
Address	425 4TH ST ALAMOSA, CO 81101			DOB	_____
Race	_____	Ethnic	_____	Sex	_____
Height	_____	Weight	_____	Hair	_____
S.S.N.	_____	DL & St.	_____	JRN#	_____
Type of Victim	SOCIETY/PUBLIC	Victim Of	NONE	Injury Type	_____
Homicide/Assault Circumstance					

SUBJECT(S)

Name	MARTINEZ, AUGUSTIN CLAUDE						
Address	[REDACTED]						
Race	W	Ethnic	H	Sex	M	Phone	____-____-____
Height	5'05"	Weight	170	Hair	BRO	DOB	[REDACTED]
S.S.N.	***-**-****	DL & St.	*****	JRN#		Eyes	BRO
Sub. Type	ARRESTEE	Arrest ID	A22-0124	Citation #	E001109		
Notes							

RELATIONSHIP(S)

Person A	STATE OF COLORADO	Relationship	NONE	Person B	AUGUSTIN CLAUDE MARTINEZ
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INVESTIGATOR

Name	SMITH, N	Assigned Date		Supplement No	0
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Entered By SMITH, N

Officer SMITH, N

Supervisor DORDAN, O

Incident # 22-0217

SMITH, N

On January 26, 2022 at approximately 13:30 I, K9 Officer Nick Smith, was contacted by Community Service Officer Fabian Juarez that he observed Augustin Martinez in the apartment complex located at [REDACTED]. Martinez was known to have active warrants for his arrest and I confirmed this via CSP Dispatch and arrived at the apartment complex where I observed Martinez exit his vehicle and enter the apartment number [REDACTED]. This address is in the City and County of Alamosa, State of Colorado.

Martinez's warrants were confirmed as valid from the Colorado Department of Corrections on Warrant Number 234436 with no bond for a parole violation. Martinez had a second warrant from the Alamosa County Sheriff's Office for failing to appear on Docket Number C0022021M000534 with a \$1000.00 bond. With Martinez was a female party I knew as Sahra Gallegos and she also had two active warrants confirmed via dispatch for failing to appear on Alamosa County Docket C002202M000461 with a \$500.00 bond and Alamosa Municipal Warrant 220033 with a bond of \$630.00 dollars.

I contacted the residence with Officer Marco Ledezma and made announcements. A male party I knew as [REDACTED] answered the door and I advised him to have Augustin and Sahra exit the residence as I just saw them enter. He told Augustine to come out because the Police were there and I heard a bedroom door shut and lock and then heard a window break. CSO Juarez who was watching the rear windows advised Martinez jumped out of the second story window and was running. Officer Ledezma and CSO Juarez initiated a foot pursuit and I placed Gallegos into custody as she was in the room where Martinez had jumped from.

Officer Ledezma pursued Martinez and was able to take him into custody. Officer Ledezma stated Martinez resisted and had to be put into a position of control in order to be placed into custody. Martinez and Gallegos were then released to the Alamosa County Detention Center where they were booked in on the above warrants. Martinez was issued a summons for resisting arrest and obstructing a peace officer into Alamosa County Court.

Case Cleared by Arrest, nothing further from this Officer.

Alamosa Police Department

425 4th Street
Alamosa, Colorado 81101

June 27, 2021

Nicholas Smith
Police Officer

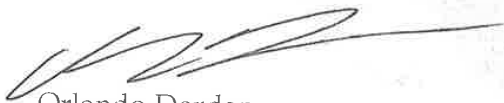
Officer Smith:

You are being issued this administrative notice for a traffic complaint received by Captain Spangler on June 24, 2021 for your driving when returning from training. You admitted to the violation of speeding. This is a violation of department policy: **339 STANDARD OF CONDUCT SEC 339.5.10(f) SAFETY: Unsafe or improper driving habits or action in the course of employment or appointment.**

On June 24, 2021 I met with you at the police department in reference to the violation. You were counseled and ordered to obey all traffic laws and policies.

As a result of your conduct this violation will be documented for your yearly evaluation. Failing to adhere to the conditions of this written warning, development of a new or related issue, will lead to more serious corrective action up to and including discharge. If you have any questions feel free to contact me.

Respectfully,



Orlando Dordan
Sergeant


N. Smith

Police Headquarters
425 4th Street
Alamosa, Colorado 81101
(719) 589-2548

"Protect & Serve"

Mailing Address
P.O. Box 1101
Alamosa, CO 81101
Fax: (719) 589-5257



Alamosa Police Department Written Statement

Last Name: [REDACTED]	First Name: [REDACTED]	MI:
Address: [REDACTED]	City: Alamosa	State: CO
Home # [REDACTED]	Cell # [REDACTED]	Work#
Date of Birth: [REDACTED]	Driver's License #: [REDACTED]	

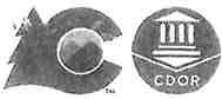
I [REDACTED] witness a Alamosa, CO Police car driving very reckless at high speeds in and out of traffic on I 25 and Hwy 160 on 6-23-21 - around 11:30 AM Putting the Public at "Danger." Police officers are not above the law. This kind of activity get people killed.

The information contained in this statement is true and correct to the best of my knowledge.

Sign: _____

Date: _____

6-24-21



COLORADO
Department of Revenue
 Division of Motor Vehicles



00670717000001010100

Physical Address:
 1881 Pierce St Rm 112
 Lakewood, CO 80214

Mailing Address:
 PO BOX 173350
 Denver, CO 80217-3350

March 25, 2022

Letter: L0077065287

ATTN: OPERATIONS COMMANDER
 ALAMOSA PD
 P.O. BOX 1101
 ALAMOSA CO 81101

1st missed court verbally spoke to on 4-25-22

To: ALAMOSA PD
 Officer: SMITH
 Officer Number: PD16
 Hearing Date: March 25, 2022
 Hearing Time: 09:30
 Respondent: ROBERT LOUIS MARTINEZ
 Case Number: 9671411

[Handwritten signature]

The officer listed failed to appear at a properly scheduled Department of Revenue hearing under the Express Consent Law pursuant to § 42-2-126, C.R.S. The Department's records show the officer was properly mailed notice of the hearing, or, was properly served with a subpoena. This notice is provided for your information and to help our respective agencies monitor the notice/subpoena service process to ensure that officers do receive proper notice for these hearings.

Under 1 CCR 211-2, Rule 5.10.2.1 "Failure of the police officer who signed the Affidavit and Notice of Revocation pursuant to § 42-2-126 to appear after proper service of the subpoena, for reasons other than events authorized by statute, shall result in dismissal of the case with prejudice."

Please be sure that your officers know that they should immediately contact the Department of Revenue Hearings Division, at 303-205-5606 or DOR_info_hearings@state.co.us, to reschedule a hearing in the case of a scheduling conflict or law enforcement emergency.

Thank you for your attention to this matter.

DEPARTMENT OF REVENUE, HEARINGS DIVISION

Michael Kennedy

Hearings Officer

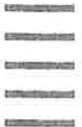
dL593



00670717000001010100



COLORADO
 Department of Revenue
 Division of Motor Vehicles



Physical Address:
 1881 Pierce St Rm 112
 Lakewood, CO 80214

Mailing Address:
 PO BOX 173350
 Denver, CO 80217-3350

May 09, 2022

Letter: L0079725971

ATTN: OPERATIONS COMMANDER
 ALAMOSA PD
 P.O. BOX 1101
 ALAMOSA CO 81101

To: ALAMOSA PD
 Officer: NICK SMITH
 Officer Number: PD15
 Hearing Date: May 09, 2022
 Hearing Time: 09:30
 Respondent: JAMES LEIGH THOMAS, JR
 Case Number: 10015829

The officer listed failed to appear at a properly scheduled Department of Revenue hearing under the Express Consent Law pursuant to § 42-2-126, C.R.S. The Department's records show the officer was properly mailed notice of the hearing, or, was properly served with a subpoena. This notice is provided for your information and to help our respective agencies monitor the notice/subpoena service process to ensure that officers do receive proper notice for these hearings.

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Thank you for your attention to this matter.

DEPARTMENT OF REVENUE, HEARINGS DIVISION

Hearings Officer

dL593



Alamosa Police Department Disciplinary Action Form

1. Joey Spangler
Name of Supervisor Initiating Action

2. Nick Smith
Name of Employee against whom action is initiated

3. May 25th, 2022- August 11th, 2022
Date and Time of alleged violation

4. August 24th, 2022
Date of Disciplinary Action Form being filled out

5. Brief Statement as to alleged violation:

See Attached Appendix A

6. Cite Police Department Rules and Regulations, Police Department Orders and City of Alamosa Rules and Regulations allegedly violated (Section, subsection, paragraph, line - if applicable):

See Attached Appendix B

7. Type of Discipline (Verbal, written and/or suspension, termination or demotion):

Suspension 40 hours, with 30 hours of it held in abeyance for 12 months PIP Plan to Include: 90 days of random audit of AXON system 90 days of dayshift with intensive supervision under the direction of the Division Commander
--

8. Type of Reprimand (verbal, written and /or suspension.)

Suspension



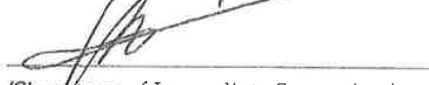
 Signature of Employee

8/29/2022

 Date

To show receipt of all paperwork, i.e., Personnel Action Form, Disciplinary Action Form, reports, or letters, memos on investigation of incident.

9. I, Brian Coape, recommend/agree with the above discipline.



 (Signature of Immediate Supervisor)

8/29/2022

 Date

10. I, Joey Spangler, agree disagree with the above reprimand.



 (Signature of Division Commander)

8/29/22

 Date

11. I, Chris Van Aragon, agree disagree with the above reprimand.



 (Signature of Chief of Police - if applicable)

08-29-2022

 Date

The Chief of Police having agreed to the recommendation for discipline action as stated above is forwarding this disciplinary action form and all relevant documentation to the City Manager for review. A copy of all information forwarded has been given to the officer.

12. Having conducted a pre-disciplinary hearing into the alleged violation, I find that the allegations are:
sustained not sustained

Remarks:

13. Having sustained the allegations, I agree disagree with the recommended disciplinary action:

Remarks:

14.

Keith B. Cook
(Signature of City Manager)

8-31-22
Date

If the sustained allegation(s) result in demotion, suspension, termination or the loss of 30 or more hours of pay, the employee may appeal the action to the Personnel Board within fifteen (15) working days of the final determination of the action. The Personnel Board's decision is final and binding on all parties.

APPENDIX A

On June 6th, 2022, I was investigating 7 complaints I received throughout the week on Officer Bagwell from Sergeant Kindschuh, Corporal Van Ry, and Officer Smith. These 7 complaints encompassed 4 separate incidents.

On May 25th, I received a memo from Officer Smith in reference to an incident that occurred on **April 25th**, 2022, while dealing with a female party trespassing with a warrant with the following complaints:

- Officer Smith contacted a female party who was non-compliant, which was advised via radio.
- The female party "took off on foot and had to be taken to the ground".
- Officer Bagwell had to be advised several times via radio that they were now across the street from the original call.
- Officer Bagwell did not hear radio traffic or acknowledge the severity of the situation.
- Officer Bagwell did not respond to his location for assistance until Corporal Van Ry arrived.

I reviewed body-cam from this incident and found the following:

- Officer Bagwell was first on scene to assist Officer Smith
- Officer Smith did not relay over the radio that he was across the street, so Officer Bagwell went to the last known location.
- Eventually Officer Smith stated he was across the street, to which Officer Bagwell responded on foot, which was the fastest choice.
- The female party was casually walking away, which is still non-compliant but other measures could have been used to de-escalate the situation.
- Officer Bagwell arrived prior to Corporal Van Ry arriving to assist.
- This complaint was unfounded.

On May 25th, I received a memo from Officer Smith in reference to an incident that occurred on **April 26th**, 2022, in reference to a shots fired call with the following complaints:

- Officer Bagwell failed to recognize the severity of the incident by not drawing his firearm.
- Officer Bagwell failed to recognize the severity of the incident by not utilizing cover.
- Officer Bagwell stayed in the direct line of view of the window and was not ready to respond to any threats.

APPENDIX A

I reviewed body-cam from this incident and found the following:

- Officer Bagwell was the least experienced officer on scene but kept his hand on his firearm which was still in the holster.
- The other officers on scene did not have their firearms out, nor had their hand on their firearm to respond to the severity of the situation.
- The other officers walked up to the doorway to knock and announce without utilizing cover.
- The other officers searched the front yard for shell casings, while turning their back on the residence in question.
- Officer Bagwell had the best officer safety on scene during this incident.
- This complaint was unfounded.

On May 25th, I received a memo from Corporal Van Ry in reference to an incident that occurred on **May 3rd**, 2022, while dealing with a male party with a no bond warrant for a weapons offense with the following complaints:

- Officer Bagwell did not acknowledge radio traffic to respond to their location until he asked a second time to respond.
- When Officer Bagwell arrived, he did so without any urgency and “looked as if he was not sure what to do”.
- Officer Bagwell stood in front of the door's threshold with his hands on his vest.

On the same incident, I received the following complaints from Officer Smith.:

- Officer Bagwell did not acknowledge radio traffic of a barricaded wanted subject.
- Officer Bagwell stood in a compromised position and was not ready to respond to any threat appropriately.
- Officer Bagwell did not have his firearm or rifle ready to go

I reviewed body-cam from this incident and found the following:

- Officer Bagwell did acknowledge the initial radio traffic to respond as Corporal Van Ry was exiting his vehicle, therefore he probably did not hear it. The acknowledgement asked where they were so he could respond.
- Officer Bagwell's acknowledgement led me to believe that the warrant transmission was not aired over the radio, but possibly by cell phone.

APPENDIX A

-Without knowing where to respond and for what purpose, how is Officer Bagwell to understand the severity of the incident.

-Other officers on scene were walking around without any urgency or firearms drawn.

-I believe this complaint to be unfounded as Officer Bagwell was just acting on what he knew and what he observed other officers doing.

On June 5th, Sergeant Kindschuh sent an email in reference to Officer Bagwell not answering his radio during Summerfest on an incident that occurred during an encounter with a “drunk and belligerent male”. Sergeant Kindschuh advised me that he had a one-on-one counseling session with Officer Bagwell on the importance of communicating through the radio for officer safety reasons. I asked Sergeant Kindschuh why he sent me a detailed email in reference to this case over a missed radio transmission and if this is common practice under his supervision. Sergeant Kindschuh advised me that the one-on-one verbal counseling session was sufficient to him, but Officer Smith asked him to document this incident to me in a memo. I did not find any body-cam footage for this incident.

I asked Corporal Van Ry why he sent me an email complaint on Officer Bagwell missing his radio traffic, and if this was common practice under his supervision and he stated he was asked to send it up through the chain of command by Officer Smith.

I also had Corporal Van Ry, review all the complaints I received as the first line supervisor and his findings are attached, as well as the original complaints.

On 8/10/2022, at approximately 2130 hours, I received a call from Undersheriff Woods in reference to Officer Smith self-deploying to a county call without their request. Undersheriff Woods stated this is an ongoing problem with Officer Smith. Undersheriff Woods stated Officer Smith responded to the county in reference to a suicidal male party who was barricaded. Undersheriff Woods stated Officer Smith takes over the calls when he is on scene and is “demeaning” to his deputies making them feel like they don’t know what they are doing. I did receive a call earlier in the day from Sergeant Kindschuh asking for permission to respond to the county as it seemed they were escalating a suicidal barricade situation. Sergeant Kindschuh called me back approximately 5 minutes later stating everybody is clearing the scene as an unfounded suicidal male party. Undersheriff Woods stated he would make a formal complaint, but as of today (8/24/2022) I have not received anything from him.

On 8/11/2022, I was reviewing body-cam footage of a use of force on a male party that occurred on 8/10/2022. The male party was tased by Officer Smith. The use of force was justified, but Officer Smith proceeded to remove the probes prior to medical personnel arriving to remove the probes per policy.

APPENDIX A

There were numerous issues in the past, with similar types of behavior (decision making, de-escalation, professionalism) with Officer Smith that have been documented through verbal counseling, write-ups, and annual evaluations (21-1183/Ibarra, 21-2752/Hepworth, and 22-0217/Augustin). In conjunction with the previously documented issues, as well as the current issues documented in this report, I believe a formal Performance Improvement Plan to be beneficial for Officer Smith as well as the department.

X The PIP will include the following:

-90 day random audits of AXON body-cam for professionalism and decision making conducted by his Sergeant and/or Captain.

-90 days on dayshift with direct supervision from the Captain on professionalism, decision making, and use-of-force.

-Either will be extended in 90 day increments, if necessary, up to 12 months.

APPENDIX B

300.1 Use of Force

300.1.1 Alternative Tactics- De-Escalation- When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.1.2 Use of Force to Effect an Arrest- An officer should apply nonviolent means, when possible, and may use physical force only if nonviolent means would be ineffective to effect an arrest, prevent an escape, or prevent an imminent threat of serious bodily injury or death to officers or others (CRS § 18-1-707).

309 Conducted Energy Device

309.7 Medical Treatment- Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

339 Standard of Conduct- This policy establishes standards of conduct that are consistent with the values and mission of the Alamosa Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.5.8 Performance-

- d. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

339.5.9 Conduct-

- b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
- c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

351.1 Mutual Aid and Outside Agency Assistance-The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance from another law enforcement agency

351.2 Assisting Outside Agencies-Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Shift Supervisor's office or an on-duty supervisor for approval.



Joey Spangler <jspangler@ci.alamosa.co.us>

Update on Bagwell

Cody Van Ry <cvanry@ci.alamosa.co.us>
To: Joey Spangler <jspangler@ci.alamosa.co.us>

Mon, Aug 15, 2022 at 5:49 PM

The incident with Baroz at [REDACTED] ve. Officer N. Smith states that other deputies and officers on scene had rifles or hand guns out. From watching the video I did not observe the Deputies that were on scene to have there weapons out. Officer N. Smith did have to tell Officer S. Bagwell to get his rifle out.

On April 25, 2022 incident Officer N. Smith Advised once of where he was located at to Officer S. Bagwell. When I arrived on scene I asked Officer N. Smith where his location was due to just coming on duty. Officer N. Smith advised that he was behind Convenient Care.

On April 26, 2022 incident Officer S. Bagwell did have his hand on his gun in case a threat was to appear. No other officer had their weapon out as documented and Officer S. Bagwell was not standing in front of a window or a door.

I was still not able to locate any body camera footage from the incident at Cole Park. The things documented by Officer N. Smith are valid to an extent. I believe that Officer N. Smith was cough in the moment and upset about something and did not re-play his body camera to validate his statements. I do believe that Officer N. Smith is concerned for all Officers that are involved with dealing with Officer S. Bagwell for their safety.

[Quoted text hidden]

Corporal
Cody Van Ry
Office: 719-589-2548
Fax: 719-589-5257



MEMO

To: Sergeant Dordan & Sergeant Cooper
From: Corporal Van Ry
Subject: Steven Bagwell
Date: May 25, 2022

Officer Steven Bagwell

On May 3, 2022 Officers and I were trying to take Taz Baroz into custody that ran inside a residence at [REDACTED] Ave. from K9 Officer N. Smith. A Deputy and K9 Officer N. Smith were in the back of the residence while I was in the front trying to keep containment on the residence. I requested Officer S. Bagwell respond to the location to help with containment so I could take tactical command of the incident as a supervisor. Officer S. Bagwell never acknowledged my radio for the request for him to respond to the address. After a short time passed without a response I asked Officer S. Bagwell what his location was. He advised me that he was Main St. and West Ave. I advised that he needed to acknowledge me on the radio when I called him the first time. A Deputy advised that he was in route to our location from HWY 17 and Stanley Rd. (approximately 6 miles). The deputy arrived on scene at the same time that Officer S. Bagwell did from within City limits.

When Officer S. Bagwell arrived on scene he exited his vehicle without any urgency, he exited slowly and looked as if he was not sure what to do. I advised him that he needs to be urgent and that he needs to hold containment on the south end of the residence.

Once I had the residence with containment on all sides I started to take tactical command of the incident. Officer S. Bagwell stood in front of the front doors threshold with his hands on his vest and not behind cover or concealment. Note: Baroz had a no bond warrant for a weapons offence as well as the prior knowledge of him having violent tendencies as well as being armed. Other officers and deputy's on scene had either their side arm or a rifle out. Officer S. Bagwell had to be told by K9 Officer N. Smith to retrieve his rifle for a high risk contact/ barricaded suspect.

K9 Officer N. Smith expressed his concerns of Officer S. Bagwell as well to me in a memo:

Corporal Van Ry,

I want to document some issues we have discussed related to Officer Bagwell and his Officer Safety. On April 25, 2022 Officers responded to Walgreens for a female party trespassing with a

Bagwell did not acknowledge this first transmission

Does he know the severity? Or who Taz is?

Not every officer had their gun out.

warrant. This female was contacted by myself and she was non-compliant and I advised via radio. She took off on foot and had to be taken to the ground. Officer Bagwell arrived in the area and was advised several times via radio that I was across the street at convenient care. He did not hear radio traffic or acknowledge was seen at Walgreens until you arrived.

one time
across the
street, was
there before
Vanky

On April 26, 2022 Officer Northrup and I responded to the 1000 block of 3rd street for a male party firing a gun from the apartments located there. Officer's arrived on scene and contacted the residence. Due to the call, Officers had firearm's ready and were taking positions of cover to safely contact the residence. Officer Bagwell arrived on scene, was in direct line of view with the window and was not ready to respond to any threats and had to be told by Officer's to be ready and aware with calls involving firearms.

Did not have
firearms or
ready.

Today, May 3, 2022 Officer Bagwell did not acknowledge radio traffic of a barricaded wanted subject and when he arrived stood in a compromised position and was not ready to respond to any threat appropriately. Officer Bagwell was not able to understand the seriousness of the situation and had to be told to grab his patrol rifle in order to cover the residence. This was in addition to the corrections you took prior to me speaking to him on scene.

I heard
him ask when
he was. Was
the previous transmission
done by cellphone?

Officer Bagwell has been frequently observed to not take precautions when responding to high-risk calls and does not seem to understand the gravity of the situations Officer's confront daily. I have spoken to Officer Bagwell several times to provide help and know he has been spoken to by other Officers as well. Officer Bagwell has not made any improvement with his ability to respond to calls appropriately and is lackadaisical and sluggish to respond. It appears he freezes and tends to stare instead of taking action. These concerns are not addressed lightly as I believe Officer Bagwell has good intentions but his lack of understanding of his job after working in law enforcement for one year is concerning. He has to constantly be told what actions to take and appears to not have a firm understanding of his job tasks and requirements.

I address these concerns because I feel if they are not addressed, Officer Bagwell's actions will result in him or a fellow Officer being hurt or killed. At the end of the day, the goal is to go home to your family and based on recent observations over the last couple months I believe Officer Bagwell does not understand the seriousness of this job or the tasks required daily by Law Enforcement. It is my hope this email can be used to address these concerns and ensure Officer Bagwell and his partners can return home safely everyday.

Thank you for your time,
- Nick

Steven Bagwell

1 message

Tate Kindschuh <tkindschuh@ci.alamosa.co.us>
To: Joey Spangler <jspangler@ci.alamosa.co.us>

Sun, Jun 5, 2022 at 12:13 AM

Captain,

I wanted it noted that I had a verbal counseling session with Ofc. Bagwell these evening. An incident took place at Cole Park during the Summerfest event and Ofc. Bagwell came into contact with a drunk and belligerent male. I, as well as Cpl Lopez, Ofc. Heeneey, ASO Deputy Sgt. Gilleland and Deputy Reneau were handling a traffic accident at 6th and West Ave. We heard Ofc. Bagwell call over the radio that he needed assistance, but his communication was garbled. I attempted to clarify Ofc. Bagwell's transmissions with him at least three or four times and each time neither I nor the other officers on scene could understand him. I called out to another officer working Summerfest, Ofc. Smith, to see if they knew what was going on with Ofc. Bagwell. Ofc. Smith advised he did not know and they were unable to locate him in the park.

I cleared the ASO Deputies from our accident to have them try and assist with the incident at the park. After a few minutes, Ofc. Smith advised that they located Ofc. Bagwell and everything was 10-04. Shortly after, I heard they had one male in protective custody and Deputy Reneau transported this male to detox for us.

When I cleared the accident, I went to the park to speak with the other officers. When I located Ofc. Bagwell, he appeared confused. He advised he had a report to complete so Ofc. Smith released him from the park to complete his report. When he left, Ofc. Smith confided in me that they were having issues with Ofc. Bagwell. When addressed about why he did not have a cover officer, I was advised that Ofc.'s Smith, Bagwell, and Aziz were stationed near the beer garden monitoring foot traffic. A male who was emptying the ATM machine asked for an escort to his vehicle near the training center. Ofc. Smith advised that he believed this was just a one person job so he tasked Ofc. Bagwell to escort the male with his money. A short time later is when Ofc. Bagwell's transmission went through. Apparently Ofc. Bagwell was flagged down by a male who reported that a DK male was harassing his daughter and her children. When Ofc. Bagwell attempted to contact the male, he ignored him and would not comply. When Ofc. Smith heard the radio traffic, he advised that he assumed that Ofc. Bagwell was in the direction to where he was walking (training center) so Ofc. Smith and Ofc. Aziz went that way to look for him. Unable to find or understand Ofc. Bagwell, Ofc.'s Smith and Aziz began driving around, looking for him. Ofc. Smith advised that at one point, he was so distracted by looking for Ofc. Bagwell that he accidentally clipped a tree with the ATV, causing very minor damage. Ofc. Smith advised that after they finally found Ofc. Bagwell, he (Smith) believed they drove by him at least one and Ofc. Bagwell said nothing or made no attempt to get their attention (flashlight/ radio traffic) for them to stop.

While with Ofc. Bagwell, Ofc. Aziz and Ofc. Smith also vented to me their frustration with how lost Ofc. Bagwell appeared. Ofc. Smith stated that the male they were dealing with was clearly intoxicated and was having a hard time standing on his own. Ofc. Smith told Ofc. Bagwell to place the male into protective custody and Ofc. Bagwell appeared lost as he just looked around and did not place the male into custody.

At the police department, I conducted one on one verbal counseling with Ofc. Bagwell to see if I could get his side of the situation. I voiced my concerns to Ofc. Bagwell that neither I nor the four other officers that were with me could understand any portion of Ofc. Bagwell's transmissions other than that he needed help. Even the other officers working security with him were unable to communicate or locate Ofc. Bagwell, but I was able to have full conversations with both Ofc. Smith and Aziz during this same time frame. I asked Ofc. Bagwell what was the issue with his transmissions and he was unable to answer me. I informed Ofc. Bagwell that it was a huge officer safety issue if he was unable to make clear, concise transmissions because if we couldn't find him then we cannot help him. I am not sure if my talk got through to Ofc. Bagwell but when asked if he had questions or needed clarification, he advised he did not and he understood.

Neither I nor any of the other officers were there during the time Ofc. Bagwell was attempting to relay his transmissions so I cannot say for sure what he was going through, but he also did not tell me anything severe or stressful was happening. I feel that it is the same issues other officers/ teams have been having that Ofc. Bagwell just does not speak clearly/ loudly enough in his push to talk radio and the environment of live music and large crowds of people made the transmissions that much more garbled. Again, I just wanted you to be made aware of this incident in case there are current or future issues with Ofc. Bagwell's performance. If you need anything else, just let me know. Thank you.

Respectfully,

**CITY OF ALAMOSA
PAY-FOR-PERFORMANCE EVALUATION (non-supervisory)**

Employee: Nick Smith
 Evaluation Date: 07/09/2021
 Position: Patrolman
 Department: Alamosa Police Department
 Date Employed: 06/24/2019
 Evaluation Period Covered: 06/24/2020 To 06/23/2021
 Date of Appointment to Current Position: 06/24/2019

Type of Review:	
<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Training
<input type="checkbox"/> Other	<input type="checkbox"/> Interim/Special

	Performance Score*	Weight	Weighted Score*
PART 1 • Major Responsibilities and Unplanned Assignments	4.5	X4	18
PART 2 • Core Competencies	4.2	X6	25.2
OVERALL SCORE (Part 1+Part2)			43.2

SIGNATURES

The employee and the evaluator should sign in the space below after they have reviewed the evaluation. The employee's signature does not necessarily indicate agreement with the evaluation. Any written comments made by the employee must be attached.

Evaluator

I have explained this evaluation to the employee and attest that the information contained herein represents my best judgment of the employee's performance.

I have attached an addendum to this evaluation

Employee

I have had this evaluation explained to me.

I have attached an addendum to this evaluation

[Signature] 7/9/2021
 Signature of Evaluator Date

[Signature] 7/9/2021
 Signature of Employee Date

Department Director

Personnel Director

[Signature] 07-13-2021
 Signature Date

[Signature] 7/14/21
 Signature Date

P.F.P. Worksheet

Instructions: The total PFP adjustment is calculated by carrying forward the Overall Score from page 1 and finding the range in the two left-hand columns of the following matrix in which the score falls. The PFP adjustment is found in the right-hand column.

OVERALL SCORE		ADJUSTMENT
FROM	TO	
0	24.5	0
24.6	29.6	1.25%
29.7	34.7	2.25%
34.8	39.8	3.25%
39.9	44.9	3.5%
45	50	4%
Total PFP adjustment (Subject to City Manager approval)		45.2

PERFORMANCE RATING DEFINITIONS

OUTSTANDING:

Consistently performs far beyond job standards, and contributes far beyond expectations. Produces results of exceptional quality. Demonstrates unusual talent, expertise and effort. Has demonstrated exceptional growth and progress.

EXCEEDS JOB STANDARDS:

Consistently exceeds job standards, and contributes beyond expectations. Produces results of good quality. Demonstrates above-average talent, ability, expertise and effort. Has demonstrated significant growth and progress.

MEETS JOB STANDARDS:

Normally meets job standards. Produces results of average quality. Demonstrates acceptable talent, ability, expertise and/or effort. Has demonstrated acceptable growth and progress.

DOES NOT MEET JOB STANDARDS:

Does not consistently meet job standards, nor always contribute as expected. Produces results of below-average quality. Does not consistently demonstrate the required talent, ability, expertise and/or effort. Has not demonstrated sufficient growth and progress.

UNSATISFACTORY:

Does not meet job standards, nor contribute as expected. Produces results of unsatisfactory quality. Does not demonstrate the required talent, ability, expertise, and/or effort. Immediate growth and progress must be demonstrated or termination may result.

INSTRUCTIONS

1. Indicate how the employee has performed in terms of the key listed below. When performance is outstanding or unsatisfactory, reasons/examples must be included or attached.

KEY

Outstanding5	Does Not Meet Job Standards.....2
Exceeds Job Standards 4	Unsatisfactory.....1
Meets Job Standards.....3	Not-Applicable.....N/A

2. At the end of each section, total the points given for each responsibility/assignment or core competency and place on appropriate line.
3. Divide the total points by the total number of responsibility/assignment or core competency for each section. Scores can be entered in decimal format. Place this average on the line performance score.

PART 1: DEPARTMENT DIVISION GOALS

GOAL/OBJECTIVE: Write clear, concise statements relative to the principal goals/objectives for the position. Establish the relative importance (priority) of each goals/objectives. Include a minimum of two goals.

RESULT ACHIEVED: Comment on the degree and quality of the results achieved and note any extenuating circumstances affecting the results. When performance is outstanding or unsatisfactory, reasons/examples must be included or attached.

PRIORITY: List the major responsibilities in order of priority, with number one being the highest priority.

1. GOAL/OBJECTIVE

PRIORITY

1

Future of Department:

- *Assist with the new hire process
- *Teach department trainings
- *Conduct at least 2 briefing training with your team

<p>RESULTS ACHIEVED: Officer Smith assisted with training and teaching the new recruits and interns, he also taught at the academy again this year. He assisted with firearms training for the department. Officer Smith conducted briefing training for K9 Deployment requirements and participated in several others, he often brought up ideas for briefing training and would offer his view, opinions, and expertise on the subject.</p>	<p align="center">Performance Points 5</p>
---	---

2. GOAL/OBJECTIVE

PRIORITY

2

Community Education/Awareness:

- *Get involved with one of the Department's community programs.
 - Shop with a Cop, Freight Fest, Neighborhood Watch.
- *Give two presentation that enhance safety or awareness
- *Attend two events to build community relationships

RESULTS ACHIEVED: Officer Smith assisted with Shop with a Cop and attended 2 events at the Elementary School, one of the events was a lunch with the kids and another was night where they read to the kids. Officer Smith is usually more active in community relations but due to Covid this year many in-person events were canceled.	Performance Points 4
---	-------------------------

3. GOAL/OBJECTIVE

PRIORITY

3

Education Development:

- * Attend one training beyond the monthly in-service training the department provides or requires. The training should focus on officer skills development (report writing, crime scene, accident investigation, DUI investigation, ect.)

RESULTS ACHIEVED: Officer Smith attended two trainings outside of in-service training; he attended SWAT Basic Operator Course and a 6 week K9 Handler Course. He completed and passed both classes without any issues.	Performance Points 5
---	-------------------------

4. GOAL/OBJECTIVE

PRIORITY

4

Plan, implement and conduct a traffic operation on one of the departments open days. This will involve, supervisor approval, scheduling, and submitting an operation plan for approval.

RESULTS ACHIEVED: Officer Smith did not complete an op-plan but he did assist with on-going narcotic operations by providing information to Detectives, which helped build cases for warrants, arrests, and seizure of drugs. Once the warrants were obtained Officer Smith assisted with the execution of 3 of the warrants.	Performance Points 4
--	-------------------------

ADD UPDATED INFORMATION REGARDING MAJOR UNPLANNED ASSIGNMENTS AS APPROPRIATE THAT OCCURRED DURING THE REVIEW PERIOD THAT WAS NOT CITED ABOVE.

(Attach additional sheets as necessary).

MAJOR UNPLANNED ASSIGNMENTS	PERFORMANCE POINTS
1.	
2.	
TOTAL POINTS FOR PART 1	18
TOTAL RESPONSIBILITIES/ASSIGNMENTS FOR PART 1	4
TOTAL PERFORMANCE SCORE FOR PART 1 (Divide the sum of the points by the number of Responsibilities/Assignments, and place this figure on Page 1).	4.5

PART 2 - CORE COMPETENCY ELEMENTS (Use KEY on Page 3)	PERFORMANCE POINTS
Customer Responsiveness/Public Relations - Provides timely, courteous and responsive service to both internal and external customers. Follows through and keeps commitments. Solicits and responds to feedback in a positive manner.	4
Technical Knowledge - Thorough job knowledge. Understands and applies appropriate rules, regulations, ordinances, policies and procedures.	5
Interpersonal Skills - Is cooperative in dealing with others. Treats others in a fair, consistent, and respectful manner. Has an open and approachable manner. Appropriately deals with conflict.	4
Communication - Both oral and written communication is persuasive and effective; listens actively. Shares information appropriately. Uses grammar, vocabulary and sentence structure correctly and effectively.	4
Teamwork - Promotes teamwork and collaboration within the work unit, City wide and with outside agencies. Shares knowledge and works with others to achieve mutual objectives.	5
Decision Making - Uses good judgement, common sense, and seeks out relevant information to make informed decisions. Works with other areas of the organization which will be impacted by decisions and actions. Makes ethical decisions; encourages others to do the same.	4
Flexibility - Takes personal responsibility for adapting to change. Responds quickly to changing organizational needs and realities. Modifies behavior and responds appropriately to facilitate the change process.	4
Creative/Innovation/Initiative - Generates and seeks imaginative options. Brings into existence new or unconventional solutions, and initiates a course of action. Elicits and encourages innovation, new ideas, processes, and procedures. Makes suggestions in the areas of innovation and productivity gains.	4
Safety Awareness - Ensures safe work environment; provides appropriate safety training of employees. Encourages and maintains support for departmental and City safety policies and programs.	4

Overall Performance- This is the overall general performance of the employee, including work habits, dependability, quality and quantity of work and overall job competency. This may include considerations not captured by the categories above.	4
TOTAL POINTS FOR PART 2	42
TOTAL CORE COMPETENCY ELEMENTS FOR PART 2	10
TOTAL PERFORMANCE SCORE FOR PART 2 (Divide the sum of points by the number of Core Competency Elements rated, and place this figure on Page 1).	4.2

When performance is Unsatisfactory or Does Not Meet Job Standards, reasons or examples must be included below.

PART 2 - OVERALL COMMENTS:

Officer Smith has completed his second year with the police department. He answers emergency calls regarding law enforcement matters, enforces City ordinances, County or State Laws. He secures information from parties at an incident scene and follows through on his investigations. He makes arrests and collects and preserves evidence at a crime scene. He maintains accurate records and writes accurate and timely incident and crime reports. He works with other investigative and legal personnel and presents evidence in court. He answers citizen questions and attempts to resolve problems or refer citizens to other agencies or individuals who can provide the desired assistance. He directs traffic at emergency or congested situations, assists with crime prevention, public education and collaborates with other community organizations. He utilizes computer equipment to access information and complete reports. He contacts and cooperates with other law enforcement agencies in matters relating to the investigation of crimes and the apprehension of criminals. He provides information to and answers inquiries from the general public.

Officer Smith is currently assigned to the Patrol Division with K9 Cash; he is a firearms instructor, SWAT team member, member of the Honor Guard and teaches at TSJC Academy. Officer Smith participated in 3 community events this year; Officer Smith is usually more active in community events but due to COVID many events were canceled. Officer Smith attended a Basic SWAT School along with a 6 week K9 Handler Course.

Officer Smith is eager to learn and pass on what he has learned; he brings new ideas to the team and is open to trying things in a way he may not have thought of. Officer Smith is always willing to help any officer with anything they need; this includes taking calls not in his assigned district, assisting with paperwork or evidence, and transporting prisoners. Officer Smith always puts his team and department before himself; he does not limit his assistance with APD officers; he often assists ASO, CSP and ASU with calls for service when needed. Officer Smith is always on time for duty. He is always here when scheduled to be and comes in anytime he is called to do so. Throughout the year Officer Smith was asked to adjust his shift and work different hours and days; he did this without complaint and maintained a positive attitude.

Officer Smith needs little supervision; he makes sound decisions and completes thorough investigation. At times he does have questions but part of making sound decisions is to know your limits and not be afraid to ask for assistance if the need arises.

Officer Smith is always courteous, professional and friendly with people he comes into contact with and works well with fellow officers. He treats people with dignity and respect. I have received nothing but positive comments from fellow officers and supervisors about Officer Smith's conduct and performance. Officer Smith has a very good grasp/understanding of department policy and procedure and works within those guidelines daily, he needs little supervision and younger officers look to him for advice. He did receive a verbal reprimand regarding a citizen complaint about speeding coming home from a K9 training, this was his second complaint of that nature.

Officer Smith is very proactive when it comes to drugs. Throughout the years he has had numerous drug arrests and provided Detectives with information that helps build their cases for warrants. Once the warrants were obtained Officer Smith assisted with the execution of 3 of them. Officer Smith understands the chain of command and adheres to it.

During this evaluation period Officer Smith handled a total of 252 incident reports, 125 arrests, 88 citations, 13 accidents, 11 warrants and 0 field interviews. Field interviews can be very crucial when solving crimes that occurred; they can provide an opportunity to question individuals as a witness which can lead to other avenues during the course of an investigation. Although there are 0 FI's in RMS Officer Smith conducted numerous contacts, he just did not log them. It's imperative to log these as they can assist other officers as well.

Officer Smith continues to grow as an officer; he is dependable and works well with everyone. Over the last year Officer Smith has shown his dedication to the Department and community, he strives to make a positive impact on a daily basis. Officer Smith is a very capable and qualified officer and is truly a valuable asset to the Department and City and will only continue to grow.

Attendance:

Officer Smith is always on time to work every day. He has no documented instances of tardiness or unexcused absences. Officer Smith is also very flexible when it comes to his schedule, has no problems with staying late when needed or working other shifts to cover for manpower shortage.

Appearance:

Officer Smith's uniforms are always pressed and clean and he abides by our policy to be clean cut and professional.

PART 3 - GOALS FOR NEXT YEAR

LIST GOALS/OBJECTIVES FOR THE COMING YEAR TO BE RATED DURING THE NEXT EVALUATION. A minimum of two goals is required. Attach additional sheets as necessary.

GOAL/OBJECTIVE:	PRIORITY:	1
Future of Department:		
<ul style="list-style-type: none">• Attend a leadership class• Assist with the recruitment of new officers.• Assist with the new hire process• Teach department trainings, pre-FTO• Teach department trainings		

GOAL/OBJECTIVE:	PRIORITY:	2
Community Education/Awareness:		
<ul style="list-style-type: none">• Get involved with one of the Department's community programs.<ul style="list-style-type: none">- Shop with a Cop, Freight Fest, Neighborhood Watch.• Give two presentation that enhance safety or awareness• Attend two events to build community relationships		

GOAL/OBJECTIVE:	PRIORITY:	3
Education Development:		
<ul style="list-style-type: none">• Attend two trainings beyond the monthly in-service training the department provides or requires. The training should focus on officer skills development (report writing, crime scene, accident investigation, DUI investigation, ect.)		

GOAL/OBJECTIVE:	PRIORITY:	4
Plan, implement and conduct a traffic, warrant or other special operation on one of the departments open days. This will involve, supervisor approval, scheduling, and submitting an operation plan for approval.		

**CITY OF ALAMOSA
PAY-FOR-PERFORMANCE EVALUATION (non-supervisory)**

Employee: Nick Smith
 Evaluation Date: 06/29/2022
 Position: Patrolman
 Department: Alamosa Police Department
 Date Employed: 06/24/2019
 Evaluation Period Covered: 06/24/2021 To 06/23/2022
 Date of Appointment to Current Position: 06/24/2019

Type of Review:	
<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Training
<input type="checkbox"/> Other	<input type="checkbox"/> Interim/Special

	Performance Score*	Weight	Weighted Score*
PART 1			
• Major Responsibilities and Unplanned Assignments	4.25	X4	17
PART 2			
• Core Competencies	4	X6	24
OVERALL SCORE (Part 1+Part2)			41

SIGNATURES

The employee and the evaluator should sign in the space below after they have reviewed the evaluation. The employee's signature does not necessarily indicate agreement with the evaluation. Any written comments made by the employee must be attached.

Evaluator

I have explained this evaluation to the employee and attest that the information contained herein represents my best judgment of the employee's performance.

I have attached an addendum to this evaluation

Employee

I have had this evaluation explained to me.

I have attached an addendum to this evaluation

[Signature] #42 7/6/2022 [Signature] 7/6/2022
 Signature of Evaluator Date Signature of Employee Date

Department Director

Personnel Director

[Signature] 07-25-2022 [Signature] 8/10/22
 Signature Date Signature Date

P.F.P. Worksheet		
Instructions: The total PFP adjustment is calculated by carrying forward the Overall Score from page 1 and finding the range in the two left-hand columns of the following matrix in which the score falls. The PFP adjustment is found in the right-hand column.		
OVERALL SCORE		ADJUSTMENT
FROM	TO	
0	24.5	0
24.6	29.6	1.25%
29.7	34.7	2.25%
34.8	39.8	3.25%
39.9	44.9	3.5%
45	50	4%
Total PFP adjustment (Subject to City Manager approval)		41

PERFORMANCE RATING DEFINITIONS

OUTSTANDING:

Consistently performs far beyond job standards, and contributes far beyond expectations. Produces results of exceptional quality. Demonstrates unusual talent, expertise and effort. Has demonstrated exceptional growth and progress.

EXCEEDS JOB STANDARDS:

Consistently exceeds job standards, and contributes beyond expectations. Produces results of good quality. Demonstrates above-average talent, ability, expertise and effort. Has demonstrated significant growth and progress.

MEETS JOB STANDARDS:

Normally meets job standards. Produces results of average quality. Demonstrates acceptable talent, ability, expertise and/or effort. Has demonstrated acceptable growth and progress.

DOES NOT MEET JOB STANDARDS:

Does not consistently meet job standards, nor always contribute as expected. Produces results of below-average quality. Does not consistently demonstrate the required talent, ability, expertise and/or effort. Has not demonstrated sufficient growth and progress.

UNSATISFACTORY:

Does not meet job standards, nor contribute as expected. Produces results of unsatisfactory quality. Does not demonstrate the required talent, ability, expertise, and/or effort. Immediate growth and progress must be demonstrated or termination may result.

INSTRUCTIONS

1. Indicate how the employee has performed in terms of the key listed below. When performance is outstanding or unsatisfactory, reasons/examples must be included or attached.

KEY

Outstanding5	Does Not Meet Job Standards.....2
Exceeds Job Standards 4	Unsatisfactory.....1
Meets Job Standards.....3	Not-Applicable.....N/A

2. At the end of each section, total the points given for each responsibility/assignment or core competency and place on appropriate line.
3. Divide the total points by the total number of responsibility/assignment or core competency for each section. Scores can be entered in decimal format. Place this average on the line performance score.

PART 1: DEPARTMENT DIVISION GOALS

GOAL/OBJECTIVE: Write clear, concise statements relative to the principal goals/objectives for the position. Establish the relative importance (priority) of each goals/objectives. Include a minimum of two goals.

RESULT ACHIEVED: Comment on the degree and quality of the results achieved and note any extenuating circumstances affecting the results. When performance is outstanding or unsatisfactory, reasons/examples must be included or attached.

PRIORITY: List the major responsibilities in order of priority, with number one being the highest priority.

1. GOAL/OBJECTIVE	PRIORITY	<u>1</u>
Future of Department:		
<ul style="list-style-type: none"> • Attend a leadership class • Assist with the recruitment of new officers. • Assist with the new hire process • Teach department trainings, pre-FTO 		

RESULTS ACHIEVED: Officer Smith conducted two firearms training for the Department. He was an FTO for two trainees this year also (Bagwell and Desanti). He also completed a rifle course for Recruit Moreno. Officer Smith is also a firearms instructor at the Academy, during that time he actively recruits students and encourages them to apply for APD.	Performance Points 5
--	-----------------------------------

2. GOAL/OBJECTIVE

PRIORITY

2

Community Education/Awareness:

- *Get involved with one of the Department's community programs.
 - Shop with a Cop, Freight Fest, Neighborhood Watch.
- *Give two presentation that enhance safety or awareness
- *Attend two events to build community relationships

RESULTS ACHIEVED:

Officer Smith attended Fright Fest and Summerfest this year. He also served on Honor Guard, attending several events representing APD. Officer Smith also attended an event at Cole Park for Peyton Sanchez, during that event he interacted with the public and gave a brief presentation on Police K-9s. Officer Smith gave a presentation to the Academy also on Police K-9s.

Performance Points
4

3. GOAL/OBJECTIVE

PRIORITY

3

Education Development:

- Attend two trainings beyond the monthly in-service training the department provides or requires. The training should focus on officer skills development (report writing, crime scene, accident investigation, DUI investigation, ect.)

RESULTS ACHIEVED:

Officer Smith attended two training this year, Desert Snow and a Shotgun Instructor Course. He successfully completed both.

Performance Points
4

4. GOAL/OBJECTIVE

PRIORITY

4

Plan, implement and conduct a traffic, warrant or other special operation on one of the departments open days. This will involve, supervisor approval, scheduling, and submitting an operation plan for approval.

RESULTS ACHIEVED:

Officer Smith assisted the Investigation Unit with several Drug Ops this year with K9 Cash. He also assisted Detective Bertsch with a narcotics interdiction Op on an overlap day.

Performance Points
4

ADD UPDATED INFORMATION REGARDING MAJOR UNPLANNED ASSIGNMENTS AS APPROPRIATE THAT OCCURRED DURING THE REVIEW PERIOD THAT WAS NOT CITED ABOVE. (Attach additional sheets as necessary).

MAJOR UNPLANNED ASSIGNMENTS	PERFORMANCE POINTS
1.	
2.	
TOTAL POINTS FOR PART 1	17
TOTAL RESPONSIBILITIES/ASSIGNMENTS FOR PART 1	4
TOTAL PERFORMANCE SCORE FOR PART 1 (Divide the sum of the points by the number of Responsibilities/Assignments, and place this figure on Page 1).	4.25

PART 2 - CORE COMPETENCY ELEMENTS (Use KEY on Page 3)	PERFORMANCE POINTS
Customer Responsiveness/Public Relations - Provides timely, courteous and responsive service to both internal and external customers. Follows through and keeps commitments. Solicits and responds to feedback in a positive manner.	4
Technical Knowledge - Thorough job knowledge. Understands and applies appropriate rules, regulations, ordinances, policies and procedures.	3
Interpersonal Skills - Is cooperative in dealing with others. Treats others in a fair, consistent, and respectful manner. Has an open and approachable manner. Appropriately deals with conflict.	4
Communication - Both oral and written communication is persuasive and effective; listens actively. Shares information appropriately. Uses grammar, vocabulary and sentence structure correctly and effectively.	4
Teamwork - Promotes teamwork and collaboration within the work unit, City wide and with outside agencies. Shares knowledge and works with others to achieve mutual objectives.	5
Decision Making - Uses good judgement, common sense, and seeks out relevant information to make informed decisions. Works with other areas of the organization which will be impacted by decisions and actions. Makes ethical decisions; encourages others to do the same.	3
Flexibility - Takes personal responsibility for adapting to change. Responds quickly to changing organizational needs and realities. Modifies behavior and responds appropriately to facilitate the change process.	5
Creative/Innovation/Initiative - Generates and seeks imaginative options. Brings into existence new or unconventional solutions, and initiates a course of action. Elicits and encourages innovation, new ideas, processes, and procedures. Makes suggestions in the areas of innovation and productivity gains.	4
Safety Awareness - Ensures safe work environment; provides appropriate safety training of employees. Encourages and maintains support for departmental and City safety policies and programs.	4
Overall Performance - This is the overall general performance of the employee, including work habits, dependability, quality and quantity of work and overall job competency. This may include considerations not captured by the categories above.	4

TOTAL POINTS FOR PART 2	40
TOTAL CORE COMPETENCY ELEMENTS FOR PART 2	10
TOTAL PERFORMANCE SCORE FOR PART 2 (Divide the sum of points by the number of Core Competency Elements rated, and place this figure on Page 1).	4

When performance is Unsatisfactory or Does Not Meet Job Standards, reasons or examples must be included below.

PART 2 - OVERALL COMMENTS:

Officer Smith has completed his third year with the police department. He answers emergency calls regarding law enforcement matters, enforces City ordinances, County or State Laws. He secures information from parties at an incident scene and follows through on his investigations. He makes arrests and collects and preserves evidence at a crime scene. He maintains accurate records and writes accurate and timely incident and crime reports. He works with other investigative and legal personnel and presents evidence in court. He answers citizen questions and attempts to resolve problems or refer citizens to other agencies or individuals who can provide the desired assistance. He directs traffic at emergency or congested situations, assists with crime prevention, public education and collaborates with other community organizations. He utilizes computer equipment to access information and complete reports. He contacts and cooperates with other law enforcement agencies in matters relating to the investigation of crimes and the apprehension of criminals. He provides information to and answers inquiries from the general public.

Officer Smith is currently assigned to the Patrol Division with K9 Cash; he is a firearms instructor, FTO, member of the Honor Guard and teaches at TSJC Academy. Officer Smith participated in 3 community events this year; Freight Fest, Summerfest and The Law Enforcement Memorial. He also attended several Honor Guard events. Officer Smith and K9 Cash took part in several major drug cases this year seizing large amounts of cash, drugs and weapons; he also assisted Detective Bertsch with an interdiction operation. Officer Smith served as an FTO for two recruits this year and during his time as an instructor at the Academy he encourages students to apply with APD. He tested for an open Corporal position and had a strong showing but did not get promoted. He did not let not getting promoted affect his attitude or productivity.

Officer Smith is eager to learn and pass on what he has learned; he brings new ideas to the team and is open to trying things in a way he may not have thought of. Officer Smith is always willing to help any officer with anything they need; this includes taking calls not in his assigned district, assisting with paperwork or evidence, and transporting prisoners. Officer Smith always puts his team and department before himself; he does not limit his assistance with APD officers; he often assists ASO, CSP and ASU with calls for service when needed. Officer Smith is always on time for duty. He is always here when scheduled to be and comes in anytime he is called to do so. Throughout the year Officer Smith was asked to adjust his shift and work different hours and days; he did this without complaint and maintained a positive attitude.

Officer Smith is always courteous, professional and friendly with people he comes into contact with and works well with fellow officers. He treats people with dignity and respect. Officer Smith has a very good grasp/understanding of department policy and procedure and works within those guidelines daily, he needs little supervision and younger officers look to him for advice. He did receive a verbal reprimand regarding missing DMV Hearings on two occasions. He also received counselling/training regarding use of force, reasonable suspicion for

stops, search and seizure and warrantless entry stemming from two incidents; the arrest of Nicholas Hepworth and the arrest of Augustin Martinez. Officer Smith also had an incident at Summerfest where he was responding to another Officer's call for assistance in the ATV. Officer Smith attempted to drive the ATV between a tree and another object and clipped the front tire of the ATV on the tree causing the hubcap to fall off and get run over and broken.

Officer Smith is very proactive when it comes to drugs. He has a passion for getting drugs off the street and is very skilled when it comes to interdiction stops. Throughout the year he has had numerous drug arrests and provided Detectives with information that helps build their cases for warrants. Officer Smith understands the chain of command and adheres to it. Over the last year I have seen a huge improvement in Officer Smith's report writing ability, so much so that other Sergeants have commented on it also.

During this evaluation period Officer Smith handled a total of 225 incident reports, 135 arrests, 107 citations, 7 accidents, 12 warrants and 0 field interviews. Field interviews can be very crucial when solving crimes that occurred; they can provide an opportunity to question individuals as a witness which can lead to other avenues during the course of an investigation. Although there are 0 FI's in RMS Officer Smith conducted numerous contacts, he just did not log them. It's imperative to log these as they can assist other officers as well.

Officer Smith continues to grow as an officer; he is dependable and works well with everyone. Over the last year Officer Smith has shown his dedication to the Department and community, he strives to make a positive impact on a daily basis. Officer Smith is a very capable and qualified officer and is truly a valuable asset to the Department and City and will only continue to grow.

Attendance:

Officer Smith is always on time to work every day. He has no documented instances of tardiness or unexcused absences. Officer Smith is also very flexible when it comes to his schedule, has no problems with staying late when needed or working other shifts to cover for manpower shortage.

Appearance:

Officer Smith's uniforms are always pressed and clean and he abides by our policy to be clean cut and professional.

PART 3 - GOALS FOR NEXT YEAR

LIST GOALS/OBJECTIVES FOR THE COMING YEAR TO BE RATED DURING THE NEXT EVALUATION. A minimum of two goals is required. Attach additional sheets as necessary.

GOAL/OBJECTIVE:	PRIORITY:	1
Future of Department: <ul style="list-style-type: none">• Assist with the new hire process• Assist with training of new recruit as an FTO, pre-FTO• Teach department trainings		
GOAL/OBJECTIVE:	PRIORITY:	2
Community Education/Awareness: <ul style="list-style-type: none">• Stay involved with one of the Department's community programs.<ul style="list-style-type: none">- Shop with a Cop, Freight Fest, Neighborhood Watch.• Conduct one K9 search a quarter (4 total) at local businesses, schools, or other agencies.		
GOAL/OBJECTIVE:	PRIORITY:	3
Education Development: <ul style="list-style-type: none">• Attend two classes to develop your knowledge, skill and abilities. Classes should focus on advanced skills i.e investigations, supervision or skill that are considered beyond basic patrol		
GOAL/OBJECTIVE:	PRIORITY:	4
Maintain certification with the National and US Canine Associations with K9 Cash and attend two (2) training in Colorado Springs with Johnson's K9. Johnson's K9 is the company where your original training was conducted; this will ensure consistency and continued growth.		

IA2022-002

Nick Smith

Date: December 01, 2022



Review of Conduct

★ Policy: 339 Standards of Conduct

- **339.4 General Standards**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

- **339.5.1 Laws, Rules, and Orders**

c. Violation of federal, state, local, or administrative laws, rules, or regulations.

- **339.5.8 Performance:**

a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

e. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.

i. Any act on - or off-duty that brings discredit to this department.

- **339.5.9 Conduct**

c. Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.

Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Alamosa Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.2 POLICY

The continued employment or appointment of every member of the Alamosa Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

339.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

339.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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Standards of Conduct

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

339.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

339.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

339.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Alamosa Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

339.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

339.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department. Department members associating with immediate family are subject to standards of conduct.

Alamosa Police Department

Alamosa PD Policy Manual

Standards of Conduct

339.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

339.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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Standards of Conduct

339.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

339.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

339.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related disease, injury or death as soon as practicable but no later than 24 hours (CRS § 8-43-102).

339.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.