



Sheriff Richard A. Reigenborn

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MEMORANDUM

TO: Division Chief Mark Toth
FROM: Sergeant Daniel Monares
DATE: 01/28/2020
SUBJ: Executive Summary IA2019-0035

LOCATION OF OCCURRENCE: Dartmouth and Fox St. Denver, CO

DATE OF OCCURRENCE: 12/04/2019

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

EMPLOYEE(S) SUPERVISOR: [REDACTED]

BACKGROUND:

On December 4, 2019 at about 0000 hours, Deputy [REDACTED] attempted a traffic stop on a suspicious vehicle at 70th Ave. and Washington Street. The vehicle failed to yield, and a pursuit ensued. Deputies learned the vehicle was wanted out of Englewood for armed robberies. The pursuit continued through Adams County and ending when the suspect vehicle crashed into a parked car around Fox St. and Dartmouth. The suspect and passenger were taken into custody.

ALLEGATION 1. 201.1.6 PROFESSIONAL CONDUCT

A Sheriff's employee is a conspicuous representative of government; and to the majority of the people, the employee is a symbol of stability and authority upon whom they can rely. An employee's conduct is closely scrutinized; and when actions are found to be excessive, unwarranted or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an employee, on- or off-duty, may reflect directly upon the Sheriff and the County, employees must at all times conduct themselves in a manner that does not bring discredit to themselves, the Sheriff's Office, the Sheriff or the County.

ALLEGATION #2 201.2.54 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.

WITNESS: Deputy [REDACTED]

On January 28, 2020 at 1:29 P.M., I conducted an interview with Deputy [REDACTED] in my 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] has been employed with the sheriff's office for about 12 years. He is currently assigned to the Patrol Division and his current supervisors are Sergeant's [REDACTED] and [REDACTED]. Just after midnight on December 4, 2019, Deputy [REDACTED] heard Deputy [REDACTED] attempt to stop a vehicle. The vehicle fled south bound on I-25. Deputy [REDACTED] was able to catch up to the pursuit and deploy a star chase dart on the suspect vehicle. After the deployment of star chase, Deputy [REDACTED] backed off of the pursuit and waited for updates on where the suspect vehicle was traveling. Deputy [REDACTED] stated the suspect vehicle eventually crashed in the area of Dartmouth and Fox Street. Deputy [REDACTED] stated when he approached the crash scene; he observed Deputy Mesch had the driver at gun point. Deputy [REDACTED] observed Sgt. [REDACTED] was in foot pursuit with the female passenger. Deputy [REDACTED] saw several other units coming into the area and he decided to assist Sgt. [REDACTED] in the foot pursuit. Deputy [REDACTED] stated he caught up to the female and placed her into custody without incident.

Deputy [REDACTED] stated Sgt. [REDACTED] was injured during the foot pursuit. An ambulance responded and Sgt. [REDACTED] was transported to the hospital. Deputy [REDACTED] stated he followed the ambulance and had no further involvement on scene.

WITNESS: Deputy [REDACTED]

On January 29, 2020, I conducted an interview with Deputy [REDACTED] in my 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] has been employed with the sheriff's office for about 14 years. He is currently assigned to the Patrol Division and his supervisors are Sergeant's [REDACTED] and [REDACTED]. Deputy [REDACTED] stated on December 4, 2019, he observed a red Volkswagen Jetta with one headlight. Deputy [REDACTED] attempted to stop the vehicle and the driver failed to stop and fled towards I-25 from 70th Ave. and Washington Street. Deputy [REDACTED] stated the driver turned onto south bound I-25.

While behind the vehicle, the driver exited abruptly at 58th Ave. and Deputy [REDACTED] was unable to make the exit with the suspect vehicle. Other units were able to stay behind the suspect vehicle. Deputy [REDACTED] paralleled the pursuit. He stated the suspect vehicle eventually crashed in the area of Dartmouth and Fox Street. Deputy [REDACTED] stated he heard over the radio that Sgt. [REDACTED] was in a foot pursuit and was injured. Deputy [REDACTED] got into the area where the suspect vehicle crashed and went to Sgt. Meaney's location and was advised Deputy [REDACTED] was in foot pursuit with the passenger. Deputy [REDACTED] caught up to Deputy [REDACTED] was and assisted in taking the female into custody.

Deputy [REDACTED] stated at the conclusion on scene, he made sure Sgt. [REDACTED] was okay. He stated he transported the female passenger to the substation. Deputy [REDACTED] stated he never had the suspect male driver in his custody. He did confirm the suspect driver's identity to be the driver. Deputy [REDACTED] stated the suspect driver did have some facial injuries when he observed him. Deputy [REDACTED] had limited contact with the suspect driver and did not use any force on him. I asked Deputy [REDACTED] if he observed anyone use any force on the suspect or if anyone described to him any force used on the suspect. Deputy [REDACTED] stated Sgt. [REDACTED] approached him and told him that excessive force may have been used. Sgt. [REDACTED] asked Deputy [REDACTED] to get with Deputy Mesch and go over his report because some of it appeared "off". Deputy [REDACTED] said he did talk to Deputy Mesch because he had written "slow to react vs not pulling his hand out". Deputy [REDACTED] stated he just explained to Deputy Mesch what the concerns were and nothing further. This interview was concluded.

WITNESS: Deputy [REDACTED]

On February 5, 2020, I conducted an interview with Deputy [REDACTED] in the Detective Conference room at the Adams County Sheriff's Office Substation, 4201 E. 72th Avenue Commerce City, CO 80022. 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] has been employed with the sheriff's office since December 2009. He is currently assigned as a K9 handler in the Patrol Division. He is assigned to A-platoon. Deputy [REDACTED] was working on December 4, 2019. Just after midnight he heard Deputy [REDACTED] air a vehicle description for a traffic stop he was doing. Deputy [REDACTED] recognized the vehicle to be associated with an attempt to locate on the vehicle from a previous day when on routine patrol. Deputy [REDACTED] stated the vehicle attempted to elude Deputy [REDACTED]. Deputy [REDACTED] stated he updated units of the attempt to locate on the vehicle and the vehicle was possibly involved in more serious crimes. Deputy [REDACTED] stated he was never able to get involved in the pursuit of the suspect vehicle. He stated he did not go to the termination point of the pursuit or observed the suspect at any point. This interview was concluded.

WITNESS: Deputy [REDACTED]

On February 5, 2020 8:50 A.M., I conducted an interview with Deputy [REDACTED] in the Detective Conference room at the Adams County Sheriff's Office Substation, 4201 E. 72th Avenue Commerce City, CO 80022. 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] has been employed with the sheriff's office for about three years and is currently assigned to the Patrol Division. His current supervisors are Sergeants [REDACTED] and [REDACTED]. Deputy [REDACTED] was not involved in the pursuit on December 4, 2019, however, he stated he was asked to go to the hospital with the suspect and wait with him until he was medically cleared for jail. Deputy [REDACTED] stated an Englewood Police detective arrived and interviewed the suspect. Deputy [REDACTED] stated while at the hospital, he took photographs of the suspect. Deputy [REDACTED] observed some facial injuries, swelling, and "road rash" on the suspect's face. Deputy [REDACTED] stated the suspect mentioned to him that he was taken into custody forcefully. Deputy [REDACTED] stated he was unaware of circumstances when the suspect was taken into custody. Deputy [REDACTED] was shown a picture of the suspect laying in a hospital bed and identified the person in the photograph as the suspect in the hospital and the facial injuries he photographed. This interview was concluded.

WITNESS: Sergeant [REDACTED]

On February 5, 2020 10:10 A.M., I conducted an interview with Sergeant [REDACTED] in the Detective Conference room at the Adams County Sheriff's Office Substation, 4201 E. 72th Avenue Commerce City, CO 80022. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Sergeant [REDACTED] has been employed with the sheriff's office for 29 years. He has been a supervisor for the past 12 years. Currently, Sgt. [REDACTED] is assigned to A-platoon shift sergeant. On December 4, 2019, Sgt. [REDACTED] was the supervisor on patrol. Just after midnight, he heard Deputy [REDACTED] air he was in pursuit of a Volkswagen. During the pursuit, a STAR chase dart was deployed on the vehicle to track the vehicle's location. Sgt. [REDACTED] stated Deputy [REDACTED] also aired the vehicle was involved in armed robberies in the metro area. Sgt. [REDACTED] allowed the pursuit to continue due to the crimes the vehicle was involved in. The pursuit ended around Fox St. and Dartmouth after the suspect vehicle crashed into a parked vehicle. Sgt. [REDACTED] stated he was in the area and headed toward where the suspect vehicle crashed. When he arrived, he observed Deputy Mesch have a male at gun point in a prone position with his arms out. Deputy Mesch was yelling at the suspect to not move. Sgt. [REDACTED] went to assist Deputy Mesch and he yelled Sgt. [REDACTED] was injured down the street. Sgt. [REDACTED] said he observed Sgt. [REDACTED] was up and walking around. Sgt. [REDACTED] decided to assist Deputy Mesch. Sgt. [REDACTED] stated he approached the male suspect from the left. Sgt. [REDACTED] said when he approached the suspect from the left; the suspect was looking at him. Sgt. [REDACTED] told the suspect to turn his head and look away and the suspect complied. Sgt. [REDACTED] stated he placed his knee on the center of the suspects back with the suspects arm between his legs at this time. Sgt. [REDACTED] stated he placed a handcuff on the suspect's left wrist. Sgt. [REDACTED] told the suspect to bring his right arm behind his back and he complied. Sgt. [REDACTED] stated as the suspect was doing that, Deputy Mesch holstered his weapon and knelt down by the suspect's securing his head. Sgt. [REDACTED] stated he had a hold of the suspect right arm and was bringing it back to place handcuff on him. Sgt. [REDACTED] stated as he was doing that, Deputy Mesch delivered five to seven "blows" to the suspects face. Sgt. [REDACTED] stated the suspect "instantly" pulled his arm to his face. Sgt. [REDACTED] stated the suspect moved his legs up to his chest and was in the fetal position. Sgt. [REDACTED] stated he had a hold of the suspect's left hand. Sgt. [REDACTED] stated he was attempting to put the right writ into

handcuffs and Deputy Mesch delivered five to seven more “blows” to his face. Sgt. [REDACTED] stated a Denver Police Officer arrived and assisted in placing the suspect into custody.

Sgt. [REDACTED] stated that night he contacted [REDACTED] [REDACTED] via telephone to advise him of the pursuit and Sgt. [REDACTED] injury. Sgt. [REDACTED] stated once [REDACTED] [REDACTED] was on scene, he advised the commander he wanted to talk with him about the force used. Sgt. [REDACTED] stated he responded to the substation and went into the holding cell area to check on the suspect. Sgt. [REDACTED] observed a large amount of injuries to the suspects face. Sgt. [REDACTED] asked Deputy Mesch if he was going to get medical attention for the suspect. Deputy Mesch stated he was going to wait until the Englewood detective was done interviewing the suspect. Sgt. [REDACTED] advised Deputy Mesch to call an ambulance for the suspect and not wait for the detective. The suspect was transported to the hospital.

Sgt. [REDACTED] stated the suspect was not displaying any resistance and the suspect was complying with his commands. Sgt. [REDACTED] stated he did not see the suspect reaching for his waist area. Sgt. [REDACTED] stated the suspect was compliant until he was struck in the face and feels the suspect was trying to protect his face from being hit.

I showed Sgt. [REDACTED] a photograph of the suspect on scene. He identified it was the same person he handcuffed. Sgt. [REDACTED] stated explained the suspect had no facial injuries prior to him being placed in handcuffs. Sgt. [REDACTED] explained after the suspect was placed into custody he told Deputy Mesch to take photographs of the suspect. Sgt. [REDACTED] stated he left Deputy Mesch and went to check on Sgt. [REDACTED]

I asked Sgt. [REDACTED] if the force used was excessive. He stated the force was “unnecessary”. He explained the suspect was cooperating but not quickly. He explained while trying to bring the suspects arm around to be placed in handcuffs he had to maneuver it to be placed in handcuffs. Sgt. [REDACTED] stated the suspect is around [REDACTED]. Sgt. [REDACTED] is 6’2” and 280 pounds.

Sgt. [REDACTED] stated the first set of strikes were unnecessary and the second set of punches could have been perceived as the suspect resisting but still unnecessary. Sgt. [REDACTED] felt if the suspect wasn’t punched the first time the second round of punches would not be necessary. This interview was concluded.

SUBJECT: Deputy Robert Mesch

On February 11, 2020 at 0800 hours, I conducted an interview with Deputy Robert Mesch in the Internal Affairs interview room 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 has been employed with the sheriff's office for about 16 years. His current supervisors are [REDACTED] and [REDACTED] and he is assigned to A-platoon patrol division. Deputy Mesch is an FTO (Field Training Officer). Deputy Mesch was working swing shift on December 4, 2019. Shortly after midnight, Deputy [REDACTED] aired he was in pursuit of a vehicle. Deputy Mesch got involved with the pursuit around 70th Ave. and I-25. Deputy Mesch attempted to deploy a star chase dart on the suspect vehicle but was unsuccessful. Deputy Mesch stated as the pursuit got close to downtown Denver, he became lost and was not sure of his exact location. Deputy Mesch stated he continued and came out of downtown onto I-25 and Alameda. The vehicle eventually crashed into a parked vehicle. Deputy Mesch observed a female passenger run from the vehicle. Deputy Mesch observed the male driver exited and he pointed his gun at the male and ordered him to the ground which he complied. Deputy Mesch stated Sgt. [REDACTED] arrived and assisted in placing the suspect into custody. Deputy Mesch stated while Sgt. [REDACTED] was getting the suspect's left hand in handcuffs, he holstered his weapon and placed his right knee on the suspects right upper back. Deputy Mesch stated Sgt. [REDACTED] was giving the suspect orders to give him his right hand. Deputy Mesch stated the suspect was "slow lagging" giving his right hand and Deputy Mesch gave the male suspect six to seven strikes to his face and head. Deputy Mesch explained he struck the suspect for a distraction technique and he was not complying. Deputy Mesch explained he was an armed robbery suspect and he didn't know what he had in his waist area. Deputy Mesch stated the suspects hands were not by his waist but he was twisting and pulling his knees to his chest. Deputy Mesch stated he observed the suspect was doing this prior to him striking the suspect. Deputy Mesch explained the suspect was displaying passive resistance and he escalated to hard empty hand techniques. Deputy Mesch stated the suspect continued to resist and he delivered several more strikes to the suspects head. Deputy Mesch stated another officer arrived and assisted in placing the suspect into custody. Deputy Mesch stated he took the suspect over to his patrol vehicle and took photographs of the suspect's facial injuries. Deputy Mesch stated the suspect's windshield was pushed outward from the inside. Deputy Mesch stated he took photographs of the vehicles involved. Deputy Mesch transported the male suspect to the substation without further incident. Once at the substation, he called for an ambulance and the suspect was transported to the hospital.

Deputy Mesch confirmed that prior to the first set of strikes; the suspect was twisting and attempting to pull his knees to his chest. Deputy Mesch stated he perceived the suspect as being armed and extremely dangerous.

I had Deputy Mesch explain the difference between passive and defensive resistance. Deputy Mesch explained passive is not doing what you're told and defensive is using physical force to resist. Deputy Mesch stated he was scared and felt the distraction techniques would assist in taking the suspect into custody. This interview was concluded.

End of Interviews