



Memorandum

TO: Zack Newman, 9News
FROM: Sergeant Kyle Peltz, Professional Standards
DATE: 08/09/2023
SUBJECT: CCJRA Request for Zachary Lopez

This summary contains information that is in response to the CCJRA request, received on August 2, 2023 at 1629 hours, for records pertaining to Officer Zachary Lopez specifically internal affairs investigation INV22-49.

On September 29, 2022 at approximately 2245 hours, Officer Zachary Lopez and other officers were patrolling a crime hot spot and became involved in a police action at the Level 1 Arcade, 807 17th Street in Greeley. The related case numbers are 22G080828 and 22G081209. Lopez ran a license plate in the parking lot and received an associated hit on the registered owner who had a warrant for his arrest. The subject was contacted and taken into custody for that warrant. Officer Lopez and another Greeley officer walked the arrestee back to Lopez's patrol car.

The prisoner was set down in the back seat of the patrol car while Lopez checked to make sure the warrant was "good." The second officer kept an eye on the prisoner while Lopez was doing this. Lopez confirmed the warrant and told the arrestee that he was going to jail. At that time, the prisoner told Officer Lopez that he had a gun on him. The firearm was retrieved by Lopez and handed over to the cover officer who determined it was loaded with one in the chamber. The gun had been in his waistband. Drugs were also found, and the subject was taken to the Weld County Jail and booked.

On October 2nd, the cover officer from this incident made a report to his sergeant regarding what had transpired expressing concern over the incident. Specifically, that Lopez did not search the prisoner before putting him in the patrol car. The patrol supervisor began looking into the incident finding that the applicable police report documented the drug portion of the arrest but made no mention of the gun in the arrest affidavit and no criminal charges related to the firearm were being pursued. The police report said simply that a firearm was found with no other details.

The sergeant conducted a review of Lopez's BWC and the contact went essentially as reported but it could be seen that there was no attempt to search the prisoner incident to his arrest. Furthermore, the BWC confirmed that it was the arrestee who volunteered that he had a gun on him.

A determination was made that an internal review of the incident was necessary, and this fell on Officer Lopez's assigned supervisor to conduct. This supervisor conducted a subsequent inquiry with Lopez. Officer Lopez was asked why he did not charge the subject with a concealed weapon violation. Officer Lopez explained that while searching his wallet, he found a concealed carry permit. Officer Lopez was counseled about the lack of detail in his report, and the sergeant asked Officer Lopez to write a supplemental report to clarify the details and circumstances of the case.

The report was completed, and Lopez wrote, "To the best of my knowledge, at some point after arriving at NJC, I did see a concealed carry permit in Daniel's wallet. The permit was valid to my view, however I did not run it through dispatch." The supervisor contacted the WCSO and learned that the arrestee did not have a valid concealed weapon permit. Lopez's BWC was watched and showed no evidence that Lopez had searched the prisoner's wallet. The totality of this presented evidence that Officer Lopez was being untruthful regarding the details of this event. On November 2nd, a formal internal affairs investigation was begun.

The internal affairs investigator begins a detailed analysis of the BWC video. The findings were verified that at no time was the subject's wallet searched by Lopez. A Weld County Deputy could be seen going through the arrestee's wallet but Officer Lopez paid little to no attention to the deputy who was going through the wallet during the booking procedure. Furthermore, there was no audio conversation heard that pertained to a concealed weapon permit. Specifically, Officer Lopez is never heard making any inquiries about that. Additional investigative actions were taken to attempt to locate the existence of a CCW card with none found.

In accordance with Greeley Police and City of Greeley policy an interview was conducted with Officer Lopez, his legal counsel, and an HR representative. The investigation was completed. After all the relevant information, evidence, and exhibits were collected, a review and determination were made by Lopez's immediate supervisor. The supervisor determined that there were multiple violations of the police department and city policy. These sustained policy violations concerned violation of policy, untruthfulness, violations of department directives, and violations of City of Greeley handbook directives. A review of these findings was made by various levels of the police department command up to and including the Chief of Police. The violation of untruthfulness was upheld throughout as well as the recommendation that Lopez's employment be terminated. The last level of appeal was to the City Manager. He reversed the findings of untruthfulness but sustained the violation under the city handbook for demonstrated incompetence or inefficiency among other sustained violations. The termination of Lopez was upheld.