



ADAMS COUNTY SHERIFF

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MEMORANDUM

TO: Division Chief Terrance O'Neill
FROM: Sergeant Jeremy Whytock
DATE: 06/14/2018
SUBJ: Executive Summary IA2018-027

LOCATION OF OCCURRENCE: 2600 Devonshire Court Thornton CO 80229

DATE OF OCCURRENCE: 05/23/2018

EMPLOYEE(S) INVOLVED: Sr. Deputy/Technician Robert W. Mesch

EMPLOYEE(S) SUPERVISOR: Sergeant Chris Eye

BACKGROUND:

On May 23, 2018 around 7:40 A.M., it is alleged that Deputy Mesch punched a male party several times while he was in handcuffs in the back of his patrol car.

ALLEGATION 1.

Adams County Sheriff's Office Policy, Standards of Conduct, 201.2.54 USE OF FORCE

Sheriff's deputies shall not use more force in any situation than is reasonable under the circumstances. Deputies shall use force in accordance with established procedures.

COMPLAINANT: [REDACTED]

On May 23, 2018 at 3:30 P.M., I conducted an interview with [REDACTED] over the phone at the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 332 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

On May 23, 2018 at 3:30 P.M., I received a complaint on a patrol officer punching a male subject who was handcuffed and in the back seat of the patrol car.

I called the complainant, [REDACTED] who witnesses the altercation. [REDACTED] said around 0800 hours she happened to look out her bedroom window and saw a marked Adams County Sheriff's patrol vehicle in the cul-de-sac in front of her home. She lives at [REDACTED] in unincorporated Adams County. She saw through her bedroom window and a deputy escorting a male party in handcuffs to the patrol car. She watched the deputy put the male party into the rear seat of the patrol car. She then heard the male party "screaming bloody murder". She saw the deputy run around the vehicle to her view of the patrol car and say "You don't spit on me" and started "waling on the suspect and throwing blows on him." She yelled out her window "I can see you hitting him" and the deputies looked up at her. She said the male party looked up at her and started yelling "Help me, help me, they are beating me." She saw the deputy punch the suspect four to five times. [REDACTED] said the deputy had wiped his face off and she believed the male suspect provoked him and spit on him. She said a few minutes later the deputy got into the patrol car and left. [REDACTED] said her corner neighbors also witnesses the altercation.

I responded to [REDACTED] home and asked her what the deputy looked like. She said the deputy was tall with light blond hair. She said the other deputy she saw was bald. The window [REDACTED] looked out when she saw the altercation was an upstairs bedroom window. The window faced to the north directly into the cul-de-sac. I had her show me where the neighbors lived who also witnessed the altercation.

COMPLAINANT: [REDACTED]

On May 24, 2018 at 11:40 A.M., I conducted an interview with [REDACTED] in the B contact room of the Adams County Detention Center, 150 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

On May 24, 2018 at 1140 hours, I went to the jail and interviewed [REDACTED] in the B Module contact visitation room. [REDACTED] said when he was stopped and contacted by the deputies he was compliant. He said two or three deputies had him handcuffed and escorted him to a patrol car. He said there were about ten police officers on scene. He said he was transferred to another patrol car. He said he was compliant while he was escorted. He said Deputy Mesch grabbed him really hard and was pushing him to the other patrol car. He said he wasn't resisting at all. He said he got into the rear seat of the patrol car without any problems.

He said there were a couple of deputies at the car door. He did not know if they were asking him a question or if they were trying to seat belt him in. He said he closed his eyes and sneezed. He said when he sneezed he turned his head and Deputy Mesch's face happened to be there and his face got sprayed by the mist. Deputy Mesch told him that he just spit in his face and the deputies put a spit mask on him. He said he resisted the deputies trying to put the spit mask on. The deputies got the spit mask on and he said deputy Mesch had gone around to the other side and got in the rear seat with him. He said a deputy in a hat was trying to pull his shirt over his head but he resisted. [REDACTED] said he was angry when the deputy was trying to put the shirt over his head. He said Deputy Mesch grabbed his hair and pulled his head down to the plastic rear seat. He then punched him three times in the back of his head with closed fists. [REDACTED] demonstrated Deputy Mesch alternating his punches with both hands for a total of three punches. He said Deputy Mesch then slammed his head twice on the plastic seat.

[REDACTED] said he heard a lady yelling that she saw Deputy Mesch hitting him. He started yelling "Help me, they're hurting me". He said the deputies looked up at the house and closed the doors to the patrol car. He saw Deputy Mesch wiping his face off. He then was transported to the substation.

[REDACTED] said when he was getting ready to be transported to the jail, the deputies put the spit mask on him in the back of the patrol car. He said he is a flexible person and was able to pull the mask off. He said Deputy

Mesch took his fingers and put them under his nose and pushed and said "How's that feel mother fucker." [REDACTED] [REDACTED] said he talked back to the deputies as they put the spit mask back on. The deputies then put his shirt over him again.

[REDACTED] said on the way to the jail Deputy Mesch was making statements to him like "You're a little bitch", "Chomo" and "fresh meat". He said he was talking back making statements as well. He said when he got to jail, Deputy Mesch told him I.C.E. was coming to take him to Mexico. He said he had no other physical encounters with Deputy Mesch.

[REDACTED] said all the other deputies were respectful. I observed no injuries to [REDACTED] I asked him if he had any injuries. He said, "No". He said if he was resisting he would have injuries. He said his face was not hurt. I asked him who deputy Mesch's partner looked like. He said the deputy wore a hat with sunglasses and was a little bigger than Deputy Mesch.

WITNESS: [REDACTED]

On May 23, 2018, I conducted an interview with [REDACTED] at her residence, [REDACTED] Thornton, CO 80229. The information below is a summary of the conversation.

I went to [REDACTED], and contacted [REDACTED]. She told me around 0800 hours she heard a male party screaming. The dumpster was blocking her view but she could see an Adams County Sheriff's patrol car parked by the dumpster in the cul-de-sac. She said the male party was being escorted to the patrol car and he was screaming really loud. She said the deputies put the male party in the patrol car and the screaming stopped.

[REDACTED] said she heard her neighbor yelling "I see you hitting him". She then heard the male party yelling, "Help me." She said she could not see the male party or any physical disturbance. She did see a bald deputy wiping his face off and heard someone say "He spit in my face." She heard a deputy say "we're going to get you for assaulting a police officer." I asked her if she had seen any other neighbors out when the altercation happened. She said she saw an older kid sitting on an electrical box in the grass with his cell phone, but she did not know him. [REDACTED] had no other information.

WITNESS: Deputy [REDACTED]

On June 13, 2018 at 8:04 A.M., I conducted an interview with Deputy [REDACTED] in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 332 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Deputy [REDACTED] is currently in the F.T.O. program on patrol. On May 23, 2018 he was in training with Deputy Robert Mesch being his F.T.O. They were working district one when he heard a radio call of an undercover Aurora Officer in an un-marked vehicle following a robbery suspect in the district four area. The officer was asking for assistance in stopping the vehicle he was following.

Deputy [REDACTED] said other deputies conducted a traffic stop on the vehicle Aurora Police was following on Devonshire Ct. When he arrived, the suspect, [REDACTED] was already in custody. [REDACTED] was angry and yelling. [REDACTED] was placed into a patrol car as he was getting the information for the report. He said Deputies [REDACTED] and Mesch took [REDACTED] out of the first patrol car and escorted him to Deputy Mesch's patrol car which was parked in the cul-de-sac. [REDACTED] was still angry and yelling as the deputies were escorting him. I asked him if [REDACTED] was compliant. It appeared to him that [REDACTED] was "tensed up and angry."

Deputy ██████ said he heard a scuffle and deputies giving commands to ██████ “Stop resisting” and “Don’t spit on me.” He heard a deputy say he was spit on and was asking for a spit mask. He went to the trunk of Deputy Mesch’s vehicle and grabbed a spit mask out of his bag and handed it to a deputy. He returned to the Aurora Officer to finish getting the information. He said there were three to four deputies at the vehicle at the time, Deputies ██████ and Mesch and he could not remember the other deputies. He said Deputy Mesch was on the driver’s side and Deputy ██████ was on the passenger side.

Deputy ██████ said he did not see any of the altercation in Deputy Mesch’s patrol car. He was told later on from Deputy Mesch that they were trying to put the seat belt around ██████ and had spit on him. I asked Deputy ██████ if he heard any neighbors yelling at the deputies. He said he heard a female neighbor from the south of them yelling “I saw you guys use excessive force” multiple times. He believed the female voice came from a second story balcony. He said he only saw one male sitting on a rock in the grass area by the cul-de-sac.

Deputy ██████ saw Deputy Mesch wiping his face and glasses off with an alcohol wipe. They transported ██████ to the substation. As they were driving to the substation, ██████ was cursing and yelling “racial slurs” like “White people are the problem” and “I’m going to spit in your face again”. He said ██████ took the spit mask off as they were driving. When they arrived at the substation, they put the spit mask back on and took him into a holding cell.

Deputy ██████ said ██████ was more compliant while he was in the holding cell. Sergeant Eye was present at the substation and spoke with ██████ Deputy ██████ said when they were ready to take ██████ to the jail, He had flushed the spit mask down the toilet. They did not have any more spit masks for ██████ so they pulled his shirt over his head so they wouldn’t get spit on. He said as they transported ██████ to the detention center, ██████ continued to make racial statements, “I’m going to fuck your old lady” and “You’re fucking racist” to them. I asked him if he or Deputy Mesch made any commits to him. He said he didn’t recall any, but they were talking to ██████ about his warrants and new charges he was going to receive. Deputy ██████ said during the transport, ██████ pulled his shirt down off his face. He was still agitated during the transport.

Deputy ██████ said when they arrived at the detention center, they pulled ██████ shirt back over his head and escorted him into the facility. The jail staff took over the booking process. I asked Deputy ██████ if Deputy Mesch ever made statements to ██████ like “You’re a little bitch”, Chomo or “fresh meat”. He said Deputy Mesch did not. I asked him if Deputy Mesch used a pressure point under ██████ nose. He said no. Deputy ██████ said he did not see any injuries on ██████ during his time with him.

WITNESS: Deputy ██████

On June 13, 2018 at 9:07 A.M., I conducted an interview with Deputy ██████ in the Internal Affairs Office at the Adams County Sheriff’s Office Headquarters, 332 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Deputy ██████ was working district seven on May 23, 2018. He responded to a call of Aurora Fugitive Task Force following a guy (later identified as ██████ that had warrants. Deputy ██████ conducted a traffic stop with the vehicle in question, a gold Honda Accord, on Devonshire Ct., in the cul-de-sac.

Deputy ██████ said ██████ was compliant at first. When he took ██████ into custody and took him back to his patrol car, he started screaming obscenities like “Fuck you guys” and “pigs”. Deputy ██████ said off to the west of them in the grass area of the complex, a black younger male was there and Deputy ██████ believed ██████ originally went there to pick him up for a job. ██████ continued to scream while inside his patrol car.

Deputy ██████ said Deputy Mesch and Deputy ██████ arrived along with Deputy ██████ Deputy Mesch asked him if he could take over the investigation because he had a trainee. Deputy ██████ said he went over and talked to the black male for a minute. He then went over to the Aurora detective and spoke with him. He said either Deputy Mesch, Deputy ██████ or Deputy ██████ took ██████ out of his patrol car and escorted him to the other patrol car. He said he didn’t see who escorted him. He heard ██████ still screaming really loud, “Fuck you” as the deputies walked him over to the other patrol car. I asked him if he had seen any neighbors standing outside during the call. He said no, but he had heard a female from the south side apartments, second story window, say something to the effect of “I’m watching you guys.”

Deputy ██████ said he never saw the deputies escort ██████ to the other patrol car. He did not see him get placed into the car or what happened inside the car. He said he only heard yelling and someone getting spit on. Deputy ██████ said he stayed over by the detective. I asked him where Deputy ██████ was at the time. He did not recall where Deputy ██████ was at the time. I asked him if he saw any deputies using force on ██████ He said no.

WITNESS: Deputy ██████

On June 14, 2018 at 10:32 A.M., I conducted an interview with Deputy ██████ in the Internal Affairs Office at the Adams County Sheriff’s Office Headquarters, 332 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Deputy ██████ was working district four on May 23, 2018. He remembered a call of Aurora Police following a car with a party that had warrants for their arrest. Deputy ██████ responded to the area of Devonshire Ct. where Deputy ██████ had the driver, (██████████) in custody. He believed Deputy ██████ was there along with the Aurora detective.

Deputy ██████ said ██████ was upset and yelling. There was a black male approaching them in the cul-de-sac and ██████ was yelling at the male that he was being arrested and couldn’t go to work. Deputy ██████ said they placed ██████ in the rear seat of Deputy Trimble’s car. Deputy ██████ went over and contacted the black male. Deputies Mesch and ██████ arrived and the decision was made that Deputy ██████ would do the investigation for the new criminal charges.

Deputy ██████ said he and Deputy Mesch took ██████ out of Deputy ██████ vehicle. Deputy ██████ was on ██████ right side and Deputy Mesch was on the left. ██████ started pulling back and forth as they walked to Deputy Mesch’s patrol car. He said ██████ was angry at them for arresting him and was screaming and yelling the whole time as they walked him to the car. ██████ was yelling that they were racist. At the rear passenger side of the patrol car, ██████ “went limp”. Deputy ██████ told him a couple of times to sit in the rear seat but he continued to be limp. Deputy ██████ had to pick him up to get him seated in the rear seat.

Deputy ██████ said as he placed the seat belt on ██████ turned his head past him and spit on Deputy Mesch’s face who was just to the left of him. He said Deputy Mesch was telling ██████ that he was going to jail when he was spit on. I asked Deputy ██████ if ██████

██████████ purposely spit on Deputy Mesch or if he was he sneezing. Deputy ██████████ said it was not a sneeze, he purposely spit on Deputy Mesch. Deputy ██████████ instantly reacted and pushed ██████████ head down to the seat to keep him from spitting again. He heard Deputy Mesch run around to the rear driver's side door. Deputy ██████████ said he had ██████████ bent over on his side holding his head on the seat. Deputy Mesch reached in past his hands and grabbed the back of ██████████ shirt and started pulling his shirt over his head as a temporary spit mask. He said it took a couple times to get ██████████ shirt over his head because he had his hands on ██████████ head holding him down. He said once the shirt was over his head, they sat him up. ██████████ was still yelling and screaming saying they were assaulting him. He said he had heard a female yelling that they were being to ruff with ██████████ He recalled hearing her say "I see you guys."

I asked Deputy ██████████ if he or Deputy Mesch punched ██████████ Deputy ██████████ said he did not and he did not see Deputy Mesch punch him. He said he was watching ██████████ feet most of the time so he wouldn't get kicked. He said Deputy Mesch was pulling on the shirt pretty hard trying to get the shirt over ██████████ head. He said Deputy Mesch may have hit the back of his head when he was pulling the shirt over his head. Deputy ██████████ said Deputy Mesch was angry but he did not see him punch ██████████ I asked him if Deputy Mesch bounced Mr. ██████████ head off the seat a couple of times. He said no. He said after they put his shirt over his head, Deputy Mesch closed the door and he closed his. They located a spit mask and went back to ██████████ and placed it over his head. He said ██████████ continued to yell and scream while he was seated in the back seat. Deputy Mesch and Deputy ██████████ transported ██████████ to the substation.

WITNESS: Deputy ██████████

On June 20, 2018 at 7:58 A.M., I conducted an interview with Deputy ██████████ in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 332 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Deputy ██████████ said she was working on May 23, 2018. Around 8:00 A.M. she responded to a call of an undercover Aurora officer following a car with party who had warrants. Deputy ██████████ had stopped the vehicle and had a party in custody. She arrived on Devonshire Ct. the male party (██████████) in the back of a patrol car yelling. She said deputies Mesch, ██████████ ██████████ and the Aurora officer where on scene.

Deputy ██████████ said at one point deputies transferred ██████████ to another patrol car. She was talking with Deputy ██████████ and the Aurora officer. She heard a scuffle and yelling. She heard Deputy Mesch asking if anyone had a spit mask. She looked over and saw Deputies ██████████ and Mesch on the rear passenger side of the patrol car. Deputy Mesch went around to the rear driver's side door. Deputy ██████████ said she looked up and saw a female in one of the townhomes, in a second story bedroom window yelling "I see you beating him." She could hear ██████████ yelling "They're beating me." She believed ██████████ was playing into the female that was yelling out her window.

Deputy ██████████ said she saw the rear doors of the patrol car were shut and Deputy ██████████ said he had a spit mask. She followed Deputy ██████████ to the trunk of the patrol car and got a spit mask out. Deputy Mesch told her he had pulled ██████████ shirt over his head to prevent him from spitting on him again. She believed the deputies put the spit mask on ██████████ She did not see what happened inside the car. She saw Deputy ██████████ bent over reaching inside the rear passenger side door. She saw

Deputy Mesch wiping off his face and asking for an alcohol wipe. Deputy [REDACTED] did not see any people outside watching them.

SUBJECT: Deputy Robert Mesch

On June 20, 2018 at 8:10 A.M., I conducted an interview with Deputy Robert Mesch in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 332 N. 19th Avenue Brighton, CO 80601. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Deputy Mesch said he was working on May 23, 2018. He was training Deputy [REDACTED] He said there was an Aurora officer following an armed robbery suspect. He responded to the call because his vehicle was equipped with Star Chase. Deputy [REDACTED] had stopped the vehicle and had [REDACTED] in custody in the back of his patrol car. Deputy Mesch said [REDACTED] was yelling and spitting on the divider partition.

The decision was made for Deputy [REDACTED] to take the report and arrest. Deputy [REDACTED] and Deputy Mesch took [REDACTED] out of Deputy [REDACTED] car and escorted him to Deputy Mesch's car. During the escort, [REDACTED] was twisting his body and screaming that they were "racist." Deputy Mesch said when they got to the rear passenger door of his patrol car. [REDACTED] was pushing back against them. Deputy [REDACTED] placed [REDACTED] in the rear seat. Deputy Mesch held onto his right arm and Deputy [REDACTED] was putting the seat belt on him.

Deputy Mesch said as Deputy [REDACTED] was getting the seat belt on, [REDACTED] turned his head towards him, tilted his head back and his head lunged forward and spit a "big loulie" at his face striking him in his glasses and cheek bone. He said it was an intentional act and not a sneeze. I asked him if it irritated him. He said no, it scared him more than anything because he doesn't like body fluids on him. He said Deputy [REDACTED] pushed [REDACTED] over on his side and pinned him down on the seat. Deputy Mesch went around to the driver's side rear door and got into the back seat and grabbed a hold of the bottom of [REDACTED] t-shirt and started pulling it over his head to prevent him from spitting on them again. He said it was a normal size t-shirt and he had to tug on it about three times with both hands to stretch it enough to get it over [REDACTED] head. I asked Deputy Mesch if he hit [REDACTED] or make it head hit the seat. Deputy Mesch said, "No." I asked him if Deputy [REDACTED] struck [REDACTED] [REDACTED] He said, "No."

Deputy Mesch said after he got the t-shirt over [REDACTED] head, he got out and closed the door and went to the front of his patrol car and started wiping his face off with Clorox Wipes. I asked Deputy Mesch if he heard a lady yelling at them. He said he did but could not understand what she was saying.

. He said [REDACTED] was screaming out that they were beating him and they were racist. He said another deputy got a spit mask and put it on [REDACTED] Deputy Mesch said he and Deputy [REDACTED] transported [REDACTED] to the substation.

At the substation, they took [REDACTED] into the hold cell. Sergeant Eye was there waiting for them. As they were taking the handcuffs off, they told [REDACTED] to place his hand on the wall. Deputy Mesch said [REDACTED] was being a "smartass", not listening to their commands and pulling his hand from the wall as they were taking the handcuffs off. I asked him if Sergeant Eye talked to [REDACTED] he said yes. Deputy Mesch said he and Deputy [REDACTED] completed their paperwork for jail and got [REDACTED] ready to be transported to the jail. He said [REDACTED] had destroyed the spit mask and they had no more spit masks available to them. They handcuffed [REDACTED]

██████████ and took the front of his shirt and pulled it over his head to block him from spitting. They placed him in the back seat of their patrol car and drove to the detention center. He said ██████████ pulled his shirt off his head. I asked him what they did when ██████████ pulled his shirt down. They continued drive because there is a partition in the car and he could not spit on them. Deputy Mesch said ██████████ continued to make comments to them like he was going to “fuck my lady.” I asked him if he was making any comments back. He said he did not, he advised ██████████ what his charges were, but he spent most of his time going over with Deputy ██████████ what he still had to do with the case. He said when they arrived at the detention center, Deputy ██████████ put ██████████ t-shirt back over his head and escorted him into the facility and into a cell. He said he followed them with ██████████ property.

I asked Deputy Mesch if had seen any injuries or marks on ██████████ He said, “No.”

End of Interviews