

TOWN OF EATON
POLICE DEPARTMENT

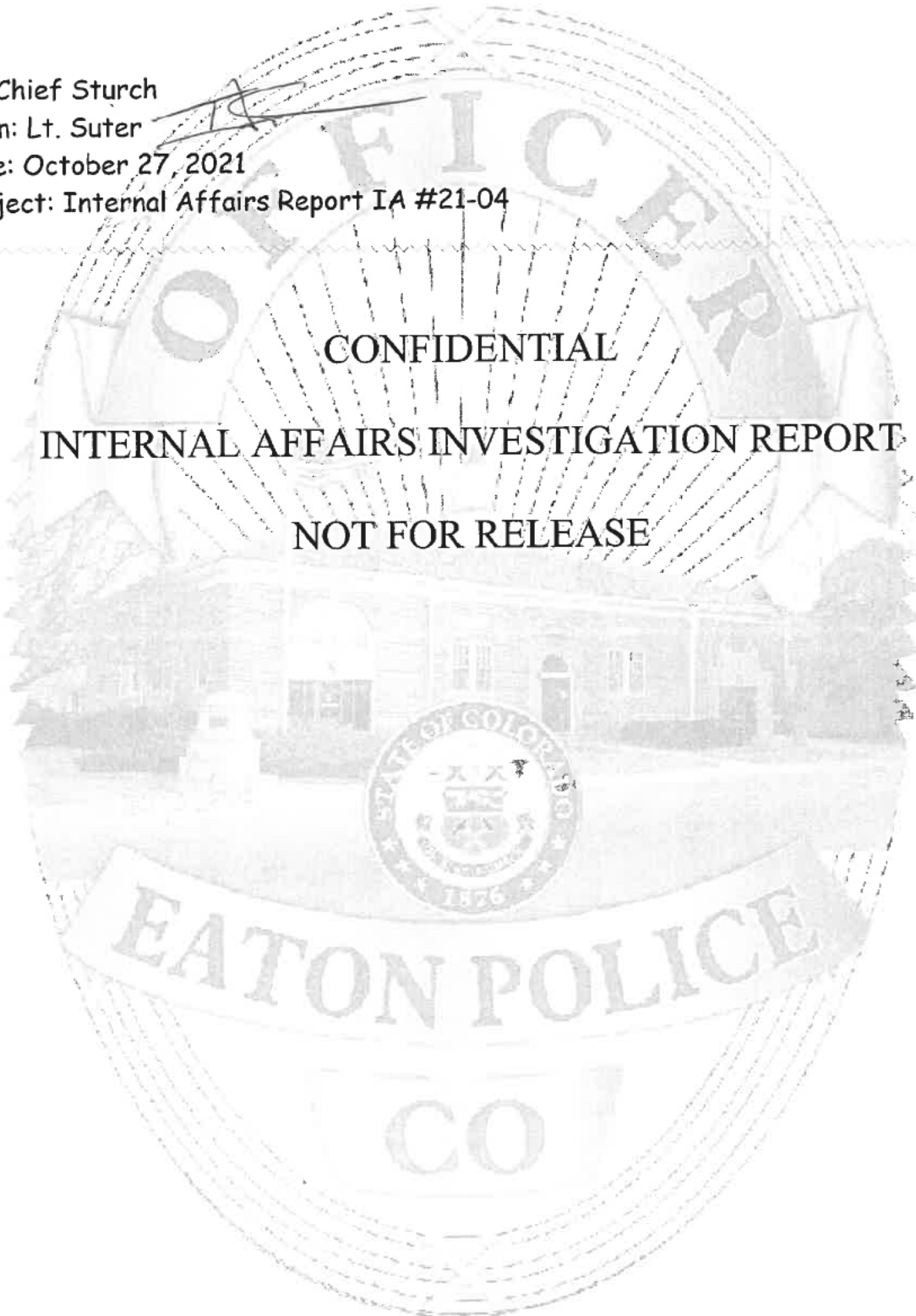
Memo

To: Chief Sturch
From: Lt. Suter
Date: October 27, 2021
Subject: Internal Affairs Report IA #21-04

CONFIDENTIAL

INTERNAL AFFAIRS INVESTIGATION REPORT

NOT FOR RELEASE



| | | | | |
|--|-------------------------------------|---|---|-----------------------------|
| EATON POLICE DEPARTMENT IA REPORT | | | CONFIDENTIAL | CASE NO. 21-04 |
| REPORT TYPE: IA REPORT | CLASSIFICATION: INTERNAL AFFAIRS | INTERNAL AFFAIRS REPORT CONFIDENTIAL | REPORTING OFFICER: Lt. Thomas Suter | DATE OF REPORT: 10-27-21 |
| STATUTE/ORD TITLE/INCIDENT/EATON POLICE POLICY PROCEDURE | | | STATUTE/ORD NUMBER / POLICY NUMBER | |
| 1. Allegation of Withholding Witness Statements/Evidence from Case | | | | |
| 2. Untruthful Statement to IA Investigator | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| LOCATION OF OCCURRENCE/ADDRESS Third St. at Cherry Ave., Eaton, Weld County, Colorado | | | DATE/TIME REPORTED 10-26-2021 / 1128 hrs | |
| DATE/TIME OCCURRED (On or Between) 09-23-2021 / 1521 hrs | | | AND / | |

EATON POLICE OFFICER UNDER IA INVESTIGATION (if multiple officers being investigated continue below)

(OFC) Officer Under Investigation

| | | | | | | | | |
|--|--|--|--|--|--------|--------|------|------|
| Per Code OFC | NAME: (Last, First, Middle) Daigle, Susan | PHONE:(H) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | PHONE:(W) <input type="checkbox"/> NONE <input type="checkbox"/> UNK 970-454-2212 | | | | | |
| ADDRESS: (Street, City, State, Zip) | | | | | | | | |
| BUSINESS / SCHOOL (Include Address) Eaton Police Department, 224 First St., Eaton, CO 80615 | | | | | | | | |
| DOB <input type="checkbox"/> UNK | AGE | SEX | RACE | ETHNICITY | HEIGHT | WEIGHT | HAIR | EYES |
| PARENTS NAME: (Juvenile Only) | | PARENTS DOB: <input type="checkbox"/> UNK | PHONE:(H) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | PHONE:(W) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | | | | |
| ADDRESS: (street, City, State, Zip) | | | ADDRESS: (Business/School) | | | | | |

INVOLVED PARTIES (if officer is a witness not under investigation they will be W if being investigated they will be OFC)

(OFC) Officer Under investigation (V) Victim (RP) Reporting Party (W) Witness (J) Juvenile

| | | | | | | | | |
|---|---|--|--|--|--------|--------|------|------|
| Per Code RP | NAME: (Last, First, Middle) [REDACTED] | PHONE:(H) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | PHONE:(W) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | | | | | |
| ADDRESS: (Street, City, State, Zip) [REDACTED] | | | | | | | | |
| BUSINESS / SCHOOL (Include Address) | | | | | | | | |
| DOB <input type="checkbox"/> UNK | AGE | SEX | RACE | ETHNICITY | HEIGHT | WEIGHT | HAIR | EYES |
| PARENTS NAME: (Juvenile Only) | | PARENTS DOB: <input type="checkbox"/> UNK | PHONE:(H) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | PHONE:(W) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | | | | |
| ADDRESS: (street, City, State, Zip) | | | ADDRESS: (Business/School) | | | | | |

(OFC) Officer Under investigation (V) Victim (RP) Reporting Party (W) Witness (J) Juvenile

| | | | | | | | | |
|-------------------------------------|-----------------------------|--|--|--|--------|--------|------|------|
| Per Code | NAME: (Last, First, Middle) | PHONE:(H) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | PHONE:(W) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | | | | | |
| ADDRESS: (Street, City, State, Zip) | | | | | | | | |
| BUSINESS / SCHOOL (Include Address) | | | | | | | | |
| DOB <input type="checkbox"/> UNK | AGE | SEX | RACE | ETHNICITY | HEIGHT | WEIGHT | HAIR | EYES |
| PARENTS NAME: (Juvenile Only) | | PARENTS DOB: <input type="checkbox"/> UNK | PHONE:(H) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | PHONE:(W) <input type="checkbox"/> NONE <input type="checkbox"/> UNK | | | | |
| ADDRESS: (street, City, State, Zip) | | | ADDRESS: (Business/School) | | | | | |

EATON POLICE DEPARTMENT - **CONFIDENTIAL** IA NARRATIVE

| | | |
|--|---|--------------------|
| REPORTING OFFICER: Lt. Thomas Suter | INTERNAL AFFAIRS CONFIDENTIAL REPORT | IA NUMBER 21-04 |
|--|---|--------------------|

At approximately 1130 hours on Tuesday, October 26, 2021 Clerk Samantha Hudspeth handed me a case file involving a two vehicle property damage traffic crash (OCA #21-05742) which had been investigated by Officer Susan Daigle. The crash occurred at approximately 1531 hours on Sunday, September 26, 2021. Hudspeth stated [REDACTED] was on the phone and had some questions. I quickly reviewed the case file and found [REDACTED] was the non-at-fault driver (traffic unit #2) in the crash and the other driver had been cited into municipal court. I also found the case had been dismissed by the city attorney.

I spoke to [REDACTED] and she stated she had requested the crash report and had not received the complete report. Upon further questioning I learned that she had, in fact, received the entire DR3447 State of Colorado Traffic Crash Report (3 pages front and back). The Department of Revenue had intended the forms to be fillable on the computer, however, there were/are bugs in the programming and the reports are completed by hand. [REDACTED] was confused because the first page is labeled 'Page 1 of 7 Pages' and she had only received 6 pages. The page numbers are incorrect on the form and can't be changed.

[REDACTED] then asked me where the witness statements were. I did not find any witness statements in the case file and [REDACTED] told me that the officer had given out witness statements to herself, the other driver, and an uninvolved witness. I told [REDACTED] I would contact the officer and call her back.

At approximately 1138 hours I contacted Officer Daigle, who was off-duty, on her department issued work cell and asked her if she remembered the case. Officer Daigle advised that she did and I asked her where the witness statements were. Officer Daigle stated she had, "...misplaced them and don't know where they are." I told her she needed to report to the police department and find them because one of the involved parties had requested the report and the witness statements were missing. I advised Chief Sturch I was having Officer Daigle come into the police department on her day off and the reason for the call-in.

At approximately 1300 hours I attended a meeting with the Eaton School District. When I returned to the police department at approximately 1420 hours Chief Sturch asked me to initiate an Internal Affairs Investigation into this matter. Officer Daigle was at the police department per my previous directive and at 1452 hours I served her with a written Internal Affairs Complaint Notification. After she signed the form she handed me two written statements and I advised her that I'd be in contact with her tomorrow to set up an interview.

I placed the original witness statements in the case file and a copy in the Internal Affairs file. At approximately 1530 hours I contacted [REDACTED] and advised her that an Internal Affairs Investigation had been initiated to find out why the witness statements were not in the case file.

At approximately 1623 hours I talked to City Attorney Avi Rockland by phone. She remembered this case and was not aware that Officer Daigle had obtained three written statements. She had not had an opportunity to review these statements because they were not included in the case file at the time she dismissed the case. Without the witness statements Rockland does not know how or if those statements would have changed her decision in how she disposed the case.

At approximately 1714 hours I contacted Officer Daigle and set up an interview for 1000 hours on Wednesday, October 27, 2021 at the police department.

EATON POLICE DEPARTMENT - *CONFIDENTIAL* IA NARRATIVE

At approximately 0958 hours on Wednesday, October 27, 2021 I met with Officer Daigle in the police department interview room. I turned on the video to record the interview.

I advised her of Garrity, she stated she understood the Garrity Warning, and had no questions. I had her review and sign the form and I signed it as the advising officer.

The following is a synopsis of the interview:

I confirmed with Officer Daigle that she had investigated a two vehicle property damage crash which occurred at approximately 1531 hours on Sunday, September 26, 2021 at Third St. and Cherry Ave. in Eaton. She confirmed that she obtained written statements from both drivers and an uninvolved witness. She told me she doesn't remember who the uninvolved witness was and that she did not know either [REDACTED] (Driver, Traffic Unit #2) nor [REDACTED] (Driver, Traffic Unit #1) and did not recall ever having any previous calls for service involving them.

I asked her why the witness statements were not included in the case file and she stated she had lost the written statement from the uninvolved witness so she thought she shouldn't include any of the witness statements in the case file. Officer Daigle states she has been a police officer for 19 years and has never taken written statements at a traffic crash. She then backed up and stated that she doesn't usually get written statements at traffic crashes and if she has in the past she doesn't recall.

Yesterday I asked Officer Daigle where the written statements were and she stated she had "...misplaced them and don't know where they are." During today's Internal Affairs Interview I asked her where the written statements were when I called her yesterday and she stated, "I knew they were in my office but I didn't know exactly where they were."

Officer Daigle made the statement to Chief Sturch yesterday that you normally don't put written statements in the case file and I asked her to clarify that statement. She replied that she normally doesn't handle traffic crashes where she obtains written statements. I asked her how many other case files are missing witness statements and she stated, "None."

I showed Officer Daigle a Minute Order from City Attorney Avi Rockland with the handwritten notation "Based on conference w/Officer Daigle – case to be dismissed." Officer Daigle stated she initiated the conversation with Rockland because she discussed the case with Chief Sturch and Sgt. Rundle and both of them recommended either citing both drivers or neither of them. I asked her if she told Rockland about the three written statements and she said no, that it didn't come up in the conversation.

I asked her if she had anything to add and she said she knew she made a mistake. She also said that whatever the punishment is she'd understand.

[Note: department policy requires that officers carry their assigned department issued duty weapon whenever they are on-duty or in a department issued vehicle. Officer Daigle arrived for her Internal Affairs Interview carrying her personal weapon.]

In conclusion I find the following:

At the time of this complaint Officer Daigle was assigned as a detective. At the time of this investigation Officer Daigle is assigned as a patrol officer. As such Officer Daigle was, or should have been aware, it has always been the practice and procedure of the Eaton Police Department that any written statements obtained during the course of an investigation be included in the case file and if a written

EATON POLICE DEPARTMENT - *CONFIDENTIAL* IA NARRATIVE

report is completed it be scanned into the E-Force system. The only report completed in this case was the DR3447 State of Colorado Traffic Crash Report. E-Force reports on traffic crashes aren't normally written unless the crash involves SBI, a fatality, or a DUI. There are no written reports in the case file where a synopsis of the written statements of the two drivers and uninvolved witness were documented or available to the city attorney. There is also no mention of the written statements on the back of the traffic citation. The city attorney was unaware that Officer Daigle had received three witness statements because they were not in the case file, nor were there any mention of them anywhere else in the case file. Officer Daigle had a conversation with the city attorney recommending the case be dismissed. During this conversation she failed to disclose to Rockland that there were written statements in the case. There is also a copy of a letter in the case file which was sent to the cited party, [REDACTED]. It states, in part, "Based upon the information submitted to the court, the court has moved to dismiss the citation in its entirety." The city attorney made a motion to dismiss the case without having all of the facts because Officer Daigle withheld the written statements. The allegation that Officer Daigle withheld evidence in this case is sustained.

Misconduct Not Based on Complaint in that Officer Daigle departed from the truth in that when asked where the written statements were she initially told me she had "...misplaced them and don't know where they are." During Officer Daigle's Internal Affairs Interview when asked about that statement she said, "I knew they were in my office but I didn't know exactly where they were." The initial statement about not knowing where the written statements were can be seen as either intentionally misleading or simply unintentionally ambiguous, so the allegation that Officer Daigle departed from the truth is not sustained.

I talked to a Chief Deputy District Attorney with the 19th Judicial District and briefed him on the investigation. He stated written statements are considered evidence. Withholding written statements is a direct misrepresentation and is providing false information by omitting facts and relates directly to credibility. In addition the officer had a conversation with the city attorney and failed to disclose the existence of the written statements. The 19th Judicial District Attorney's Office considers this to be a Brady issue and any case the officer is involved in would trigger a notification to the defense.



Lt. Suter #14-01

attachments:

Internal Affairs Complaint Notification
Garrity Advisement
2 witness statements
Minute Order from City Attorney Avi Rockland
Letter from Municipal Court to the cited party, [REDACTED]



**EATON POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT
NOTIFICATION**

IA CR #: 21-04

Advising Officer: LT. SUTER

Officer's Name: OFF DAIGLE

Badge #: 12-01

You are hereby notified that an Internal Affairs complaint has been made against you. This complaint involves an allegation of WITHOLDING THREE WITNESS STATEMENTS IN A TRAFFIC CRASH INVESTIGATION CR#21-05742

which occurred on or about SEPT 23, 2001.

The complainant is [REDACTED]

Signature: *John Daigle* Date: 10/26/2021 Time: 1452

Advising Officer Signature: *[Signature]* Date: 10/26/2021 Time: 1452



**EATON POLICE DEPARTMENT
GARRITY ADVISEMENT**

Reporting Agency: EATON POLICE DEPT

IA CR #: 21-04

Advising Officer: LT. SLITER

Name: OFFICER SUSAN DAIGLE Date of Birth: 12/29/1969 Age: 51

Location of Advisement: EATON P.D. INTERVIEW ROOM Date: 10/27/2021 Time: 0959

I am a law enforcement officer and want to interview you concerning:

WITHOLDING THREE WITNESS STATEMENTS IN
A TRAFFIC CRASH INVESTIGATION CR#21-05742

GARRITY WARNING

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of the United States, including the right not to be compelled to incriminate myself in criminal matters.

I have been further advised that if I refuse to testify or to answer truthfully questions relating to the performance of my official duties or fitness for duty, I will be subject to departmental charges of insubordination and disciplinary action may be taken, up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

This statement is made pursuant to such orders and the potential discipline which can result for failure to obey the order.

Signature: *Susan Daigle* Date: 10/27/2021 Time: 1001

Advising Officer Signature: *[Signature]* Date: 10/27/2021 Time: 1001

Witness Signature: _____



EATON POLICE DEPARTMENT
VOLUNTARY STATEMENT

CR # 21-05742

Location of Statement: 3rd Street & Cherry Eaton Date: 9/23/21 Time: 3:21pm

Name: [Redacted] Date of Birth: [Redacted]

Age: [Redacted] Height: [Redacted] Weight: [Redacted] Hair Color: [Redacted] Eye Color: [Redacted]

Home Address: [Redacted]

Work Address: [Redacted]

Phone: Home () Work () Cell () [Redacted] Phone: Home () Work () Cell () [Redacted]

Location of Incident: 3rd Street & Cherry Ave intersection

Date(s) of Incident: 9/23/21 Time(s) of Incident: 3:21pm

I was stopped ~~at~~ at the stop sign going west bound. I entered the intersection and was hit by the driver. I did not see the stop sign in the west bound lane as she turned in front of me. ~~There~~ going north. The other driver hit the center of my car. I got out after pulling my car in park, checked on the other driver and passenger and called 911. The dispatcher told me to move my car if able to a safe location and turn on my hazard lights. I instructed the other driver to put on her hazard lights also. We waited for the police to arrive. Officer Pettit stated when he arrived that I must have already been in the intersection when the other driver went because of where the impact happened.

Not see her turn signal on.

I understand this statement is voluntary and it is true and correct to the best of my knowledge. I will also cooperate to the best of my ability with the efforts of the law enforcement agencies involved in the investigation and prosecution of this incident.

Signature: [Redacted] Date: 9/23/2021 Time: 4:33

Witness: John Knight Date: 092321 Time: 1633



EATON POLICE DEPARTMENT VOLUNTARY STATEMENT

CR # 21-05742

Location of Statement: Cherry Avenue Date: 9/23/21 Time: 4:20

Name: [Redacted] Date of Birth: [Redacted]

Age: [Redacted] Height: [Redacted] Weight: [Redacted] Hair Color: [Redacted] Eye Color: [Redacted]

Home Address: [Redacted]

Work Address: [Redacted]

Phone: Home () Work () Cell () [Redacted] Phone: Home () Work () Cell ()

Location of Incident: Eaton, Co. Cherry and third

Date(s) of Incident: 9/23/21 Time(s) of Incident: 3:30

I was stopped at the stop sign on Cherry Ave. Both of us were stopped at the same time. She wasn't going so I started to go. I got all the way to almost the dip and she started coming I almost had to honk because she wasn't stopping but it was too late because she hit me. Her hitting me pushed my car back. This caused my seat belt to cut into me on my chest and side.

I understand this statement is voluntary and it is true and correct to the best of my knowledge. I will also cooperate to the best of my ability with the efforts of the law enforcement agencies involved in the investigation and prosecution of this incident:

Signature: [Redacted] Date: 9/23/21 Time: 4:30

Witness: [Signature] Date: 9/23/21 Time: 16:30

**Eaton Municipal Court
County of Weld and State of Colorado
Minute Order**

Date: November 15th, 2018
Judge: Thomas E. Hellerich

City Prosecutor: Avi Rocklin

Defendant is advised of their rights as an accused. Defendant is arraigned.
 Pre-trial conference is hereby ordered on _____
 Trial is set on _____ To the Court _____ to a Jury _____ Clerk to notify.
 Defendant waives right to Speedy Trial - Court accepts waiver.

10/7/21 Pre-trial Conference held. Prosecutor Avi

On Motion of City Prosecutor, Summons & Complaint is modified as follows:

Claim guilty/dismiss/amend _____ points _____
 Claim guilty/dismiss/amend _____ points _____
 Claim guilty/dismiss/amend _____ points _____
 Claim guilty/dismiss/amend _____ points _____
 Claim guilty/dismiss/amend _____ points _____

*Based on
confirmed
w/ officer
Deagle -
case to be
dismissed.*

Deferred Sentence: _____ months. Review Date: _____
 Recommendations: _____
 Granted by the Court _____

Defendant pleas as follows - Plea is accepted.

| Amended | G | NG | NC | Fine | Jail | CC | SC | Suspended |
|---------|---|----|----|------|------|------|------|-----------|
| Ct. #1 | | | | | | \$20 | \$30 | |
| Ct. #2 | | | | | | | | |
| Ct. #3 | | | | | | | | |
| Ct. #4 | | | | | | | | |

Trial held to ___ Court ___ Jury. Defendant found ___ Guilty ___ Not Guilty Counts 1 2 3 Contempt
 Review date: _____

Bench Warrant ordered.

Cash bail fixed in the sum of \$ _____ Usual _____ Hold for Court
 Bail ordered forfeited- Clerk to notify of forfeiture.
 Bond ordered discharged.
 Bond to continue to next appearance date.
 Return to depositor

Defendant appears - warrant recalled _____ fine and costs paid.

Defendant is arrested. \$ _____ Bond posted.

Cash bond \$ _____ apply to fine and costs due. _____ Cash—Depositor _____

Defendant appears in custody.

Further ordered as follows:



EATON MUNICIPAL COURT

224 First Street
Eaton, Colorado 80615

Office: (970) 454-2212 Fax: (970) 454-3648

October 8th, 2021



This is to notify you that on 10/07/2021 the Eaton Municipal Court per City Attorney Avi Rocklin dismissed Citation No. 58383. Citation 58383 was issued to on September 26th, 2021 in the Town of Eaton at 3rd St at Cherry Ave. Based upon the information submitted to the court, the court has moved to dismiss the citation in its entirety. This case is now considered closed and no further action is required on your part.

If you have any questions regarding this matter please feel free to contact us in our office M-F 8am-5pm at (970) 454-2212.

Samantha Pena
Eaton Municipal Court Clerk