

**CONDUCT REVIEW OFFICE
DENVER POLICE DEPARTMENT**

Case Number: IC2022-0010

Subject Officer: Shane Madrigal, P17059

Assignment: [REDACTED]

Summary of Allegations

The complaint asserts four allegations against Officer Shane Madrigal. First, complaint asserts Officer Madrigal violated RR-102.1, Aggravated Conduct Prohibited by Law, as it pertains to C.R.S. 18-8-502, Perjury in the First Degree, when he allegedly made false statements in his Officer Involved Shooting (OIS) Incident statement concerning the shooting he was involved in. Second, the complaint asserts Officer Madrigal violated RR-105, Conduct Prejudicial, by making disturbing comments about officer involved shootings. Third, the complaint asserts Officer Madrigal violated RR-138, Discrimination, Harassment, and Retaliation, when he allegedly used homophobic and racial slurs. Fourth, the complaint asserts Officer Madrigal violated RR-102.1, Duty to Obey Departmental Rules and Mayoral Executive Orders, as it pertains to OMS 117.05, Department of Safety EEO Policy, when he allegedly used homophobic and racial slurs.

Sergeant Laura Franklin of the Internal Affairs ("IA") Division investigated the incident. Included in the case file is a statement from the subject officer, as well as other various documents and files related to the case.

Statement of Fact

On February 15, 2022, Sergeant [REDACTED] [REDACTED] responded to IA to file a complaint.¹

According to Sgt. [REDACTED] Officer [REDACTED] [REDACTED] sent him a text message the previous weekend stating that [REDACTED] had concerns about Officer Madrigal, and asked to speak to Sgt. [REDACTED] on the morning before their next shift. Sgt. [REDACTED] explained that Officer Madrigal was on temporary assignment with the [REDACTED] for two weeks to give him a break from the detail.

Officer [REDACTED] began by expressing to Sgt. [REDACTED] that on Officer Madrigal's first day, he told Officer [REDACTED] that he did not need a Taser. He reportedly said that he had been in two officer-involved shootings and "they" had not asked him about a Taser yet. When Officer [REDACTED] repeated to Officer Madrigal that he needed his Taser, he refused.

Officer [REDACTED] also explained that over the four-day period that [REDACTED] worked with Officer Madrigal the prior week, Officer Madrigal said "gay" or "fag" at least forty times. Officer [REDACTED] stated that if they were driving down the street and someone was in their way, Officer Madrigal would say, "come on, get out of the way fag." If someone asked the officers to do something, Officer Madrigal would say, "oh this is gay." Officer [REDACTED] indicated that this occurred "an exorbitant" amount of times.²

Officer [REDACTED] advised Sgt. [REDACTED] that Officer Madrigal made it known that he had zero regard for human life. He reportedly expressed multiple times that he does not care for

¹ IC2022-0010 Sergeant [REDACTED] [REDACTED] Interview Transcript.

² Line 84.

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human beings, that he is not a police officer so he can help people, and his only priority is making sure his fellow officers make it home after their shift.

Officer Madrigal allegedly told Officer [REDACTED] that he had already gotten in a shooting with his rifle and his handgun, and he wanted to get certified on the shotgun so he could cover all three weapons categories. Officer Madrigal also asked Officer [REDACTED] why [REDACTED] broke down after [REDACTED] officer-involved shooting, why [REDACTED] was upset, and why [REDACTED] could not be emotionless about it like he was.

Sgt. [REDACTED] reported that Officer Madrigal reportedly told Officer [REDACTED] that in one of his shootings, he fired 17 rounds. He stated that he knew he hit the suspect in the head with his first round, but he continued shooting the next 16 rounds to "see the suspect's face fall apart."³

Officer [REDACTED] also alleged that the prior week during a felony traffic stop of a stolen car, Officer Madrigal drew his rifle and pointed at the back of a female occupant's head. Officer [REDACTED] said that when [REDACTED] asked Officer Madrigal to document the show of force on the 12F, he said he did not activate his body camera. He later asked to be removed from the 12F because he did not activate his BWC.

Officer [REDACTED] reported that Officer Madrigal has a "blatant and total disregard" for people of color. While affixing his BWC to his shirt, Officer Madrigal described it as "Negro-rigging" his BWC. Officer [REDACTED] said [REDACTED] told Officer Madrigal he could not say that, and he said he just had to be selective about who was around when he said it.

Officer [REDACTED] stated that Officer Madrigal carries two rifles when he is on duty, one that is next to him and one that he keeps in the trunk.⁴

Sgt. [REDACTED] expressed that he was worried for Officer [REDACTED] should Officer Madrigal find out that [REDACTED] reported his comments, [REDACTED] Sgt. [REDACTED] stated that he felt like if Officer Madrigal was willing to make these outrageous comments to a fellow officer, he might be willing to confront a fellow officer as well.⁵

Sgt. [REDACTED] stated that Officer [REDACTED] was very upset when [REDACTED] reported Officer Madrigal's comments to him.⁶

Sgt. [REDACTED] later provided a written statement to IA regarding this case.⁷

Sgt. [REDACTED] denied ever hearing Officer Madrigal use the phrases "kill" or "kill bodies". Sgt. [REDACTED] also denied ever hearing Officer [REDACTED] use the term "fag" or "faggot". Sgt. [REDACTED] related that he was not aware that Officer Madrigal carried two rifles while on duty.

³ Lines 110-111.

⁴ Line 198.

⁵ Line 260.

⁶ Line 318.

⁷ [REDACTED] Garrity and Written Statement 080222.

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Complainant Statement

Officer ██████ responded to IA for an interview on February 15, 2022.⁸ Officer ██████ reiterated that Officer Madrigal was temporarily assigned to ██████ team and was assigned as ██████ car partner for the prior week.

Officer ██████ stated that within the first minutes of their first shift, Officer Madrigal told ██████ that he does not wear a Taser. He stated that on any calls, he would most likely be lethal cover. Officer Madrigal reportedly told Officer ██████ he had been in a couple of shootings, and no one had ever said anything to him about not wearing a Taser. ██████ stated that when Officer Madrigal rides as passenger, he keeps his rifle at his left thigh and keeps another rifle in the back of the patrol car. Officer ██████ said that Officer Madrigal "wants" to kill people. ██████ also related that Officer Madrigal has said that he likes killing people and that "everyone knows about" it.⁹ Officer Madrigal told ██████ that he got into a shooting on nights with his handgun and got into a shooting with his rifle on swings, so now he wants, "to go to days and get a shotgun so he can kill another person and be three for three."¹⁰ Officer ██████ stated that Officer Madrigal is not joking when he makes these comments, he is "dead serious".

Officer ██████ related that on one of their calls, they arrested a subject and Officer Madrigal found fentanyl pills on him. Officer Madrigal stated that he was not going to log the fentanyl, but Officer ██████ told him they had to. Officer Madrigal reportedly told ██████ he had been doing it that way for five years, and it had never been an issue.

Their team also conducted a high-risk stop near Benton and Sheridan Blvd. According to Officer ██████ Officer Madrigal drew his rifle and pointed it at the back of an occupant's head, but he did not want to "be put down". Officer ██████ said ██████ did not personally see Officer Madrigal aiming his rifle at anyone on the stop. He stated that because his BWC was not on, he did not want people to know he had his rifle out. Officer ██████ stated that ██████ listed Officer Madrigal on the form, but he told ██████ to call another officer and take him off.

On another occasion, while affixing his BWC to his shirt, Officer Madrigal described it as "Negro-rigging" his BWC. Officer ██████ said ██████ told Officer Madrigal he could not say that, and he said he just could not say it around certain people, "like ██████"¹¹ Officer ██████ also said that Officer Madrigal refers to hip-hop/rap music as "black people music." Officer Madrigal also made comments about "blacks" moving into ██████ repeatedly said "fag" or "faggot" throughout their shifts, and referred to things as "gay".

Officer ██████ stated that Officer Madrigal told ██████ that he did not get into law enforcement to help people. He stated that his only job is to make sure his partners get home.

⁸ IC2022-0010 Officer ██████ ██████ Interview Transcript.

⁹ Line 255.

¹⁰ Lines 70-71.

¹¹ Line 114, Officer ██████ ██████ ██████ ██████

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Officer [REDACTED] said that [REDACTED] told Officer Madrigal that he was racist and told him he did not need to commit a hate crime or commit a crime against someone to be a racist. Officer Madrigal reportedly said he could not "confirm or deny" whether he was racist.

Officer [REDACTED] related that when Officer Madrigal brought up his officer-involved shooting, he said he shot the suspect approximately 17 times. He told [REDACTED] that he knew his first shot hit the suspect in the face, but he wanted to keep shooting to watch the suspect's face rip apart. Officer [REDACTED] stated that [REDACTED] felt this comment was very disturbing. Officer [REDACTED] stated that it made [REDACTED] fear that in a high-stress situation, if the person is of color or looks different than Officer Madrigal and he wants to kill people, he will do it, even if it could have been avoided.¹²

Officer [REDACTED] stated that when Officer Madrigal talks about his officer-involved shooting, it seems like he gets enjoyment on speaking about it and he describes every single aspect of the shooting. He also told Officer [REDACTED] that he was jealous of [REDACTED] shooting because [REDACTED] was alone, but his shooting involved multiple officers. Officer [REDACTED] stated that Officer Madrigal is typically smiling when he talks about his officer-involved shooting.¹³ Officer [REDACTED] stated that [REDACTED] has never heard another officer talk about being involved in a shooting the way that Officer Madrigal does because most people are not happy about killing people.

Officer [REDACTED] stated that [REDACTED] heard Officer Madrigal make these disturbing statements both when he partnered with [REDACTED] and during the reintegration process that followed the shooting. [REDACTED] stated that Officer Madrigal talked about continuing to shoot 16 more rounds despite his first round hitting the suspect in the face during reintegration. [REDACTED] stated that Officer Madrigal talks about the shooting "all the time". Officer [REDACTED] stated that [REDACTED] had never heard Officer Madrigal talk about his prior officer-involved shooting involving his handgun.¹⁴

Officer [REDACTED] stated that everyone knows that Officer Madrigal likes killing people. Sgt. Franklin asked [REDACTED] who [REDACTED] was referring to. Officer [REDACTED] said it was Officer Madrigal's partners on patrol. Officer [REDACTED] stated that [REDACTED] brought this issue up with Officer [REDACTED] a week earlier and asked him if everyone knew about Officer Madrigal. [REDACTED] stated that Officer [REDACTED] told [REDACTED] that everyone knows that and "it's just Shane." Officer [REDACTED] said [REDACTED] told Officer [REDACTED] that Officer Madrigal's comments were unacceptable.

Officer [REDACTED] related that [REDACTED] met Officer Madrigal when [REDACTED] was assigned to [REDACTED]. [REDACTED] stated that the two of them run in the same circles and are even members of the same group text. [REDACTED] stated that [REDACTED] has gotten together with Officer Madrigal outside of work in a group setting, but he and his wife recently had a baby, so he doesn't come around as much anymore.

¹² Lines 181-182.

¹³ Line 540.

¹⁴ Line 670.

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Officer [REDACTED] stated that [REDACTED] did not expect to hear these disturbing comments from Officer Madrigal, but [REDACTED] did not really know him that well. [REDACTED] stated [REDACTED] has only heard him make these comments at work.

Sgt. Franklin asked Officer [REDACTED] what made [REDACTED] want to divulge the comments to Sgt. [REDACTED]. Officer [REDACTED] stated that [REDACTED] heard comments about Officer Madrigal but never thought anything of it, until the prior week when [REDACTED] was riding with him. [REDACTED] stated that his comments were so constant that it built up. [REDACTED] related that [REDACTED] was disgusted by Officer Madrigal's behavior. Officer [REDACTED] said [REDACTED] was going back and forth on reporting him. After speaking to some friends outside of work, [REDACTED] decided [REDACTED] could not do it anymore and reported his comments to Sgt. [REDACTED].

Officer Madrigal also reportedly told Officer [REDACTED] that he "could not afford" to get in another officer-involved shooting because he recently had a baby and his wife quit DPD.¹⁵

Witness Officer Statements

Officer [REDACTED] [REDACTED]

Officer [REDACTED] responded to IA for an interview on February 16, 2022. Officer [REDACTED] explained that he started the DPD Police Academy in May 2017 and has been assigned to [REDACTED] patrol ever since. Officer [REDACTED] explained that when he was on the swing shift, he worked very frequently with Officer [REDACTED]. Additionally, Officer [REDACTED] was involved in the officer-involved shooting at 1st and Perry with Officer Madrigal.¹⁶ Officer [REDACTED] stated that he went through the reintegration process with the other officers involved in the shooting, including Officer Madrigal.

Officer [REDACTED] related that for the first three weeks of reintegration, the officers were put in a classroom at the academy. Sgt. Franklin asked Officer [REDACTED] to describe any conversations about the shooting he had with Officer Madrigal during the process. Officer [REDACTED] related that he would regularly ask Officer Madrigal how he was doing, and Officer Madrigal would say he was good. He stated that the officers talked about the shooting, what they saw, the tactics they used, and what happened during the shooting.

Sgt. Franklin asked what Officer Madrigal's demeanor was like when he discussed the shooting. Officer [REDACTED] stated that Officer Madrigal seemed "excited" and "proud" of the shooting, and that he liked to talk about it a lot.¹⁷ Officer [REDACTED] said that Officer Madrigal did not seem negatively affected by the shooting. Officer [REDACTED] related that he recalled Officer Madrigal saying that he saw the suspect with a gun and shot him 15 times in the chest, then shot him in the head and saw his body slump over.

Officer [REDACTED] stated that Officer Madrigal also seemed happy to talk about his previous officer-involved shooting and was an "open book" about it.

¹⁵ Line 914.

¹⁶ Officer [REDACTED] [REDACTED] Interview Transcript at Line 80.

¹⁷ Line 167.

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Officer ██████ related that Officer Madrigal also talked about his officer-involved shootings at work. Officer ██████ said that after reintegration, Officer Madrigal seemed worried that other officers were taking the spotlight away from him. Officer Madrigal would reportedly say that he knew he shot the suspect, and the other officers did not. Officer ██████ said he told Officer Madrigal to stop arguing with other officers about it.

Officer ██████ related that he has "heard rumors" that Officer Madrigal wanted to get certified on a shotgun so he could be the first guy to kill someone with all three firearms.¹⁸ Officer ██████ said he did not hear Officer Madrigal say this, but Officer ██████ told him.

Sgt. Franklin asked Officer ██████ to describe Officer Madrigal's personality. Officer ██████ said that Officer Madrigal is "a little crazy". Officer ██████ said he did not know if it is just the way Officer Madrigal is or his time in the military, but he is very "strong-willed" and open about getting into firefights while he was overseas. He is open about killing people and being in officer-involved shootings, and he seems to be okay with talking about killing people in general. Officer ██████ said, ". . . we all talk about like how kind of – he's a little bit of a psychopath."¹⁹

Sgt. Franklin asked Officer ██████ if Officer Madrigal has ever made comments about having a disregard for human life and helping other people. Officer ██████ said after hearing the way Officer Madrigal talked about the shooting, he told him he needed to stop talking like that because it was not right.

Sgt. Franklin asked Officer ██████ to explain further. Officer ██████ said that Officer Madrigal is "okay" with killing people. Officer ██████ said that Officer Madrigal told him that his goal is to be involved in another officer-involved shooting. He reportedly said he could not wait until his next officer-involved shooting and wanted to be in as many as he could.²⁰ Officer ██████ said he told Officer Madrigal that he should not want to be involved in officer-involved shootings and he needed to fix his way of thinking. In response, Officer Madrigal would "giggle" then not talk about it anymore.

Officer ██████ said that Officer Madrigal said that being in an officer-involved shooting felt more personal than his military service because he saw the person he was shooting. Officer ██████ said that Officer Madrigal was "excited" when he told him this.

Sgt. Franklin asked if everyone in ██████ knows these things about Officer Madrigal. Officer ██████ said yes.²¹

Officer ██████ explained that his most recent conversation with Officer ██████ concerned some racist comments made by Officer Madrigal. Officer ██████ said that Officer Madrigal makes negative comments about Mexicans, but he does not know the comments specifically because he walks away when the comments are made, as he is Hispanic. Officer ██████ later stated that he feels like Officer Madrigal treats Mexican

¹⁸ Lines 333-334.

¹⁹ Lines 378-379.

²⁰ Line 440.

²¹ Line 494.

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people differently and would not try to talk to them on calls. He's also heard Officer Madrigal tell people in custody that they are pieces of shit.²²

Officer [REDACTED] told Officer [REDACTED] that Officer Madrigal was being racist towards Black people, but did not give specific details. He said Officer [REDACTED] told him [REDACTED] thought Officer Madrigal was a racist and not the kind of person who needs to be a cop.²³ Officer [REDACTED] said that Officer [REDACTED] seemed frustrated that someone like Officer Madrigal could be a cop. He said he knows Officer [REDACTED] well and has never seen [REDACTED] as frustrated as [REDACTED] was when [REDACTED] confided in him about Officer Madrigal.

Officer [REDACTED] said that Officer [REDACTED] first expressed concern about Officer Madrigal during the reintegration process because he seemed proud of being in officer-involved shootings.

Officer [REDACTED] related that Officer Madrigal told him he does not like that Black people are moving into [REDACTED]. He also related that he has heard Officer Madrigal refer to other people as "fag". He also frequently uses the phrase, "this is gay," to describe something he thinks is stupid. Officer [REDACTED] said "fag" is Officer Madrigal's number one and he always uses the word.²⁴

Sgt. Franklin asked Officer [REDACTED] if Officer Madrigal told him he does not wear a Taser. Officer [REDACTED] said Officer Madrigal does not wear a Taser because they do not work. He also acknowledged that Officer Madrigal told him he doesn't carry a Taser because he will be lethal cover. Officer [REDACTED] explained that he's been on calls with Officer Madrigal where he needs him to cover the backdoor of a location in case someone flees, and he shows up at the front with his rifle to assume lethal cover, even though that is not where he needed to be. Officer [REDACTED] said Officer Madrigal will take it upon himself to be lethal cover "all the time".

Officer [REDACTED] related that he has never had a conversation with Officer Madrigal regarding his BWC usage or not completing a required report.

Sgt. Franklin asked Officer [REDACTED] if he heard any comments about Officer Madrigal hitting the suspect in the head at the 1st and Perry shooting. Officer [REDACTED] related that either Officer [REDACTED] or Officer [REDACTED] told him that Officer Madrigal said that he shot the suspect in the head and kept shooting to see if his mouth would come off, or something like that. He stated that Officer Madrigal did not make these comments to him directly.

Officer [REDACTED] related that Officer Madrigal acts the same outside of work as he does at work. He explained that he attended a baby shower for Officer Madrigal and when he arrived, Officer Madrigal was talking about the shooting.

Officer [REDACTED] stated that he is not concerned that Officer Madrigal is suicidal or homicidal.

²² Lines 698 – 699.

²³ Lines 562 – 563.

²⁴ Lines 928 – 929.

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Sgt. Franklin asked if there were ever discussions amongst other officers about bringing Officer Madrigal's comments forward to anyone. Officer ██████ stated there were not because that is just how Officer Madrigal is.²⁵ Officer ██████ said that even if someone reached out to Officer Madrigal and told him his comments were inappropriate, he would not care.

Officer ██████ also reported that once after the shooting, Officer Madrigal told him he had a "throwaway gun"²⁶ that he would use if needed. Officer ██████ explained that a throwaway gun is a gun you can plant on someone to make officers look a certain way. For example, to make it appear that an alleged suspect was armed or displaying aggravated active aggression to warrant the use of lethal force.

Officer ██████ said that they were discussing the shooting when Officer Madrigal made this comment. Officer ██████ said that the comment really bothered him. Officer ██████ said that was the "most uncomfortable thing" he's ever heard Officer Madrigal say. According to Officer ██████ Officer ██████ told him that Officer Madrigal made the same comments to him.

Officer ██████ said that he tries to avoid working with Officer Madrigal because of his general personality traits. He does not want Officer Madrigal's attitude to put him in a dangerous situation.

Officer ██████ ██████

Officer ██████ responded to IA for an interview on February 16, 2022.

Officer ██████ explained that he started the DPD Police Academy in 2018 and afterwards was assigned to ██████ where he is still assigned. Officer ██████ stated that prior to attending the academy, he was an ██████

Sgt. Franklin asked Officer ██████ if there is a particular group of ██████ officers that he goes on more calls with than others. Officer ██████ stated that it depends on what he is doing. He stated that he and his partner last year, Officer ██████ "rolled everywhere together", but Officer ██████ moved to days. Since Officer ██████ is assigned to ██████ he goes to calls with other officers in ██████. He stated that the officers he works with frequently are Officer ██████ and Officer ██████

Sgt. Franklin asked Officer ██████ if he and Officer Madrigal are pretty good friends. Officer ██████ stated that they were. Officer ██████ explained that Officer Madrigal was an infantry Marine, and he was an ██████, so they hit it off quickly. He stated that when he got out of ██████ Officer Madrigal was his partner on some days and Officer Madrigal would partner with Officer ██████ on other days. He related that he was ██████ with Officer ██████ until he moved to the day shift and Officer Madrigal stayed on nights. He also stated that once COVID-19 precautions took effect, the officers were no longer working partner cars.

²⁵ Lines 1186 – 1187.

²⁶ The correct term for this is a "throwdown gun", not "throwaway gun".

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Officer [REDACTED] related that last year, he and Officer Madrigal were [REDACTED] "a handful" of times.²⁷ Officer [REDACTED] explained that he is very "Class 2 motivated," but Officer Madrigal had different motivations after the controversies involving policing that arose in the summer of 2020. He stated that Officer Madrigal's motivation to get Class 2s "died down", so that is why Officer [REDACTED] partnered with Officer [REDACTED] most of the time instead.

Sgt. Franklin asked Officer [REDACTED] if he ever saw Officer Madrigal outside of work. Officer [REDACTED] stated that Officer Madrigal does not "come out too much" because he is not big on going out unless it is a big event. Officer [REDACTED] said he could count on one hand how many times he has seen Officer Madrigal "out" outside of work.

Officer [REDACTED] related that he and Officer Madrigal do communicate outside of work. Sgt. Franklin asked Officer [REDACTED] to describe Officer Madrigal's personality. Officer [REDACTED] stated that Officer Madrigal is an "infantry Marine." Officer [REDACTED] went on to say that Officer Madrigal had gone through some deployments, and he thinks that is why they were able to become friends, because they [REDACTED]. He stated that it can be difficult to leave the military because you go from waking up and spending the day with all your best friends to getting out of the military and having none of them there.²⁸ He eventually concluded that Officer Madrigal is a "good dude" and a "Marine at heart". Officer [REDACTED] described Officer Madrigal as hard working and a do-it-yourself type of guy.

Sgt. Franklin asked Officer [REDACTED] if he knew that Officer Madrigal was in an officer-involved shooting at 1st and Perry. Officer [REDACTED] said that he did. Sgt. Franklin asked Officer [REDACTED] if he knew how Officer Madrigal did during the reintegration process.

Officer [REDACTED] stated that he thinks Officer Madrigal "masks" how traumatic the experience was for him. He stated that Officer Madrigal is not the type of guy to reach out and say he is struggling with something. Officer [REDACTED] added that he believes Officer Madrigal masks his emotions about some of his combat experiences as well. Officer [REDACTED] stated that he does think the reintegration process was a positive experience for Officer Madrigal, but Officer Madrigal would never admit that himself.²⁹

Officer [REDACTED] offered a domestic violence situation as an example. He said to consider that a guy beats up his wife and his daughters are crying. It is easier, as an officer, to not look at the suspect as a person. Instead, to just think, "I'm just going to fucking take him to jail[.]"³⁰ Officer [REDACTED] related that he thinks Officer Madrigal uses this kind of mentality to cope with what he has been through.

Officer [REDACTED] stated that Officer Madrigal has talked to him about the 1st and Perry shooting. Officer [REDACTED] said that when Officer Madrigal talks about the shooting, "it

²⁷ Officer [REDACTED] Interview Transcript, Line 140.

²⁸ Line 208.

²⁹ Line 305.

³⁰ Lines 325-326.

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is kind of like he is trying to make it seem like . . . the person he shot is like a . . . [I]ike trying to take emotion out of it[.]”³¹

Sgt. Franklin asked Officer [REDACTED] to give an example of what Officer Madrigal said about the shooting suspect. Officer [REDACTED] said, “. . . like I shot that guy. You know, like fuck that guy.”

Officer [REDACTED] explained that he was not at the scene of the shooting, but he heard that the suspect pointed a gun at Officer Madrigal, and he thinks that scared Officer Madrigal, even though he won’t admit it. Officer [REDACTED] said that Officer Madrigal does not want to appear sensitive or upset.

Sgt. Franklin advised Officer [REDACTED] that IA received reports that Officer Madrigal said that he continued shooting the suspect after he was already dead and that he continued shooting because he wanted to see the suspect’s face fall off, or something to that effect.

Officer [REDACTED] related that Officer Madrigal expressed to him that he was really upset because, according to him, he shot the suspect, saw him go down, then the other officers started shooting. Officer [REDACTED] said that Officer Madrigal explained to him that he was upset that other officers were saying they were “so upset” over the shooting, when those officers only “shot a dead guy,” while Officer Madrigal was the one who killed him.³²

Officer [REDACTED] stated that every time the shooting is brought up, it turns into Officer Madrigal saying he was the one who “killed that guy” and the other officers just shot a dead person. Officer [REDACTED] said that Officer Madrigal seems angry when he says these comments. He said if another officer refers to the shooting as their shooting, Officer Madrigal gets upset and says they are full of shit and that it was his shooting.³³

Sgt. Franklin asked if Officer Madrigal made any comments about why he kept shooting. Officer [REDACTED] said that Officer Madrigal said he shot until the threat was over. He said every time the shooting comes up, Officer Madrigal always circles back to the other officers and how he’s upset that they are “taking credit for his shooting.”

Sgt. Franklin asked Officer [REDACTED] if he’d heard anyone else talking about Officer Madrigal making comments about shooting someone until their face fell off. Officer [REDACTED] did not confirm or deny. He said that Officer Madrigal is “very blunt” and he will say, “I shot that fucking guy in the face.”³⁴ He said that is the way infantry Marines talk. Officer [REDACTED] reiterated that he thinks this is a “mask” that Officer Madrigal wears to make him feel big and strong. He then related:

I think that’s why he says that, but, yeah, he’s – he’s said – but like something to the effect of him saying like, yeah, I shot him. I knew he was

³¹ Lines 349-352.

³² Lines 407-412.

³³ Line 444.

³⁴ Line 477.

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dead and then I kept shooting him when I knew he was dead – he has never said anything like that to me.

Officer [REDACTED] said that, to his knowledge, Officer Madrigal has never said this to him, because he would question him on it.

Officer [REDACTED] initially denied having knowledge that Officer Madrigal wanted to get certified on a shotgun. However, when Sgt. Franklin asked him if he ever heard Officer Madrigal say he wanted to get into an officer-involved shooting with a shotgun so he could have one with all three weapons, Officer [REDACTED] acknowledged that he had heard Officer Madrigal make the comment.³⁵

Officer [REDACTED] said he did not think Officer Madrigal was actively trying to get certified with a shotgun. However, he stated that he has not talked to Officer Madrigal in approximately two weeks since he was placed on a temporary assignment.³⁶

Sgt. Franklin asked Officer [REDACTED] if Officer Madrigal ever told him that he does not wear a Taser. Officer [REDACTED] explained that he and Officer Madrigal have the same duty belt – a Ronin tactical belt. Officer [REDACTED] said that Officer Madrigal does not think he has enough room for the newly issued Taser on his belt. He also stated that because Officer [REDACTED] new Taser did not work during an officer-involved shooting, Officer Madrigal thinks the Taser is “stupid” and will not wear it.³⁷

Sgt. Franklin asked if Officer Madrigal has ever said that he will not carry a Taser because he will always be lethal cover. Officer [REDACTED] said yes. Officer [REDACTED] stated that Officer Madrigal volunteers to be lethal cover because he always carries his rifle. Officer [REDACTED] said if he tries to assign Officer Madrigal to a PepperBall gun, Officer Madrigal refuses because of all the “new requirements” that come with less-lethal weapons.

Sgt. Franklin asked Officer [REDACTED] what other comments Officer Madrigal makes about officer-involved shootings. Officer [REDACTED] related that Officer Madrigal says that if the situation arises, he will “take care of business”. Officer [REDACTED] did say that Officer Madrigal divulged to him that his wife would be upset with him if he got in another officer-involved shooting.

Officer [REDACTED] related that he thinks Officer Madrigal is more like his true self when speaking to him versus when he is talking to other people. In front of other people, he tries to make himself look “big and bad”, but around Officer [REDACTED] it is not a show, and the pair of them can talk about things and he can reason with him.

For example, Officer Madrigal told Officer [REDACTED] that there were some other officers in the roll call room talking about the shooting at 1st and Perry. Apparently one of the officers was talking about being traumatized by having to pull the trigger. Officer Madrigal told Officer [REDACTED] that he took offense to these comments because the officer did not even hit the suspect. Officer [REDACTED] said that he tried to explain to

³⁵ Officer [REDACTED] said he thought this comment took place in the roll call room and that he was the only officer who heard it.

³⁶ Line 638.

³⁷ Line 704 and Line 706.

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Officer Madrigal that the experience can still be traumatic for those officers because they do not have the same military background as he does.

Officer ██████ said that Officer Madrigal told him that he saw the suspect raise a handgun and point it, so he shot the suspect in the face. Then, "all these other guys" started shooting and did not even hit the suspect. They hit their own patrol cars but were apparently taking credit for the shooting as if they wanted attention. This is what Officer Madrigal took offense to.

Officer ██████ related that Officer Madrigal does not show emotions easily, but he will talk to him about the issues in his life.

Officer ██████ related that he and Officer ██████ both have aspirations of going to specialized teams, so they "like" to find Class 2 violations and they are accurate and concise on their required paperwork. Thus, they are careful about activating their BWCs when required by policy. As a result, Officer Madrigal has never tried to avoid activating his BWC while on a call with Officer ██████³⁸

Officer ██████ explained that Officer Madrigal gets upset with him if he yells at him in front of a group of people. He related that he is not intimidated by Officer Madrigal and will order him to put down his rifle and go hands on if necessary. He will also make Officer Madrigal activate his BWC before he gives someone their Miranda rights. Sgt. Franklin asked if Officer ██████ ever gets pushback from Officer Madrigal in these situations. Officer ██████ said that he does, but it is more in a sense of don't tell me what to or don't yell at me in front of a group of people than the requests themselves. He stated that Officer ██████ and Officer Madrigal have had issues because they would "get into it" and Officer ██████ would have to talk to Officer Madrigal, because he would not listen to Officer ██████. Officer ██████ said that Officer Madrigal is more receptive of orders if you yell at him, but Officer ██████ will not do that.

Sgt. Franklin asked Officer ██████ why he thinks officers are intimidated by Officer Madrigal. He said it is his Marine mentality, the fact that he's been in two officer-involved shootings, and that he is confrontational. Officer ██████ said he has tried to tell Officer Madrigal not to be so confrontational with people.³⁹

Sgt. Franklin asked if Officer ██████ noticed any changes in Officer Madrigal after his first officer-involved shooting. Officer ██████ said he did not. He explained that he feels Officer Madrigal thinks he is better than other people who have not been in an officer-involved shooting, in a sense that he is not afraid.

Sgt. Franklin asked Officer ██████ if he and Officer Madrigal ever discuss the difference between killing someone overseas in the military versus killing someone as a Denver officer. Officer ██████ said they talk about it all the time. Officer ██████ stated that he and Officer Madrigal talk about how there is "true evil" on the planet. Someone he would consider truly evil is a "guy in Afghanistan" who mutilates and kills women. Someone he would not consider truly evil is a 15-year-old Crip with a Glock in

³⁸ Lines 1084 – 1085.

³⁹ Line 1310.

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the back seat of a car. He is just a kid who watched too many music videos.⁴⁰ He stated that they also discuss the differences between being a cop and being a soldier. Officer Madrigal will reportedly tell Officer [REDACTED] that he has been through and seen so much worse, that "these people", meaning the citizens he interacts with, do not scare him. Officer Madrigal also told Officer [REDACTED] that he sees cops who are afraid as weak.

Officer [REDACTED] said that when these conversations come up, he tries to remind Officer Madrigal that they are no longer overseas and that the people of Denver are not his enemy. Officer [REDACTED] said that Officer Madrigal sees it as "person by person". He has expressed to Officer [REDACTED] that he has no problem killing someone that he sees as his enemy.

Sgt. Franklin asked Officer [REDACTED] if Officer Madrigal has a disregard for human life. Officer [REDACTED] said that he thinks Officer Madrigal has no disregard for a human who he does not think deserves to live.⁴¹

Sgt. Franklin advised Officer [REDACTED] that IA received various reports of Officer Madrigal making racist or inappropriate comments. Officer [REDACTED] said that he has heard Officer Madrigal say that a lot of "illegal immigrants" work in [REDACTED] and that a particular Mexican does not speak English. He stated he has not been around Officer Madrigal on a call when he's made these comments because he does not see him much anymore.

Sgt. Franklin asked if Officer [REDACTED] ever heard Officer Madrigal refer to someone as a "fag". Officer [REDACTED] said yes. Officer [REDACTED] said that Officer Madrigal will say, "what are you doing fag?" and things like that. Officer [REDACTED] said that Officer Madrigal has said it to him, and he's seen him say it to others.

Sgt. Franklin asked if Officer Madrigal ever made comments about people of color moving into [REDACTED]. Officer [REDACTED] said that he heard Officer Madrigal say there are a lot of Black people moving to [REDACTED].

Sgt. Franklin asked Officer [REDACTED] if he knew Officer Madrigal to carry two rifles on duty. Officer [REDACTED] related that he has seen Officer Madrigal carry one rifle at his leg and keep one rifle in the cage and he does not know if there is another rifle in the trunk. Officer [REDACTED] said he has never asked Officer Madrigal why he carries two rifles, but he assumes that one is for long range and the other is for shorter range.

Sgt. Franklin asked Officer [REDACTED] if any of Officer Madrigal's comments to him has raised concerns about him being a DPD officer or made him feel like there is something going on mental-health wise that would make Officer Madrigal a liability to the Department. Officer [REDACTED] said that he has expressed concern over Officer Madrigal using "kill" or "kill bodies" as a response to questions or orders. Officer [REDACTED] said he told Officer Madrigal to stop saying it or he would get in trouble.

⁴⁰ Line 1469.

⁴¹ Line 1660.

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Sgt. Franklin asked Officer [REDACTED] if Officer Madrigal ever told him that he had a "throwdown gun". Officer [REDACTED] said he had heard Officer Madrigal talk about a throwdown gun, but he had never seen it.⁴²

Sgt. Franklin asked if any parts of Officer Madrigal's life, besides his new baby, were increasing his stress at home or at work. Officer [REDACTED] said that he knows Officer Madrigal was working a lot of off-duty because his wife is staying home with their baby. [REDACTED] stated that Officer Madrigal's wife is trying to make him cancel off-duty and help [REDACTED] with the baby, but they need the money to survive financially.⁴³

Officer [REDACTED] stated that Officer Madrigal has never made comments that made him think he was suicidal or homicidal. Officer [REDACTED] explained that he spoke to Officer Madrigal on the phone this morning prior to his interview. He said that Officer Madrigal sounded scared.

Sgt. Franklin asked if it is a general feeling or a well-known fact around [REDACTED] that Officer Madrigal is "crazy". Officer [REDACTED] responded, "yeah. I'd say that."⁴⁴

Officer [REDACTED] said that this feeling probably comes from his constant phrase, "kill bodies", the fact that he is confrontational, the fact that Officer Madrigal has no problem divulging the fine details of his officer-involved shootings, and the consistency of which he uses the word "fag". Officer [REDACTED] said he thinks other officers find Officer Madrigal "disconcerting".

Sgt. Franklin asked Officer [REDACTED] if Officer Madrigal ever said that he did not join DPD to help people. Officer [REDACTED] said that Officer Madrigal has said that to him before.⁴⁵ Officer [REDACTED] said that Officer Madrigal told him he became a police officer because he did not know what else to do and he missed carrying a gun.⁴⁶

Officer [REDACTED]

Officer [REDACTED] responded to IA on August 8, 2022, and provided a written statement.⁴⁷

Officer [REDACTED] related that he has worked as Officer Madrigal's partner multiple times. Officer [REDACTED] confirmed that the phrase "kill" or "kill bodies" are commonly used in the Marine Corps to show acknowledgement of an order, understanding of an order, or to display excitement or morale. Officer [REDACTED] stated that the phrases are not meant to be interpreted as an intention to enact bodily injury to anyone.

Officer [REDACTED] stated that he and Officer Madrigal have said "kill" and "kill bodies" to each other several times. Officer [REDACTED] stated that the phrase(s) are easily misinterpreted by non-Marine veterans, so he does not use them in the presence of the public while wearing his DPD uniform.

⁴² Line 1859.

⁴³ Lines 2026-2027.

⁴⁴ Line 2227.

⁴⁵ Line 2343.

⁴⁶ Line 2406.

⁴⁷ [REDACTED] Garrity and written statement.

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Cpl. [REDACTED]

Cpl. [REDACTED] responded to IA for an interview on August 10, 2022.⁴⁸

Sgt. Franklin asked Cpl. [REDACTED] to describe any conversations he had with Officer Madrigal concerning officer-involved shootings. Cpl. [REDACTED] related:

Officer Madrigal did ask me about my shooting (2017) after he completed the academy and was in the PTO program at D-4. This conversation took place in the roll call room, if I recall correctly. I told him that [a] suspect with a knife came at officers, and I did what any officer would do to protect others. I also explained the administrative process to him. I do not recall going into detail of my shooting, because some time had passed, and I did not talk about it that much.

Sgt. Franklin asked Cpl. [REDACTED] if Officer Madrigal ever talked to him about the shooting at 1st and Perry. Cpl. [REDACTED] related:

After a roll call[,] Officer Madrigal explained / discussed the shooting that he was involved in and I do not recall how many additional people were in the [REDACTED] roll call room, but it was not a one-on-one conversation with Madrigal. I recall Madrigal explaining that the suspect carjacked the victim and then the suspect was shooting at officers as he fled away in the stolen vehicle. He then told me at W. 1st Ave. and N. Perry St. that the suspect [REDACTED] and Madrigal posted up with his rifle. The suspect then pointed his weapon and began shooting at officers, and Madrigal told me that he shot the suspect multiple times. I told him that I was glad he and other officers did their duty and that no officers were injured and are safe. I advised him if he needs anything to please call me. I did not ever receive a call or other contact from Madrigal for any assistance.

Cpl. [REDACTED] related that Officer Madrigal did inquire about getting shotgun certified and Cpl. [REDACTED] told him to talk to officers at the range. Cpl. [REDACTED] stated that he did not recall when Officer Madrigal inquired about getting shotgun certified and he denied hearing Officer Madrigal say he wanted to get into another shooting with a shotgun.

Officer [REDACTED]

Officer [REDACTED] provided a written statement to IA on April 6, 2022. On February 10, 2022, Officer [REDACTED] completed a show of force for a high-risk felony stop in the 5200 block of W. 9th Ave. Officer [REDACTED] stated that he recalled completing the show of force report, but he did not recall being told Officer Madrigal needed to be included on the 12F. He also did not recall speaking to Officer [REDACTED] who asked him to take Officer

⁴⁸ [REDACTED] Garrity and Statement.

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Madrigal off the 12F. However, he did state that he received a phone call at approximately 2037 hours that lasted for 11 seconds. He also did not recall if Officer Madrigal asked to be taken off the 12F. Sgt. Franklin asked Officer [REDACTED] why Officer Madrigal was not listed on the 12F.⁴⁹ Officer [REDACTED] related:

I do not remember. I do remember viewing my BWC footage on scene after the arrest had taken place to confirm that I unholstered my weapon during the high-risk stop/eluding. I was facing the suspect vehicle during the eluding portion of the incident so I did not see Officer Madrigal's actions at this time. This incident took place over nearly 4 hours that included coordination with multiple different units, jurisdictions, and included multiple high-stress interactions including an eluding and a foot chase across a field. Given this, it is possible that I missed information about specific officers' involvement.

Officer [REDACTED]

Officer [REDACTED] has been assigned to [REDACTED] since January 2017 and works from 8:00 AM to 6:00 PM. Officer [REDACTED] confirmed that he was in the officer-involved shooting at 1st and Perry. Afterwards, he was assigned to the DPD Academy for three weeks for the reintegration process.

Sgt. Franklin asked Officer [REDACTED] to describe Officer Madrigal's behavior during the reintegration process.⁵⁰ Officer [REDACTED] stated that he does not know Officer Madrigal. He related that he has always gotten the impression that Officer Madrigal is cocky. Additionally, Officer Madrigal has made his familiarity with firearms very apparent. Officer [REDACTED] said he has never had a one-on-one conversation with Officer Madrigal.

Officer [REDACTED] said that Officer Madrigal did not make any comments directly to him about the shooting. He did hear him say that he shot approximately 20 times when they discussed their respective roles in the shooting. Officer [REDACTED] said he did not recall hearing Officer Madrigal say why he shot as many times as he did.⁵¹

Officer [REDACTED] denied hearing Officer Madrigal say he wanted to get in a solo officer-involved shooting. He stated that he does not work the same shift as Officer Madrigal, so they have minimal contact with each other. He also denied hearing Officer Madrigal talk about getting certified with a shotgun.

Officer [REDACTED] denied hearing Officer Madrigal use gay or racial slurs. Officer [REDACTED] also denied hearing any comments about a disregard for human life.

Sgt. Franklin asked Officer [REDACTED] to describe Officer Madrigal's reputation at [REDACTED]. Officer [REDACTED] stated that he personally tries to stay out of the rumor mill, so he

⁴⁹ None of the BWC footage captured for this incident shows Officer Madrigal.

⁵⁰ [REDACTED] at 1:52.

⁵¹ [4:39]

⁵² [9:10]

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does not know how people view Officer Madrigal. He stated that Officer Madrigal looks "well put [REDACTED] but he has always come off as arrogant or unapproachable.

Officer [REDACTED] related that during the reintegration program, Officer Madrigal came off as if he was a "pro" and that anyone else who had never been in an officer-involved shooting was "beneath him". Officer [REDACTED] reported that some [REDACTED] officers seemed offended by Officer Madrigal's behavior.⁵³ Officer [REDACTED] stated that Officer Madrigal was criticizing Officer [REDACTED] and Officer [REDACTED] because of the tactics they used in the shooting. Officer [REDACTED] said he chimed in and said [REDACTED] was no reason to be disrespectful.

Officer [REDACTED] [REDACTED]

Officer [REDACTED] related that he graduated the Police Academy in November 2018 and was assigned to [REDACTED]. Officer [REDACTED] related that in 2021, he started the year on the swing shift and ended on the day shift.

Officer [REDACTED] described Officer Madrigal as his friend, that they worked [REDACTED] frequently last year and said they worked as partners when he was assigned to the swing shift. Officer [REDACTED] said that Officer Madrigal is laid-back, but can be brash. Officer [REDACTED] said that Officer Madrigal treats the people within the community "like they were human". Officer [REDACTED] denied hearing Officer Madrigal use the words "fag", "faggot", or "gay". He also denied hearing Officer Madrigal speak poorly about minorities or the black community specifically.⁵⁴

Officer [REDACTED] stated that he had never heard Officer Madrigal talk about getting certified on a shotgun, nor did he hear him talk about his "kill count", or being involved in a future officer-involved shooting.⁵⁵ Officer [REDACTED] said that Officer Madrigal told him does not want to get in another officer-involved shooting because of the strain it causes on his family.

Officer [REDACTED] stated that Officer Madrigal talked about the shooting during the debrief at reintegration, but he does not remember Officer Madrigal mentioning his round count. Officer [REDACTED] described Officer Madrigal as "unhappy" with Officer [REDACTED] and Officer [REDACTED] tactics during the shooting.⁵⁶ Officer [REDACTED] related that he did not think the interaction was hostile.

Sgt. Franklin asked about Officer Madrigal's reputation at [REDACTED]. Officer [REDACTED] stated that Officer Madrigal is a good cop and is very tactically sound from his military experience. Officer [REDACTED] denied any knowledge that Officer Madrigal refuses to wear a Taser. He stated he thought Officer Madrigal wore a Taser when they were partners. Officer [REDACTED] stated that he has no concerns about Officer Madrigal being a Denver Police officer.

⁵³ [12:08]

⁵⁴ [5:15]

⁵⁵ [5:51]

⁵⁶ [7:40]

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Officer [REDACTED] [REDACTED]

Officer [REDACTED] related that he is currently assigned to [REDACTED] and typically works the swing shift.

Officer [REDACTED] stated that he is "friendly" with Officer Madrigal, but nothing beyond that. Officer [REDACTED] described Officer Madrigal as "young", stated that he has a new baby, and said that Officer Madrigal does not talk much about his personal life. Officer [REDACTED] said he knows Officer Madrigal has military experience.

He denied hearing Officer Madrigal use the words "fag", "faggot", or "gay".⁵⁷ He also denied hearing Officer Madrigal speak poorly about minorities or the black community specifically.

Officer [REDACTED] confirmed that he went through the reintegration process with Officer Madrigal.

Officer [REDACTED] stated he did not recall hearing Officer Madrigal make any comments about why he fired as many times as he did. He related that during the debrief, Officer [REDACTED] took offense to Officer Madrigal chastising him and Officer [REDACTED] for approaching the vehicle.⁵⁸ Officer [REDACTED] related that Officer Madrigal was trying to give him constructive criticism, but that is not how he interpreted it at the time.

Officer [REDACTED] [REDACTED]

Officer [REDACTED] is currently assigned to [REDACTED] and he works the swing shift. He related that he was Police Academy classmates with Officer Madrigal, but they do not socialize outside of work.⁵⁹ He stated that he has worked off-duty shifts with Officer Madrigal, but he's never worked a partner car with him, and they cover different sectors, so they rarely cross paths. Officer [REDACTED] described Officer Madrigal as opinionated and outspoken.⁶⁰

Officer [REDACTED] stated that he had never heard Officer Madrigal talk about getting certified on a shotgun, nor did he hear him talk about his "kill count". Officer [REDACTED] stated he has heard Officer Madrigal say "fag" or "faggot" and he uses it as if to say, "don't be stupid." He denied hearing Officer Madrigal make negative or racially charged comments about minorities.⁶¹

Officer [REDACTED] stated he did not talk to Officer Madrigal much during the reintegration process because on the first day of the process, Officer Madrigal told him and Officer [REDACTED] that they "fucked up" on the shooting and they were "fucking stupid" and was being aggressive towards them. Officer [REDACTED] said he felt like Officer Madrigal's comments were out of place. Officer [REDACTED] said it left a "sour taste" in his mouth.⁶² Officer [REDACTED] stated that he would communicate with other officers during the

⁵⁷ [5:00]

⁵⁸ [6:32]

⁵⁹ [1:50]

⁶⁰ [5:00]

⁶¹ [9:52]

⁶² [10:24]

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reintegration process about their thoughts and feelings, but when Officer Madrigal walked into the room, everyone stopped talking.

He stated that he heard that Officer Madrigal shot "a lot" but he did not hear him make any statements about why he fired as many times as he did.⁶³ Officer ██████ re-emphasized that Officer Madrigal's comments on the first day were "screwed up" so he made a point to avoid talking about the shooting with him.

Sgt. Franklin asked about Officer Madrigal's reputation at ██████ Officer ██████ stated that Officer Madrigal is a hard worker, and he has never heard someone speak negatively about him. Officer ██████ stated that when Officer Madrigal gets heated, he gets a little "uppity," but he does good at his job.⁶⁴

Officer ██████ denied any knowledge about ██████ Officer Madrigal wears a Taser. Officer ██████ did state that he's heard offhand comments about a Taser being "dumb", but he does not know if it the statement was made by Officer Madrigal.⁶⁵

Officer ██████ ██████

Officer ██████ related that he is assigned to ██████ but he was recently switched to the swing shift from the morning shift. Officer ██████ stated that he does not have much of a relationship with Officer Madrigal.⁶⁶ He related that he has never worked with Officer Madrigal or hung out with him outside of work. Officer ██████ stated that as far as he knows, Officer Madrigal has a good reputation within the district.

Officer ██████ denied hearing Officer Madrigal use the words "fag", "faggot", or "gay".⁶⁷ Officer ██████ stated that he had never heard Officer Madrigal talk about getting certified on a shotgun, nor did he hear him talk about his "kill count", or being involved in a future officer-involved shooting.⁶⁸

Officer ██████ stated that he remembered Officer Madrigal making a statement at the scene at the 1st and Perry shooting that he shot the suspect in the face.⁶⁹ Officer ██████ stated he did not hear Officer Madrigal comment on how many times he discharged his weapon or why.

Officer ██████ stated that he was not aware of whether Officer Madrigal carries a Taser.

Officer ██████ related that Officer Madrigal was critical of Officers ██████ and ██████ regarding their tactics during the shooting. Officer ██████ stated that Officer Madrigal was being a "dick" and acting like he was better than everyone else.⁷⁰

He also denied hearing Officer Madrigal speak poorly about minorities or the black community specifically.

⁶³ [13:00]

⁶⁴ [14:30]

⁶⁵ [17:55]

⁶⁶ [2:24]

⁶⁷ [4:15]

⁶⁸ [6:00]

⁶⁹ [5:10]

⁷⁰ [12:41]

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Sgt. [REDACTED]

Sgt. [REDACTED] related that [REDACTED] until [REDACTED] was transferred to the [REDACTED] Sgt. [REDACTED] described Officer Madrigal as respectful and military driven.⁷¹ Sgt. [REDACTED] stated that he had a few [REDACTED] officers he would hang out and go on calls with, and they did "good police work".

Sgt. [REDACTED] related that when [REDACTED] saw Officer Madrigal interact with members of the public, he showed patience and compassion.⁷²

Sgt. [REDACTED] denied hearing Officer Madrigal say, "kill bodies", "gay", "fag", or "faggot". Sgt. [REDACTED] also denied ever hearing Officer Madrigal use any racial slurs. Sgt. [REDACTED] stated that no one else every approached [REDACTED] about Officer Madrigal making inappropriate comments.⁷³

Sgt. [REDACTED] stated [REDACTED] did not know that Officer Madrigal did not carry his Taser. [REDACTED] stated that some officers have outside carriers, so they do not wear the Taser at roll call. Sgt. [REDACTED] stated [REDACTED] did not have any concerns regarding Officer Madrigal activating his BWC when required.

Sgt. [REDACTED] stated that [REDACTED] was not aware that Officer Madrigal carried two rifles while on duty. [REDACTED] did not hear Officer Madrigal say he wanted to get certified with a shotgun or get into a shooting with a shotgun.

Sgt. [REDACTED] related that [REDACTED] spoke to Officer Madrigal after the shooting at 1st and Perry approximately a month or two after the incident. [REDACTED] stated that he showed no emotion, compassion, or remorse when he discussed the shooting with [REDACTED]⁷⁴ Sgt. [REDACTED] said [REDACTED] did not recall if Officer Madrigal told [REDACTED] how many times he fired his weapon or why.⁷⁵

Sgt. [REDACTED] said that [REDACTED] did not hear any comments that Officer Madrigal wanted to increase his kill count or get into [REDACTED] officer-involved shooting.

Sgt. [REDACTED] stated [REDACTED] had concerns with Officer Madrigal being a Denver Police officer initially when he did not show any remorse or compassion when talking about his shooting. [REDACTED] stated that after observing him in other tactical situations, [REDACTED] concerns waned.⁷⁶

Other Evidence

Reintegration Process

During the reintegration process, officers spend three weeks at the Denver Police Academy debriefing their officer-involved shooting. Officer Madrigal was assigned to the

⁷¹ [1:53]

⁷² [3:36]

⁷³ [6:00]

⁷⁴ [13:30]

⁷⁵ [14:40]

⁷⁶ [18:55]

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Police Academy from May 24, 2021, until June 10, 2021. The officers who attended the reintegration process during the same period as Officer Madrigal were interviewed concerning Officer Madrigal's statements during reintegration process.

Officer [REDACTED] reported that [REDACTED] did not recognize a photograph of Officer Madrigal and stated that [REDACTED] did not recall any statements he made during the process.⁷⁷

Officer [REDACTED] reported that he recognized the photograph of Officer Madrigal but did not know his name. He stated that he did not recall Officer Madrigal making any statements regarding his involvement in the shooting during the reintegration process.⁷⁸

Officer [REDACTED] reported that he recognized the photograph of Officer Madrigal but did not know his name. He stated that he did not recall Officer Madrigal making any statements regarding his involvement in the shooting during the reintegration process.⁷⁹

Officer [REDACTED] reported that he does not know Officer Madrigal well and has not worked with him very often. He denied hearing Officer Madrigal make any derogatory or racially insensitive statements. Officer [REDACTED] stated that he never heard Officer Madrigal talk about getting certified with a shotgun, his "kill count", or getting involved in [REDACTED] officer-involved shooting. Officer [REDACTED] stated that his reintegration process was modified so he never heard Officer Madrigal discuss how many rounds he fired or why.

Officer [REDACTED] reported that he recognized the photograph of Officer Madrigal from the reintegration process. Officer [REDACTED] reported that he did not know Officer Madrigal personally prior to the shooting and did not interact with him during reintegration. He stated that he learned during the process that the 1st and Perry shooting was Officer Madrigal's second officer-involved shooting and that he used a rifle. Officer [REDACTED] stated he did not recall Officer Madrigal explaining why he discharged his weapon as many times as he did.⁸⁰

Officer [REDACTED] related that he worked in [REDACTED] with Officer Madrigal at the time of the shooting. He stated that he did not know Officer Madrigal well, but he thought he was "friendly". Officer [REDACTED] denied hearing Officer Madrigal make any derogatory comments or use racial slurs. He stated that he did not hear Officer Madrigal talk about why he shot as many times as he did in the 1st and Perry shooting. He also denied hearing Officer Madrigal make statements about getting certified with a shotgun or getting in more shootings.⁸¹

Use of Racial Slurs

In his interview, Officer Madrigal denied using the phrase "negro-rigging" to describe the way he attached his BWC to his duty belt. He related that he did use the term "Negro", but it was in a large group where other people said it too. He related that he was at

⁷⁷ [REDACTED] Garrity and statement.

⁷⁸ C [REDACTED] Garrity and statement.

⁷⁹ M [REDACTED] Garrity and statement.

⁸⁰ Josh [REDACTED]

⁸¹ Maneechoot [REDACTED]

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██████████ with Sgt. ██████████ Officer ██████████ Officer ██████████ and Officer ██████████ Officer Madrigal stated that the group found a Denver Police report from the 1970s that used the term to describe a suspect and the group had a conversation about the term being in the report.

Sgt. ██████████ confirmed that this conversation did take place, but the phrase “negro-rigging” was never used. Sgt. ██████████ related that when the officers were moving into the basement, they did not have desks, so they went and found some old ones. Sgt. ██████████ related that when the officers cleaned out one of the desks, they located all kinds of old bulletins, daily details, and ██████████ miscellaneous reports. One of those listed the suspect as a “negro male.” Sgt. ██████████ related that he did not remember anyone having a conversation about the bulletin(s) specifically, ██████████ than their comments on its historical nature.⁸²

Sgt. ██████████ account of this scenario was corroborated by Officer ██████████ Officer ██████████ and Officer ██████████ Officer ██████████ stated that he did not recall Officer Madrigal being assigned to their team when this conversation occurred.⁸³ Officer ██████████ stated that the conversation took place months before Officer Madrigal was training with the Network Investigations Team.⁸⁴ Officer ██████████ related that he did not recall if Officer Madrigal was in the office or temping with the Network Investigations Team when the conversation took place.⁸⁵

Subject Officer Statement

OIS Interview

Officer Madrigal was interviewed about his involvement on the shooting that occurred on May 14, 2021.

Officer Madrigal reported that he was hired by DPD in October 2017. Since he graduated the police academy, he’s been assigned to patrol at ██████████

On May 14, 2021, Officer Madrigal was working a partner car with Officer ██████████ from 12:00 PM until 10:00 PM; he was driving the vehicle and Officer ██████████ was the passenger.

During the interview, Officer Madrigal was asked to stand up and display his duty belt. When he did so, his Taser was affixed to the front left side of his belt.⁸⁶

Officer Madrigal was then asked to describe his actions once he received the call to respond to the shooting.

Officer Madrigal stated that he and Officer ██████████ arrived at the “cop shop” that is around Dartmouth and Sheridan Blvd. after completing a call and Officer ██████████ was getting ready to start their paperwork. Then, a call came out at Mississippi and Ohio of a male who was shirtless, firing a gun near a playground. Officer Madrigal

⁸² Sgt. ██████████ Written Statement.

⁸³ ██████████ Written Statement.

⁸⁴ Corey ██████████ Written Statement.

⁸⁵ Derek ██████████ Written Statement.

⁸⁶ [10:19]

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stated that he immediately knew that he was the "only rifle" on the scene so he wanted to respond and set up a scouting position. As they started driving toward the location, Officer Madrigal told Officer ██████ to air over the radio that they would take a scout position.

As they continued towards the incident, Officer Madrigal related ██████ were several reports of shots fired. Officer Madrigal said he could not remember who was calling out the suspect's direction of travel, ██████ it was a member of the public or ██████ officer. Once the suspect got onto Perry St., Officer Madrigal stated he remembered Officer ██████ who was in a car with Officer ██████ say that he was behind the suspect vehicle traveling northbound on Perry St. Officer Madrigal stated that Officer ██████ initially sounded "calm and collected" on the radio, but then his voice changed.⁸⁷ Officer Madrigal said he knew something was wrong and Officer ██████ related over the radio that the suspect was shooting at them.

Officer Madrigal stated that he was trying to catch up to the suspect vehicle, but was never close enough to see it. Officer Madrigal eventually heard over the radio that the suspect vehicle crashed at 1st and Perry. They arrived at the scene and parked alongside the other DPD patrol cars already at the scene.

Officer Madrigal stated that he got out of the patrol car and grabbed his rifle.⁸⁸ He set up position behind a patrol car that was on the northwest side of the suspect vehicle, then aimed his rifle at the suspect who was in the driver's seat. Officer Madrigal said he saw several officers on the west side trying to approach the rear of the suspect vehicle. Officer Madrigal said he yelled at them to get out of the way because he did not want them in his crossfire. Another officer ran up a hill to get a better view of the suspect and Officer Madrigal said he had that officer in his sight, so he lowered his rifle.

Officer Madrigal related that the suspect was standing up and appeared to be patting himself down like he was looking for something. Officer ██████ then yelled to Officer Madrigal that he needed a rifle. At that time, Officer Madrigal stood up and sprinted to where Officer ██████ was standing. As Officer Madrigal was running to cover, the suspect produced a handgun and fired what Officer Madrigal believed was a single round.⁸⁹ Officer Madrigal stopped running, presented his rifle, and discharged his weapon in the direction of the suspect.

Officer Madrigal said that if he had not fired, he believed the suspect was going to shoot him, another officer, or a civilian bystander. Officer Madrigal said he continued to fire until he felt like the suspect was no longer a threat. Someone else then yelled at him to get to cover, so he stood up and went behind a patrol car. Officer Madrigal related that he assisted Officer ██████ in ensuring he was not hit with a round.

Officer Madrigal stated that a team walked up to the suspect vehicle with a shield, opened the door, and checked for a pulse on the suspect. Officer Madrigal stated that

⁸⁷ [14:35]

⁸⁸ [16:40]

⁸⁹ [18:45]

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the call was "pretty much done" from there so he deactivated his BWC and called his wife.⁹⁰

Officer Madrigal related that he personally observed the suspect pull out a handgun and saw the muzzle flash when the suspect fired a round.⁹¹ He stated that his rifle magazine holds 32 rounds and he fired approximately 20 times.⁹² Officer Madrigal repeated that he stopped firing his weapon when he felt the suspect was no longer a threat to himself or other officers at the scene.⁹³

IA Interview

Officer Madrigal responded to IA for an interview on June 28, 2022.

Sgt. Franklin started the interview by asking Officer Madrigal if he was in an officer-involved shooting at 1st and Perry in 2021 and went through the reintegration process. Officer Madrigal said that he did. Sgt. Franklin stated that during the reintegration process, someone stated that he was talking about the shooting and that he shot his rifle approximately 17 times. The complainant stated that Officer Madrigal said that he knew the suspect was hit after his first shot, but he continued shooting because he wanted to watch the suspect's face rip apart.

Officer Madrigal denied ever making this statement.⁹⁴

Officer Madrigal related that he did not specifically see the shooting victim up close after the shooting. He stated that he was told that there was "a lot of tissue damage," but did not observe it himself. He again denied saying that he wanted to watch the suspect's face rip apart.

Officer Madrigal related that he continued to fire his weapon until there was no longer a threat. He stated that he stopped shooting when every other officer on the scene stopped shooting, as demonstrated by his BWC footage.

Next, Sgt. Franklin asked Officer Madrigal if he refers to people in general as "fags" or "faggots". Officer Madrigal admitted that he "sometimes" uses the term, but he does not refer to people directly as "faggots".⁹⁵ He also stated that he uses the term "gay" to describe something that he thinks is stupid. He said he uses these terms because they "just come out", not because he has issues with anyone's sexual orientation. Later in the interview, Sgt. Franklin asked Officer Madrigal how often he uses the terms "gay", "fag", or "faggot" during day-to-day life. He stated that he did not know. Officer Madrigal related that he has a "very dark sense of humor."⁹⁶ Officer Madrigal stated that he did preface a conversation with Officer [REDACTED] by saying he did not want to offend [REDACTED]

⁹⁰ [21:30]

⁹¹ [26:05]

⁹² [30:00]

⁹³ [33:07]

⁹⁴ Officer Shane Madrigal Interview Transcript, Line 54.

⁹⁵ Line 88.

⁹⁶ Lines 658-659.

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because he knows [REDACTED]. He said he asked [REDACTED] to tell him if [REDACTED] ever had an issue with anything he said. According to Officer Madrigal, Officer [REDACTED] told him that the terms "gay" or "fag" do not bother [REDACTED] because [REDACTED] uses them as well. Officer Madrigal stated that Officer [REDACTED] bragged about saying it to him and to the sergeants.⁹⁷

Officer Madrigal later stated that he knows using these terms is wrong, but it is just the "culture in the military" and he never used the terms to make fun of a person's sexual orientation.⁹⁸

Officer Madrigal related that he spent his "forming" years, 17 through 22, in the Marine Corps. Additionally, he has been in two officer-involved shootings since he started with DPD, while some officers go their entire career without experiencing one.

Sgt. Franklin asked Officer Madrigal if he ever used the phrase "negro-rigging" when referring to a way he attached his BWC to his duty belt instead of his shirt. Officer Madrigal stated that he did, but he said it in a large group of people where other people said it too.⁹⁹ Officer Madrigal related that he was sitting in a bottom room downstairs at [REDACTED] with Sgt. [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] and they saw a paper that used the term "negro" to describe a suspect in the 1970s. He stated that the group had a conversation about the term. Later in the interview, Officer Madrigal stated that the conversation occurred sometime in February 2022.¹⁰⁰ He emphasized that the "actual N-word" was never used.

Officer Madrigal denied saying that rap and hip-hop music is "too black" for him and stated that he has never been confronted for being racist.¹⁰¹

Sgt. Franklin asked Officer Madrigal about reports that he does not wear his Taser because he is going to be "lethal cover".¹⁰² Officer Madrigal stated that he takes off his Taser because it hurts his back, and he is going through the Veterans Affairs process to get the issue resolved. He stated that he has a very small waist, so if he wears a Taser it blocks his radio. He cannot use his car radio because he is half deaf in one of his ears and needs to use an earpiece. Instead, he keeps his Taser in his car bag. He stated if he goes on a call where he might need it, he clips in on his back and removes it again before he gets back into his patrol car.¹⁰³

⁹⁷ Lines 1148-1150.

⁹⁸ Lines 1176-1179.

⁹⁹ Officer Madrigal's explanation for the phrase he used does not make sense. Additionally, the officers he alleged were present for this conversation all stated that Officer Madrigal was not assigned to their team at the time of this discovery.

¹⁰⁰ Line 597.

¹⁰¹ Line 156.

¹⁰² During his OIS Interview, Officer Madrigal was wearing his Taser and told the interviewer that he was wearing the Taser during the shooting. BWC footage confirms that Officer Madrigal was wearing his Taser during the shooting at 1st and Perry.

¹⁰³ Lines 215-217; further investigation other instances where Officer Madrigal was not wearing his Taser while responding to calls. See *Madrigal without Taser Dec 18 2021*; *Madrigal without Taser Dec 18, 2021 back*; *Madrigal without Taser Jan 9 2022 1*; *Madrigal without Taser Jan 9 2022 back*.

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Sgt. Franklin asked Officer Madrigal if, during his temporary assignment with the PNI team, he assisted with a felony stop and aimed his rifle at one of the occupants. After the fact, he told his partner not to include him on the 12F because he did not activate his BWC.

Officer Madrigal denied that this ever occurred. He stated that if he deploys his rifle and does not aim it at anyone, he does not need to be on the 12F. He stated he could not see the back of an occupant's head on the stop. He stated he did not get a good enough chance to actually raise his rifle because the car took off immediately. Officer Madrigal said it is not the same as a handgun, where you have to be on the 12F if you remove it from the holster.

Sgt. Franklin asked Officer Madrigal about the arrest of Mr. Elias Nunez. After the arrest, Officer Madrigal reportedly found some fentanyl pills on the arrestee, but he told his partner he would just discard them instead of putting them into evidence because that is what he has done for five years. Officer Madrigal denied that this occurred. He stated that PCS (possession of controlled substance) arrests are one of his "favorite arrests".¹⁰⁴

Sgt. Franklin asked Officer Madrigal about reports that he carries two rifles on duty: one in the trunk of his patrol car and one next to him.¹⁰⁵ Officer Madrigal explained that he carries two rifles, the first rifle is an overwatch rifle with a magnified optics so he can provide overwatch as officers approach. The second rifle has a red dot sight and can be utilized inside of vehicles and houses. He stated that his second rifle is easier to use. When the patrol car does not have a "center lock", Officer Madrigal stated that he puts the second rifle against the inside of his thigh.

He stated that it would be difficult to have to go get his first rifle out of his trunk, and he needs a rifle readily available for him to deploy so he can keep other officers safe at active scenes. He said in the time it would take for him to run to the trunk, unlock it, or get a key from someone else and press the right button, someone could get seriously hurt.

Sgt. Franklin asked Officer Madrigal where he secures the rifles on his normal assignment. He stated that he will keep one rifle in the trunk and one in the center lock.¹⁰⁶ But he stated that some of the center locks at [REDACTED] do not work, so he puts the rifle against his thigh, especially if he knows he's going to a call where he needs to deploy a rifle quickly.¹⁰⁷

Sgt. Franklin asked Officer Madrigal if he ever stated that he needed to get certified on a shotgun because he was already in an officer-involved shooting with a handgun and a rifle, so he wanted to be three for three. Officer Madrigal stated that he talked about getting a shotgun before he got a rifle. Officer Madrigal stated that he would not say going "three for three" was a topic, but it has been brought up because he has been in

¹⁰⁴ Line 309.

¹⁰⁵ Madrigal - RIFLE at 0:17.

¹⁰⁶ On a call with Officer [REDACTED] Officer Madrigal had one rifle in the floorboard of the vehicle and one rifle in the center lock. Madrigal-Rifle 3, Madrigal-Rifle 4.

¹⁰⁷ Lines 410-411.

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two shootings. He denied ever saying he wanted to get certified on a shotgun for the sole purpose of getting into another officer-involved shooting. He stated that he never wants to get into an officer-involved shooting because of the stress it causes him.¹⁰⁸ He stated that he never wants to take someone's life or to shoot someone, but that is part of the job.

Sgt. Franklin advised Officer Madrigal that other officers reported that he did not get into law enforcement to help people and that he has a general disregard for human life. Officer Madrigal stated that he enjoys his job and enjoys helping people. He stated that he joined the marines to serve his country, then went into law enforcement because he wants to help people.

Sgt. Franklin asked Officer Madrigal why someone would report that he said those things. He stated that it was a "phenomenal" question because he feels good about helping people.

Sgt. Franklin asked Officer Madrigal if he ever told Officer [REDACTED] that he was "jealous" of [REDACTED] officer-involved shooting because [REDACTED] was a solo-officer. Officer Madrigal stated that he did not, but they talked about Officer [REDACTED] shooting quite often. Officer Madrigal said that he asked Officer [REDACTED] how [REDACTED] was doing and told [REDACTED] he was [REDACTED] if [REDACTED] needed to talk.¹⁰⁹

Sgt. Franklin asked Officer Madrigal if he ever made statements about Black people moving into [REDACTED] or his displeasure with that fact. Officer Madrigal stated that he did talk about the fact that "they" are moving from District 2 to [REDACTED]. He stated that he knows this because he contacts a lot of Crips and asks them for their old address, and they will tell him that they recently moved to [REDACTED]. Officer Madrigal stated that he is not displeased by this, he does not care who he contacts.¹¹⁰ Officer Madrigal also emphasized that he has never received a complaint for discourtesy or showing prejudice.

Officer Madrigal divulged that he talks to someone at Nicoletti-Flater Associates once a week to cope with his stress. He related that his wife left DPD because she did not like it, so he told his wife he would pick up extra off-duty so his she could be a stay-at-home mom. However, he cannot work off-duty with this case pending, so he has "lost" \$20,000 over the past four months. Officer Madrigal related that he is a good cop and everyone he works with would say the same thing.

Sgt. Franklin advised Officer Madrigal that more than one officer had reported that he said he wanted to get involved in another officer-involved shooting. Officer Madrigal stated that if it happens, it happens, but it is not something he actively seeks out. Officer Madrigal said he is not going to shy away from a situation where he would be an asset to the incident. He stated if he hears a call with a gun come out, he is not scared of it

¹⁰⁸ Lines 476-477.

¹⁰⁹ Line 553.

¹¹⁰ Line 625.

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and he is not going to hide from it. He wants to do everything he can to ensure that his coworkers make it home to their families.¹¹¹

Sgt. Franklin asked Officer Madrigal to describe in more detail the issues in his life that are causing him added stress. Officer Madrigal related that one is the things he dealt with in the Marines. Additionally, [REDACTED]

[REDACTED] They did welcome a healthy child and his wife left the job, then he received this complaint. He stated that he now needs to find day care but is having difficulty because daycare is very expensive, in addition to a six-month to one year wait list. Officer Madrigal reiterated that he expected to earn an extra \$5,000 from off-duty jobs after his wife quit, but now he is unable to.¹¹²

Sgt. Franklin said that one officer described Officer Madrigal as smiling and enjoying talking about his shooting and boasting about emptying his ammo, in addition to not wanting the spotlight taken off him due to multiple officers being involved in the shooting.

Officer Madrigal stated that he had lots of conversations about his shooting and the tactics. He stated that the shooting really pissed him off based on the tactics because he thought a lot of officers discharged their weapons in "sympathetic fire." Officer Madrigal stated that he did not want to be lumped in with a group of officers who were not tactically sound and make him look bad at his job.¹¹³ He stated that in his opinion, a lot of officers were shooting blindly into a vehicle without knowing if a kid was inside from the initial carjacking.

Officer Madrigal denied laughing or being glad about getting into a shooting. He stated that being in a shooting keeps him from being able to financially provide for his family.

Sgt. Franklin asked Officer Madrigal if there were any heated arguments during the reintegration process between himself and other officers concerning the tactics used in the shooting. Officer Madrigal stated that there were lots of conversations about it, but nothing that was heated enough to necessitate separating the officers. Officer Madrigal stated that they had in depth conversations about the shooting, but they were all civil. Officer Madrigal stated that if he is asking an officer a question and that officer interprets it as an attack, that is on them. He stated there was never a time that he singled out someone for any specific reason.¹¹⁴

Sgt. Franklin asked Officer Madrigal to explain the phrase "kill bodies". Officer Madrigal explained that it is a phrase used in the Marines to signify acknowledgement or an affirmative answer. Officer Madrigal stated that he has used the phrase since he left the Marines and uses the phrase outside of work as well, including when his wife asks him to do something.¹¹⁵ Officer Madrigal stated that someone might have asked him why he used the phrase, and he explained it to them.

¹¹¹ Lines 733-734.

¹¹² Lines 790-791.

¹¹³ Line 829.

¹¹⁴ Line 979.

¹¹⁵ Line 1051.

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Sgt. Franklin asked if any of his friends on the job told him not to say "kill bodies" or anything similar. He stated that he did not recall anyone doing so.

At the end of the interview, Officer Madrigal expressed the opinion that a lot of the questions covered in the interview seemed to involve things taken out of context. He stated that he cannot control how a person is going to interpret something that he is saying. He stated that he has been working on himself by attending weekly appointments at Nicoletti-Flater. Officer Madrigal stated that he did not lie in his OIS interview, and he had no reason to lie.¹¹⁶

EEO Opinion

Employee Relations Specialist Angie Kim-Frisch completed an EEO opinion¹¹⁷ detailing her findings on whether Officer Madrigal violated the Department of Safety EEO Policy and Prohibition on Harassment and Discrimination. Ms. Kim-Frisch's opinion stated:

Based on the information gathered from the investigation and the interviews conducted, it is this Administrator's opinion that there is sufficient evidence to support a violation of the Department of Safety EEO Policy and Prohibition of Harassment and Discrimination against Officer Shane Madrigal. This opinion will focus specifically on the allegations that pertain to the Department of Safety EEO Policy and Prohibition on Harassment and Discrimination.

By Madrigal's own admission, he sometimes uses the terms "fag", "faggot", and/or "gay". He stated, "I don't refer to them directly as faggots. I would say when we're in a – general – you know, if I use the term *gay*, it's more of the time [indiscernible] like, you know, hey, this is a stupid situation." By his own admission, he also used the term "Negro-rig." This violates the Department of Safety EEO Policy and Prohibition on Harassment and Discrimination section 1.A which states:

- (1) Examples of on-duty or off-duty conduct that could violate this policy include but are not limited to:
 - A. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments

While not an allegation that was provided by Officer ██████████ in the original complaint, the witness statements of Officer ██████████ and Officer ██████████ (██████████) both indicated that Madrigal would speak disparagingly about people of Mexican descent. ██████████ stated, "I think just the way he would talk to people was different depending on the race." ██████████ stated that he has heard Madrigal say things like, "There's a lot of illegal immigrants that work there" and, ". . . oh, this Mexican doesn't speak English -- " and, ". . . these illegals doing this shit." Both ██████████ and ██████████ also confirmed that they have

¹¹⁶ Lines 1279-1280.

¹¹⁷ Shane Madrigal HR EEO Opinion.

heard Madrigal making comments about people of color moving into [REDACTED]. [REDACTED] stated that, "He just doesn't like that black people are coming into [REDACTED] it feels like there's more black people in [REDACTED] now." [REDACTED] stated that, "Like I've heard him say there's a lot of black people moving into four." While Madrigal stated that, "I don't care who I contact, what color of their skin there are - - they are, what their, you know, race, religion, creed - - whatever the case may be", his statement seems inconsistent with the information provided by no less than three of his fellow officers.

Analysis and Conclusions

Specification No. 1:

RR-115.2 Aggravated Conduct Prohibited by Law

Officers shall obey all state and federal statutes, specifically as they involve:

- a. Any felonious conduct;
- b. Any conduct prohibited as a Class One Misdemeanor; or,
- c. Any criminal conduct committed on duty or under color of authority.

As it pertains to

C.R.S. § 18-8-502 Perjury in the First Degree

(1) A person commits perjury in the first degree if in any official proceeding he knowingly makes a materially false statement, which he does not believe to be true, under an oath required or authorized by law.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that his statement was not material is not a defense, although it may be considered by the court in imposing sentence.

...

Rationale for Finding

The complaint asserts Officer Madrigal violated RR-115.2, Aggravated Conduct Prohibited by Law, when he allegedly made a false statement during his OIS interview.

In this case, Officer Madrigal was interviewed concerning his involvement in the 1st and Perry officer-involved shooting on May 14, 2021. In his interview, Officer Madrigal stated that he discharged his rifle because he saw the suspect raise a handgun and fire one round. He stated that he discharged his rifle approximately 20 times and he stopped firing when he felt like the threat was over.

Officer [REDACTED] reported that Officer Madrigal told [REDACTED] that he knew the suspect at the 1st and Perry shooting was deceased after firing his first shot, but he continued firing because he wanted to see the suspect's face rip apart. While Officer [REDACTED] reported that he also heard this comment, he stated that he thought he was told by [REDACTED]

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Officer [REDACTED] or Officer [REDACTED] Officer Madrigal denies making this statement and emphasized that he stopped firing when the threat subsided, like the other officers at the scene.

Due to conflicting statements, there is insufficient evidence to either prove or disprove the allegation that Officer Madrigal made a false statement during his OIS interview. As such, this specification is not sustained.

Finding

Not Sustained

Specification No. 2:

RR-105 Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

- a. May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- b. Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

Rationale for Finding

The complaint asserts Officer Madrigal violated RR-105, Conduct Prejudicial, when he allegedly made inappropriate comments about officer-involved shootings.

In this case, Officer [REDACTED] scheduled a meeting with [REDACTED] supervisor, Sgt. [REDACTED] to express some concerning statements made by Officer Madrigal while they were car partners.

[REDACTED] reported that as soon as their shift started, Officer Madrigal informed [REDACTED] that he does not wear a Taser because he would be "lethal cover". Officer Madrigal told Officer [REDACTED] that he'd been in two officer-involved shootings, and no one asked him about his Taser.

Officer [REDACTED] reiterated that Officer Madrigal does not wear a Taser. He stated that Officer Madrigal does not think he has room on his duty belt for the Taser and he thinks the Taser is "stupid" so he will not wear it. Officer [REDACTED] related that Officer Madrigal does not wear a Taser because he will be lethal cover and because he thinks the Tasers do not work. In his IA interview, Officer Madrigal stated that he takes off his Taser and keeps it in his car bag because it hurts his back and blocks his radio. During his OIS interview, Officer Madrigal's Taser was affixed to the left side of his duty belt, and he stated that he was wearing it during the shooting.

Officer [REDACTED] reported that Officer Madrigal told [REDACTED] that he wants to get certified on a shotgun because he has already killed someone with a handgun and a rifle, so he wants to go three for three. Officer [REDACTED] also acknowledged that he heard

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Officer Madrigal say he wanted to get into another officer-involved shooting with a shotgun so he could have a kill with all three weapons.

Officer Madrigal denied saying he wanted to get certified on a shotgun or to get in another officer-involved shooting with a shotgun.

Officer ██████ reported that Officer Madrigal has no regard for human life and told ██████ that he did not become a police officer so he could help people. Officer ██████ reiterated that Officer Madrigal has stated that he did not join law enforcement so he could help people. Officer ██████ said that Officer Madrigal told him he became a police officer because he did not know what else to do and he missed carrying a gun.

Officer ██████ stated that Officer Madrigal seems to enjoy talking about and describing his officer-involved shooting. He also told ██████ that he was jealous that ██████ was in a solo shooting. Officer ██████ also described Officer Madrigal as "excited" and "proud" when he talked about his officer-involved shooting. Officer ██████ related that after reintegration, Officer Madrigal seemed worried that the other officers involved in the 1st and Perry shooting were taking the spotlight away from him. Officer Madrigal told Officer ██████ that the other officers did not shoot the suspect, he did. Officer ██████ said at one point he told Officer Madrigal to stop talking about the officer-involved shooting in the manner he was because it was "not right". Officer ██████ stated that it was Officer Madrigal's "goal" to get involved in another shooting and he wanted to be in as many as he could.

Officer ██████ related that Officer Madrigal told him that he was the only officer who shot the suspect at 1st and Perry and the other officers were just shooting a dead person. Officer Madrigal was reportedly upset that those officers were traumatized by the shooting while he was the officer who actually killed the suspect. Officer ██████ related that if another officer refers to the shooting as their shooting, Officer Madrigal gets upset, says they are full of shit and says it was his shooting. He stated that every time the shooting comes up, Officer Madrigal gets upset that other officers are "taking credit" for his shooting.

Officer ██████ reported that Officer Madrigal told him that being in an officer-involved shooting is more personal than killing someone in the military because he can see the person he is shooting. Officer ██████ said that Officer Madrigal was "excited" when he said this. Officer ██████ related that he and Officer Madrigal often have conversations about the difference between being an officer and being a soldier. Officer Madrigal said that he has been through much worse and the people he interacts with do not scare him. Officer ██████ said that he tries to remind Officer Madrigal that the citizens of Denver are not his enemy. When asked if Officer Madrigal thinks the citizens of Denver are his enemy, Officer ██████ said it is "person by person". Officer ██████ stated that Officer Madrigal has an utter disregard for human life if he thinks that person does not deserve to live.

Officer ██████ related that "everyone" knows about Officer Madrigal's behavior. Officer ██████ and Officer ██████ confirmed this assertion. Officer ██████ indicated that Officer Madrigal is a "little bit of a psychopath", but that is just how

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Officer Madrigal is. Officer [REDACTED] acknowledged that the consensus opinion through [REDACTED] is that Officer Madrigal is "crazy" and other officers find him "disconcerting".

Additionally, Officer [REDACTED] said that Officer Madrigal told him he had a "throwdown gun" he would use if they needed to. Officer [REDACTED] explained that a throwdown gun is a gun you can plant on someone to make officers look a certain way. For example, to make it appear that an alleged suspect was armed or displaying aggravated active aggression to warrant the use of lethal force. Officer [REDACTED] said this was the most uncomfortable thing he ever heard Officer Madrigal say and that Officer [REDACTED] told him Officer Madrigal shared the same comments with him. Officer [REDACTED] acknowledged that he'd heard Officer Madrigal talk about a throwdown gun, but said he never saw the gun himself.

As such, there is a preponderance of evidence that Officer Madrigal violated RR-105, Conduct Prejudicial; therefore, this specification is sustained.

Finding

Termination

Matrix Analysis

Conduct Category – F

Conduct Category Determination – By the Reviewer

Preliminary Discipline Level – 8

Rationale: By making inappropriate and disturbing comments about officer-involved shootings, Officer Madrigal's conduct constituted ". . . a willful and wanton disregard of Department values [and] involve[d] [an] act which demonstrates a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer[.] . . ."

Prior Discipline

Date of current incident: February 7, 2022

Time frame for considering prior sustained misconduct: None

Number of prior relevant sustained cases within the time frame: 0

Revised Discipline Level Based on Prior Discipline: 8

Mitigating or Aggravating Circumstances

There are no significant mitigating or aggravating circumstances in this case. As such, a penalty in the presumptive range is warranted.

Final Recommendation for This Specification

Conduct Category	F
Discipline Level	8
Penalty	Termination
Penalty Range	Presumptive

Specification No. 3:

RR-138 Discrimination, Harassment, and Retaliation

Members of the Department are expressly prohibited from engaging in any form of discrimination, harassment, or retaliation, based on any class or personal characteristic protected by federal, state, or local law, or otherwise violating the Department of Safety EEO Policy found in section 117.05, the Protected Information Policy found in section 117.06, the Biased Policing Policy Statement found in section 118.01, the Biased Policing Policy found in section 118.02, or the Equal Employment Opportunity for Individuals with Disabilities Policy found in section 505.13 of the Denver Police Operations Manual.

Rationale for Finding

The complaint asserts Officer Madrigal violated RR-138, Discrimination Harassment and Retaliation, when he allegedly used homophobic and racial slurs while on duty.

To avoid the impact of "stacking," this specification was not reviewed, as the alleged conduct is addressed under the more appropriate and specific Specification No. 4.

Finding

Not Reviewed

Specification No. 4:

RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders.

As it pertains to

OMS 117.05 Department of Safety EEO Policy

It is the policy of the Department of Safety that its employees (both Career Service and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, genetic information or any other basis protected by federal, state, or local law or regulation.

(1) Examples of conduct that could violate this policy include but are not limited to:

- a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, or repeated request for dates, invitations, jokes, or comments[.]

Rationale for Finding

The complaint asserts Officer Madrigal violated RR-102.1, Duty to Obey Departmental Rules and Mayoral Executive Orders, as it pertains to OMS 117.05,

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Department of Safety EEO Policy, when he allegedly used homophobic and racial slurs.

In this case, Officer ██████ reported that after riding with Officer Madrigal for four days, ██████ heard him say "fag", "faggot", and "gay" an excessive number of times. Officer ██████ stated that he would say things like, "get out of the way fag," when someone was in their path or "this is gay" about things he did not want to do. Officer ██████ and Officer ██████ confirmed that Officer Madrigal uses these homophobic slurs with regularity. Officer Madrigal also admitted that he uses these phrases. Officer Madrigal said the phrases "just come out" and he does not have issues with anyone's sexual orientation. Officer Madrigal explained that he has a "very dark sense of humor". He did acknowledge that he knows using these phrases is wrong, but it is the "culture in the military" to use them.

In any context, the use of gay and homophobic slurs is inappropriate. This is especially true for a Denver Police Officer who is engaged in their duties. Regardless of Officer Madrigal's intentions when he uses these phrases, they violate the Department's policy of keeping its employees free from discrimination or harassment based on their sexual orientation.

Officer ██████ also reported that Officer Madrigal used the phrase "Negro-rigging" when he affixed his BWC to his to his shirt.¹¹⁸ When Officer ██████ told Officer Madrigal he could not use the phrase, Officer Madrigal said that he could say it, just not around certain people "like ██████". The only ██████ employed by DPD is a Black female officer that works in ██████ giving ██████ credibility to Officer ██████ allegations.

Officer Madrigal admitted to using the phrase Negro-rigging, but indicated that it was during a conversation with other officers, where they used the phrase as well. He stated that he was sitting in a bottom room downstairs at ██████ with Sgt. ██████ Officer ██████ Officer ██████ and Officer ██████ and they saw a paper with that used the term "negro" to describe a suspect in the 1970s and had a conversation about it. It is unclear how the phrase "Negro-rigging" would have come up in this conversation.

The officers named by Officer Madrigal did acknowledge that they found an old bulletin with the word "Negro" used, but they stated that the phrase "Negro-rigging" was never mentioned. Additionally, many of the officers related that Officer Madrigal was not present at the time as he was not assigned to their team yet.

Additionally, the EEO Opinion issued for this case found that Officer Madrigal violated the Department of Safety EEO Policy and Prohibition on Harassment and Discrimination.

As such, there is a preponderance of evidence that Officer Madrigal violated RR-102.1, Duty to Obey Departmental Rules and Mayoral Executive Orders, as it

¹¹⁸ The phrase typically uses the N-word in replace of Negro and is most often used to describe improvising a makeshift solution with a negative connotation.

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pertains to OMS 117.05, Department of Safety EEO Policy; therefore, this specification is sustained.

Finding

Sustained

Matrix Analysis

Conduct Category – D

Conduct Category Determination – By the Reviewer

Preliminary Discipline Level – 5

Rationale: By using the phrase “Negro-rigging” and repeatedly making gay and homophobic slurs, Officer Madrigal’s conduct was “substantially contrary to the values of the Department [and] . . . substantially interferes with its . . . professional image.”

Prior Discipline

Date of current incident: February 7, 2022

Time frame for considering prior sustained misconduct: 7 years

Number of prior relevant sustained cases within the time frame: None

Revised Discipline Level Based on Prior Discipline: 5

Mitigating or Aggravating Circumstances

There are no significant mitigating or aggravating circumstances in this case. As such, a penalty in the presumptive range is warranted.

Final Recommendation for This Specification

Conduct Category	D
Discipline Level	5
Penalty	10-Day Suspension (80 hours)
Penalty Range	Presumptive

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Commander Recommendations

	R&R	OMS	Finding	Category	Level	Range	Penalty
Spec #1	115.2	C.R.S. § 18-8- 502	Not Sustained	N/A	N/A	N/A	N/A
Spec #2	105	N/A	Sustained	F	8	Presumptive	Termination
Spec #3	138	N/A	Not Reviewed	N/A	N/A	N/A	N/A
Spec #4	102.1	117.05	Sustained	D	5	Presumptive	10-Day Suspension



02/06/23

Ron E. Thomas, Chief of Police
By: Commander Hans Levens