

INTERNAL AFFAIRS INVESTIGATION

21HP01588

Subject Officer: Robert Bowen, HP250

Violations Under Consideration:

Policy 307: Vehicle Pursuits

(1) Compelling need does not include the Following.

- *The mere act of fleeing, no matter how recklessly*
- *Traffic Infractions*

Policy 419 (9): Recording Devices and Imaging Equipment

- BWC will be activated immediately.
 - *Failure to adhere to the recording requirements of this policy will result in the following discipline:*
 - *1st Violation in 12- month period: Written Reprimand*
 - ***2nd Violation in a 12-month period: 1 Fined day***
 - ***3rd Violation in a 12-month period is considered a repeated violation and will generate a formal disciplinary case.***
 - ***Purposeful, flagrant or repeated violations will result in more severe disciplinary action.***

Synopsis of Case:

- June 6, 2021, at approximately 2051 hrs. Officer Aponte (trainee and driver) and Officer Bowen (FTO and passenger) in fully marked Hudson Police unit observed traffic violations being committed by the driver of a Chevrolet Silverado, Colorado License plates [REDACTED].
- Officer Aponte activated his unit's emergency lights and attempted to stop the suspect vehicle.
- A train blocked the path of the offender's vehicle.
- Officer Aponte approached the violator's vehicle on foot from the driver's side.
- The train left the crossing and the violator sped away from Officer Aponte before contact could be made.

- Officer Aponte ran back to his patrol unit and initiated a pursuit of the offender.
- The pursuit traveled approximately 4 city blocks.
- The violator ran stop signs at 5th and Ash Street, 4th and Ash Street, 4th and Beech Street and finally at Highway 52 and Cherry Street.
- Officer Bowen can be overheard on Officer Aponte's BWC saying to, "get on the guy" and to turn off the police unit's siren.
- At Highway 52 and Cherry Street, Officer Bowen is heard calling off the pursuit on the police radio.
- The officers continue to follow the suspect east on Highway 52 to WCR 47.
 - a. Officer Aponte did turn off the police unit's flashing red/blue lights but continued to follow the suspect vehicle for approximately 1 mile before stopping and turning around.
- The officers listed in their report that the charges under consideration included:
 - 18-9-116.5 Vehicular Eluding

Investigation:

On June 7, 2021, at approximately 2006 hrs., Officer Robert Bowen was interviewed. The interview took place in the Hudson Town Hall conference room, 50 S. Beech Street, Hudson, CO 80642.

Present for the interview with Officer Bowen were Sergeant Nicole Brick and Detective Daniel Kimmett.

- Officer Bowen was given his Statement of Rights (Garrity Advisement) and asked to read and sign the advisement. Detective Kimmett read the advisement aloud to Officer Bowen.
- Officer Bowen signed the advisement and agreed to talk with Detective Kimmett and Sergeant Brick.
- Detective Kimmett handed Officer Bowen a copy of Policy 307: Vehicle Pursuits and asked him if he had previously read and signed that he was given a copy of that policy. He stated that he had read the policy and signed it.
- Detective Kimmett handed Officer Bowen a copy of Policy 419 (9) Recording Devices and Imaging Equipment. He was asked if he had previously read and

signed a copy of that policy. He stated that he had read the policy and signed it.

- Detective Kimmett handed him a copy of his police report, 2101588, that he had filed concerning a pursuit that had taken place on June 6, 2021. He was asked to review the report.
- Once Officer Bowen had reviewed his report, he was asked if it was an accurate report of the pursuit. He said it was.
- Officer Bowen's memory of the incident is as follows:
 - He and Officer Aponte were sitting in their police unit on Highway 52 near Dahlia Street.
 - They were waiting at a red signal light and were behind several other vehicles.
 - The signal light did turn green, however at that moment a train passed through, and the road remained blocked to traffic.
 - A gold-colored Silverado pickup truck drove across the double yellow and cut in front of a semi-tractor that was waiting for the train and turned into the Barn Store.
 - Officer Aponte, the driver of the police unit, activated his red and blue lights to initiate a traffic stop.
 - The pickup truck failed to stop and instead drove back out onto Highway 52, running over 2 curbs.
 - The train momentarily stopped the truck, however as Officer Aponte was walking toward the driver's side window, the train cleared the intersection and the truck sped away.
 - Officer Aponte ran back to his police unit and the officers began chasing the suspect vehicle.
 - Officer Bowen did tell Officer Aponte to "get on him."
 - Officer Bowen thought the chase proceeded S on Ash Street, through the stop sign at 5th Avenue, continuing S to 4th Ave. The suspect again ran the stop the sign there. The suspect turned E onto 4th Avenue, ran the stop sign at Beech Street and continued E on 4th Avenue. At Cherry Street, the suspect turned to go N, running the stop sign at Highway 52 and fled E on Highway 52. At Highway 52 near Date and Evergreen Streets, Officer Bowen called off the chase.

- When Officer Aponte's BWC data was examined both officers were wrong about the path of the chase. It went S on Ash to 5th Ave; E on 5th to Beech Street; S on Beech Street to 4th Ave; E on 4th Ave to Cherry Street; N on Cherry to Highway 52; E on Highway 52.

For a full report of Officer Bowen's question and answer interview see Segreant Brick's report.

Detective Kimmitt asked Officer Bowen if he thought that the pursuit was authorized by Policy 307. He at first stated that it was within policy.

- Detective Kimmitt had him read the policy and then asked the question again. This time, Officer Bowen answered that it was not within policy.

Detective Kimmitt asked Officer Bowen why his BWC camera had not been activated at the time of the original traffic stop. He stated that he was so busy directing Officer Aponte that he simply forgot to turn it on.

- Officer Aponte was not sure of their location when they first attempted to stop the suspect.
- Officer Aponte froze for a few moments when the suspect sped away.
 - Officer Bowen had to yell at him to get him back to the police unit.

Detective Kimmitt asked Officer Bowen if he knew that Policy 419 (9) required the use of his BWC. He said that he did know that it required the use of the BWC.

- He said that when he realized it was not on, he chastised himself and immediately turned it on. By that time, they were at the suspect's house.

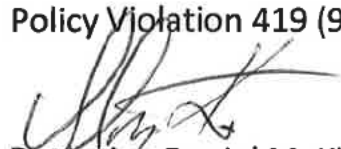
Detective Kimmitt pointed out that this was not the first time he had either neglected to activate his BWC or had activated it late.

- Officer Bowen could not remember having been counseled about this infraction except for a case involving former officer Manning.

Conclusion:

Policy Violation 307 Pursuit **SUSTAINED**

Policy Violation 419 (9) Recording Devices and Imaging Equipment **SUSTAINED**



Detective Daniel M. Kimmett

Internal Affairs

Hudson Police Department

INTERNAL AFFAIR CASE

SUBJECT OFFICER

Robert Bowen #258

July 27, 2020

SYNOPSIS:

On July 27, 2020, [REDACTED] came to the Hudson Police Department to lodge a complaint against Officer Bowen for being rude during a traffic stop on 04/20/2020, at approximately 1857 hrs.

Mr. [REDACTED] stated that on 04/20/2020, he was east bound on I-76 when he was pulled over by Officer Bowen. Mr. [REDACTED] thought he was being stopped because his license plates were expired. When Officer Bowen approached the car, he asked for Mr. [REDACTED]'s driver's license and the identification of Mr. [REDACTED]'s passenger [REDACTED].

Mr. [REDACTED] was upset because Officer Bowen did not tell him the reason for the stop prior to asking for his driver's license and the identification of Mr. [REDACTED].

Mr. [REDACTED] thought the officer was "speaking down" to him, as if he were a child.

Mr. [REDACTED] did not have his current proof of insurance and had to contact his mother, to have her send it to him on his cell phone.

Once Officer Bowen had the necessary paperwork, he issued Mr. [REDACTED] a ticket for speeding, 99 mph in a posted 75 mph zone.

Mr. [REDACTED] wanted to ask Officer Bowen about the way his speed was clocked but the Officer walked away without answering the question. Mr. [REDACTED] stated he had other questions that he was trying to ask the officer as the officer walked back to his police car and drove away.

Mr. [REDACTED] could not recall anything that the officer said or did that was hostile or threatening. He felt threatened by the officers tone of voice.

WRITTEN STATEMENT OF [REDACTED]:

"During my stop the officer talked to us in a very threatening tone in which he asked for our IDs. He told my roommate he needed to see his ID and he was scared not to give it to the officer (all before he had seen my info as the driver). When he returned with the ticket, he handed it to me he said what it was for before he walked away. Before I could ask any questions about the ticket. He maintained the threatening tone throughout the stop which left us feeling scared and uneasy throughout the whole stop."

Mr. [REDACTED]'s verbal statement was recorded.

VERBAL STATEMENT OF [REDACTED]:

On 07/27/2020, at approximately 1040 hrs., I called Mr. [REDACTED] at [REDACTED] to ask him about the traffic stop. I recorded his statement.

Mr. [REDACTED] said that his friend had been stopped for speeding. When the officer asked his friend for his driver's license, registration and proof of insurance his friend had to explain to the officer that he had lost his wallet, with his driver's license and due to the pandemic had not been able to replace it.

The officer then asked Mr. [REDACTED] for his identification. Mr. [REDACTED] knew he did not have to give the officer his identification but was afraid not to give it to him. He thought if he did not give the officer his identification the officer might stack charges on his friend's ticket.

According to Mr. [REDACTED] the officer's tone throughout the contact was hostile.

Mr. [REDACTED] could not recall anything the officer said that was either threatening or hostile. It was the officer's tone of voice that scared him.

This case will be forwarded to Chief of Police Hirokawa for review.

Daniel M. Kimmett

Detective

INTERNAL AFFAIRS CASE

Subject Officer: Robert Bowen

09/09/2020

On September 1, 2020, [REDACTED] sent an email to Chief of Police Hirokawa complaining about Officer Robert Bowen's conduct during a traffic stop.

On 08/31/2020, Officer Bowen was working traffic enforcement along WCR 49. The officer was using a radar unit to clock vehicles driving on the roadway. A vehicle later determined to be driven by Mr. [REDACTED] was "clocked" doing 20mph over the posted speed limit.

Officer Bowen stopped the driver and issued him a summons for speeding.

Mr. [REDACTED] stated, in his email, that the officer told him he had been "hit with a laser" but later insisted he had been caught on radar. The officer did not show him the radar reading as proof of his speeding. Mr. [REDACTED] said that was "awkward" since most police officer (sic) do not mind proving the driver wrong.

Mr. [REDACTED] also complained that Officer Bowen told him his exhaust was too loud. This concerned Mr. [REDACTED] because he had researched exhaust systems to improve the acoustics of his car. He said he had a Tomei exhaust system installed on his car. In his email, Mr. [REDACTED], refers to a YouTube video that shows the difference between stock exhaust systems and the Tomei exhaust system.

The length of time it took the officer to pull him over for speeding also concerned Mr. [REDACTED]. He said that he hoped the officers Body Worn Camera (BWC) would show that he had not been speeding.

Mr. [REDACTED] said that Officer Bowen was overly aggressive until he realized that he was being recorded by Mr. [REDACTED]. Mr. [REDACTED] stated he had no proof of that aggressiveness and hoped the officers BWC would show the aggressiveness.

Finally, Mr. [REDACTED] stated that if only he had a COBB Accesport installed in his car it would have shown he had not been speeding. However, that system costs \$600 to install.

After reading Mr. [REDACTED]'s email Chief Hirokawa contacted Officer Bowen and spoke to him about the traffic stop. During his investigation, the Chief also watched the recording sent to him by Mr. [REDACTED].

Officer Bowen stated that he had been working radar along WCR 49 and saw a vehicle driving faster than other vehicles on the roadway and aimed his radar at that car. The radar indicated that the car was being driven at a speed of 20 mph over the posted speed limit. It took a short time to catch up to the vehicle because he had been parked when he obtained the radar reading.

After his review of Mr. [REDACTED]'s recording and talking with Officer Bowen the Chief determined that Officer Bowen had not been aggressive or rude and that he acted within policy of the Hudson Police Department.

This complaint is Not Sustained.

Daniel M. Kimmett

Detective

Hudson Police Department