

December 5, 2022

Chief Carl Dwyer

Via e-mail

## **Reply to Disposition of Administrative Investigation and Notice of Contemplated Discipline**

Chief Dwyer,

On November 28, 2022, I, Sergeant Pablo Vazquez, received a Disposition of Administrative Investigation and Notice of Contemplated Discipline. The Notice invited me to participate in a pre-disciplinary review by either scheduling an in-person meeting or submitting a written response on or before December 5, 2022. Pursuant to that deadline, I respectfully submit the following Response to Notice of Contemplated Discipline.

At this time, I would like to go through the violations that have been sustained. First, policy violations were sustained on neglect of duty and unsatisfactory work performance due to a lack of judgment and situation awareness when parking my vehicle on train tracks. I would like to emphasize that I was not neglecting my duty in any way. I was responding to a call in order to assist Fort Lupton officers with a felony stop. I had been advised over the radio that the suspect had a firearm and was wanted for felony menacing. Due to the dangerous nature of this particular call, I was intensely focused on the felony stop. When I initiated the traffic stop, the vehicle continued driving. This lack of compliance had my concerns further heightened. The suspect vehicle finally pulled over in an extremely dark area near U.S. Highway 85 and County Road 36. I stopped my vehicle behind the suspect vehicle and initiated a felony stop, pursuant to protocol. Due to the darkness and stress of the situation, I did not realize that I had parked my vehicle on train tracks.

The Notice of Contemplated Discipline noted that when searching the suspect's vehicle, a train horn can be heard multiple times with no acknowledgment from me. The body camera footage shows no acknowledgement from me because I did not hear the train horn until the Fort Lupton deputies reacted to it. Unfortunately, by that time it was already too late to remove the suspect from the vehicle before impact with the train.

A policy violation was also sustained against me for conduct that "any member knows or reasonably should know is unbecoming of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members." Specifically, it was found that my actions contributed to a suspect incurring injury, as well as damage to a vehicle owned by the Town of Platteville. Although my conduct in parking my vehicle on the train tracks was an unfortunate link in the chain of events that led to the suspect being injured, my conduct was in no way intentional. As noted earlier, I had no idea that I had parked my car on the tracks due to the darkness and stress of the felony traffic stop. Therefore, I did not "know or reasonably should know" that my conduct was unbecoming a member of this department, as I

was unaware of the nature of my conduct in parking the car on the train tracks. I did not realize my vehicle was on the tracks until the collision, or perhaps the few seconds leading up to the collision. In addition, I did not place the suspect in my vehicle. A Fort Lupton officer, Jordan Steinke, put the suspect in my vehicle while I was focused on clearing the truck and searching for the suspect's firearm.

There were also sustained violations against me for unsafe driving habits or actions and any personal action contributing to a preventable traffic accident. Here, I do not dispute that the positioning of my vehicle led to a preventable traffic accident, but I would again ask you to consider relevant mitigating factors. It was a stressful felony stop involving a gun in an extremely dark and unfamiliar setting. In addition, I did not realize that I had parked on the train tracks and I did not place the suspect into my vehicle. Further, I did not hear the train horn until it was too late to remove the suspect from the vehicle.

The last sustained violation was that I failed to activate my body camera until well after initiation of the traffic stop. I would like to again emphasize the stressful nature of the call. I was pulling over a suspect vehicle being reported for felony menacing with a gun. On any shift, that is a stressful stop. On this particular night, the traffic stop was occurring in heavy darkness in a remote area with no lighting. In addition, the suspect did not immediately pull over when I turned on my lights, which indicated a degree of potential noncompliance. As a result, I was hyper-focused on my own safety and the safety of other officers on scene, and regrettably failed to turn on my body camera at the beginning of the traffic stop.

The Notice of Contemplated Discipline indicated that you are considering recommending termination. I understand that this incident was extremely unfortunate—I am incredibly regretful that a suspect was injured, a Platteville vehicle was destroyed, and a train was damaged. In addition, I understand that this incident has brought a significant amount of negative attention to the department. However, I do believe that each action I took on that night can be explained as reasonable behavior in light of the mitigating circumstances. Many factors had to align on that particular night in order for the awful result to occur. Unfortunately, my car being parked on the train tracks was a link in that causal chain. However, I had no idea my car was parked on the tracks and I was not the officer who put the suspect in my car.

I love my job and hope that you will consider keeping me on at the department. I have over 20 years of law enforcement experience and have enjoyed working with you since starting at Platteville. I understand that some level of discipline is going to arise out of an incident like this one, but I feel that termination is too harsh of a penalty. While the end-result of a train hitting a police car with a suspect inside was devastating, I feel my personal conduct was not as egregious as the end-result. There were many other factors at play beyond just my personal conduct that all combined to result in the collision. Based on all of the mitigating factors discussed in this letter, I believe that termination would be unduly harsh and respectfully ask you to consider recommending a lesser form of discipline.

Thank you for your consideration and please do not hesitate to reach out if you have any additional questions for me.

Sincerely,

Pablo Vazquez