

21IA0001

On February 26, 2021 at 0809hrs I, Captain Daniel T DuRan, was off duty and texting with Officer Noah Sartori about the Polar Bear Plunge the next day. I was texting with him, about the time we needed to be at the park. After texting him the information Officer Sartori sent me a message asking if I was free for a call. I then called Officer Sartori.

Sartori answered the phone and we exchanged "hellos" and I asked Sartori what he needed, Sartori then stated to me, "Dan, something happened this last week and I wanted to tell you about it before you got back to work." I asked him what it was and he stated, "I lied about something and then when I was questioned about it I lied again." I asked Sartori why he lied and he stated he did not want to get into trouble.

I advised Sartori that I would not be back to work until next week and I would prefer to discuss this issue with him in person. Sartori understood, apologized and we hung up.

On the same date at 0853hrs I received a text message from Officer Trenton Gomez, Officer Sartori's FTO, "Hey sir, sorry to bother you I know you haven't worked all week, but if it's possible to give you a call and discuss a situation or maybe even possible to stop by and talk to you outside for a minute. Just feel like I should feel you in right away. Again sorry to bother." I responded, "Come by. Noah called me this morning but I don't know details. Text me when you are outside."

I received a text message at 0904hrs from Gomez, "I'm here sir.", I then went outside to meet with Gomez.

I advised Gomez that I was assuming he wanted to talk to me about Sartori and I stated again that Sartori had called me but I did not ask him details, I only know what he told me; that he lied.

Gomez confirmed that's what he wanted to talk about.

Gomez stated to me that on February 24th, he and Sartori responded to MT San Rafael ER for a "courtesy transport", a female party had been involved in a traffic accident and needed a ride to her hotel room.

Gomez advised that upon arrival, he wanted to let Sartori handle the call himself, at which time Sartori went inside the ER and Gomez waited outside. After a period of time Sartori came out, escorting a female party who was handcuffed in the front. Once at the car Gomez instructed Sartori to take the handcuffs off due to the female having an arm injury and this only being a courtesy transport. Sartori took the handcuffs off and then placed the female in the back of their fully marked patrol car along with giving her a back pack.

As they started to pull away Gomez waited until Sartori was off the radio, after which he asked him, "Did you pat her down and did you check her bag" (the concern was for officer safety of an unknown party sitting behind the officers and not knowing what is on her person or in her bag) Sartori responded, "yes." Gomez questioned him again asking him if he was sure and Sartori again stated, "Yes."

Gomez and Sartori completed the call for service and Gomez asked Sartori again if he had checked the female and her bag; again Sartori stated yes.

It should be noted that the continued questioning was based on a few weeks ago when Officer Gomez had informed me that he had caught Sartori in a "little lie." Gomez advised that Sartori was asked to go to the back of a house and "knock and announce." Sartori went to the back and knocked and then came back to the front where officers were waiting stating no answer. When asked if he announced himself he stated yes, but the officers in front heard him knock but never announce. With that incident Gomez stated that he and Sgt Harkin had a lengthy discussion with Sartori about honesty and integrity. Gomez informed me that he felt the situation was handled and it was left at that.

After asking Sartori again about checking the female and her bag, Gomez informed him that they were going back to the police department to download Sartori's body cam and watch it; Sartori again stated that he checked the female and her bag.

Gomez stated to me that he and Sgt Hugh Harkin watched the body cam and observed at no time did Sartori check the female or bag. Gomez and Harkin brought Sartori into the room and asked him again if he checked the female and bag; Sartori again stated yes. Harkin and Gomez informed him of their observations of the body cam and Sartori stated he did check the bag prior to going into the female's room so it would not be on cam. Gomez informs Sartori this is his last chance to tell truth and Sartori states that he did in fact lie, he never checked the female or the bag and that he lied because he was afraid of getting into trouble.

I then advised Gomez that the incident needed to be documented, more than a daily FTO log and that I wanted a memo from him about the incident when he returns to work.

It should be noted that in Gomez's written statement he states that the backpack (bag) in question can be seen next to the female, inside her room and not in the hallway.

On March 1, 2021 I returned to work at which time I met with Chief Charles Glorioso and advised him of the incident. Based on Senate Bill 19-166, "Notification of Untruthfulness" it was determined that an internal investigation be completed and Officer Noah Sartori be placed on administrative leave.

On the same date I had Office Sartori respond to the police department to meet with me. Upon his arrival per policy Sartori was advised of a pending internal investigation and given notice that he was being placed on administrative leave until the completion of the investigation.

On the same date I met again with Officer Trenton Gomez and asked him to complete a written memo to me about the incident.

Gomez's written statement detailed the above but also adds that when he and Harkin looked for the video it was labeled, "accidental/test" and had the comment, "error" in it. The labeling of "accidental/test" is to be used when the officer's body cams are accidentally activated or when they test the body cam at the start of their shift. I have noted that the majority of those videos are no more than a few seconds to a minute long. The comment of "error" advises the video system to only hold the video for 7 days and then it is erased. The video in question is over 12 minutes long.

It should be noted that Sgt Harkin was also asked to write a memo in reference to this incident. In reading his memo he states, that while checking officers body cams he noticed that Officer Sartori had several non-labeled videos but in between them he noticed one labeled video, "accidental/test" along with the comment of "error." Sgt Harkin advised that the video was over 12 minutes long and most videos labeled accidental are very short. Sgt Harkin watched the video and noticed it was a contact; courtesy ride. While watching the video Officer Gomez came in and they watched the video together.

Sgt Harkin does state that he asked Officer Sartori why the video was labeled "accidental/test" and Sartori states he must have done that "accidentally." When asked about the comment of "error" Sartori states he did not make that comment and that Evidence Tech Corey Gutierrez must have.

On March 1st I met with Evidence Tech Corey Gutierrez who stated to me she did not label the video "accidental/test" but saw that it was already labeled and she added the comment, "error."

On March 1st I was able to access the Lens lock video system and print out a Chain of Custody Audit Trail for the video in question. I observed that:

Officer Sartori accessed the video February 25, 2021 at 0643hrs and labeled it, "accidental/test."

Evidence Tech Gutierrez accessed the video February 25, 2021 at 1527hrs and added the comment, "error."

Sgt Harkin accessed "watched" the video February 26, 2021 at 0620hrs and 0621hrs

Sartori accessed the video again on February 26, 2021 at 0623 and changed the labeling to "non-criminal incident" and added the comment, "courtesy transport from ER."

Sgt Harkin, Officer Gomez and I watched "accessed" the video after that.

On March 2, 2021 I had Sgt Harkin and Gomez advise me that I should also speak with Officer Josh Huey, who was Sartori's first FTO, also in reference to untruthfulness.

On March 2nd I met with Officer Josh Huey who stated to me that while training Sartori he did catch him in two "little lies" and that he also documented them in Sartori's daily FTO reports. I received a written memo from Huey along with copies of the daily observation reports for Sartori.

The first incident took place on December 30, 2020, it should be noted this would be Sartori's first day of work as a police officer. Huey and Sartori were conducting nightly school checks and found a door to the junior high unsecure. Standard procedure is for officers to enter the school and check every part of it to ensure no one is inside or damage has been done to the school. Officer Huey, also one of the departments School Resource Officers was well aware of the outlay of the school. Huey knew that one room lead through to another hallway and asked Sartori to check this room, with Huey going to the other side and waiting for Sartori. Huey waited but Sartori never showed up in the hallway, but came back to Huey backtracking the way he came. Huey asked Sartori if he checked the room and Sartori stated he did. Huey asked Sartori if he was sure he checked it and again Sartori stated he did. Huey then walked Sartori through the room to the hallway, letting him know that if he had checked the room he would have seen Huey waiting for him. Sartori then stated that he lied about checking the room because he was afraid to check it himself. The daily log shows a signature from Sartori along with Huey and that the situation was discussed.

The second incident took place on January 8, 2021. Huey advises that he assigned Sartori small portions of Policy and CRS to review on his days off. Upon returning to work Huey asked Sartori if he reviewed the information given and Sartori stated he did. Huey asked Sartori to explain the information he reviewed and found that Sartori was unable to. Huey asked Sartori again if he reviewed the information and Sartori stated again that he did. Huey then began to quiz Sartori and found that he could not give a correct answer. Huey asked Sartori again about reviewing the information and Sartori stated that he did not. Huey asked Sartori why he lied and he was unable to provide an answer.

Based on the information provided by Sgt Hugh Harkin, Officer Trenton Gomez, Officer Josh Huey and my conversation with Evidence Tech Corey Gutierrez and the information I received from the Lens Lock Chain of Custody Audit Trail the following policy violations will be investigated:

400 Conduct and Canons of Police Ethics, (III) General Conduct;

A. Members shall not conduct themselves in an immoral, indecent, lewd or disorderly manner or in any manner that might be construed as immoral, indecent, lewd, or disorderly.

B. Employees will not engage in any activity or commit any act that would tend to bring discredit on the police department or the City of Trinidad.

VI. ADHERENCE TO THE TRUTH A. No member of the Trinidad Police Department shall willfully depart from the truth, either in giving testimony or in connection with any legal or official order received in their official duties.

X. COWARDICE A. No officer shall display any form of cowardice or fail to support their fellow officers in performing their duties in the face of danger.

Another consideration is, if the above complaints are found to be sustained, does Sartori's action fall under Senate Bill 19-166, Notification of Untruthfulness:

Effective August 2, 2019, the Colorado P.O.S.T. Board **shall** revoke certification when the certificate holder has **knowingly** made an untruthful statement concerning a material fact OR omitted a material fact:

- On an official criminal justice record.
- While testifying under oath.
- During an internal affairs (I.A.) investigation OR
- During an administrative investigation and/or disciplinary process^[2]

The law enforcement agency that employs OR employed^[3] the certificate holder **shall** notify P.O.S.T. once the following has occurred:

- Completion of an administrative process, as defined by a published policy in effect at the time of the untruthful statement concerning a material fact OR omission of a material fact.

- Determination by “a clear and convincing standard” of the evidence through an administrative investigation and disciplinary process that the certificate holder **knowingly** made an untruthful statement concerning a material fact OR knowingly omitted a material fact:
 - on an official criminal justice record, OR
 - while testifying in court, OR
 - during an I.A. investigation OR
 - Comparable administrative investigation.
- The certificate holder has elected not to exercise his or her rights to a disciplinary process OR has exhausted the internal disciplinary appeal rights provided by his/her employer.

It should also be noted:

C.R.S. Title 24 Government – State Article 72 Public records

Part 3 Criminal justice records

24-72-301. Legislative declaration

(1) The general assembly hereby finds and declares that the maintenance, access and dissemination, completeness, accuracy, and sealing of criminal justice records are matters of statewide concern and that, in defining and regulating those areas, only statewide standards in a state statute are workable.

(2) It is further declared to be the public policy of this state that criminal justice agencies shall maintain records of official actions, as defined in this part 3, and that such records shall be open to inspection by any person and to challenge by any person in interest, as provided in this part 3, and that all other records of criminal justice agencies in this state may be open for inspection as provided in this part 3 or as otherwise specifically provided by law.

24-72-302. Definitions

As used in this part 3, unless the context otherwise requires:

(1) "Arrest and criminal records information" means information reporting the arrest, indictment, or other formal filing of criminal charges against a person; the identity of the criminal justice agency taking such official action relative to an accused person; the date and place that such official action was taken relative to an accused person; the name, birth date, last-known address, and sex of an accused person; the nature of the charges brought or the offenses alleged against an accused person; and one or more dispositions relating to the charges brought against an accused person.

(2) "Basic identification information" means the name, place and date of birth, last-known address, social security number, occupation and address of employment, physical description, photograph, handwritten signature, sex, fingerprints, and any known aliases of any person.

(3) "Criminal justice agency" means any court with criminal jurisdiction and any agency of the state, including but not limited to the department of education, or any agency of any county, city and county,

home rule city and county, home rule city or county, city, town, territorial charter city, governing boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority that performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, post trial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information.

(4) "Criminal justice records" means all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical biological substance testing to determine genetic markers conducted pursuant to sections 16-11-102.4 and 16-23-104, C.R.S.

(5) "Custodian" means the official custodian or any authorized person having personal custody and control of the criminal justice records in question.

(6) "Disposition" means a decision not to file criminal charges after arrest; the conclusion of criminal proceedings, including conviction, acquittal, or acquittal by reason of insanity; the dismissal, abandonment, or indefinite postponement of criminal proceedings; formal diversion from prosecution; sentencing, correctional supervision, and release from correctional supervision, including terms and conditions thereof; outcome of appellate review of criminal proceedings; or executive clemency.

(7) "Official action" means an arrest; indictment; charging by information; disposition; pretrial or post trial release from custody; judicial determination of mental or physical condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence.

(8) "Official custodian" means any officer or employee of the state or any agency, institution, or political subdivision thereof who is responsible for the maintenance, care, and keeping of criminal justice records, regardless of whether such records are in his actual personal custody and control.

(9) "Person" means any natural person, corporation, limited liability company, partnership, firm, or association.

(10) "Person in interest" means the person who is the primary subject of a criminal justice record or any representative designated by said person by power of attorney or notarized authorization; except that, if the subject of the record is under legal disability, "person in interest" means and includes his parents or duly appointed legal representative.

(11) "Private custodian" means a private entity that has custody of the criminal justice records in question and is in the business of providing the information to others.

On March 2, 2021 I hand delivered a letter to Sartori requesting he meet with me on March 10, 2021 at 1000hrs.

On March 8, 2021 I found that Sartori was scheduled to appear in court for a case of his on March 10th at 1000hrs. I called Sartori and asked if he would be able to meet with me sooner, also informing him that he did not have too. Sartori asked to meet with me that day and a meeting was set up for 1300hrs.

On March 8, 2021 at 1300hrs I met with Noah Sartori in my office. The interview was recorded and Sartori was advised of garrity.

Sartori was advised of the purpose for the interview; untruthfulness and I explained to Sartori the events that led up to the investigation/interview. Once completed Sartori made no statements of objection to anything I stated.

Sartori was also strongly advised to not lie today.

The following is not verbatim but merely a synopsis of my recorded interview.

Sartori stated he graduated from the Law Enforcement Training Academy December 22, 2020 and started his FTO, on patrol December 30, 2020.

Sartori's first FTO was Officer Josh Huey, Sartori was asked if, while on patrol, he ever lied while with Huey and he stated yes, when asked to explain he stated; We found an open door at the Junior High, while in the school Huey asked me to clear a room, I said I did but I did not.

Sartori was asked why he did not clear the room and he stated that he felt it was a fear for him, being his first time clearing room. I asked Sartori again why he did not clear the room and he stated that he walked towards the room some, saw a little bit of light and then walked back. I then read the daily observation report to Sartori and asked him again why he did not clear the room and he stated, "I was afraid."

Sartori was asked if he had lied to Huey at any other time and he stated, "Not that I remember." I asked Sartori if he was ever give information to review and he states yes, Huey had given him policy and CRS to review and he did review only the subjects he knew but when asked by Huey he was giving the wrong information. I again read Sartori the daily observation sheet that states he lied about reviewing the information at all, I then told Sartori that he is now telling me that he did review the information and he did give information back to Huey, just not the particular information Huey wanted. I then asked Sartori did you or did you not review the information and he stated he did not.

The subject of February 24th was discussed at which time Sartori admitted to lying about searching the female or her bag and that when questioned by Gomez he continued to lie.

I asked Sartor if he was dishonest intentionally and he stated yes.

We then discussed the video and the labeling of it. Sartori stated to me that he did label the video "accidental/test" but it was an accident on his part. I asked Sartori if he had ever labeled anything "accidental/test" before, by accident and he stated no. Sartori was asked how did the video get labeled that and he stated, "truthfully" it was a mistake as he thought the video was something else.

I asked Sartori again, that out of all his videos that night, he labeled that one video as "accidental/test" and it was a mistake on his part and again he stated yes.

I asked Sartori, did you label that video to make it go away and he stated, "No, sir I would not do that."
*labeling a video accidental/test causes the video to only be held for 2 days, then the system deletes it.

Sartori was asked again about the labeling of the video and he explained that he thought it was an error video from an accident around the "same time frame" as the hospital incident.

I then advised Sartori that it was my understanding, that he had several non-labeled videos and out of all those videos he picked this one particular video that just happened to be labeled by accident, something that he had never accidentally labeled before, on this particular day about this specific incident and he stated, "Yes sir."

I asked Sartori why you picked this video, this day, doing something he would not normally do; I stated to Sartori, "last time Noah, why did you label the video that way?" Sartori was silent for a moment and then stated, "Cause I didn't want to get yelled at for my mistake. I fucked up and didn't want to get in trouble."

I asked Sartori, you did mislabel the video on purpose and he stated "yes", I continued; you did it intentionally and he stated, "Yes."

I reconfirmed with Sartori that he lied about the incident on February 24th and that he lied to me today about the labeling of the video and he stated, "yes."

I advised Sartori I had no further questions for him and asked if he wanted to write out a statement to what he told me today, also telling him that he did not have too and Sartori stated he would.

Sartori wrote out a statement and then left.

The last few lines of Satori's written statement, "I logged into Lens lock and labeled the video accident/test. This was not an accident or a test. I lied to officers/captain about how the video was labeled and lied to officers Gomez about searching Bertha Gomez."