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# Weld County Sheriffs Office

## Administrative Investigation Report

### Incident Details

Date Received	Date of Occurrence	Time of Occurrence
10/18/2019	10/18/2019	10:30
Record ID Number	Case No	IA No
12549		AI2019-0024
Date/Time Entered	Entered By	
10/18/2019 16 11	Lieutenant Marcy Roles [REDACTED]	
WCSO Blue Team	Next Gen Assigned Investigator	IAPro Assigned Investigator
Captain Alan Caldwell - [REDACTED]		Lieutenant Marcy Roles

### Incident Summary

On 10/18/2019 [REDACTED] was detained at the Weld County Sheriff's Office by Loveland Police Department. Weld County Sheriff's Deputy Deutsch and Deputy Saunders were tasked with watching [REDACTED]. Loveland Police Department investigated the incident. Both Deputies were aware [REDACTED] was involved in a traffic accident prior to being detained.

[REDACTED] was placed in interview room three and was there for approximately nine hours prior to the incident. He was given food, water and access to the restroom. [REDACTED] was advised by Deputy Deutsch and Deputy Saunders to wave his hand if he needed anything.

Deputy Deutsch and Deputy Saunders attended to [REDACTED] needs throughout the morning. [REDACTED] was given ice for his ailments and he advised both Deputy Deutsch and Deputy Saunders his hand was in pain. Deputy Deutsch advised [REDACTED] he would be seen by medical prior to going to jail.

At approximately 1226 hours, [REDACTED] started waving his hand in the air to get the Deputies attention. He was unsuccessful so he started to yell and knock on the door. [REDACTED] picked up the bag of ice and tried to wave it in the air. [REDACTED] did this for approximately five minutes before he waved his blanket in the air to get the Deputies attention.

Sergeant Holmen explained that he asked why [REDACTED] had free rein of the room and if he was in custody then we needed to restrain him to the table. Sergeant Holmen was advised they were going to go into the interview room and deal with [REDACTED] again. Sergeant Holmen clarified later that he never

advised them to handcuff [REDACTED] to the table he was just questioning them on why he was here. Sergeant Holmen was advised by Deputy Deutsch that [REDACTED] was coming down from some sort of narcotics and was being a pain.

Sergeant Holmen reported that he followed Deputy Deutsch and Deputy Saunders down the hall out of curiosity because he wanted to see what was going on in the room. At approximately 1231 hours, Deputy Deutsch came into the interview room and stated, "hey what's the deal being an asshole?" [REDACTED] responded with his arms crossed and told Deputy Deutsch he was just trying to get his attention. Deputy Deutsch directed [REDACTED] to sit down in the chair and [REDACTED] stated, "yes sir." Deputy Deutsch directed [REDACTED] to put his hands on the table and [REDACTED] informed Deputy Deutsch that he just had a question for them. As [REDACTED] was sitting down, Deputy Deutsch stated, "were not listening at this point remember." Deputy Saunders was behind Deputy Deutsch. Deputy Deutsch gave a verbal directive to [REDACTED] to put his hand in the handcuff. [REDACTED] made a statement, but it was inaudible. He was sitting on the chair with both his arm sitting on his lap. Deputy Deutsch gave [REDACTED] another verbal directive to put his hand in the cuff or he was going to put it in there for him. [REDACTED] responded that they were not answering him. Deputy Deutsch gave [REDACTED] to the count of three to put his hand in the handcuff. [REDACTED] told Deputy Deutsch and Deputy Saunders that they were not answering him. Deputy Deutsch gave a couple more directive to have [REDACTED] to place his hand in the cuff.

Deputy Saunders attempted to grab [REDACTED] right wrist, but [REDACTED] crossed his arms. Deputy Saunders stated, "really man" [REDACTED] informed him that they told him to wave his hand. Sergeant Holmen walked into the room and stood behind Deputy Saunders. Deputy Deutsch told [REDACTED] not to yell, scream, or act a fool. Deputy Saunders was able to obtain control over [REDACTED] right wrist by placing it in a wrist lock and bringing it forward to the cuff. [REDACTED] asked the Deputies if they could just listen to him. Deputy Deutsch informed [REDACTED] that they were now going to do the other one. [REDACTED] had his left arm against his body and stated "please, it's hurts." Deputy Deutsch stated, "it's going to hurt a lot more in a second." Deputy Saunders had a hold of [REDACTED] left arm and tried to place his left wrist in the handcuffs. [REDACTED] kept his arm tight against his body and stated "please."

Deputy Saunders then took his right hand and closed it into a fist. Deputy Saunders brought his arm back and punched [REDACTED] in the back of the skull. Deputy Deutsch was focusing on holding on the handcuffs and reported that he heard a thud like someone was punched. Deputy Deutsch stated, "that's when Saunders hit him, uh, as I was still talking to him." [REDACTED] stated "dude did you just punch me? Is that illegal?" Deputy Deutsch told [REDACTED] to stop and [REDACTED] asked again if it was "fucking illegal." Sergeant Holmen described Deputy Saunders balling up his fist and there was an impact to the back of [REDACTED] head. Sergeant Holmen reported the strike as a punch and not a hammer punch.

In a subsequent interview, [REDACTED] an was asked how it felt when he got hit in the back of the head and he stated "it fucking hurt. I feel like I got a concussion or some shit."

Sergeant Holmen used his right hand and applied pressure to [REDACTED] left shoulder while Deputy Saunders and Deputy Deutsch grabbed [REDACTED] left wrist and placed it into the cuff. Deputy Deutsch secured the cuff and was working on double locking it. Deputy Saunders stated, "we asked you to do

something and you weren't doing it." [REDACTED] mumbled something back to Deputy Saunders he responded, "it's called pain compliance." [REDACTED] asked "pain compliance" and Deputy Saunders stated "pain compliance. It's a thing. Look it up." [REDACTED] asked the Deputies if they were going to answer his questions and Deputy Deutsch stated "sure." Once the cuffs were double locked, Sergeant Holmen let go of [REDACTED] shoulder

Deputy Deutsch reported [REDACTED] did not complain of pain nor did he say he was injured. Deputy Deutsch did not get him checked by medical after the use of force. Sergeant Holmen is not aware if [REDACTED] received medical treatment. Sergeant Holmen is aware that per policy [REDACTED] should have been seen by medical after getting struck in the head.

After leaving the room, Deputy Saunders had a discussion with Deputy Deutsch, but couldn't remember what exactly was said. He does believe he was stoked about striking [REDACTED] and had a "cocky bravado" about himself. Sergeant Holmen reported that he overheard something about Deputy Saunders punching [REDACTED] and wanted to hear his justification but Deputy Deutsch and Deputy Saunders continued walking back to the strike team's office. Deputy Saunders notified Sergeant Porter of the use of force but Sergeant Porter was never advised it was inappropriate or excessive by Deputy Deutsch. Sergeant Porter then notified Lieutenant Halloran. Lieutenant Halloran reviewed the video and observed an excessive use of force and reported it to the Undersheriff, Captain and Internal Affairs.

In a subsequent interview, Deputy Saunders then reported to Lieutenant Halloran that he wasn't trying to brag, but he had a decent amount of combative training. Deputy Saunders explained that he chose the head for a reason. He then said, "I know it's a head and everybody's really sensitive about heads, and understandable. It's a lot of vital stuff." He struck him about the 7 o'clock position on the back of the head. Deputy Saunders reported that he knew exactly what he was doing when he struck [REDACTED]. After reviewing the video, Deputy Saunders admitted he feels like he's someone who used excessive force. Deputy Saunders feels like he failed in being a police officer because he became a guy who used excessive force and acted inappropriately with [REDACTED].

Deputy Deutsch explained that he was made aware that Deputy Saunders punched [REDACTED] in the back of the head with a closed fist outside the interview room. Deputy Saunders described the punch as a hammer punch. Deputy Deutsch was asked if Deputy Saunders used excessive force and he stated "excessive? I don't know if they were excessive, but I do believe they were inappropriate." After reviewing the video, Deputy Deutsch was asked if this use of force was reasonable and appropriate and he stated "no." Deputy Deutsch was asked how he viewed the video now and he stated "Where it's excessive. Yes." Deputy Deutsch was asked how this video will look for Deputy Saunders and he stated "bad." As a Detac instructor, Deputy Deutsch reported he considered this type of force excessive.

Deputy Deutsch is a Master Detac instructor for FBI defense tactics. Deputy Deutsch was asked when someone is sitting in a chair, when it is reasonable to throw a punch and he stated, "I am not sure." Deputy Deutsch reported that they do not teach punching anyone while sitting in a chair.

Deputy Deutsch was asked why he did not report Deputy Saunders use of force to Sergeant Porter because

he mentioned prior that he thought it was inappropriate and Deputy Deutsch stated he told Deputy Saunders to do a written statement after Sergeant Porter spoke with them. Deputy Deutsch stated "and, I didn't want to taint anybody's opinion of what it is that had happened because, well." Deputy Deutsch was asked again why he did not report this inappropriate use of force and he stated "I did tell him that he needs to write a written statement on it and I told Porter that too. He has to do a statement on this. Um, but, no, I didn't come out and say that this rises to the level of inappropriate, or, potentially, excessive, or wrong."

Sergeant Holmen described Deputy Saunders balling up his fist and there was an impact to the back of [REDACTED] head. Sergeant Holmen reported the strike as a punch and not a hammer punch. Sergeant Holmen stated, "it left no doubt in my mind that he was struck in the back of the head, and he knew it too because he said something about it, like, you know, you just hit me or something." Sergeant Holmen was asked how he perceived Deputy Saunders actions and he stated "Mm, well, it, from my perception to the whole thing it was unjustified. He didn't need to do it. There was no, there was no need for it. Um, was it far more aggressive than it needed to be." Sergeant Holmen was asked if it was reasonable and appropriate and he stated, "no. Neither one." Sergeant Holmen was asked if it was excessive and Sergeant Holmen stated "yes."

Sergeant Holmen never addressed Deputy Saunders and when asked why he responded "um, trying to, you know, I tend to get myself into more situations than I care to be in, that I want to be in." Sergeant Holmen explained that he was going to give Deputy Deutsch the opportunity to take some sort of corrective action. When asked why not he stated "hindsight, I mean, I totally could have. Um, I could have pulled him out in the hallway and, and we could have ended that right then and there. Um, it didn't feel like since I was physically there, and I was physically, um, you know, I had also touched him and I was also part of it, knowing that hey, we're going to do a use of force, and this is all gonna come out anyway, I didn't want to further my involvement in the right, the wrong, or the indifferent knowing that I'm also a, you know, had I been standing in the doorway and just watched the whole thing, it, I think maybe that would have been slightly different, but I'm like, this isn't even my use of force. Like, I can't even do this use of force anymore. This is going to a higher level than me, or it's going to, you know, a peer of mine. So, I didn't want any further involvement in, in the whole situation other than hey, I'm going to report what I saw and what I did and what I heard, and I'll let somebody else sort it out."

Sergeant Holmen was asked if Deputy Saunders actions were ever reasonable and appropriate and he stated they were not. Sergeant Holmen would still describe Deputy Saunders actions as excessive.

Sergeant Holmen denied telling Sergeant Porter or Lieutenant Halloran that it was an excessive use of force. Sergeant Holmen denied doing this because "it was all in my witness statement. I was part of the event. I was relying on the process to work the way it's supposed to."

## Incident Location

### Addresses

1950 O Street, Greeley, CO, 80634

## Involved Deputies

### Pat Deputy Todd Deutsch - [REDACTED]

**Assignment at time of incident:** Pat Deputy Patrol [None Entered]

**Role:** [None Entered]

#### Linked Allegations

- Failure to Report - Sustained - 11/04/2019
- Failure to Supervise as FTO - Sustained - 11/04/2019
- Failure to Act - Sustained - 11/04/2019

### Sergeant Scott Holmen - [REDACTED]

**Assignment at time of incident:** Sergeant Patrol [None Entered]

**Role:** [None Entered]

#### Linked Allegations

- Failure to Report - Sustained - 11/04/2019
- Failure to Supervise - Sustained - 11/04/2019
- Failure to Act - Sustained - 11/04/2019

### Pat Deputy Paul Saunders - [REDACTED]

**Assignment at time of incident:** Pat Deputy Patrol [None Entered]

**Role:** [None Entered]

#### Linked Allegations

- Excessive Force - Sustained - 11/04/2019

## Tasks

No tasks to show

## Running Sheet Entries

No running sheet entries to show

## Attachments

Date Attached	Attachment Description	Attachment Types
10/22/2019	Conversation with Deutsch-Sgt. Clarke	msg
11/04/2019	Findings memo	docx
10/22/2019	Saunders interview 10-21-19 wall	mp4
10/20/2019	Right side of head moving hair.	jpg
10/18/2019	D Porter Statement 101819	pdf
11/01/2019	IORecord_Clip__Inv_3_Wall_Camera_10-31-2019_3-45-PM	mp4
10/22/2019	Deutsch interview 10-21-19 ceiling	mp4
10/18/2019	Deutsch WCSO Witness Statement	pdf
10/28/2019	100719 DETAC Deutsch	pdf
10/22/2019	Holmen interview-10-21-19 ceiling	mp4
10/28/2019	Saunders DeTac Test 2019	pdf
10/18/2019	Holmen Witness statement	pdf
10/22/2019	Holmen Garrity	pdf
10/20/2019	Left side of head moving hair	jpg
10/18/2019	IA Notice Holmen	pdf
11/25/2019	██████████ Medical Files	pdf

10/22/2019	Deutsch interview 10-21-19 wall	mp4
10/22/2019	Interview room 10-18-19-Kirkman-wall	mp4
10/22/2019	Interview room 10-18-19-Kirkman-Ceiling	mp4
10/28/2019	CJ Jesse Kirkman Records	pdf
11/18/2019	Sgt. Scott Holmen Appeal	pdf
10/29/2019	CRS 18-8-405	docx
10/20/2019	Right side of head where bump is	jpg
10/18/2019	UoF 10182019 Saunders	pdf
10/28/2019	Saunders DeTac Practical 2019	pdf
10/20/2019	████████████████████	MP3
10/18/2019	IA Notice Deutsch	pdf
10/28/2019	050619 Firearms & Neck Restraint Holmen	pdf
10/22/2019	Saunders interview 10-21-19 ceiling	mp4
10/22/2019	Deutsch Admin leave	pdf
11/01/2019	IORecord_Clip__Inv_3_Ceiling_Camera_10-31-2019_3-50-PM	mp4
10/18/2019	Saunders Paid Admin Leave 10-18-19	pdf
10/29/2019	CRS 18-8-802	pdf
10/22/2019	Holmen Paid Admin Leave	pdf
11/01/2019	IORecord_Clip__Inv_3_Wall_Camera_10-31-2019_3-50-PM	mp4
10/31/2019	IORecord_Clip__Inv_3_Ceiling_Camera_10-31-2019_3-45-PM	mp4
10/28/2019	102119 DETAC Holmen	pdf
10/29/2019	CRS 18-8-803	pdf
10/18/2019	IA Notice Saunders	pdf
10/29/2019	19W038727	pdf
10/20/2019	████████████████████	█
█ 20/2019	Back of head	jpg
10/22/2019	Holmen interview -10-21-19 wall	mp4

10/22/2019	Deutsch Garrity	pdf
10/31/2019	Saunders IA	doc
10/28/2019	021119 DeTac & Firearms Holmen	pdf
10/28/2019	022519 DeTac & Firearms Deutsch	pdf
10/20/2019		jpg
10/20/2019	Left side of head showing where bump is	jpg
10/28/2019	052019 Firearms & Neck Restraint Deutsch & Holmen	pdf