



# Memorandum

**To:** Chief Dave Hayes  
**From:** Deputy Chief Jeff Fisher  
**Date:** August 4, 2021  
**Re:** Class 2 Professional Standards Investigation C2I 2021-3

On July 20, 2021, Officers Thomas Thayer and [REDACTED] investigated a noise complaint at [REDACTED]. The complainant reported she heard a loud motion alarm going off in front of a residence when she walked by it. Officers Thayer and [REDACTED] contacted [REDACTED], the owner of the residence where the alarm was sounding.

[REDACTED] submitted a formal complaint to [REDACTED] about Officer Thayer's demeanor. When [REDACTED] spoke with Officer Thayer about the complaint, he reported neither he nor [REDACTED] activated their body worn cameras when they attempted contact at [REDACTED] as they house was dark and they did not expect an answer at the door.

This matter is assigned to you to be investigated as a Class 2 Professional Standards investigation. The subjects of the investigation are Officers Thayer and [REDACTED]. The potential policy violations include:

Policy 319 Standards of Conduct  
Policy 421 Mobile Audio Visual

You are directed to investigate this matter. Please conclude your investigation, document your disposition and action recommendations on this form and then forward this document to [REDACTED] for his recommendations by Sunday August 1, 2021.

### Introduction

Investigation Date: July 26, 2021

Initial Source of Complaint: [REDACTED]

Subjects: Officer Thomas Thayer, [REDACTED]

Assigned Investigator: [REDACTED]

---

### Synopsis

On 07-20-2021 at about 2052 hours, Boulder County Dispatch (BCC) requested Officer In Training (OIT) [REDACTED] and his Field Training Officer Thomas Thayer (one man car) to respond to [REDACTED] on a noise complaint. The original reporting party (RP) was identified as [REDACTED] and resides at [REDACTED]. The complaint was for "ALARM ON TREE WHEN RP PASSES" as quoted in the CAD notes. BCC also advised that the, "RP SAYS IT GOES OFF AT A CRAZY DECIBLE WHEN RP WALKS PAST." It appears that [REDACTED] and Officer Thayer arrived at 2058 hours and cleared at 2121 hours. [REDACTED] added the following notes into the call log, "DEVICE IN FRONT YARD DETECTS MOTION AND EMITS A LOUD SCREECH. CONTACTED RESIDENT AND ASKED HIM TO TURN IT DOWN OR TURN OFF THE NOISE PORTION. HE AGREED TO TURN IT DOWN. CONTACTED THE RP AND TOLD HER WE MADE CONTACT AND HE AGREED TO TURN DOWN THE SOUND OF THE MOTION ALARM." After the contact [REDACTED] filed a complaint reference the contact. This complaint was taken by [REDACTED] who was the supervisor on duty.

### Summary

[REDACTED] was interviewed and he advised me that as they were walking up on the sidewalk to [REDACTED] they set off the alarm which emitted a strobing light and a very loud screeching alarm. He realized that anyone passing on the sidewalk would trigger the alarm. His belief was that this was an unreasonable noise. He and Officer Thayer went to the front door to attempt to contact the residence.

The front of the house was completely dark but the resident answered his knock almost immediately. [REDACTED] identified himself and asked about the device on the tree. The resident, who was later identified as [REDACTED], told him he installed it because he has had repeated problems with neighbors and believed neighbors may be placing screws in his tires. [REDACTED] was asked if he had considered installing security cameras and told him that the alarm on the device on his tree was unreasonably loud and asked him if he could turn off the audible alarm or at least turn down the volume. [REDACTED] became argumentative about what constituted unreasonable and what exactly the ordinance said, and why they were the ones to determine what was reasonable. [REDACTED] advised that [REDACTED] was continually talking over him.

This is the point Officer Thayer took over and firmly explained to the [REDACTED] that they were not going to debate what was reasonable, and that a device that would screech very loudly when anyone passed by on the public sidewalk was not reasonable. [REDACTED] told Officer Thayer that he didn't like Officer Thayer's tone, and that he wanted the name of his sergeant. The resident stated he has had numerous interactions with other Louisville officers, and that he believed Officer Thayer's tone was offensive. Officer Thayer provided him with [REDACTED] information as he was the supervisor on duty. [REDACTED] agreed to turn down the volume of the audible alarm, and they returned to their vehicle.

[REDACTED] was asked if his body cam was activated. He advised that as he reached the patrol vehicle after the contact he realized he had not activated his body worn camera. [REDACTED] told me that he failed to activate his body cam and there were no excuses.

[REDACTED] was asked if prior to his shift he verified that his body cam was active and he confirmed that he verified his body cam was working properly.

I looked into Availweb and verified that there was no body cam footage during his contact at [REDACTED]. On 7-20-2021 [REDACTED] activated his BWC on two occasions one was at 1933 hours and the second was at 2357 hours which shows the BWC was working.

[REDACTED] was asked if he had any other thoughts about the incident and he told me that while Officer Thayer did use a stern tone with [REDACTED] when telling him we were not going to debate what was reasonable versus unreasonable noise, Officer Thayer did not yell at [REDACTED] nor did he use any inappropriate language.

Next I spoke with Officer Thayer who advised [REDACTED] and he arrived at the south side of residence and began to walk around along the sidewalk to the east side of the house. As they were walking along the sidewalk a motion activated flood light was set off. Immediately following the flood light was an ear piercing screeching noise from a motion activated noise machine that lasted for several seconds. The noise machine was triggered while they were on the sidewalk and was likely audible throughout the entire cul-de-sac.

Officer Thayer continued and told me the noise machine was clearly unreasonably loud and unnatural in sound so they attempted to contact the homeowner to have the device removed or the volume turned down. The residence was completely dark and did not have any lights on, despite the noise device going off. They approached the front door and [REDACTED] knocked. The door was immediately answered by [REDACTED], as if he was waiting for them to contact him.

[REDACTED] stepped out of his residence and closed the door behind him. [REDACTED] then introduced himself and explained why they were contacting him. [REDACTED] politely explained why the noise machine was unreasonable and suggested that [REDACTED] either take down the machine or turn down the volume and then stated that the flood light was okay to leave up. [REDACTED] immediately became verbally antagonistic and argumentative about the noise machine. He wanted to know why they felt it was unreasonable and stated that it was

not unreasonable due to his continued problems with his neighbors [REDACTED] attempted to reiterate his point and provide the warning to [REDACTED], but it did not seem he was interested in the warning, but rather wanted to argue with [REDACTED].

[REDACTED] continued to argue with [REDACTED] and undermine his authority in this situation and it appeared that [REDACTED] was losing control of the conversation. He began to struggle to respond to [REDACTED] so he stepped in and took over speaking to him. At this time he took a stern, authoritative tone that he commonly takes when he needs to be more commanding. Officer Thayer told me that he did not yell nor did he curse or act in any way unbecoming of a Louisville Police Officer.

Officer Thayer informed [REDACTED] that the issue was not up for discussion and that they were not going to continue to argue with him over the reasonableness of the noise machine. He stated that it is unreasonable due to the loud, piercing noise the machine generated and that it was unreasonable to be set off by movement on the public sidewalk. Officer Thayer then reiterated [REDACTED] solutions and stated that the machine's volume needed to be turned down or it needed to be taken down entirely.

[REDACTED] began speaking to Officer Thayer directly and he told him that he needed to calm down. When [REDACTED] was finished speaking he did not address the noise machine or the solutions whatsoever, but instead began to berate Officer Thayer about his demeanor with a very condescending tone. [REDACTED] stated that he was extremely unprofessional and far too aggressive. He continued and said that Officer Thayer only came to his house to fight and that he was unequipped to speak to the public. [REDACTED] again stated that he was far too aggressive for Louisville and he did not deserve that attitude and he wanted to speak to a supervisor.

When [REDACTED] had finished, Officer Thayer provided him with his business card and provided him with [REDACTED] name. He was asked if he had any questions for him before he departed but [REDACTED] continued to explain how poorly he was doing his job. Officer Thayer asked again if he had any questions for him but after ignoring his question a second time, he thanked him for his time and requested he address the noise machine. [REDACTED] and Officer Thayer departed from [REDACTED] front step. As they were returning to their patrol vehicle [REDACTED] yelled something at them, but he did not hear what he said nor did he respond to it.

Officer Thayer was asked if his body cam was activated. He told me that he accidentally did not activate his body camera during this contact strictly due to human error. Due to the appearance of the house, he did not anticipate anyone answering the door then he was surprised by the prompt answer they received. As a result, they continued on with the contact without his body camera recording anything or remembering to activate it.

Officer Thayer was asked if prior to his shift he verified that his body cam was active and he confirmed that he verified his body cam was working properly.

I looked into Availweb and verified that there was no body cam footage during his contact at [REDACTED]. On 7-20-2021 Officer Thayer activated his BWC on two occasions one was at 2334 hours and the second was at 2357 hours. This shows that Officer Thayer's body cam was operational.

Officer Thayer was asked if he had any additional information reference this call. He told me that as soon as they returned to their vehicle, BCC requested a supervisor call [REDACTED] reference an officer complaint. Officer Thayer had [REDACTED] responded back to the police department and he went to speak to [REDACTED]. He went to [REDACTED] cubical and noticed that he was utilizing his speaker phone. Officer Thayer could hear the conversation between him and [REDACTED]. [REDACTED] waved at Officer Thayer and acknowledged that he was there then told him to wait while he concluded the conversation.

Officer Thayer heard [REDACTED] state that Officer Thayer had no interest in the noise complaint and that he was strictly looking for a fight. He stated that Officer Thayer was in a stance with clenched fists, prepared for a fight. He then attributed Officer Thayer's perceived aggression to a lack of training.

At one point during the conversation, [REDACTED] alluded to Officer Thayer being intoxicated or under the influence during the encounter and while working. He stated that he did not smell anything on his breath, but felt Officer Thayer had something impacting him and that intoxication was a good explanation for his actions.

Again I accessed Availweb and attempted to view the recording of [REDACTED] complaint on [REDACTED] body cam but the conversation was not recorded on body cam. Next I viewed body cam footage of [REDACTED] while he was at 855 Dillon interacting with Officer Thayer. Officer Thayer's body language, demeanor and speech did not give me the impression that he was under the influence. [REDACTED] was asked if he felt that Officer Thayer was under the influence on 07-20-2021 during the call on [REDACTED] and he told me, "Absolutely not."

[REDACTED] had advised [REDACTED] that he had installed the device because he had reported problems with neighbors and believed his neighbors may be placing screws in his tires. Reviewing our End of Watch Summaries I noted that between [REDACTED] the Louisville Police Department has responded to [REDACTED] about 11 times for calls for service.

[REDACTED] had sent out the following email in reference to [REDACTED] on 06-16-2021 at 1919 hours to the police department.

"Just info in case anyone gets a call in this cul-de-sac... We have a neighbor dispute developing between [REDACTED] at [REDACTED] and their neighbors [REDACTED]. (And kind of the rest of the neighborhood too.)

Tyler History

20-1395 – March 2020 – RP [REDACTED] called about a skate ramp at [REDACTED] [REDACTED] got a summons for this in Aug 2020.

20-0784 – May 2020 – RP [REDACTED] called and said neighbor at [REDACTED] spray painted basketball court lines in the cul-de-sac. [REDACTED] got a summons.

20-0819 – May 2020 – RP [REDACTED] called about a missing license plate registration (year) sticker missing. He suspected his neighbors. No citations or arrests.

20-1336 – Aug 2020 – RP [REDACTED] called saying that [REDACTED] wife, [REDACTED] from [REDACTED] poured cat urine on his vehicle. RP also had surveillance video showing the incident. [REDACTED] received a summons.

20-2000 – Nov 2020 - [REDACTED] called about someone tampering with his truck. He suspected his neighbor [REDACTED]. No PC so no summons issued.

JUNE 2021 – (No CR yet, but there will be) [REDACTED] called saying that [REDACTED] & [REDACTED] are intentionally parking (legally) to block his camper gate on the side of his house. The neighbors' vehicle is legally parked there. However, he wants them cited for harassment because he thinks that this fits the definition of "repeatedly insult, taunt, challenge... in a manner likely to provoke a violent or disorderly response." I explained that we could not write [REDACTED] for harassment because it didn't meet the elements of the crime to the legal standard of PC. He asked that we do it anyway and let a judge decide. I said we can't charge someone with a crime that we don't have PC for. I suggested mediation instead and I spoke with [REDACTED] about his (legally) parked car on the side of [REDACTED] house. [REDACTED] was very polite and cooperative and explained that the cul-de-sac is tight and he has no other place to park it, and he has tried. [REDACTED] said [REDACTED] can text him anytime and he will move his car so [REDACTED] can get his camper out of the yard. [REDACTED] said he has told this to [REDACTED] before and [REDACTED] refuses to respond. I suggested also moving his ([REDACTED]) car and letting [REDACTED] park in front of his own gate, and this would give him control of the area in front of the gate so he could move his camper whenever [REDACTED] said that was fine and this should open up a spot in the cul-de-sac so he [REDACTED] could park there instead. I told [REDACTED] the plan. [REDACTED] was still unhappy with this potential solution and said [REDACTED] is lying and will not move it, and furthermore this is "bullying" because [REDACTED] "should not have to ask him ([REDACTED]) to move his car." [REDACTED] said he is considering "having the car towed" or putting it up on rolling car blocks and moving it himself. I advised him not to do that and said he would get a summons if he did.

I'm sure we will hear more from this cul-de-sac." (End of Email)

The majority of the other calls were reference parking complaints.

Due to the numerous calls for service on [REDACTED] I asked Officer Thayer if he had ever dealt with [REDACTED] in the past or knew about the on-going neighbor disputes. He told me that he has never met [REDACTED] or dealt with him in the past. He also told me that he only realized after the officer complaint that [REDACTED] was associated with the neighborhood dispute and did not put two and two together until after his contact with [REDACTED].

[REDACTED] was also asked if he had ever dealt with [REDACTED] and he advised me that he had not and has never met him prior to the noise complaint call.

#### Evidence

-Memorandum authored by Deputy Chief Fisher

-Louisville Police Department Complaint Form authored by [REDACTED]

-Boulder County call log for [REDACTED] [REDACTED]

-Availweb for body cam footage

-Interview with Officer Thomas Thayer

-Interview with [REDACTED]

-End of Watch Summaries for activities on [REDACTED]

#### Disposition recommendation:

The following are suggested dispositions for each violation:

-Not Sustained-Policy 319 Standards of Conduct

319.5.8 i. Any act on- or off-duty that brings discredit to this department.

319.5.9 f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

Both officers arrived for a noise complaint. [REDACTED] was not happy with [REDACTED] explanation or handling of his alarm. When [REDACTED] attempted to reiterate his point and provide a warning to [REDACTED], he was not interested and would rather argue with [REDACTED]. Due to [REDACTED] lack of experience Officer Thayer attempted to take over the conversation. He was firm and authoritative with [REDACTED] which did not appease him and is not a policy violation. There is no finding that [REDACTED] or Officer Thayer violated the Standards of Conduct Policy.

Sustained (at fault) Policy 421 Mobile Audio Visual

Both [REDACTED] and Officer Thayer failed to turn on their body cams. This is a clear violation of policy and both acknowledge the error.

Action recommendation:

It is my opinion that both [REDACTED] and Officer Thayer receive a letter of reprimand and Guardian Tracker entry for not utilizing their body cams.

[REDACTED]  
[REDACTED] \_\_\_\_\_ Date  
\*\*\*\*\*

Disposition recommendation:

Policy 319 Standards of Conduct – **Not Sustained**

319.5.8 i. Any act on- or off-duty that brings discredit to this department.

319.5.9 f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

[REDACTED] complaint lacks specific statements or actions that suggest improper or unprofessionalism by the Officers. [REDACTED] only describes subjective terms like “tone” and appearance. He does not alleged profane, derogatory, or threatening. The encounter appears to be largely centered on either person’s definition of “reasonable”. A disagreement does not rise to misconduct.

Policy 421 Mobile Audio Visual - **Sustained**

Both [REDACTED] and Officer Thayer failed to turn on their body cams. This is a clear violation of policy and both acknowledge the error.

Action recommendation:

Issue letter of reprimand to be retained for 1 year. This is Ofc Thayer second incident involving BWC activation and a clear message to [REDACTED] on the importance and non-negotiable nature of body camera activation.

[REDACTED]  
[REDACTED] \_\_\_\_\_ August 2, 2021  
[REDACTED] \_\_\_\_\_ Date  
\*\*\*\*\*

Disposition recommendation:

Policy 319 Standards of Conduct – NOT SUSTAINED for either officer  
Policy 421 Mobile Audio Visual – SUSTAINED for both officers

Action recommendation:

I do not find any information to indicate either officers' actions constituted a violation of Policy 319 Standards of Conduct.

██████████ alluded to the fact this was the second incident in which Officer Thayer had not activated his BWC. I am not familiar with any prior incidents in which Officer Thayer failed to activate his BWC. This notwithstanding, Officer Thayer is not only a Field Training Officer, but he was actively engaged in training ██████████ during this incident. The organizational expectations of Officer Thayer as a more senior officer, and a training officer, demand he leads by example, set the standard and adhere to all policies and procedures, including Policy 421 Mobile Audio Visual.

Officer Thayer offered the following explanation for why he did not activate his BWC:

*"Officer Thayer was asked if his body cam was activated. He told me that he accidentally did not active his body camera during this contact strictly due to human error. Due to the appearance of the house, he did not anticipate anyone answering the door then he was surprised by the prompt answer they received. As a result, they continued on with the contact without his body camera recording anything or remembering to activate it."*

I find this explanation to be without merit. The purpose for knocking on ██████████ door was to attempt to contact someone while investigating a valid noise complaint. To say that he did not anticipate anyone answering the door is contrary to the purpose of knocking on the door in the first place. Moreover, once ██████████ answered the door, Officer Thayer should absolutely have activated his camera at that point, and ensured ██████████ activated his as well. This did not occur.

██████████ is a brand new officer in Phase I of field training. He should have activated his camera, although I suggest some grace for him in this regard. I recommend ██████████ receive a verbal warning.

I recommend Officer Thayer receive a written warning for violating Policy 421 Mobile Audio Visual.

Jeff Fisher  
Deputy Chief

August 4, 2021  
Date

\*\*\*\*\*

Final disposition:

Action to be taken:

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date