



Sheriff Richard A. Reigenborn

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MEMORANDUM

TO: Division Chief Paul Gregory
FROM: Sergeant Daniel Monares
DATE: 01/25/2022
SUBJ: Executive Summary IA2021-0024

LOCATION OF OCCURRENCE: W. 64th Ave. and Federal Blvd. Denver, CO 80221

DATE OF OCCURRENCE: 11/09/2021

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

EMPLOYEE(S) SUPERVISOR: Sergeant [REDACTED]

BACKGROUND:

On November 9, 2021, at about 1739 hours, Deputies Juan Pacheco and Robert Mesch were dispatched to a DUI driver. They were advised the driver of the vehicle was parked in the 7-11 parking lot at the above location. The driver was later identified as [REDACTED]. Deputy Pacheco was in training at the time and Deputy Mesch was his FTO. Deputy Pacheco arrested [REDACTED] for DUI. [REDACTED] was placed in the back seat of the patrol vehicle where he began hitting his head against the plastic divider in the back seat causing injury to himself. [REDACTED] was transported to the hospital for clearance then to the jail.

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.

ALLEGATION #3 201.2.43 SHERIFF'S REPORTS

Sheriff's employees shall submit all necessary reports on time and in accordance with established procedures. Reports submitted by employees shall be truthful and complete; and no employee shall knowingly enter or cause to be entered any inaccurate, false or improper information.

INVESTIGATION:**WITNESS: Deputy Juan Pacheco**

On January 12, 2022 at 0802 hours, I conducted an interview with Deputy Juan Pacheco in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 4430 S. Adams County Parkway, 1st Floor, Suite W5400 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.

I advised Deputy Pacheco of Garrity, which he understood and acknowledged. Prior to the interview, Deputy Pacheco was given the complaint to read.

Deputy Pacheco has been employed with the Sheriff's Office for about five years. Prior to working for the Sheriff's Office, Deputy Pacheco worked for 11 years in the department of corrections. Deputy Pacheco was assigned to the jail division up until July or August 2021 when he transferred to the patrol division. Deputy Pacheco spent about four months in the patrol division before being sent back to the jail.

On November 9, 2021, Deputy Pacheco was assigned to patrol and his Field Training Officer was Deputy Robert Mesch. Deputy Pacheco stated on this evening at about 1740 hours, they received a call of a DUI driver parked in the parking lot of the 7-11 at 64th Ave. and Federal Blvd. Upon their arrival, Deputy Pacheco observed a male party later identified as [REDACTED] walking towards the gas pumps. Deputy Pacheco stated he contacted [REDACTED] and his demeanor was aggressive from the start. Deputy Pacheco stated [REDACTED] appeared to be under the influence. Deputy Pacheco stated [REDACTED] attempted to get into his vehicle, but he stopped him due to the possibility of [REDACTED] being under the influence of alcohol. Deputy Pacheco told [REDACTED] to put his hands behind his back. [REDACTED] placed his hands on top of his vehicle. When Deputy Pacheco moved Mr. [REDACTED] arms behind him, [REDACTED] stiffened up. Deputy Pacheco stated Deputy Mesch came around from the passenger side of the vehicle and pulled his taser out. [REDACTED] complied with the orders and Deputy Pacheco placed him in handcuffs and escorted him to the patrol vehicle.

Deputy Pacheco went into the 7-11 store to gather a statement. When he returned to his patrol vehicle, he was notified of [REDACTED] hitting his head on the partition in the back seat of the patrol vehicle. Deputy Pacheco stated he and Deputy Mesch left the scene with [REDACTED] and went straight to Platte Valley Medical Center to get Mr. [REDACTED] head checked by a physician. Deputy Pacheco stated Deputy [REDACTED] followed them to the hospital due to Mr. [REDACTED] behavior. Deputy Pacheco stated when they arrived at the hospital, Deputy Mesch went in and contacted medical staff and asked if they could come to the patrol vehicle to check on [REDACTED] rather than taking him inside due to his behavior. Medical staff agreed, and [REDACTED] was eventually cleared for jail. They transported [REDACTED] to the jail where they were met by jail staff to assist in taking [REDACTED] inside to be received. Deputy Pacheco did not witness any complications when jail staff was handling [REDACTED]. Deputy Pacheco stated he nor any other deputies used force on [REDACTED]. Deputy Pacheco did not observe any injuries on [REDACTED] upon his first contact.

I asked Deputy Pacheco if he remembered any statement made to him by [REDACTED]. He stated the only thing he stated was on first contact [REDACTED] stated he was waiting for a friend to come out of the store. Upon further investigation, Deputy Pacheco learned from the clerk that [REDACTED] arrived by himself.

I went over Deputy Pacheco's daily field activity log with him. Deputy Pacheco was aware his log was not accurate. He did not have a reason as to why his stop at the hospital with [REDACTED] was not on the log. He stated all his stops were given to ADCOM verbally via the radio.

Deputy Pacheco stated the conversations he and Deputy Mesch had with [REDACTED] were about his behavior. Deputy Pacheco remembered [REDACTED] talking about a lawsuit he has going on. I read several of the quotes provided by Milo Schwab to Deputy Pacheco. Deputy Pacheco stated he didn't hear Mesch say the comments provided by Milo Schwab.

Deputy Pacheco stated no force was used on [REDACTED] while at the hospital. Deputy Pacheco took the photographs of [REDACTED] while at the hospital.

Deputy Pacheco stated they did not stop while enroute to the hospital or the jail. Deputy Pacheco did not observe anybody slam Mr. [REDACTED] head on the patrol vehicle.

Deputy Pacheco stated he was removed from the patrol division because he was struggling in different areas of the job such as geography, C.R.S., and policy and procedures.

WITNESS: Deputy [REDACTED]

On January 13, 2022 at 0738 hours, I conducted an interview with Deputy [REDACTED] in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 4430 S. Adams County Parkway, 1st Floor, Suite W5400 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 17 years. Deputy [REDACTED] has been assigned to the patrol division for the past two years. His current Sergeants are [REDACTED] and [REDACTED]. In November 2021, he was working Sunday through Wednesday on swing shift.

On November 9, 2021, Deputy ██████ assisted Deputies Mesch and Pacheco and followed them to the hospital due to a combative arrestee in the patrol vehicle. Deputy ██████ stated he started following them from 88th Ave. and I-76 Avenue. Deputy ██████ stated they did not stop along side of the highway while enroute to the hospital.

Deputy ██████ stated when they arrived at the hospital, the arrestee was kicking and screaming while in the back seat. He stated the arrestee started spitting, so they decided to spit mask the arrestee. They opened the door and placed the spit mask on the arrestee. They closed the door and Deputy Mesch went inside the hospital to see if hospital staff would come to the patrol vehicle for an assessment of ██████ injuries. Deputy ██████ stated medical staff came out and looked at ██████ and cleared him for jail.

Deputy ██████ described ██████ as being “up and down” and being loud at times. Deputy ██████ stated he did not use any force on ██████ during his contact and did not observe any other deputies use force on him. Deputy ██████ stated no force was used while putting the spit mask on. Deputy ██████ stated they did not stop anywhere while enroute to the jail. He stated he did not see any force used on ██████ at the jail.

Deputy ██████ stated they drove normal speeds on I-76 to the hospital and to the jail. Deputy ██████ did not hear Deputies Mesch or Pacheco say any unprofessional comments to ██████

WITNESS: Sergeant ██████

On January 19, 2022, I conducted an interview with Sergeant ██████ in his sergeant office at the Adams County Sheriff’s Office Substation, 4201 E. 72nd Ave. 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 ██████ has been a patrol sergeant since 2019. In November 2021, he was the supervisor of swing shift. Sergeant ██████ was working on November 9, 2021, and he responded to a call at the 7-11, located at 64th Ave. and Federal Blvd. at the request of Deputy Robert Mesch. Sergeant ██████ stated he was requested to respond because the suspect on scene was hitting his head against the center partition inside the patrol vehicle.

When Sergeant ██████ arrived on scene, he was advised ██████ was stopped at the 7-11 for investigation of DUI. He was advised ██████ was taken into custody and placed in the back of a patrol vehicle where he started hitting his head against the partition. Sergeant ██████ stated he remembered specifically asking if anyone used force on ██████ and he was advised no force was used. Sergeant ██████ recalled seeing some blood on the side of Mr. ██████ face but was unable to recall where it was coming from.

On Scene, Sergeant ██████ attempted to talk with ██████ to get him to calm down. Sergeant ██████ stated ██████ cursed at him and said, “F the sheriff’s office and F you”. ██████ stated he also wanted his attorney. Sergeant ██████ remembered ██████ yelling “I’m fucking suing you guys. I want my attorney”. Sergeant ██████ didn’t know what ██████ was talking

about. [REDACTED] yelled at Sergeant [REDACTED] about being shot in the face by the sheriff's office. Sergeant [REDACTED] stated he didn't see anything on Mr. [REDACTED] face that resembled a gunshot wound and he began to think [REDACTED] was delusional.

Sergeant [REDACTED] stated since [REDACTED] wasn't calming down, he advised Deputies Mesch and Pacheco to take [REDACTED] to the hospital for a medical clearance then to the jail. Sergeant [REDACTED] stated he had Deputy [REDACTED] follow them to the hospital.

I asked Sergeant [REDACTED] if [REDACTED] attempted to make a complaint on the deputies that night. Sergeant [REDACTED] stated he asked but [REDACTED] continued to say he was suing, and the sheriff's office SWAT team shot him in the face.

Sergeant [REDACTED] has never had any interaction with [REDACTED] until this incident. I showed Sergeant [REDACTED] a sheet of paper provided by Mr. [REDACTED] attorney with several quotes that were allegedly stated by Deputy Mesch on scene. After review of the document, Sergeant [REDACTED] stated he never heard any of the comments. Sergeant [REDACTED] stated he was able to smell alcohol on [REDACTED] Sergeant [REDACTED] stated no deputies mentioned anything to him about knowing [REDACTED] from any previous incidents.

SUBJECT: Deputy Robert Mesch

On January 13, 2022 at 0755 hours, I conducted an interview with Deputy Robert Mesch in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 4430 S. Adams County Parkway, 1st Floor, Suite W5400 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.

Prior to the interview, I advised Deputy Mesch of Garrity, which he understood, acknowledged and signed. He was also provided a copy of the complaint to read.

Deputy Mesch has been employed with the Sheriff's Office for about 18 years. Deputy Mesch has been assigned to the patrol division for about 16 years. His current Sergeants are [REDACTED] and [REDACTED]. Deputy Mesch is an FTO (12 years) and maintains his POST required training to maintain his certification.

On November 9, 2021, Deputy Mesch was training Deputy Juan Pacheco. Deputy Mesch stated Deputy Pacheco was in phase three of his training. He stated Deputy Pacheco struggled in training due to not being prepared for the training program.

On the day noted above, they responded to 64th Ave. and Federal Blvd. in reference to a DUI driver. Deputy Mesch stated when they arrived on scene, they observed the white vehicle at the gas pumps unoccupied. Deputy Mesch stated he approached the vehicle and observed the dash was torn apart which caused concern for him. They observed a male party walking out of the store and contacted him. They were later able to identify him as the driver of the vehicle. He was identified as [REDACTED]. Deputy Mesch observed [REDACTED] to be under the influence of alcohol. He stated Deputy Pacheco contacted [REDACTED] and upon contact, [REDACTED] was uncooperative and not doing what Deputy Pacheco asked him to do. [REDACTED] was placed in handcuffs and Deputy Mesch aired they had an uncooperative party.

Deputy Mesch stated they got ██████ in the back seat of the patrol car. While ██████ was in the back seat of the patrol car, he started head butting the partition. Deputy Mesche stated Sergeant ██████ was on scene and attempted to talk with ██████ but couldn't calm him down. Deputy Mesch stated he was instructed to take ██████ to Platte Valley Medical Center to be evaluated before taking him to the jail. Deputy Mesch stated another patrol unit escorted them to the hospital since ██████ was combative.

Deputy Mesch stated when they arrived at the hospital, they had medical staff come to the patrol vehicle for a medical clearance for the jail. He stated they drove to the jail after that was completed. Deputy Mesch stated ██████ was placed in the quiet room. Deputy Mesch stated they remained on scene at the jail to complete paper work. Deputy Mesch stated he had never met ██████ or saw him before.

Deputy Mesch stated while on scene at the 7-11, ██████ was not physically combative but was verbally aggressive. No force was used on scene at the gas station. Deputy Mesch stated he did not know exactly what ██████ was saying. Deputy Mesch stated he did not slam Mr. ██████ head into the patrol vehicle. Deputy Mesch stated no strikes were used to get ██████ in the back seat of the patrol unit.

I asked Deputy Mesch if while enroute to the hospital, if they stopped along the way or had to make any sudden stops. He stated no stops were made along the way to the hospital. When they arrived at the hospital, they did not get ██████ out of the patrol car because it was not worth risking the safety of hospital staff since ██████ was spitting and combative. He stated hospital staff came out to the car to check him. Deputy Mesch stated Deputies ██████ and Pacheco put the spit mask on ██████ Deputy Mesch stated he observed lacerations to Mr. ██████ forehead. Deputy Mesch stated no force was used on ██████ at the hospital. Once they cleared the hospital, they went straight to the jail. I asked Deputy Mesch why the hospital stop was not listed on the log. Deputy Mesch stated it's hard to undo what previous trainers teach and the log was an ongoing issue. Deputy Mesch stated he does check the logs for accuracy.

I asked Deputy Mesch if he made any unprofessional comments to ██████ and he stated no. I showed him the quotes provided by Milo Schwab. Deputy Mesch stated he did not say any of the statements to ██████ and wasn't aware of him getting shot on a bridge.

I asked Deputy Mesch if they traveled over 100 miles per hour and he they did not. He stated there was no reason for speeds to go over 100 miles per hour.

End of Interviews