



CITY AND COUNTY OF BROOMFIELD

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TO: Richard Norton, Police Officer
Patrol Division

FROM: Eric Fredrick, Commander
Chris Terry, Commander
Scott Swenson, Sergeant
Patrol Division

DATE: February 12, 2020

SUBJECT: Corrective Action -- Letter of Reprimand

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You are hereby reprimanded for the following violations of the Personnel Merit System of the Broomfield Municipal Code and Broomfield Police Department Policy:

Section 2-14-160 (A) - Failure to adequately perform the duties of the job.

Section 2-14-160 (T) - Violating a safety rule or practice.

Broomfield Police Department Policy 346 - Transporting Detainees

346.2 Procedures

4. A verbal welfare check is made with a person in custody every 10 minutes.
6. A person in custody is searched immediately after his/her arrest.

346.3 Prohibitions

When transporting a person in custody, officers should not:

1. Leave the vehicle unattended with the person in the vehicle.

Background

On January 23, 2020, at about 11:04 a.m., you responded to the call of a restraining order violation at [REDACTED] [REDACTED] along with a cover officer. Dispatch advised that the victim, a male resident, reported having trouble with his estranged wife who is restrained from contacting him, and he asked that the police make sure she was not at the residence. Upon arrival, you found the residence locked and requested the victim respond to unlock the house.

At about 12:11 p.m., when the victim responded, you were alone on-scene, without a cover officer. The victim unlocked the residence and you entered the house with him. You did not request the assistance of a cover officer, nor did you notify dispatch, even though you had time to do so. You searched the residence with the victim, each checking different areas, and losing sight of the victim. During this time, the victim located the suspect in a bedroom area.

You walked back to the bedroom alone, while the victim waited in the kitchen. When you saw the suspect, you recognized her, and immediately placed her in handcuffs. You asked her, "Who else is here?", and the suspect made a vague statement about other people possibly being at the residence. You also thought you heard someone underneath the trailer, and radioed, "I have one in custody, send me a second. If you could have them step it up, I think somebody is under the trailer."

The victim left the residence ahead of you, and you walked the suspect outside to your car (unit #2308). At your car, you completed an inadequate pat-down search of the suspect, only performing a cursory check of her back pants pockets. You removed a cell phone from her rear, left pocket, but failed to check her waistband area, front pockets, torso and legs.

The suspect sat in the backseat of the patrol car, seatbelted, and was left unattended while you returned back to the mobile home, several hundred feet away.

Again, without a cover officer, you returned to the trailer, entered the front doorway, and verbally challenged anyone inside the trailer to show themselves. No one responded.

When two other patrol officers arrived minutes later, you never informed them you had an arrestee inside your patrol car. While continuing to search for other suspects at the mobile home, you assigned one cover officer to stand at the front of the residence to watch a hole in the skirting that allows access underneath the mobile home. With a second officer, you searched the interior of the home and didn't locate anyone. You also searched underneath the trailer and an outlying shed, but didn't find anyone else.

Eleven and a half minutes later, you returned to your patrol car and found the suspect had escaped after breaking a window. This resulted in a five-hour search for the suspect involving a large number of police personnel and the lockout of five schools in the area. The suspect was later located that night.

On January 29, 2020, you provided a memorandum describing what had occurred. Subsequently, you verbally confirmed the information in your memo to Commander Fredrick and Sergeant Swenson, and provided your account of what happened. You agreed the suspect was left unattended for a "few minutes" and you should have transferred responsibility to another officer before returning to the trailer to search it.

Reasons for Proposed Corrective Action

During this incident:

1. You placed your safety unnecessarily at risk when you initially entered the residence without a cover officer, without notifying dispatch, and when no exigency was present. This is a violation of **BMC Section 2-4-160 (T) - Violating a safety rule or practice.**
2. You also placed the victim's safety at risk by having the victim accompany you while searching the residence for a suspect, or suspects, that may be armed and/or dangerous. This is a violation of **BMC Section 2-4-160 (A) Failure**

to adequately perform the duties of the job and (T) - Violating a safety rule or practice.

3. Proceeding without a cover officer and finding a suspect resulted in you making the arrest alone, which also unnecessarily placed your safety at risk. This is a violation of BMC Section 2-4-160 (T) - Violating a safety rule or practice.
4. When you placed the suspect in the back of your patrol car, you failed to adequately search her, which compromised your safety, her safety, and could have resulted in the loss of evidence. This violates 346.2 - Procedures, 6. A person in custody is searched immediately after his/her arrest.
5. Leaving the suspect unattended and without welfare checks for 11 and a half minutes is a violation of 346 Transporting Detainees, 346.3 - Prohibitions, When transporting a person in custody, officers should not leave the vehicle unattended with the person in the vehicle and 346.2 - Procedures, A verbal welfare check is made with a person in custody every 10 minutes.
6. Again, without cover officers, you returned to the trailer, entered the front doorway, and verbally challenged anyone inside the trailer to show themselves, placing your safety unnecessarily at risk, and when no exigency was present. This is a violation of BMC Section 2-4-160 (T) - Violating a safety rule or practice.

Expectations - Next Steps

As a Broomfield Police Officer, you are required to perform your duties in a professional manner, with due regard for the safety of yourself, the public, and fellow officers.

1. You will utilize cover officers when available and appropriate as directed by training, policy and procedure, e.g. "cover required" calls, high risk situations, building searches, arrests, etc..
2. You will not utilize members of the public to accompany or complete building or area searches.
3. Pat down searches will be complete, including the arms, full waistline, pockets, legs and ankle area of the suspect.
4. Observation and control of arrestees will comply with departmental policy.

Within two weeks of the issuance of this corrective action - letter of reprimand, you are required to review contact and cover procedures, officer safety, building search techniques, and the control and observation of an arrestee with an approved instructor as arranged through the Training Unit. This remedial training will last at least four (4) hours.

Additionally, your assignment to the Broomfield SWAT Team will be suspended for at least 60 days for your failure to adequately perform in your core assignment (patrol officer). Your future involvement with that team will be evaluated and determined by the SWAT Commanders at that time.

You are directed to meet with your supervisor on a weekly basis to discuss progress in these areas until the end of this rotation, May 5, 2020. These meetings should be initiated by you. It is expected that there will be immediate and sustained improvement in your performance.


Failure to comply with the requirements of this Corrective Action will result in disciplinary action, up to and including termination. This corrective action will remain in your personnel file for future reference.

If you believe that this corrective action is not justified, you may file a grievance under the grievance procedure outlined in the Personnel Merit System Sections 2-14-190 through 2-14-210.

If you feel that a personal problem is contributing to your inability to meet these expectations, be advised that the Employee Assistance Program is available to assist you with personal issues. You may contact this confidential service by calling Optum EAP 1.855.205.9185.

Should any questions arise regarding this process, please contact Abbigail Yellman, Director of People and Innovation, at (303) 438-6325.

ACKNOWLEDGEMENT OF RECEIPT:



02/13/20

Employee Signature

Date

Distribution - Original: Personnel File
Copy: Employee
Supervisor