



Sheriff Richard A. Reigenborn

Character • Integrity • Transparency

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MEMORANDUM

TO: Division Chief John Bitterman
FROM: Sergeant Michael McKinney
DATE: 03/23/2022
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 11/09/21 at about 1739 hours Deputy Mesch and Pacheco were dispatched to a suspected DUI Driver at the 7-11 located at 64th Ave. and Federal Blvd. Deputy Mesch was the Field Training Officer (FTO) for Deputy Pacheco. Both deputies contacted [REDACTED] on scene, and he was taken into custody. During the investigation and subsequent transport, [REDACTED] hit his own head against the partition of the patrol vehicle opening a cut on his forehead. [REDACTED] was verbally disruptive, and a decision was made to transport him to the jail instead of processing him at the Substation. However, once [REDACTED] injured himself they were directed by Sergeant [REDACTED] to take [REDACTED] to the hospital before the jail. [REDACTED] was transported to Platte Valley Hospital by Deputy Pacheco (driver) and Deputy Mesch (passenger). After being medically cleared at the hospital [REDACTED] was transported to ACDF.

On 12/10/21 [REDACTED] attorney (Milo Schwab) filed a complaint in person with Sergeant Monares in the Internal Affairs interview room at Headquarters. Mr. Schwab alleged that during the arrest of [REDACTED] the deputies were verbally abusive and taunting towards [REDACTED] Milo Schwab provided a list of comments allegedly said by Deputy Mesch to [REDACTED] Sergeant Monares conducted an internal affairs investigation. During the investigation Deputy Mesch and Pacheco were interviewed. Deputy Mesch denied making inappropriate comments towards [REDACTED] Sergeant Monares interviewed other

witnesses, however [REDACTED] did not come in for an interview. The investigation was completed and sent to the panel for review.

On 02/03/22 a panel review took place in the Internal Affairs interview room at Headquarters. The panel made the following findings:

ALLEGATION #1 Professional Conduct: [REDACTED]

ALLEGATION #2 Use of Force: [REDACTED]

ALLEGATION #3 Sheriff's Reports: [REDACTED]

On 02/17/22 Milo Schwab contacted Internal Affairs after reviewing the finding and advised that he believed Deputies Mesch and Pacheco were untruthful in their investigation. Milo Schwab said [REDACTED] was on the phone with a family member during the arrest and the phone was never hung up. The phone call was recorded and was submitted as evidence of unprofessional conduct and dishonesty.

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 # 2 201.2.10 COURTESY

Sheriff's employees shall be courteous to the public and shall be tactful in the performance of their duties. Employees shall control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussions - even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, religion, sex, national origin, lifestyle or similar personal characteristics.

ALLEGATION #3 201.2.49 TRUTHFULNESS

Upon the order of the Sheriff, his designee or a supervisor, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Sheriff's Office that may be asked of them.

INVESTIGATION:**WITNESS: [REDACTED] (Interview labeled [REDACTED] interview)**

On 02/24/22 at 1310 hours I conducted an interview with [REDACTED] at the Adams County Sheriff's Headquarters Internal Affairs interview room. Present in the room was myself, Commander Whytock, [REDACTED] and Milo Schwab (attorney for [REDACTED])

[REDACTED] was with her friend [REDACTED] while she was speaking with [REDACTED] on the phone. [REDACTED] put the conversation on speaker phone and [REDACTED] could hear the conversation [REDACTED] was having with, "The cops". [REDACTED] said something "Sparked" her that they needed to record the conversation and they started to record the phone call. The phone was connected the [REDACTED] blue tooth speaker then she put her phone on video and recorded the conversation. [REDACTED] believed the time was between 1700 and 1800 hours.

[REDACTED] believed it sounded like the cops were slamming [REDACTED] head into something and also making vulgar comments. [REDACTED] described a comment being about, "fucking his mom and his grandma in the ass". Additional comments were made about, "sucking dick and liking it and calling him a baby back bitch". [REDACTED] believed they used at least 3 different phones to record the phone call. One of the phones was stolen and [REDACTED] didn't know where the video was from that phone. Also, during the phone call [REDACTED] phone ran out of memory so they used other phones to record the incident.

I played the video for [REDACTED] on the TV in the interview room. [REDACTED] identified the video immediately as the video that was the second recorded video, and that it was from her phone. The first video that was recorded was stolen, and [REDACTED] did not know where the phone or the video was. The video that was played is labeled as [REDACTED] Phone Video. [REDACTED] identified the video, and noted that the black item in it with the red button was her blue tooth speaker.

After the recording was made, [REDACTED] stored the video in her Google drive, then gave it to Milo Schwab. While [REDACTED] listened to the recording, [REDACTED] confirmed the comments that were played on the recording were the same as the comments that were made the night of the recording. [REDACTED] believed the recording was genuine and not tampered with.

During the interview, Milo Schwab produced another phone, [REDACTED] originally thought it was her missing phone, but later said the phone belonged to [REDACTED] This phone was downloaded and labeled as [REDACTED] Phone video".

Both phones were downloaded and can be viewed with the files labeled ([REDACTED] phone download). A total of 3 recordings were taken from the phones:

[REDACTED] Phone video	8:21
[REDACTED] phone video	7:20
19 Second Video	0:19

WITNESS: [REDACTED] (Interview labeled [REDACTED])

On 03/09/22 at 1004 hours I conducted an interview with [REDACTED] over the phone. The phone call was made in my office in the internal affairs unit at headquarters. [REDACTED] did not want to come into the Sheriff's Office, and requested through attorney Milo Schwab to conduct the interview via telephone. Commander Whytock was present in my office during the interview.

[REDACTED] said [REDACTED] cousin passed away a day or two before the incident, and left the house near 61st and old Wadsworth. About 2 hours later, [REDACTED] called [REDACTED] and while they were talking on the phone, [REDACTED] heard the police approach him. [REDACTED] said [REDACTED] told them he didn't do anything wrong, and then, "It progressed from there". [REDACTED] described the progression as the police arrested [REDACTED] who continued to say he didn't do anything wrong. [REDACTED] heard someone say, "Do you remember me", [REDACTED] responded, "Yeah, you're the one who shot me in the face.

Once they were in the vehicle, several comments were made, such as calling [REDACTED] a, "Fag" and someone said they, "Definitely did your grandmother or mother last night". The comments went on and on, and it was about a 2-hour process.

[REDACTED] said she was on the phone with him the entire time until they got to the jail. [REDACTED] said they recorded the phone call with another phone, by hooking up her phone to a blue tooth speaker, and then recording that with a phone. [REDACTED] and [REDACTED] eventually stopped recording, because they ran out of space on their phones. [REDACTED] believed the phone call took place about 6:30 or 7:00.

When [REDACTED] got out of jail, [REDACTED] told [REDACTED] about the recordings and gave the phone to [REDACTED]

[REDACTED] felt the comments were inappropriate and offensive. [REDACTED] believed the comments made in the call were made by both [REDACTED] and the Police.

I played a portion of the audio to [REDACTED] and she identified herself as a voice in the recording and said it was an accurate representation of that night.

COMPLAINANT: [REDACTED]

On 02/24/22 at 1607 hours I conducted an interview of [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. (labeled [REDACTED] Interview). Also present in the room was Commander Whytock, and Milo Schwab (attorney for [REDACTED])

[REDACTED] remembered being arrested by the Sheriff's Office on 11/09/21 at about 5 or 6 pm. The incident happened at 64th and Federal Blvd.

[REDACTED] remembered being approached by 2 officers. [REDACTED] asked them if he was under arrest and they told him to get off the phone. The phone was knocked out of his hand, and they grabbed his arms at the same time. [REDACTED] said he was confused.

[REDACTED] was ordered to go back to the back of the car, and he observed the older officer attempting to hang up the phone. [REDACTED] believed the phone disconnected when the phone was knocked out of his hand, and the

older officer accidentally called ██████████ back when he was trying to turn it off. At this point the “phone was live”.

██████████ described the two officers that arrested and transported him, and then identified Deputy Mesch and Deputy Pacheco when he was shown a picture of them. ██████████ remembered the insults started coming in, and described Deputy Mesch asking, “what’s up with your hair? Do you suck dick? Are you a peter puffer?” followed up by, “I’d bet you’d suck my dick for \$50 and hopes you didn’t like it”. These comments bothered ██████████ who stated he had “Some stuff” happen to him when he was younger, and that this struck a cord with him. ██████████ also commented that a straight guy doesn’t like being called a homosexual. These comments were made while they were on scene at the 7-11 on Pecos St. ██████████ asked for his lawyer, and was told that Biden was his lawyer. Once they were in the vehicle, ██████████ phone ended up in the front seat with the deputies.

██████████ said this behavior continued all the way to the jail. During transport, the only occupants in the vehicle were, ██████████ in the back Seat. Pacheco was driving, and Mesch was in the front passenger seat. ██████████ was taken to the hospital and then onto the jail.

Milo Schwab submitted a list in his complaint of remarks made. I read ██████████ the list, and asked if the comments were accurate, who said them, and if he knew when or where they were said:

- “Hey, you’re the guy from the bridge, we should have killed you that night”. ██████████ said this comment happened, and identified Mesch as the one who said it while outside of the police car at the 7-11.
- “Who shot you in the face, beside your daddy with his pipe?” ██████████ said this comment happened, and identified Mesch as the one who said it. ██████████ was 95% sure it was at the 7-11.
- “You suck dick for \$50 and hope you didn’t like it”. ██████████ believed the comment was “I’ll bet you’ll suck my dick for 50 bucks and hope you didn’t like it. ██████████ said this comment happened, and identified Mesch as the one who said it while at the 7-11.
- “You strike me as a peter puffer, are you a peter puffer? yeah you are. ██████████ identified Deputy Mesch as the one who said that to him while on scene at the 7-11.
- “Your crying like a baby ass bitch”, ██████████ thought the comment was, “You’re crying like a baby black bitch”. ██████████ identified Deputy Mesch as the one who made the comment. This comment was made as they were about to start driving.
- “Does your lawyer know you suck dick”? ██████████ identified Deputy Mesch as the one who made the comment. This comment was made while they were in the car.
- “I fucked your mom and grandma and put it in their ass last night”. ██████████ remembered it was more like, “I fucked them in their ass, your mom and your grandma, you better call home”. ██████████ identified Deputy Mesch as the one who made that comment while they were driving.

Deputy Pacheco would sometimes look over to Deputy Mesch in shock. ██████████ said he hoped Pacheco would help him, but Deputy Pacheco said, “No Hablo”.

██████████ began yelling for a lawyer, on scene and during transport. ██████████ believed him asking for a lawyer would cause Deputy Mesch to stop interacting with him the way he was, but it didn’t work. It got to the point where he kept hollering for a lawyer to drum Mesch out of his ears because he was getting to him.

██████████ said, they were driving really fast, and hitting the breaks hard causing him to hit his head. Later, they put a spit mask on him and he wasn’t able to see.

I played [REDACTED] video first for [REDACTED] and he identified the comments as accurate and became visibly upset. [REDACTED] said this first video ([REDACTED]) video was while they were on scene at the 7-11 at 64th and Pecos St.

I played the second video ([REDACTED] Phone video) and [REDACTED] identified the comments made as accurate, and believed the video was probably made when they were in transit.

I played the third video for [REDACTED] and he believed this was also made while they were in transit.

[REDACTED] arrived at the jail and was turned over to the jail staff. The deputies at the jail treated him well, and attempted to calm him down.

[REDACTED] said the comments made to him made him feel embarrassed, made him think about past traumatizing events, and that he couldn't "trust these dudes".

[REDACTED] was made aware that there was a recording when he got out of jail. [REDACTED] believed the recordings were 100 % accurate, but believes this was only a piece of what happened. When asked about excessive force, [REDACTED] said he was manhandled, but was not struck with a closed fist.

WITNESS: Deputy [REDACTED]

On 03/09/22 at 1234 hours I conducted an interview of 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. (labeled Deputy [REDACTED] interview). Also present in the room was Commander Whytock.

Deputy [REDACTED] was not interviewed during the first investigation. Deputy [REDACTED] was working on 11/09/21 and responded to a call for a parked DUI at the gas pumps at 6400 Federal Blvd. at about 1746 hours. By the time Deputy [REDACTED] arrived, [REDACTED] was already in custody in the back of Deputy Pacheco's patrol vehicle. Deputy [REDACTED] began giving pointers to Deputy Pacheco, who was in training. Deputy [REDACTED] attempted to speak with [REDACTED] but [REDACTED] was extremely irate, and was screaming and yelling. [REDACTED] was hitting his head on the partition, and hitting the side of his head on the bars of the windows. Deputy [REDACTED] wrote a report and it is attached to this investigation.

At about 1759 hours while on scene, Deputy [REDACTED] heard what he thought were. "Thuds". Deputy [REDACTED] exited his patrol vehicle and noticed that [REDACTED] split his head open possibly from hitting it on the partition, or the bars of the patrol vehicle. Deputy [REDACTED] was asked if any deputies were near [REDACTED] when he split his head open, and Deputy [REDACTED] said there were no deputies around [REDACTED]. [REDACTED] head was also not cut open prior to that incident. Deputy [REDACTED] attempted to speak with [REDACTED] but [REDACTED] was just screaming that he wanted his lawyer.

Deputy [REDACTED] drew on the white board where the patrol vehicle was located during the arrest. See Deputy [REDACTED] interview (09:19).

Deputy [REDACTED] said Pacheco was moving around and investigating the call. Deputy [REDACTED] wasn't sure but believed Mesch was around his patrol vehicle.

I played the audio file, ([REDACTED] video) for Deputy [REDACTED] and Deputy [REDACTED] identified Deputy Mesch's voice in the audio. I played the clip, "I'd bet you'd suck a dick for fifty bucks and hoped

you didn't like it". Deputy ██████ said it sounded like Deputy Mesch, but he was not around when it was said.

Deputy ██████ wrote in his report that ██████ would yell to contact his lawyer. I played a clip where ██████ was yelling for his lawyer. Deputy ██████ said that sounded like that night. Deputy Mesch and Pacheco transported ██████ with Pacheco in the driver's seat, and Deputy Mesch in the passenger seat.

Deputy ██████ said Mesch was in and out of the car, but ██████ said he never heard Deputy Mesch or Pacheco make any inappropriate comments to ██████

Deputy ██████ said he did not think that he made any inappropriate statement to ██████ Deputy ██████ believes he left the scene at 1819 hours.

SUBJECT: Deputy Juan Pacheco

On 03/10/22 at 1000 hours I conducted an interview of 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.

Present in the room during the interview was Sergeant Junglaus and Deputy Pacheco's attorney Steven Homes. Deputy Pacheco was given a Garrity warning. Deputy Pacheco reviewed the complaint against him.

Deputy Pacheco has worked for the Sheriff's Office for 5 years and is currently assigned to the jail division. Deputy Pacheco was assigned to the Patrol Division on 11/09/21 and was in the F.T.O. program and was with his training officer, Deputy Mesch.

Deputy Pacheco responded to the 7-11 on a report of a DUI driver. Deputy Pacheco, once on scene took ██████ into custody.

Deputy Pacheco was played a recording of an inappropriate comment, "You'd suck a dick for \$50 and hope you didn't like it. Deputy Pacheco identified Deputy Mesch as the one who made the comment.

Deputy Pacheco was shown a piece of paper during his initial interview reference a comment being made saying, "You're crying like a baby ass bitch". Pacheco then stated he remember something about crying. During the interview on 03/10/22. Deputy Pacheco again was shown the comment about, "crying like a baby ass bitch". At (31:26) I also asked Pacheco if he made a comment about, "crying like a baby ass bitch". Pacheco said, "No". At (31:30) I asked Pacheco if Mesch made a comment about or similar to, "Crying like a baby ass bitch" Pacheco responded by saying he couldn't say, and that "baby back bitch, isn't something like I never use that term, that's how I know I didn't say that".

The audio was then played and at 32:15 Pacheco identified Mesch as saying, "Crying like a baby back bitch".

Sergeant Junglaus asked Pacheco if he has ever heard the term of baby back bitch, before today. Pacheco shook his head and said no. Sergeant Junglaus asked if he never heard the term before and the paper listed baby "Ass" bitch, then how would he know the correct term was, "baby back bitch". Pacheco responded, I don't know then pointed to the screen and said that is what he just heard. Nowhere in the interview nor on paper was the term baby "back" bitch used prior to Pacheco saying that.

██████████ in his interview stated that while Mesch was saying inappropriate comments to him, he turned to Deputy Pacheco wondering if he was going to allow Mesch to talk to him like that. Pacheco supposedly said, “No Hablo English”. Deputy Pacheco was asked about this, and said he didn’t remember saying that. I asked Pacheco if that is something that he would say, Pacheco shook his head no. I asked if I was going to have him on the video saying that? Pacheco said he has no idea. I asked Pacheco again if he said that. Pacheco paused, and thought about the question. We took a break in the interview at this time.

The interview was resumed at 1055 hours with the same people present in the room.

After the break Deputy Pacheco returned and we resumed the interview. Deputy Pacheco said that he doesn’t remember the specific statements, but there were inappropriate comments made by Deputy Mesch to ██████████ Deputy Pacheco said there was, “Shit talking” between Deputy Mesch and ██████████ Deputy Pacheco said he also participated in the, “Shit Talking.” Deputy Pacheco also admitted that he probably said, “No Habla English”. Deputy Pacheco said when he uses that phrase it is meant to be sarcastic.

At 7:45 of the ██████████ Video you can hear someone saying “No Hablo” three times.

SUBJECT: Deputy Robert Mesch

On March 22 at 1038 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. Present in the room was myself, Commander Whytock, Deputy Robert Mesch, and his attorney Doug Jewell.

Prior to the interview, I advised Deputy Mesch of Garrity, which he understood, acknowledged and signed. I gave Deputy Mesch both personnel complaints. The first complaint Deputy Mesch was interviewed on 01/13/22. Deputy Mesch was then given the follow up complaint which he appeared to read and said he understood it.

I spoke with Deputy Mesch and asked him if he remembered the arrest at the 7-11 on 11/09/21. Deputy Mesch, said he vaguely remembered it, but he knew why he was here. Deputy Mesch continued to say he vaguely remembered things in reference to the arrest or the previous interview with Sergeant Monares. Deputy Mesch said he didn’t remember ██████████

(15:35) Deputy Mesch said he didn’t remember much about the arrest of ██████████ on 11/09. Deputy Mesch when pressed said he remembered the following:

“I think it was a ready report, for a DUI”

“He was smashing his head in the cage, so we had to get a med clearance”

“And he was taken to jail, I think”.

I asked Mesch, “So you remember three things about that arrest”? he replied, “Mhmm”.

I explained to Mesch that ██████████ said he was on the phone during the arrest and that the phone may have not been hung up, however, witnesses on the other end of the phone call decided to record the phone call, because the comments were so unprofessional.

I played the audio and at 21:04, “I’d bet you’d suck a dick for fifty bucks and hope you didn’t like it”. When asked if that was made by him, Deputy Mesch responded, “It sounds like me.”

I played the comment, “You strike me as kind of a peter puffer, are you a peter puffer”? When asked if that comment was made by Deputy Mesch he responded saying, “It sounds like it”.

In the audio [REDACTED] begins yelling about his lawyer, when asked if Mesch remembered [REDACTED] screaming for his lawyer, Mesch shrugged, and said he didn’t remember him saying that.

I played the second video and Deputy Mesch identified his voice again in the second video file. However, when the comment was made, “Who shot you in the face, besides your daddy”, Mesch said that was not him. This investigator also believed the voice saying that, did not sound like Deputy Mesch. The comment of, “You’re my girl, I will get commissary off of you”, Mesch said might be him but the previous comment about who shot you in the face was not him.

During the video at 35:00 we heard a clicking sound in the video, the video was stopped and I explained to Mesch that [REDACTED] said this was when they would brake check him”. This did not sound accurate to this investigator and Deputy Mesch said it could be the sound of a rubber band hitting the MDC. Deputy Mesch keeps a rubber band on his MDC.

Mesch identified himself again with another comment, “I’ll bitch slap you then”. Saying, “It sounded like it”.

Mesch said the comments, “No Hablo, No Hablo” were not made by him. The comments did not sound to this investigator to be the same voice as other comments made by Deputy Mesch. After all three recordings were played, Deputy Mesch still did not remember exactly what happened that night.

After they left the hospital and arrived at the jail Mesch said he believed he was at the jail for 4 or five hours and that it was his first DUI.

When asked about vehicle speeds during the first interview Deputy Mesch said he believed they were at the jail until the sun came up. During this interview Mesch believed they were at the jail for about four hours. I showed Deputy Mesch their log, and I showed Deputy Mesch the GPS that displayed their speeds at 120 miles per hour. Deputy Mesch said he didn’t see why Pacheco would be driving that fast. Deputy Mesch also did not remember if they went to a call after that. Deputy Mesch also did not remember if they made an arrest there.

During Deputy Mesch’s previous interview, as well as this interview Mesch said this was Pacheco’s first DUI. I asked Deputy Mesch if Pacheco could have had a previous DUI, two nights prior with him as his FTO and he said, “he could have, yes”, but that he didn’t remember it. I showed Deputy Mesch the report about a previous DUI and he said apparently it wasn’t his first DUI it was his second.

Mesch said he has used the term “Peter puffer” in the past and has made other, “Smart ass comments when I’m talking shit”. Deputy Mesch said he was not professional, nor courteous, but that he was truthful in his statements to Sergeant Monares during their interview. Mesch said he just didn’t recall making those statements to [REDACTED] Mesch further stated during his first interview he had just worked a graveyard shift.

End of Interviews