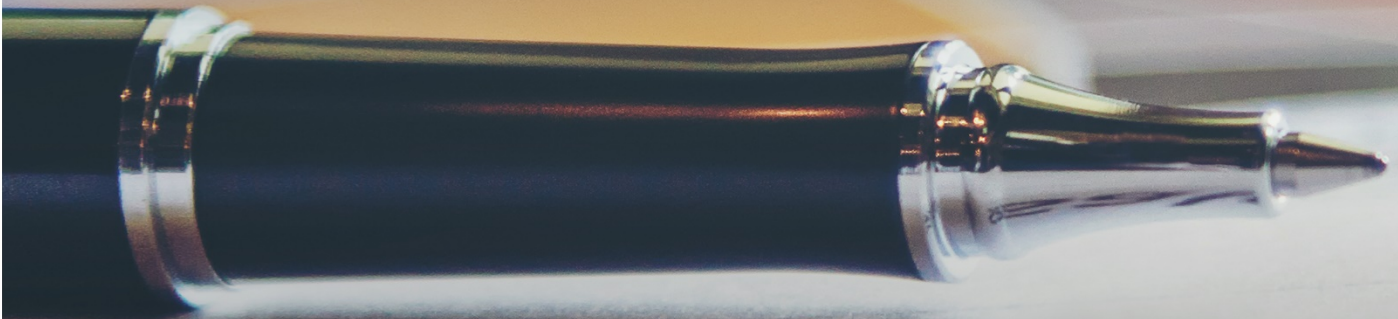


City of Loveland, Colorado

An Independent Professional Standards Investigation
of the Use of Force on Karen Garner on June 26, 2020

September 3, 2021

Confidential – Prepared for Use by Counsel



JENSEN HUGHES



September 3, 2021

Ms. Julia G. Holland
Director of Human Resources
City of Loveland
500 E. Third Street
Loveland, Colorado 80537

Mr. Moses Garcia
City Attorney
City of Loveland
500 E. Third Street
Loveland, Colorado 80537

Dear Ms. Holland and Mr. Garcia:

Please find attached the results of our independent professional standards investigation of certain actions taken by Loveland (CO) Police Department (LPD) personnel related to the use-of-force incident involving Karen Garner (IA 2021-03) that occurred on June 26, 2020.

This report has been prepared for use by counsel and is a confidential and privileged work document between Jensen Hughes and the City of Loveland.

Please let me know if you have any questions on this report or on the investigation – in part or in whole. We place enormous value on the trust that you have extended to us in this matter and look forward to supporting you in the future.

Sincerely,
Jensen Hughes

Debra K. Kirby
Operations Leader
Security Risk Consulting



September 3, 2021

Mr. Robert Ticer
Chief of Police
City of Loveland
810 E. Tenth Street, Suite 100
Loveland, Colorado 80537

Dear Chief Ticer:

Jensen Hughes completed our independent professional standards investigation of certain actions of Loveland Police Department (LPD) personnel related to the use-of-force incident involving Karen Garner (IA 2021-03) that occurred on June 26, 2020. Our administrative investigation focused on active LPD employees.

Per your direction, we did not include officers who are currently subject to criminal proceedings, nor did we review their use of force that is the subject of criminal prosecution and review as of the date of this report.

We identified policy violations by LPD members related to this incident.

I reviewed the investigation conducted by Jensen Hughes Investigators Carl Dobrich and Mark Giuffre, as well as the investigation report. I found the investigation and report to be complete and thorough.

Overview

Our investigation determined the following.

On June 26, 2020, starting at approximately 4:36 p.m., Officer Austin Hopp was involved in a physical struggle while arresting Karen Garner near Sculptor Drive and Mountain Lion Drive in Loveland, Colorado. Ms. Garner is an elderly woman, and it was subsequently learned she has cognitive issues.

After being taken into custody, Garner did not respond when Officer Daria Jalali, who assisted Hopp at the scene, asked if she wanted medical treatment. Sergeant Philip Metzler, who arrived after the arrest, observed blood on Jalali and asked where it came from. Jalali said the blood came from Garner.

A citizen witness complained, first to Hopp and later to Metzler, that Hopp used unnecessary force to arrest Garner. Metzler did not take the complaint or document the concern from the citizen as directed by LPD policy. However, Metzler's body-worn camera (BWC) recorded this discussion.

While in the LPD booking area, beginning around 6:07 p.m., Garner repeatedly complained of shoulder pain before being transported to the Larimer County Detention Center (LCDC). Hopp's body-worn camera (BWC) footage of the booking area captures Garner's complaints about shoulder pain.



At approximately 9:23 p.m., the LCDC contacted Loveland Dispatch, seeking family contact information for Garner, who was being released and sent by EMS to a hospital.

While Garner was at the LCDC and the hospital, phone records show calls from Hopp's LPD cell phone to the LCDC, and to and from Metzler.

Hopp went to Garner's residence and asked neighbors for information about Garner's relatives. Hopp also called Loveland Dispatch for assistance in locating contact information for Garner's daughter.

At approximately 11:40 p.m., Hopp completed a LPD Use-of-Force Report (Blue Team Report), stating Garner was injured and identifying minor scrapes and cuts on Garner's wrists from the struggle and handcuffing. Hopp also wrote that a LCDC nurse reported that Garner suffered a possible shoulder injury. Hopp noted in the report that it was unknown whether Garner's injuries occurred during her arrest or while she tried to get free of her handcuffs in the LPD booking area.

Hopp completed a Case Report after submitting the Blue Team Report. In the case report, Hopp stated that Garner only had minor lacerations to her wrist and minor laceration to her chin.

On July 16, 2020, Metzler changed the case number on his BWC footage, which recorded the citizen who complained about the arrest, to an unrelated incident number. This removed the footage from the Garner case file available to LPD and the District Attorney. In addition, by reclassifying the footage to an "incident" rather than a case, Metzler changed the retention lifespan of the footage from 10 years to one year. LPD Professional Standards Unit personnel discovered this change and preserved the BWC footage. Had they not preserved it, the footage would have been deleted the week before this investigation initiated.

On August 8, 2020, Metzler approved Hopp's Blue Team Report after viewing Hopp's BWC footage of the arrest, but not Hopp's BWC of the booking area.

On August 10, Lieutenant Robert Shaffer and Assistant Chief Ray Butler approved the Blue Team Report, after Shaffer played Hopp's BWC footage of Garner in the booking area, which includes Garner's repeated complaints about a shoulder injury, and after Butler viewed some of Hopp's BWC footage of the arrest.

On or about July 6, 2021, Metzler had a conversation with Officer Paul Ashe, who is on Metzler's team, regarding the case number change on Metzler's BWC footage. On or about July 7, 2021, Ashe accessed the CAD records to identify the numbers for the original Garner incident. Ashe gave the numbers to Metzler.



Summary of Findings

Our investigation into Metzler's actions focused on the following policies:

1. Loveland Police Department Policy 11.04, Use of Force
2. Loveland Police Department Policy 5.12, Compliments and Complaints
3. Loveland Police Department Policy 2.03, Chain of Command
4. Loveland Police Department Policy 1.03, Ethics
5. City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline

Our investigation into Ashe's actions focused on the following policies

1. Loveland Police Department Policy 8.02, Records, Authorized Access to the Files
2. City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline

Our investigation into Shaffer's actions focused on the following policies

1. Loveland Police Department Policy 2.03, Organization, Management, and Administration. Chain of Command: Unity of Command, Authority and Responsibility
2. City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline

Our investigation into Butler's actions focused on the following policies

1. Command Chain: Unity of Command, Authority and Responsibility
2. City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline

Based on my review of the investigation, I submit the findings below.

As to Metzler (Allegation 1)

Concerning a violation of LPD Policy 11.04 Use of Force by Metzler, I find this allegation **SUSTAINED**, LPD Policy 11.04 states that anytime someone has visible injuries or complains of being injured as a result of force used against them by an officer, the officer must take appropriate actions to provide medical care for the injured person. The provisions may include first aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility.

On June 26, 2020, Jalali informed Metzler that Garner bled on Jalali during the struggle to arrest Garner. Upon learning this information and as the supervisor at the scene of the arrest, Metzler should have investigated Garner's injuries that caused the bleeding and administered first aid or taken other appropriate action.



Concerning a violation of LPD Policy 5.12 Compliments and Complaints by Metzler, I find this allegation **SUSTAINED**. LPD Policy 5.12 states that there are situations in which a person makes an inquiry to the Department regarding a matter, and an objective and fact-based explanation in response to the inquiry alleviates the person's concern. These inquiries, which are considered "concerns" not "complaints," result in non-disciplinary corrective action. Policy 5.12 states the supervisor handling the concern shall inform the concerned person of how to participate in the Department's complaint process, regardless of whether the supervisor believes the person's concern has been alleviated. If a call has been created in the CAD system, the supervisor handling the concern summarizes in the CAD notes the concern, remedy and that they informed the individual of the Department's complaint process. Additionally, if at any time during the process the supervisor becomes aware of potential misconduct that is beyond the scope of the concern, the supervisor must initiate the complaint process.

On June 26, 2020, Metzler was at scene of the arrest of Garner (Case ID 20-004373) with Hopp and Jalali. Metzler learned that Garner was bleeding on Jalali during the struggle and arrest between Hopp, Jalali and Garner. In addition, Hopp informed Metzler that a citizen, Rediesel Arreola, had stopped at the location of arrest, Hopp had a brief conversation with him, and that Arreola was "alright." As Metzler disengaged from Hopp and Jalali, he encountered Arreola, who expressed concerns about the use of force that Hopp deployed to arrest Garner. Metzler stated he perceived Arreola's statements as concerns because Arreola was unaware of the facts surrounding the arrest. Several times, Metzler offered the opportunity for Arreola to make a complaint about the incident by making a complaint to Metzler in person, at the police department or online. Arreola declined to do so and left.

Metzler failed to summarize the event with Arreola in the CAD system and specifically failed to document in the notes the concern, remedy and that Metzler informed Arreola of the Department's complaint process.

Additionally, on July 16, 2020, Metzler updated the Department's Evidence.com system record for his BWC footage involving his encounter with Arreola, moving it from Case ID 20-004373 (Garner case) to Incident ID 20-0053820 (an existing unrelated incident on June 19, 2020). Metzler's actions concealed the existence of his BWC footage from anyone reviewing the Garner case file. Additionally, because Metzler's actions changed it from a "case" to an "incident," the deletion date of his BWC footage of his encounter with Arreola changed from June 24, 2030 to June 26, 2021. Through his actions, Metzler hid a piece of potential evidence. Metzler's BWC footage would not be available to LPD personnel reviewing the Garner case file, nor would it be included in material shared with the District Attorney or be available for discovery in a criminal prosecution. Additionally, the BWC footage would not be located in the Garner case number if an administrative investigation were conducted.

Furthermore, Metzler failed to initiate the Department complaint process against Hopp and Jalali when Metzler reviewed Hopp's Blue Team Report. The Blue Team Report stated the following in reference to Garner: "Once at LCJ the suspect complained of shoulder pain and the jail nurse determined she had a possible shoulder injury. It is unknown when the shoulder injury was caused due to the length of her struggle against officers as well as her continuously try to escape her restraints in booking." The report of a possible injury, his interaction with Arreola at the scene and his knowledge of Garner bleeding required Metzler to initiate the complaint process. The degree of Garner's injuries would also have been apparent



to Metzler had he reviewed Hopp's BWC footage of the booking area, during which Garner complains repeatedly about an injured shoulder. Metzler did not review this footage.

Concerning a violation of LPD Policy 2.03 Chain of Command by Metzler, I find this allegation **SUSTAINED**. LPD Policy 2.03 states that each Department member is under the direct command of one supervisor. Supervisors are accountable for the performance of employees under their immediate control.

On June 26, 2020, Metzler was the supervisor responsible for oversight of the arrest of Garner, which Hopp and Jalali affected. In this capacity, Metzler was accountable for their actions related to Garner's arrest, custody and case reporting. After Metzler learned that Garner was bleeding and sustained injury, Metzler failed to ensure Hopp and Jalali provided first aid to Garner or sought medical attention for her. Metzler failed to check on Garner's well-being while in custody at the LPD holding cell.

Metzler also failed to ensure accurate and proper case reporting by failing to reconcile the discrepancies in Hopp's Case Report and Hopp's Blue Team Report regarding the number and degree of injury that Garner suffered. Metzler stated he reviewed the Case Report before he approved the Blue Team Report. The Case Report states that Garner had only minor lacerations to her wrist and minor laceration to her chin. The Blue Team Report states that Garner had minor lacerations to her wrist, a minor laceration to her chin and a possible shoulder injury.

Concerning a violation of LPD Policy Loveland Police Department Policy 1.03 Ethics by Metzler, I find this allegation **SUSTAINED**. Policy 1.03 states that the public expects professional and courteous service. Employees must not engage in acts that bring discredit to the Department.

On July 16, 2020, Metzler updated the Department's Evidence.com system record for his BWC footage involving his encounter with Arreola, moving it from Case ID 20-004373 (Garner case) to Incident ID 20-0053820 (an unrelated incident that occurred on June 19, 2020). Metzler's actions concealed the existence of his BWC footage from anyone reviewing the Garner case file. Additionally, because Metzler's actions changed it from a "case" to an "incident," the deletion date of his BWC footage of his encounter with Arreola changed from June 24, 2030 to June 26, 2021. Through his actions, Metzler hid a piece of potential evidence. Metzler's BWC footage would not be available to LPD personnel reviewing the Garner case file, nor would it be included in material shared with the District Attorney or be available for discovery in a criminal prosecution. Additionally, the BWC footage would not be located in the Garner case number if an administrative investigation was conducted.

On June 26, 2020, Metzler encountered Arreola, who expressed concerns about the use of force that Hopp deployed to arrest Garner. Our review of the encounter determined that Metzler's demeanor with Arreola was disrespectful and discourteous. Metzler failed to hear out Arreola and talked over him multiple times. Metzler stated he perceived Arreola's statements as "concerns" because Arreola was unaware of the facts surrounding the arrest. Metzler failed to summarize the event with Arreola in the CAD system and specifically failed to document in the notes the concern, the remedy and that Metzler informed Arreola of the Department's complaint process. These actions were inconsistent with policy, unprofessional and brought discredit to the Department.



Interviews conducted established that LPD sergeants are expected to, and consistently do, label their BWC footage with the case or incident associated with the footage. More specifically to this matter, LPD sergeants are expected to, and consistently do, label BWC footage of citizen complaints, concerns or interactions to the case or incident numbers associated with the incident about which the citizen is complaining, expressing a concern and engaging in the interaction. In addition to being the pattern and practice of the LPD, this approach is consistent with best law enforcement and prosecution practices and common sense. There is no reasonable explanation for labeling BWC footage with an incident number from an unrelated event that occurred a week before the footage was captured, nor is there any reason to separate footage of citizen interactions into independent events or cases, which is not actually what happened here, so the footage is not included in the case file available to the prosecutor or internally.

Concerning a violation of City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline by Metzler, I find this allegation **SUSTAINED**. Standards of Conduct and Performance (24) Unsatisfactory Work Performance states that city employees are expected to demonstrate core values of accountability and integrity each day in their roles for the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.

While on scene of Garner's arrest, Hopp informed Metzler that Arreola had stopped at the location of arrest, Hopp had a brief conversation with him and that Arreola was "alright." As Metzler disengaged from Hopp and Jalali, he encountered Arreola, who expressed concerns about the use of force that Hopp deployed to arrest Garner. Metzler's demeanor with Arreola was disrespectful and discourteous. Metzler failed to hear out Arreola and talked over him multiple times. Metzler's behavior was that of a bully.

On July 16, 2020, Metzler brought discredit to the Department; exhibited unsatisfactory work performance, including poor decision making; and hid potential evidence when he knowingly removed his BWC footage in the Department's Evidence.com system from the record in Case ID 20-004373 (Garner case) and moved it to Incident ID 20-0053820 (an existing unrelated incident on June 19, 2020). Metzler's actions concealed the existence of his BWC footage, which recorded his exchange with Arreola, and resulted in the deletion date of his BWC footage of his encounter with Arreola changing from June 24, 2020 to June 26, 2021.

On August 8, 2020, Metzler again brought discredit to the Department and exhibited unsatisfactory work performance, including poor decision making, when he failed to initiate the Department complaint process against Hopp and Jalali after Metzler viewed Hopp's Blue Team Report. The Blue Team Report stated the following in reference to Garner: "Once at LCJ the suspect complained of shoulder pain and the jail nurse determined she had a possible shoulder injury. It is unknown when the shoulder injury was caused due to the length of her struggle against officers as well as her continuously try to escape her restraints in booking." This description of the event, combined with Metzler's own observations at the scene, were a sufficient basis for Metzler to initiate the complaint process.



As to Ashe (Allegation 2)

Concerning a violation of LPD Policy 8.02, Records, Authorized Access to the Files by Ashe, I find this allegation **SUSTAINED**. This policy specifically states that LPD employees trained in the use of the records management system are authorized to query this information for law enforcement purposes only.

On or about July 7, 2021, a day or more after speaking to Metzler, while on duty, Ashe visited the Department's Records Office and had a conversation with Police Records Supervisor Julie Bunch. During this conversation, Ashe inquired about calls for service in which Metzler was involved on June 26, 2020. Bunch told Ashe the specific incident and case numbers related to a law enforcement record involving Metzler for the day in question and Ashe provided the information to Metzler. Ashe was not involved in the incident with Metzler and had no official purpose to request the information or to provide it to Metzler. Ashe inquired about and received law enforcement record information from the Department's Records Office for personal use.

Concerning a violation of City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline by Ashe, I find this allegation **SUSTAINED**. Section Standards of Conduct and Performance (24) Unsatisfactory Work Performance states that city employees are expected to demonstrate core values of accountability and integrity each day in their roles for the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.

By his own accord, Ashe involved himself in an official Department matter that did not involve him or need his attention. Ashe decided on his own, however improperly, that a case vs. incident labeling issue involving Metzler needed his attention. Ashe violated the policy when he inquired about this matter to the Police Records Supervisor without justification. Ashe's conversation with the Police Records Supervisor about whether it was easy to fix the matter puts Ashe's integrity in question. Ashe spending any on duty time involved in this matter without authorization from a command officer reflects unsatisfactory work performance.

Interviews conducted established that LPD officers are trained and directed to limit their database access, including the BWC system, to their own cases and official duties, and not to access records of matters to which they not assigned. An officer who is not officially assigned to a case who accesses CAD records to obtain information about that case would be violating LPD training and established practice.

As to Shaffer (Allegation 3)

Concerning a violation of Policy 2.03 Organization, Management, and Administration by Shaffer, I find this allegation **SUSTAINED**. This policy states that Department supervisors are accountable for the performance of employees under their immediate control. The policy further states all Department personnel are fully accountable for the use or failure to use their authority and that supervisors have the authority to enforce policies.

On August 10, 2020, Shaffer approved the Blue Team Report related to the Garner arrest, which referred to a possible shoulder injury that occurred during the struggle with Hopp or in the booking area. Metzler



had approved the report. Shaffer did not play Hopp's BWC footage of the arrest and struggle, BWC footage from other officers at the scene or booking area camera footage. He twice played the BWC footage of Garner in the booking area in which she repeatedly complained of a shoulder pain and was nonetheless transported to the LCDC. Shaffer knew or should have known that an additional level of review was required and should have obtained additional information about the possible shoulder injury before approving the report.

Concerning a violation of City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline Standards of Conduct and Performance (24) Unsatisfactory Work Performance by Shaffer, I find this allegation **SUSTAINED**. This policy states that city employees are expected to demonstrate core values of accountability and integrity each day in their roles for the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.

Shaffer received for review written information documenting a possible shoulder injury that occurred during a use-of-force incident or in the booking area. Shaffer twice played BWC footage of the booking area, which showed Garner's repeated complaints of shoulder pain. Shaffer did not view BWC footage of the officer's arrest and struggle, the BWC footage from other officers at the scene or the booking area camera footage. His approval of the Blue Team Report without reviewing additional available footage and without obtaining additional information about the injury from the supervisor or officer constitutes unsatisfactory work performance.

As to Butler (Allegation 4)

Concerning a violation of LPD Policy 2.03 Organization, Management by Butler, I find this allegation **SUSTAINED**. This policy specifically states that Department supervisors are accountable for the performance of employees under their immediate control. The policy further states all Department personnel are fully accountable for the use or failure to use their authority, and that supervisors have the authority to enforce policies.

On August 10, 2020, Butler approved a Blue Team Report that included information about a possible shoulder injury that occurred during the struggle and arrest or while in the booking area. Metzler and Shaffer approved the report. Butler failed to obtain additional information about the possible injury. Butler did not play the BWC footage of the booking area or the booking area camera footage. Although he viewed some of the BWC footage of the arresting officer who used force, Butler did not view BWC footage of other officers at the scene. Butler did not take any action to obtain additional information about the possible injury or where it occurred.

Concerning a violation of City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline, Standards of Conduct and Performance (24) Unsatisfactory Work Performance by Butler, I find this allegation **SUSTAINED**. This policy states that city employees must demonstrate core values of accountability and integrity each day in their roles for the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.



Butler received for review written information documenting a possible shoulder injury that occurred during a use-of-force incident or in the booking area. Butler failed to view BWC footage of the booking area that showed Garner's repeated complaints of shoulder pain. Butler did not view booking area camera footage. He also did not view BWC footage from the other officers at the scene. His approval of the Blue Team Report without reviewing the additional available footage and obtaining additional information about the injury from the supervisor or officer constitutes unsatisfactory work performance.

Final Conclusions

Based on the information contained in the investigations report, I find that Sergeant Metzler, Officer Ashe, Lieutenant Shaffer and Assistant Chief Butler violated the LPD's policies as described.

As with any of our reports of this nature, Jensen Hughes stands behind these findings as (1) objectively determined; (2) accurately reported; (3) legally acquired; (4) compliant with all relevant laws, policies, procedures and regulations; (5) comprehensive in scope to the best of our ability; and (6) collected with discretion, investigative diligence and professional respect – for the City of Loveland and its employees, and for Metzler, Ashe, Shaffer and Butler and their privacy, interests and relationships.

Sincerely,
Jensen Hughes

Christopher McClellan
Senior Director, Investigations



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Executive Summary

Initial Complaint

On May 27, 2021, Loveland, Colorado City Manager Stephen C. Adams engaged Jensen Hughes to conduct an independent administrative professional standards investigation of the use-of-force incident involving Karen Garner that occurred on June 26, 2020. City of Loveland Director of Human Resources Julia G. Holland provided files about the incident to Jensen Hughes Investigator Mark Giuffre. Holland and the Loveland City Attorney's Office instructed that the administrative investigation should focus only on current Loveland Police Department (LPD) employees. Our investigation did not include officers who are currently subject to criminal proceedings, and we did not review their use of force that is the subject of criminal prosecution and review as of the date of this report.

Below is a summary of the information that the files contained.

On June 26, 2020, at approximately 4:27 p.m. Loveland Dispatch received a call from a security officer at the Walmart Supercenter East at 1325 N. Denver Avenue in Loveland. The security officer reported that a female shoplifter left the store on foot and provided her description and the direction that she was walking.

At approximately 4:36 p.m., Officer Austin Hopp located the suspected shoplifter, Karen Garner, later determined to be 73 years old, walking along the roadway near Sculptor and Mountain Lion Drive. Officer Hopp struggled with Garner while arresting her. Officer Daria Jalali responded to the location to assist. A citizen at the location, Rediesel Arreola, complained to Hopp that he used unnecessary force on Garner. Sergeant Philip Metzler responded to the location. After being placed in Jalali's police car, Jalali asked Garner if she wanted medical treatment. Garner did not answer.

Arreola then complained to Metzler that Hopp used unnecessary force. Metzler's BWC captured the conversation between Metzler and Arreola. Metzler's demeanor with Arreola was disrespectful and discourteous. Metzler failed to hear out Arreola and talked over him multiple times. Metzler's behavior was inappropriate and discouraged Arreola from filing a complaint. Metzler did not take a complaint from the Arreola, nor did he document in the Computer Aided Dispatch System (CAD) notes associated with the call the concern, the remedy and that he informed Arreola of the Department's complaint process.

Jalali transported Garner to the LPD station. At approximately 5:04 p.m., Community Service Officer Tyler Blackett called Loveland Dispatch and asked the staff to help monitor the video footage of Garner's holding cell as Garner was "messing with her cuffs."

At approximately 6:07 p.m., Hopp and Blackett were with Garner in the LPD booking area to photograph the cuts and scrapes on her wrists and take her to Blackett's car for transport to the LCD. Garner complained of shoulder pain 13 times, grimaced and said "ouch" when someone touched her shoulder. Hopp's BWC booking area footage captured Garner's complaints of injury.



Blackett transported Garner to the Larimer County Detention Center (LCDC).

At approximately 9:23 p.m. Loveland Dispatch received a call from Corporal Soricelli at the LCDC. Soricelli said Garner was being released from custody and would be transported by ambulance to a hospital. He requested Loveland Dispatch identify contact information for a relative of Garner for the LCDC to notify. Soricelli said Garner might have a daughter living across the street from her. Loveland Dispatch personnel were unable to identify information for Garner's daughter. Loveland Dispatch personnel offered to have Hopp follow up. Soricelli told Loveland Dispatch to have Hopp contact the LCDC if he came up with any information. This call lasted approximately six minutes.

At approximately 9:33 p.m., a three-minute call was made from Hopp's LPD cell phone to the LCDC. At approximately 9:36 p.m., a one-minute call was made from Hopp's LPD cell phone to Metzler's LPD cell phone.

At approximately 9:46 p.m., Hopp went to Garner's residence at 3060 Mountain Lion Drive in Loveland and interviewed Garner's neighbors in a unit across the hallway from Garner's unit. Hopp asked if they knew where Garner's daughter lived. They said they did not.

At approximately 9:48 p.m., Hopp called Loveland Dispatch and asked the dispatcher to locate contact information for Garner's family. The dispatcher was unsuccessful in doing so.

At approximately 9:53 p.m., a four-minute call was made from Metzler's LPD cell phone to Hopp's LPD cell phone.

At approximately 10:58 p.m., Loveland Dispatch received a four-minute call from "Shanon" at the Poudre Valley Hospital emergency department. She said Garner was going to be released from the hospital, might have dementia, and wanted Garner's family to know where she was. The dispatcher said Garner reportedly had a daughter who lived across the street from Garner, but her name was unknown. "Shanon" provided a name that Garner had given for her daughter. The dispatcher located an address and phone number for the name that "Shanon" provided and gave this information to "Shanon."

At approximately 11:40 p.m., Hopp submitted a Blue Team Report for Metzler to review. The report identified Garner as injured, noted the injury locations on her left and right wrists on a diagram, and included photographs of scrapes and cuts on her wrists. In the "Assessment of Citizen Condition During Incident" section of the report, Hopp indicated "mentally unstable." The incident summary stated Garner was asked several times if she wanted medical attention, would not answer and never asked for medical attention. The report stated that once at the LCDC, Garner complained of shoulder pain, and the jail nurse determined she had a "possible shoulder injury." Hopp also wrote in the report, "It's unknown when the shoulder injury was caused due to the length of her struggle against officers as well as her continuously try to escape her restraints in booking."



On July 15, 2020, Metzler reviewed his BWC footage of his encounter with Arreola at the scene of Garner's arrest. Metzler added Case ID 20-004373 (Garner Case ID) to this BWC file, which scheduled the file to be deleted on June 24, 2030.

On July 16, 2020, Metzler changed the case number of Evidence.com record of his BWC footage with Arreola from the Garner arrest to an unrelated incident number from June 19, 2020. This removed the file from being associated with the Garner arrest and changed the retention lifespan of the footage from 10 years to one year.

On August 8, 2020, Metzler played Hopp's BWC footage of the arrest of Garner and reviewed and approved Hopp's Blue Team Report.

On August 10, 2020, Lieutenant Robert Shaffer played Hopp's BWC footage of Garner in the booking area twice and reviewed and approved the Blue Team Report.

On the same date, after Shaffer's approval, Assistant Chief Ray Butler read the case report, played Hopp's BWC footage of the arrest, and reviewed and approved the Blue Team Report.

On or about July 7, 2021, Officer Paul Ashe requested a LPD Police Records Supervisor use CAD records to identify the incident number and case number related to Metzler's activity on June 26, 2020. Ashe told the Police Records Supervisor that the BWC footage from that date may have been entered under an incident number instead of the case number and asked the Police Records Supervisor if that was easy to fix.

Based on our review of the materials, the LPD initiated a formal complaint against Metzler on July 2, 2021. Based on our review of the materials and witness interviews, the LPD initiated formal complaints against Ashe, Shaffer and Butler on August 1, 2021. The LPD recorded these complaints under Internal Affairs No. IA 2021-003

Notifications

The Department of Human Resources sent notifications to Metzler that he was a subject of this internal investigation on July 2, 2021, and sent such notifications to Ashe, Shaffer and Butler on August 1, 2021. Jensen Hughes investigators read the notifications to each individual before beginning their interviews. At the beginning of their initial subject interviews, Jensen Hughes investigators read Metzler, Ashe, Shaffer and Butler the Employee Advisement form and Garrity Form, which they reviewed and signed. **(Appendix MM)**



Investigation Actions Taken

As part of our investigation, we completed the following tasks:

- + Reviewed available evidence, including reports and video footage.
- + Interviewed the witnesses and involved officers.
- + Evaluated the evidence and information relating to how the involved officers followed the LPD's policies and procedures to issue conclusions.

Interviews Conducted

During the course of our investigation, we interviewed the following individuals:

- + Sergeant Philip Metzler
- + Lieutenant. Robert Shaffer
- + Assistant Chief Ray Butler
- + Officer Paul Ashe
- + Sergeant Antolin Hill
- + Sergeant Amy Wheeler
- + Sergeant Jeff Mayers
- + Community Service Officer Benny Jones
- + Sergeant Ryan Ertman
- + Rediesel Arreola
- + Timothy Nye



Investigation of Allegations and Conclusions

Allegation 1

On June 26, 2020, while on duty, Master Sergeant Phil Metzler responded to the scene of the arrest of Karen Garner affected by Officer Austin Hopp and Officer Daria Jalali. While on scene, Metzler noticed that Jalali had blood on her uniform. Metzler learned that the blood came from Garner. Metzler failed to provide appropriate medical aid to Garner.

While on scene, Metzler had an encounter with a private citizen, Rediesel Arreola, who had stopped at the location of the arrest to complain about the force Hopp used during the arrest of Garner. Metzler failed as a supervisor to take a complaint from Arreola, and he failed to treat Arreola with respect, courtesy and professionalism, bringing discredit to the Department.

At the LPD station, Metzler failed to provide appropriate direction to Hopp and Jalali, ensuring proper care for Garner while under arrest and in the LPD's custody.

On July 15, 2020, Metzler reviewed his BWC footage of his encounter with Arreola at the scene of Garner's arrest. Metzler added Case ID 20-004373 (Garner Case ID) to this BWC file. Because the record was associated with a case, the file was scheduled to be deleted on June 24, 2030. On July 16, 2020, Metzler updated this BWC file in Case ID 20-004373 changing the file to Incident ID 20-0053820, an unrelated event on June 19, 2020. This change in designation from a case ID to an incident ID changed the BWC file of Metzler's encounter with Arreola to instead be deleted on June 26, 2021. Metzler violated policy when he changed the record of the encounter he had with Arreola from the Garner case ID to an unrelated incident ID. Through his actions, Metzler hid a piece of potential evidence. His BWC footage would not be included in the Garner case file for the LPD or the District Attorney, nor would it be available for discovery in a criminal prosecution. The BWC footage would not be available in the Garner case file if an administrative investigation was later conducted of the incident.

On August 8, 2020, Metzler reviewed the Blue Team Report that Hopp authored regarding the arrest of Garner, more than 10 days after the 30-day report review requirement. Metzler knew or should have known from the report's language and the BWC footage that Garner had possible serious bodily injury and failed to inquire further into the matter, eventually approving the report.

Relevant LPD Policies and Procedures

Loveland Police Department Policy 11.04, Use of Force

This policy states that anytime someone has visible injuries or complains of being injured as a result of force used against them by an officer, the officer must take appropriate actions to provide medical care for the injured person. The provisions may include first aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility.



On June 26, 2020, Jalali informed Metzler that Garner had bled on Jalali during the struggle to arrest Garner. Upon learning this information and as the supervisor at the scene of the arrest, Metzler should have investigated Garner's injuries that caused the bleeding and administered first aid or taken other appropriate action at that time.

Loveland Police Department Policy 5.12, Compliments and Complaints

This policy states that there are situations in which a person makes an inquiry to the Department regarding a matter and an objective and fact-based explanation in response to the inquiry alleviates the person's concern. The LPD considers these inquiries to be concerns, not complaints, and can result in non-disciplinary corrective action. Policy 5.12 states the supervisor handling the concern shall inform the concerned person of how to participate in the Department's complaint process, regardless of whether the supervisor believes the person's concern has been alleviated. If a call has been created in the CAD system, the supervisor handling the concern must summarize in the CAD notes the concern, the remedy, and that they informed the individual of the Department's complaint process. Additionally, if at any time during the process the supervisor becomes aware of potential misconduct that is beyond the scope of the concern, the supervisor must initiate the complaint process.

On June 26, 2020, Metzler was at the scene with Hopp and Jalali following the arrest of Garner. Hopp informed Metzler that Arreola had stopped at the location of arrest, Hopp had a brief conversation with him, and that Arreola was "alright." As Metzler disengaged from Hopp and Jalali, he encountered Arreola, who expressed concerns about the use of force that Hopp deployed to arrest Garner. Metzler stated he perceived Arreola's statements as concerns because Arreola was unaware of the facts surrounding the arrest. Several times, Metzler offered to Arreola the opportunity to make a complaint about the incident by making a complaint to Metzler in person, at the police department or online. Arreola declined to do so and left.

Metzler failed to summarize the event with Arreola in the CAD system and failed to document notes regarding the concern, remedy, and that Metzler informed Arreola of the Department's complaint process.

Additionally, on July 16, 2020, Metzler updated the Department's Evidence.com system record for his BWC footage involving his encounter with Arreola, moving it from Case ID 20-004373 (Garner case) to Incident ID 20-0053820 (an unrelated incident on June 19, 2020). Metzler's actions concealed the existence of his BWC footage and changed the scheduled deletion date of his BWC footage of his encounter with Arreola from June 24, 2030 to June 26, 2021. Through his actions, Metzler hid a piece of potential evidence as his BWC footage would not be included in the Garner case file for the LPD or the District Attorney. His BWC footage would not be available for discovery in a criminal prosecution, nor would it be included in the Garner case file if an administrative investigation was later conducted of the incident.



Furthermore, Metzler failed to initiate the Department complaint process against Hopp and Jalali when Metzler reviewed Hopp's Blue Team Report, which stated the following in reference to Garner: "Once at LCJ the suspect complained of shoulder pain and the jail nurse determined she had a possible shoulder injury. It is unknown when the shoulder injury was caused due to the length of her struggle against officers as well as her continuously try to escape her restraints in booking." This description of the event, combined with Metzler's own observations, were a sufficient basis for Metzler to initiate the complaint process.

Loveland Police Department Policy 2.03, Chain of Command

This policy states that each Department member is under the direct command of one supervisor. Supervisors are accountable for the performance of employees under their immediate control.

On June 26, 2020, Metzler was the supervisor responsible for oversight of the arrest of Garner affected by Hopp and Jalali. In this capacity, Metzler was accountable for their actions related to Garner's arrest, custody and case reporting. Metzler failed to ensure Hopp and Jalali provided first aid to Garner or sought medical attention for her, despite learning that Garner was bleeding and sustained injury incident to arrest. Metzler failed to check on Garner's well-being while in custody at the LPD holding cell.

In addition, Metzler failed to ensure accurate and proper case reporting by failing to reconcile the discrepancies between Hopp's Case Report and Hopp's Blue Team Report regarding the degree of injury that Garner suffered. Metzler said he reviewed the Case Report before he approved the Blue Team Report. The Case Report states that Garner had only minor lacerations to her wrist and minor laceration to her chin. The Blue Team Report states that Garner had minor lacerations to her wrist, a minor laceration on her chin and a possible shoulder injury.

Loveland Police Department Policy 1.03, Ethics

This policy states that the public expects professional and courteous service. Employees must not engage in acts that bring discredit to the Department.

On July 16, 2020, Metzler updated the Department's Evidence.com system record for his BWC footage involving his encounter with Arreola, moving it from Case ID 20-004373 (Garner case) to Incident ID 20-0053820 (an unrelated incident on June 19, 2020). Metzler's actions concealed the existence of his BWC footage and changed the scheduled deletion date of his BWC footage of his encounter with Arreola from June 24, 2030 to June 26, 2021. Through his actions, Metzler hid a piece of potential evidence as his BWC footage would not be included in the Garner case file for the LPD or the District Attorney. His BWC footage would not be available for discovery in a criminal prosecution, nor would it be included in the Garner case file if an administrative investigation was later conducted of the incident.



On June 26, 2020, Metzler encountered Arreola, who expressed concerns about the use of force that Hopp deployed to arrest Garner. Based on our review of the encounter, we determined that Metzler's demeanor with Arreola was disrespectful and discourteous. Metzler failed to hear out Arreola and talked over him multiple times. Metzler stated he perceived Arreola's statements as concerns because Arreola was unaware of the facts surrounding the arrest. Metzler failed to summarize the event with Arreola in the CAD system and failed to document notes regarding the concern, remedy and that Metzler informed Arreola of the Department's complaint process. These actions were unprofessional and brought discredit to the Department.

Relevant City of Loveland Policies

City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline and Standards of Conduct and Performance (24) Unsatisfactory Work Performance

This policy states that city employees must demonstrate core values of accountability and integrity each day in their roles for city. Unsatisfactory work performance is conduct that may warrant disciplinary action.

While on scene of Garner's arrest, Hopp informed Metzler that Arreola had stopped at the location of arrest, Hopp had a brief conversation with him, and that Arreola was "alright." As Metzler disengaged from Hopp and Jalali, he encountered Arreola, who expressed concerns about the use of force that Hopp deployed to arrest Garner. Metzler's demeanor with Arreola was disrespectful and discourteous. Metzler failed to hear out Arreola and talked over him multiple times.

On July 16, 2020, Metzler brought discredit to the Department; exhibited unsatisfactory work performance, including poor decision making; and hid potential evidence when he knowingly moved his BWC footage in the Department's Evidence.com system from Case ID 20-004373 (Garner case) to Incident ID 20-0053820 (an unrelated incident). Metzler's actions concealed the existence of his BWC footage, which recorded his exchange with Arreola, and changed the deletion date of his BWC footage of his encounter with Arreola from June 24, 2030 to June 26, 2021.

On August 8, 2020, Metzler again brought discredit to the Department and exhibited unsatisfactory work performance, including poor decision making, when he failed to initiate the Department complaint process against Hopp and Jalali after Metzler viewed Hopp's Blue Team Report. The Blue Team Report stated the following in reference to Garner: "Once at LCJ the suspect complained of shoulder pain and the jail nurse determined she had a possible shoulder injury. It is unknown when the shoulder injury was caused due to the length of her struggle against officers as well as her continuously try to escape her restraints in booking." This description of the event, combined with Metzler's own observations, were a sufficient basis for Metzler to initiate the complaint process.



Information Supporting Conclusions

Initial Interview

On July 22, 2021, Dobrich and Giuffre interviewed Metzler as the subject of Internal Investigation 2021-003 in the presence of his attorneys Lara Jimenez and Paul Mandel and Fraternal Order of Police Representative Josh Marner. The internal investigation focused on LPD Case 2020-4373, the arrest of Karen Garner. The interview was pursuant to the aforementioned allegations. The following is a summary, not a verbatim account, of Metzler's statements.

On June 26, 2020, Metzler worked as the patrol supervisor for the swing shift. Hopp worked under his direction that day, but Jalali was assigned to another supervisor on the day shift.

Metzler recalled that he was monitoring radio traffic regarding a shoplifting incident at the Walmart. Hopp was assigned to that call. Metzler began paying more attention to the call when Hopp radioed that he had been in a struggle and an offender resisted. Metzler "drifted" over to Hopp's location. Metzler affirmed that he would typically provide "backup" and supervision at the scene when an officer used force.

When Metzler arrived on scene, he observed Garner in custody up against the side of the patrol vehicle. Garner was handcuffed and possibly hobbled. Metzler asked if everyone was okay and helped Hopp and Jalali load Garner into the rear seat of the patrol vehicle.

Metzler briefly talked to Hopp and Jalali about what happened and ensured someone (Officer Capello) followed up with Walmart concerning the shoplifting case. Metzler said he then left Hopp and Jalali. Metzler reported that he did not see any injuries on Garner during the brief time he spent with her and did not ask her if she needed medical assistance.

After Metzler left Hopp and Jalali, Metzler encountered a Hispanic man (Rediesel Arreola) whose name he could not recall during the interview. Metzler thought Arreola drove a Ford Explorer and had his family with him. Metzler stated that Hopp told him that he had already talked to Arreola and that Arreola was "okay now." Metzler said it was never his intent to interact with Arreola but rather to leave the scene. Metzler stated that Arreola started the interaction with him, so he activated his BWC.

Metzler said Arreola had a general concern about the arrest of Garner but did not say anything specific. Metzler's opinion was that Arreola was not making a complaint but rather had a concern about what he saw. Metzler said he asked Arreola if he wanted to make a complaint, but Arreola did not want to do so. Metzler told Arreola how to make a complaint, including pursuit of a complaint online. Metzler stated that he did not consider Arreola to be a witness in the case against Garner.

Our review of the encounter from Metzler's BWC determined that Metzler's demeanor with Arreola was disrespectful and discourteous. Metzler failed to hear out Arreola and talked over him multiple times.



Metzler stated that at the LPD station he checked on Hopp in the booking area. Metzler recalled that he discussed the charges against Garner and the supporting affidavits. Metzler said he never looked in on Garner when she was locked in the holding cell.

Metzler minimized the fact that Garner was bleeding by suggesting it was nothing more than the result from “scratches, road rash, stuff like that are common . . . Yeah, someone’s taken to the ground and handcuffed.” Metzler characterized his questioning of Jalali regarding the blood as “probing.” He believed Jalali was dismissive, so he ended his queries. Metzler said nothing he knew at the time constituted an injury to Garner. Metzler stated, “It is not my responsibility, as a sergeant, to follow my officers around and conduct investigation on them on every call.”

Metzler stated that Hopp’s Blue Team Report was more “expanded” than most Blue Team Reports he has reviewed. Metzler described Hopp’s report as documenting minor scrapes and abrasions to Garner and a complaint by Garner of an injury. Metzler said the LCDC had not notified him about an injury to Garner, but noted that if he had been notified, he would have followed up on it.

Metzler acknowledged he began reviewing Hopp’s Blue Team Report on August 7, 2020 and finished on August 8, 2020 after midnight. Metzler said he watched enough, though not all, of the BWC footage to make a reasonable judgment, as required by policy. Metzler stated that his review usually consists of watching the primary officer’s BWC footage.

Metzler stated he did not watch the segment of Hopp’s BWC footage in which Hopp was in the lock-up cell with Garner and she complained multiple times that her shoulder hurt. Metzler said when he assesses a Blue Team Report, he watches the part of the video that pertains to the use of force, not everything that may be contained on the BWC footage, such as footage of lock-up or transport to the county jail. Metzler characterized the Blue Team Report as not being a comprehensive investigation of the officer or what occurred. Because Hopp or Jalali indicated no additional use of force occurred other than that at the arrest location, he only reviewed the actual arrest footage.

When asked whether Hopp’s use-of-force narrative, describing a possible shoulder injury caused during her struggle with officers or trying to escape her restraints in booking, was a basis to investigate the matter further, Metzler stated, “Not unless there was indications from the officer that there was additional force in the booking area.”

Metzler admitted he did not review Hopp’s Blue Team Report within the 30 days, as required by policy.

Metzler said he has not been authorized to access anything in Department records since about June 2021. The investigators asked Metzler about phone calls among him, Hopp and the LCDC on the night of Garner’s arrest. Metzler stated that around the time of the Critical Incident Response Team (CIRT) investigation, he learned that a call came from the Detention Center to the Department and went directly to Hopp.



Metzler said CIRT investigators obtained his LPD cell phone logs and informed Metzler that Hopp called him on the evening of June 26, 2020, after the arrest of Garner. Metzler acknowledged after reviewing provided phone records that Hopp received a four-minute phone call from the LCDC at 9:33 p.m. on June 26, 2020, and then Hopp immediately placed a one-minute phone call to Metzler at 9:36 p.m.

Metzler acknowledged that the provided phone records show that at 9:53 p.m., a four-minute phone call was placed from Metzler's phone to Hopp's phone. Metzler did not recall placing that call to Hopp nor what was said. Metzler said Hopp did not call about Garner being injured and at the hospital. After the investigators provided him the phone records, Metzler acknowledged that the next call Hopp made was a two-minute call to the LCDC. Metzler was adamant that Hopp never told him about Garner's shoulder injury during the phone call at 9:53 p.m.

Metzler said if Hopp had contacted him and told him that Garner made a complaint about an injury, that LPD policy would have just required the Blue Team Report that Hopp was already completing. Metzler continued that he would have told Hopp to document the complaint of an injury fully in his report. Metzler said it could be reasonable to believe that Hopp called Metzler but minimized Garner's shoulder injury.

Follow-Up Interview

On August 16, 2021, Dobrich and Giuffre interviewed Metzler again as the subject of Internal Investigation 2021-003 in the presence of his attorneys, Lara Jimenez and Paul Mandel. The internal investigation focused on LPD Case 2020-4373, the arrest of Karen Garner. The interview was pursuant to the aforementioned allegations. The following is a summary, not a verbatim account, of Metzler's statements.

Metzler stated he did not believe he tried to convince Arreola not to make a complaint. Metzler said he did not use "verbal judo" on Arreola, nor did he bully Arreola. Metzler did not recall having conversations with Schafer or Butler concerning Arreola and not taking a complaint from Arreola.

Metzler claimed he was not aware, until being told by his attorneys, that the BWC footage of his encounter with Arreola changed from the Garner case ID to an unrelated incident ID. Metzler stated his attorneys who are representing him in the Garner civil case made him aware of the change. Metzler then admitted he made the change but claimed it was normal operating procedure for him and other supervisors to change a complaint to an incident. Metzler said this change creates a separate incident in the CAD system, and the complaint stands alone. Metzler said the complaint is then separated from the case but still associated to it. Metzler said he was not aware that changing the case to an incident as he did changed the retention period from 10 years to one year. Metzler admitted what he was trying to do with the Arreola BWC footage was "simply to take the video out of Garner arrest records, so it didn't go up with the DA's office." Metzler admitted that if someone searched the Garner case ID for Metzler's BWC footage before someone discovered the change from a case to an incident, they would not have located it.



Interviews conducted established that LPD sergeants are expected to, and consistently do, label their BWC footage with the case or incident associated with the footage. More specifically to this matter, LPD sergeants are expected to, and consistently do, label BWC footage of citizen complaints, concerns or interactions to the case or incident numbers associated with the incident about which the citizen is complaining, expressing a concern and engaging in the interaction. In addition to being the pattern and practice of the LPD, this approach is consistent with best law enforcement and prosecution practices and common sense. There is no reasonable explanation for labeling BWC footage with an incident number from an unrelated event that occurred a week before the footage was captured, nor is there any reason to separate out footage of citizen interactions into independent events or cases, which is not actually what happened here, so the footage is not included in the case file available to the prosecutor or internally.

On April 15, 2021, LPD Professional Standards Unit Sergeant Bryan Bartnes located Metzler's BWC footage of his encounter with Arreola in Evidence.com and changed the designation of the footage from the unrelated incident number Metzler had filed it under back to the Garner case number. This changed the scheduled date of deletion of the footage from June 26, 2021 to June 24, 2030.

Metzler acknowledged he had a conversation with Officer Ashe by phone about the issue of mislabeling on or about July 6, 2021. Metzler said he specifically told Ashe not to get involved in investigating the mislabeling issue. Metzler said he was aware that Ashe did not adhere to his instructions and instead met with the Police Records Supervisor. Metzler stated Ashe acquired two numbers from the Police Records Supervisor – the Garner case number and the unrelated incident number. Metzler said he provided the information that Ashe gave him to the civil attorneys.

Ashe stated that on or about July 7, 2021, he received a call from Metzler, who was on administrative leave. Ashe said Metzler asked him general questions about BWC operation and how video generated by BWCs get labeled. Ashe explained that one can label it manually or it occurs when one docks the BWC into the system. Ashe stated that Metzler expressed concern about video from the Garner incident being mislabeled, but he did not get into the details.

Ashe believed that Metzler had probably done something in error, so he decided to investigate the matter on his own. Ashe stated that Metzler did not ask him to investigate the matter. Ashe acknowledged that he went to the Department Records Office and had a conversation with Police Records Supervisor Julie Bunch on July 7, 2021. Ashe stated that he asked Bunch if the Records Office had access to the information contained in the old CAD system because he could no longer access it. Ashe noted that the Department moved away from the old CAD system sometime in the late 2020.

Ashe asked Bunch to inquire about Metzler's unit history for June 26, 2020. Ashe stated he learned Metzler had only one call for service that day – the Garner incident. Bunch identified for Ashe the incident number and the case number of the Garner event, and Ashe wrote them down. Ashe suggested to Bunch that Metzler mislabeled the BWC footage to an incident number or did not clear himself from the call. Ashe admitted he did not know what happened with regard to the labeling because he never saw the labeling. Ashe did not recall asking Bunch how to fix the problem.



Ashe admitted that he provided the case and incident numbers that he received from his visit to the Records Office to Metzler, most likely by phone. Ashe did not recall which phone he used to report the information to Metzler.

Ashe stated he has a lot of respect for Metzler and that Metzler had saved his life during a shooting incident, but that did not motivate Ashe to do what he did. Ashe insisted that he believed Metzler was inquiring about a labeling issue, and Ashe believed that “if there’s an issue with that, that needs to be fixed.”

Allegation 2

On July 7, 2021, while on duty, Officer Paul Ashe asked LPD Police Records Supervisor Julie Bunch about CAD calls for service involving Metzler on June 26, 2020. Ashe indicated to Bunch that Metzler’s BWC footage may have been mislabeled under an unrelated incident identification number instead of a case identification number. Ashe asked Bunch, “Was it an easy fix?.” Bunch searched CAD records for the date provided by Ashe looking for Metzler’s activity. Bunch provided Ashe with the only identification numbers associated to Metzler for that date, which was for the Garner incident and the Garner case. Later, Ashe provided that information to Metzler.

Relevant LPD Policies and Procedures

Policy 8.02, Records, Authorized Access to the Files

This policy specifically states that Department employees trained in the use of the records management system are authorized to query this information for law enforcement purposes only.

On July 7, 2021, a day or more after speaking to Metzler, while on duty, Ashe visited the Department’s Records Office and had a conversation with Police Records Supervisor Bunch. During this conversation, Ashe inquired about calls for service in which Metzler was involved on June 26, 2020. Ashe learned from Bunch the specific case numbering information pertaining to a law enforcement record that pertained to Metzler for the day in question and provided the information to Metzler. Even though Ashe was not involved in the incident with Metzler and had no official purpose to have the information or to provide it to Metzler, Ashe inquired about and received law enforcement record information from the Department’s Records Office for personal use.



Relevant City of Loveland Policies

City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline and Standards of Conduct and Performance (24) Unsatisfactory Work Performance

This policy states that city employees must demonstrate core values of accountability and integrity each day in their roles with the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.

By his own admission, Ashe involved himself in an official Department matter that did not involve him or need his attention. Ashe decided on his own, however, that a case vs. incident labeling issue involving Metzler needed his attention. Ashe violated the policy when he inquired about this matter to the Police Records Supervisor without justification. Ashe's conversation with the Police Records Supervisor about if it was easy to fix the matter puts Ashe's integrity in question. Ashe spending any on duty time on in this matter without authorization from a command officer constitutes unsatisfactory work performance.

Information Supporting Conclusions

Initial Interview

On July 23, 2021, Dobrich and Giuffre interviewed Ashe as a witness in an internal investigation focused on LPD Case 2020-4373, the arrest of Garner in the presence of his attorney Catherine Shelee and FOP Representative Josh Marner. The following is a summary, not a verbatim account, of Ashe's statements.

Ashe stated that on June 26, 2020, he worked under Metzler's supervision. Ashe stated that although he is now aware of the Garner arrest, he was not aware of it at the time of its occurrence and was not involved in it or any follow up.

Ashe stated that on or about July 6, 2021, he received a call from Metzler, who was on administrative leave. Ashe said Metzler asked him general questions about BWC operation and the generation of labels for video generated by BWCs. Ashe explained that one can label the video manually or when one docks the BWC into the system. Ashe stated that Metzler expressed concern about mislabeled video, but he did not get into the details.

Ashe stated that he believed Metzler had probably done something in error, so he decided to investigate the matter on his own. Ashe stated that Metzler did not ask him to investigate the matter.

Ashe acknowledged that he went to the Department Records Office and had a conversation with Police Records Supervisor Julie Bunch on or about July 7, 2021. Ashe stated that he asked Bunch if the Records Office had access to the information contained in the old CAD system because he could no longer access it. Ashe stated that the Department moved away from the old CAD system sometime in the late 2020.



Ashe said he asked Bunch to inquire about Metzler's unit history for June 26, 2020. Ashe stated he learned Metzler had only one call for service that day – the Garner incident. Ashe suggested to Bunch that Metzler mislabeled the incident or did not clear himself from the call. Ashe admitted he did not know what happened with regard to the labeling because he never saw the labeling. Ashe did not recall asking Bunch how to fix the problem.

Ashe admitted that he reported what he learned from Bunch and his visit to the Records Office to Metzler, most likely by phone. Ashe did not recall which phone he used to report the information to Metzler.

Ashe insisted that he did not violate Department policy when he decided to access the records pertaining to Metzler that day. Ashe stated that he believed the records were public and readily accessible to any Department member.

Follow-Up Interview

On August 12, 2021, Dobrich and Giuffre interviewed Ashe as the subject of Internal Investigation 2021-003 in the presence of his attorney, Shelee, and FOP Representative Rob Pride. The internal investigation focused on LPD Case 2020-4373, the arrest of Karen Garner. The interview was pursuant to allegations that Ashe searched for information in the Department Records Management System for personal use. The following is a summary, not a verbatim account, of Ashe's statements.

Ashe acknowledged that he is trained in the proper use of the Department's records management system and that authorized access to the system has to be for law enforcement purposes only, not for personal use.

Ashe stated he became involved in the matter under investigation after receiving a call from Metzler inquiring on how BWC footage gets labeled. Ashe said he told Metzler one can label it manually or through a docking system. Ashe said he always uses the docking system and does not use "the personal thing." Ashe stated that Metzler referenced an issue with how something was labeled. Ashe said he did not ask Metzler for specifics.

Ashe stated that a day or two later, when Ashe returned to work, he tried to look up the matter about which Metzler was inquiring in the system and realized he could not access it because it was part of the old system. Ashe stated that because he is a "paid" employee, he thought he could access the system information for "my own edification." Ashe said when he could not access the information on the old system, he visited the Record Manager (Julie Bunch) on July 7, 2021. Ashe asserted he became involved in the matter for law enforcement purposes even though Metzler did not give him a direct order to investigate the matter and Ashe was not involved in the Garner case.



Ashe stated he was unaware that Metzler's BWC footage of his encounter with a citizen during Garner's arrest was moved to or labeled for an unrelated incident. Ashe denied any involvement with the initial labeling or relabeling of the footage.

Ashe acknowledged Bunch found an incident number for the day in question (June 26, 2020) that involved Metzler. Ashe did not recall if he wrote the incident number down or if Bunch wrote it down, but Ashe admitted he left the Records Office that day with the incident number.

Ashe said he provided the incident number to Metzler, most likely by phone. Ashe stated he has a lot of respect for Metzler, and Metzler saved his life during a shooting incident, but that Metzler's actions did not motivate Ashe to do what he did. Ashe insisted that he believed Metzler was inquiring about a labeling issue, and Ashe believed "if there's an issue with that, that needs to be fixed."

Interviews conducted established that LPD officers are trained and directed to limit their database access, including the BWC system, to their own cases and official duties, and not to access records of matters to which they not assigned. An officer who is not officially assigned to a case who accesses CAD records to obtain information about that case would be violating LPD training and established practice.

Allegation 3

On August 10, 2020, Shaffer reviewed Hopp's Blue Team Report of the arrest of Garner on June 26, 2020. Metzler approved the report. The Blue Team Report documented that Garner suffered a possible shoulder injury that may have occurred during the arrest and struggle or while in the booking area. Shaffer did not play the BWC footage of the arrest and struggle with Garner, the BWC footage of other officers at the scene or the booking area camera footage. Shaffer twice played the BWC footage of Garner in the booking area in which she repeatedly complained of shoulder pain and was nonetheless transported to the LCDC. Shaffer failed to recognize that the report's narrative and the BWC footage that he reviewed identified possible serious bodily injury to Garner, which would have triggered additional review of the incident. Shaffer failed to inquire further into the matter, approving the report without any additional follow up.

Relevant LPD Policies and Procedures

Policy 2.03 Organization, Management, and Administration. Chain of Command: Unity of Command, Authority and Responsibility

This policy specifically states that Department supervisors are accountable for the performance of employees under their immediate control. The policy further states all Department personnel are fully accountable for the use or failure to use their authority, and that supervisors have the authority to enforce policies.



Relevant City of Loveland Policies

City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline and Standards of Conduct and Performance (24) Unsatisfactory Work Performance

This policy states that city employees must demonstrate core values of accountability and integrity each day in their roles with the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.

Information Supporting Conclusions

Initial Interview

On July 15, 2021, Dobrich and Giuffre interviewed Shaffer as a witness in an internal investigation focused on LPD Case 2020-4373, involving the arrest of Garner. The following is a summary, not a verbatim account, of Shaffer's statements.

Shaffer said he reviewed Hopp's Blue Team Report of the arrest of Garner on June 26, 2020 in LPD Case 2020-4373. Shaffer said he would have read the narrative, but he could not remember anything noteworthy about the report. Shaffer viewed his role and responsibility with Blue Team Reports as limited to reviewing the sergeant's findings to see if they conducted a complete examination. "I'll review the sergeant's work, not the officer's work." Rather than determining if his own conclusion of the officer's use of force would be the same, Shaffer simply checked to see if the sergeant examined the BWC footage, read reports, spoke with involved officers and came to a conclusion on policy, regulations and the law. Shaffer said, "I just look at did he examine the areas that he was supposed to."

Shaffer said he typically checks the audit trail in Evidence.com to verify if the sergeant who sent him the report reviewed BWC footage related to the reported use of force, but he could not remember if he did that in this case.

Shaffer said the information in the Blue Team Report – that Garner had minor lacerations to her wrist from handcuffs and small laceration to her chin, and that officers asked her several times if she wanted medical attention but would not answer – would not have raised his concern. Shaffer believed if there was a more serious injury, Garner would have made somebody aware of it. Regarding the information in the report that stated a LCDC nurse reported a possible shoulder injury to Garner, Shaffer said, "I can't say for sure whether that was enough – that would have been enough to, um, push us to another level or not . . . I think I would have had to know what the, let's see, um, it doesn't describe anything that they did beyond, uh yeah, but again, this is just his summary, so."

Shaffer said the report narrative would have caused him to take a look at the BWC footage, but he does not remember how much of it he watched. He recalled viewing Hopp's BWC footage of the initial stop of Garner. However, he was not sure if his memory was from August 10, 2020 or after the Garner civil suit in April 2021.



Shaffer stated he did not view Hopp's BWC footage of the booking area with Garner in the holding cell, any BWC footage of the holding cell, or any booking area or lockup camera footage. Shaffer said he was reviewing the use of force that occurred during the arrest and struggle, and he had no reason to believe something occurred in the booking area. Dobrich directed Shaffer to the report's summary that documented it was unknown if the shoulder injury was caused from the struggle with officers or from continually trying to escape her restraints in the booking area. Shaffer continued to insist this information did not make him think he should view BWC footage of the booking area or booking area camera footage.

Shaffer read Hopp's Blue Team Report narrative aloud during the interview and identified possible deception by Hopp. Shaffer noted that Hopp's language was inconsistent in that in one sentence, he wrote "possible shoulder injury" and in the next sentence, he referred to it as "the injury." Shaffer stated, "And this makes me suspect that there may have been an awareness of an actual injury" when Hopp wrote the report and Garner was not just complaining about a discomfort. Shaffer said he had not noticed this on August 10, 2020, stating, "I can tell you right now that if I had known there was a shoulder injury, this would have taken an entirely different direction at that, that very moment."

When Shaffer approved Hopp's Blue Team Report, he wrote, "I concur with MSgt Metzler's assessments and findings, but I question why there isn't BWC footage of the arrest and struggle. Otherwise, there is no further action or investigation necessary." Shaffer could not account for why he wrote that he had not viewed the BWC footage of the arrest and struggle, even though both Metzler and Butler had documented viewing it. Shaffer said he would have been able to search for it by case number or officer name and speculates that he was unable to locate it.

Audit records corroborate that Shaffer did not play this footage. On August 10, 2020, Shaffer's username and password accessed Evidence.com and selected this footage but did not stream it. The audit records show that Shaffer did not play the footage until April 22, 2021, after the Garner civil suit became public.

35	10 Aug 2020	10:42:10 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: [REDACTED]
36	10 Aug 2020	10:42:11 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Media File Buffered by System at Page Load. Client IP [REDACTED]

84	22 Apr 2021	10:18:27 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: [REDACTED]
85	22 Apr 2021	10:18:28 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Media File Buffered by System at Page Load. Client IP [REDACTED]
86	22 Apr 2021	10:18:34 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Streamed. Client IP Address: [REDACTED]

Shaffer acknowledged that he concurred with Metzler's assessments and findings without having viewed the BWC footage of the use of force, the other officer's BWC footage or reading the related case report. Shaffer said he was approving Metzler's review of the incident for completeness, not approving that Metzler came to the right conclusion. Shaffer said, "In that sense, yes, I approved his



review of the incident and trust that he, the conclusion he came to was the right one. If I had gone back and looked at and reexamined, reviewed the incident itself, I would not come to that conclusion. I would have not approved it.”

As a lieutenant, Shaffer said his responsibilities include making sure sergeants are doing their job and reviewing the quality and completeness of their work. Shaffer said Metzler is frequently late in submitting paperwork, stating, “And he and I are conflicting over that.”

Shaffer said when he first started reviewing significant Blue Team Reports, he conducted a review and compared his own finding with the submitting sergeant’s finding. Later, he no longer determined his finding to compare against the sergeant’s. However, LPD Policy 11.39, in effect on August 10, 2020, when Shaffer reviewed the Blue Team report, states each level of review must examine the Blue Team Report and associated documents for adherence to policy procedure and law, appropriateness of the use of force, training failures, policy failures and exemplary conduct **(Appendix L)**.

Shaffer characterized Metzler as being “very loyal” to the officers under his control and as having a good relationship with Hopp.

Shaffer stated that if he had watched all of the BWC footage and known it was a serious shoulder injury, he would not have approved the Blue Team Report and it would have gone right to a CIRT investigation because of the serious bodily injury.

Follow-Up Interview

On August 12, 2021, Dobrich and Giuffre interviewed Shaffer as the subject of Internal Investigation 2021-003 in the presence of his attorney, David Goddard. The internal investigation focused on LPD Case 2020-4373, the arrest of Karen Garner. The interview was pursuant to the aforementioned allegations. The following is a summary, not a verbatim account, of Shaffer’s statements.

Shaffer said he did not view Hopp’s BWC footage of the booking area with Garner when he completed his review on August 10, 2020. Giuffre shared the audit records with Shaffer showing he played this footage twice before approving the Blue Team Report. The audit record documents that on August 10, 2020, Shaffer’s Evidence.com username and password played this footage at 10:39:10 a.m. Three minutes later, at 10:42:10 a.m., Shaffer accessed, but did not play, a separate BWC file. At 10:42:23 a.m., Shaffer played Hopp’s BWC booking area footage for a second time. Shaffer approved the Blue Team Report two minutes and 37 seconds later at 10:45 a.m. **(Appendix R)**



27	10 Aug 2020	10:39:04 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: [REDACTED]
28	10 Aug 2020	10:39:05 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Media File Buffered by System at Page Load. Client IP [REDACTED]
29	10 Aug 2020	10:39:10 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Streamed. Client IP Address: [REDACTED]
30	10 Aug 2020	10:42:19 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: [REDACTED]
31	10 Aug 2020	10:42:19 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Media File Buffered by System at Page Load. Client IP [REDACTED]
32	10 Aug 2020	10:42:23 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Streamed. Client IP Address: [REDACTED]

After seeing the audit record, Shaffer said it was possible that he could have viewed the footage, but he had no recollection of it.

During the interview, Giuffre played Hopp's BWC booking area footage for Shaffer. The footage is three minutes and 44 seconds in duration and shows Garner in the presence of Hopp, clearly saying 13 times that her shoulder hurts. Garner also grimaced and said "ouch" when someone touched her upper arm. In the first three minutes of the footage, Garner said her shoulder hurts 11 times. In the first two minutes and 37 seconds, Garner said her shoulder hurts 10 times. **(Appendix G)**

After seeing the footage, Shaffer said if he viewed it on August 10, 2020, it is possible he had gotten up to get a cup of coffee and came back or was distracted while talking to someone in his office. He said if he had viewed the footage, "I don't know what my emotional state was at the time, I don't know how I interpreted that at the time. It's like looking at a needle in the Blue Team haystack."

Shaffer noted in the footage Garner was not, "screaming in pain," and according to the report, she had been offered medical assistance and did not respond to it. Shaffer said seeing the footage would not have necessarily caused him to obtain additional information, ask questions or take further action prior to approving the Use of Force (Blue Team) report as it was still not clear to him Garner was injured. "There's nothing suggesting to me that there's anything serious. There's, 'My shoulder hurts, my shoulders,' and she says it in a meek voice." Shaffer felt if Garner was injured, she would have requested medical assistance, or an ambulance and he was not aware of any complaint made regarding the incident.

Shaffer stated that on August 10, 2020, nothing within the Blue Team Report stood out as requiring him to take additional action or seek additional information to review for adherence to LPD policies and procedures and the law.

Shaffer had no memory of a phone discussion about the Blue Team Report with Butler on August 10, 2020. Records reflect that at 11:14 a.m., a three-minute incoming phone call to Shaffer's LPD cell phone was received from Butler's LPD cell phone. Butler said he called Shaffer to ask if he had viewed Hopp's BWC footage of the arrest and struggle and that Shaffer responded that he had



viewed it. Shaffer did not remember this conversation. Regarding his reported reply to Butler, Shaffer said he did in fact view some BWC footage related to the Blue Team Report, and he may have been speaking broadly when he said he viewed Hopp's BWC footage

After reviewing Shaffer's behavior in totality, the preponderance of the evidence shows he failed to supervise Metzler, did not act within the standards required of a supervisor, failed to use his authority and performed unsatisfactorily. Shaffer failed to conduct a satisfactory review of the incident, nor did he take any action in response to the shoulder injury documented in the Blue Team Report and on the BWC footage of Garner complaining of pain before approving the report.

Allegation 4

On August 10, 2020, Butler reviewed the Blue Team Report that Hopp submitted regarding the June 26, 2020 arrest of Garner. Metzler and Shaffer approved the report. The Blue Team Report documented that Garner suffered a possible shoulder injury that may have occurred during the arrest and struggle or while in the booking area. Butler did not obtain additional information regarding the possible injury. Butler did not play Hopp's BWC footage of the booking area, which contained Garner's repeated complaints of shoulder pain. Butler also did not view the BWC footage of other officers at the scene or the booking area camera footage. Butler failed to recognize this report's narrative and the BWC footage, which identified possible serious bodily injury to Garner. Butler failed to inquire further into the matter, eventually approving the report.

Relevant LPD Policies and Procedures

Policy 2.03 Organization, Management, and Administration. Chain of Command: Unity of Command, Authority and Responsibility

This policy specifically states that Department supervisors are accountable for the performance of employees under their immediate control. The policy further states all Department personnel are fully accountable for the use or failure to use their authority, and that supervisors have the authority to enforce policies.

Relevant City of Loveland Policies

City of Loveland Administrative Regulation AR-00012 Conduct, Performance, and Discipline and Standards of Conduct and Performance (24) Unsatisfactory Work Performance

This policy states that city employees must demonstrate core values of accountability and integrity each day in their roles for the city. Unsatisfactory work performance is conduct that may warrant disciplinary action.



Information Supporting Conclusions

Initial Interview

On July 22, 2021, Dobrich and Giuffre interviewed Butler as a witness in an internal investigation focused on LPD Case 2020-4373, involving the arrest of Garner. The following is a summary, not a verbatim account, of Butler's statements.

Butler said during his August 10, 2020 review of Hopp's Blue Team Report, he viewed Hopp's BWC of the struggle and arrest of Garner. Butler said since that time, he has watched all the BWC and booking area camera video footage related to this case, which he estimated to be approximately 12 hours.

Butler said his normal process is to read the officer's case report, Blue Team Report, look at any photographs and view the BWC footage to make sure it was consistent with what was reported. He requires lieutenants and sergeants to do the same. Butler's routine is not to view the entire footage on BWC files, but rather view the portions that included the use of force. Butler said if anything on the report does not match the BWC footage, he looks at the BWC footage of other officers who were at the location.

Butler read the Case Report and saw the photographs of Garner's wrists. In his review, Butler observed the following:

- + Hopp had a legal reason to contact Garner, who reportedly had shoplifted.
- + Hopp tried to verbally contact her.
- + Hopp had a legal reason to take her into custody.
- + Hopp tried to take her into custody and Garner resisted.
- + Hopp used force to get Garner handcuffed and Garner tried to get out of the handcuffs.
- + Jalali arrived and Hopp and Jalali placed Garner up against the police car.

Butler believed the footage and the report were not inconsistent, and he did not observe excessive force.

Regarding Hopp's mention of the possible shoulder injury occurring during arrest or in booking in the report, Butler said it did not raise any concerns. Butler thought that because it was two months after the use of force and there was no information in the reports of Garner being transferred to a hospital, maybe she had just complained about discomfort.

Butler said he did not view Hopp's BWC footage in the booking area or booking area camera footage. Butler said if he had viewed such footage, "I would've taken different actions. I would've wanted to find out if we got her medical attention...I would've really started to look into it, because there's nothing in the report about that. You know, the police report did not match, um, what happened in the jail cell."



It did not raise Butler's concern that the report documented that a nurse at the LCDC identified a "possible shoulder injury" to Garner and it was unknown whether the injury happened during the use of force or in the booking area when she tried to escape her restraints. Butler believed that the reason the Blue Team Report included the designation "Citizen Injured: Yes," was because of the marks on Garner's wrist, as shown in the accompanying photographs, and the injury locations on her right and left wrist as shown on the form's injured citizen diagram.

Butler explained the Department routinely has hundreds of hours of BWC and booking room video footage, and there is no way for personnel to watch all of it, so they depend on accuracy of the information included in Blue Team Reports. Butler said if a report describes something that happened that he does not see on video, he looks into it further.

Follow-Up Interview

On August 12, 2021, Dobrich and Giuffre interviewed Butler as the subject of Internal Investigation 2021-003 in the presence of his attorney, David Goddard. The internal investigation focused on LPD Case 2020-4373, the arrest of Karen Garner. The interview was pursuant to the aforementioned allegations. Butler stated the following in summary and not verbatim

Butler stated that on August 10, 2020, when he played Hopp's BWC footage of the arrest beginning at 11:00:31 a.m., he only watched the parts of it that captured the use of force. He looked at the Blue Team Report recommendations from Metzler and Shaffer and saw that Shaffer included in the remarks that there was no BWC footage. Butler did not understand why Shaffer's wrote there was no BWC footage of Hopp's use of force. Butler viewed the footage himself and saw that Metzler wrote he viewed it as well. Butler checked the audit record of the footage and saw Shaffer's name on it. Butler had previously implemented a policy that lieutenants and sergeants view the related BWC footage as part of the use-of-force review process before approving Blue Team Reports. To confirm such a review of BWC was occurring, Butler obtained Evidence.com audit rights.

At 11:14 a.m., Butler called from his LPD cell phone to Shaffer's LPD cell phone and had a three-minute conversation with Shaffer (**Appendix U**). During the phone conversation, Butler asked Shaffer why he wrote there was no BWC footage of the use of force, noting that Butler had watched it himself and looked at the audit which reflected Shaffer had also watched it. Shaffer responded that he found and viewed it.

Giuffre showed Butler the audit record, which reflects that Shaffer did not play the BWC footage of Hopp's arrest and struggle with Garner on August 10, 2020. Butler believes that although there is no audit entry documenting the file was streamed by Shaffer, when he saw Shaffer's name on the audit record, he assumed Shaffer played the footage (**Appendix Q**).



35	10 Aug 2020	10:42:10 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: [REDACTED]
36	10 Aug 2020	10:42:11 (-06:00)	Shaffer, Bob (Badge ID: 33) Username: Bob.Shaffer@cityofloveland.org User ID: [REDACTED]	Media File Buffered by System at Page Load. Client IP [REDACTED]

After the call with Butler, at 11:20 a.m., Butler approved the Blue Team Report, noting, “I have reviewed the BWC, the report and photographs. The use of force was necessary, reasonable and within policy. No further action.” At 12:15:37 a.m., the audit record reflects Butler played Hopps BWC footage of the arrest and struggle with Garner a second time. Butler does not recall doing so and said he has double screens on his desk. He said he could have opened another window and not realized it was there and playing **(Appendix R)**.

#	Date	Time	User	Activity
37	10 Aug 2020	11:00:20 (-06:00)	Butler, Ray (Badge ID: 3) Username: ray.butler@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: 129.19.3.7
38	10 Aug 2020	11:00:21 (-06:00)	Butler, Ray (Badge ID: 3) Username: ray.butler@cityofloveland.org User ID: [REDACTED]	Media File Buffered by System at Page Load. Client IP [REDACTED]
39	10 Aug 2020	11:00:31 (-06:00)	Butler, Ray (Badge ID: 3) Username: ray.butler@cityofloveland.org User ID: [REDACTED]	Evidence Record Streamed. Client IP Address: [REDACTED]
40	10 Aug 2020	11:12:47 (-06:00)	Butler, Ray (Badge ID: 3) Username: ray.butler@cityofloveland.org User ID: [REDACTED]	Evidence Record Accessed. Client IP Address: [REDACTED]
41	10 Aug 2020	12:14:37 (-06:00)	Butler, Ray (Badge ID: 3) Username: ray.butler@cityofloveland.org User ID: [REDACTED]	Evidence Record Streamed. Client IP Address: [REDACTED]

Butler said he never examined the audit record for Hopp’s BWC booking area footage and was unaware that it reflected that Shaffer had played that footage twice on August 10, 2020 before approving the Blue Team Report. Butler said if he had viewed that footage on August 10, 2020, he would have taken different actions when reviewing the Blue Team Report. Butler said he would have looked into why the complaints of pain were not in Hopp’s Case Report or Blue Team Report. He would have inquired if officers had requested medical attention for Garner. “This, it should never have happened. I mean this, um, it just, it makes me sick that that lady was hurt, and we didn’t do anything about it and that’s uh, that’s kind of disgusting to me.”

Butler recalled seeing Hopp speak with Arreola on Hopp’s BWC footage at the arrest scene, and Metzler arriving thereafter. Butler said he did not see a complaint regarding that case, so he did not look into it any further. Butler said it was not until April 2021 that he learned of and viewed Metzler’s BWC footage of him speaking with Arreola at the scene.

Butler said his responsibility is to make sure that Shaffer and everyone else is doing their job, stating, “the buck stops with me.” Butler said Hopp intentionally and “with malice” covered up that he injured Garner’s shoulder by not putting it in his report. Butler said as a result, he reviewed information at the time that was not correct. Butler said, “We rely on the integrity of the officers, integrity of the co-



officers and integrity of the sergeant to do his job, integrity of the lieutenant to do his job and then me to do my job.”

After reviewing Butler’s behavior in totality, the preponderance of the evidence supports that his performance during the review of the Blue Team Report was unsatisfactory, as he failed to supervise Shaffer and he failed to use his authority. Because the Blue Team Report references a possible injury in the booking room, Butler should have reviewed the BWC booking room footage and the booking room camera footage and requested additional information about the injury. Had he done so, Butler would have observed Garner complaining about her injury. Butler also should have observed that Schafer had not actually reviewed the footage of the arrest, despite claiming on the call he had done so.



Appendices

Appendix A: 20-4373 Case Report

Appendix B: 20-4373 Attachments

Appendix C: CAD Incident Record

Appendix D: LP20-4373 Follow Up Incident CAD Notes

Appendix E: Austin Hopp Blue Team Report

Appendix F: Hopp BWC of Arrest

Appendix G: Hopp BWC Booking Area

Appendix H: Jalali BWC Assist

Appendix I: Jalali BWC Booking Area

Appendix J: Metzler BWC on Scene

Appendix K: LPD Policy Chain of Command

Appendix L: LPD Policy Blue Team

Appendix M: LPD Policy Use of Force

Appendix N: LPD Policy Complaint Investigations

Appendix O: LPD Policy Records Release

Appendix P: City of Loveland Policy AR00012

Appendix Q: BWC 2020-06-26 1637 LPD242 Audit Log

Appendix R: BWC 2020-06-26 1807 LPD242 Audit Log

Appendix S: BWC 2020-06-026 1648 LPD67 Audit Log

Appendix T: BWC 2020-06-19 1559 LPD67 Audit Log

Appendix U: LPD Cell Phone Bill August 2020

Appendix V: Hopp LPD Cell Phone Log

Appendix W: Jalali LPD Cell Phone Log



Appendix X: Arreola July 15, 2021, Interview Transcript

Appendix Y: Ashe July 23, 2021, Interview Transcript

Appendix Z: Ashe August 12, 2021, Interview Transcript

Appendix AA: Butler July 22, 2021, Interview Transcript

Appendix BB: Butler August 12, 2021, Interview Transcript

Appendix CC: Ertman August 16, 2021, Interview Transcript

Appendix DD: Hill July 14, 2021, Interview Transcript

Appendix EE: Jones August 16, 2021, Interview Transcript

Appendix FF: Mayers July 23, 2021, Interview Transcript

Appendix GG: Metzler July 14, 2021, Interview Transcript

Appendix HH: Metzler August 16, 2021, Interview Transcript

Appendix II: Shaffer July 14, 2021, Interview Transcript

Appendix JJ: Shaffer August 12, 2021, Interview Transcript

Appendix KK: Wheeler July 15, 2021, Interview Transcript

Appendix LL: Telephone Calls Loveland Dispatch

Appendix MM: Notifications

Appendix NN: Julie Bunch Email July 7, 2021

Appendix OO: Metzler Phone July 2020

Appendix PP: BWC 2020-06-26 1639 LPD219 Audit Trail

Appendix QQ: BWC 2020-06-26 1751 LPD219 Audit Trail

Appendix RR: BWC 2020-06-26 1800 LPD219 Audit Trail

Appendix SS: BWC 2020-06-26 1642 LPD227 Audit Trail

Appendix TT: BWC 2020-06-26 1649 LPD227 Audi Trail

Appendix UU: BWC 2020-06-26 1809 LPD851 Audit Trail

Appendix VV: BWC 2020-06-26 2146 LPD242 Audit Trail



(City of Loveland, Colorado)

An Independent Professional Standards Investigation

Appendix WW: Asset Details Booking Video

Appendix XX: Timothy Nye interview