

COLORADO SPRINGS POLICE DEPARTMENT
ADMINISTRATIVE INSIGHT FORM (LEVEL 2)

DIRECTIONS: A copy of this form will be completed and attached in BlueTeam to personnel investigations where the deliberative process was completed, whether the case was investigated by supervisors or by Internal Affairs. This does not include cases initiated and closed by Internal Affairs, cases closed at the direction of the Chief of Police, or cases closed as Unfounded or Exonerated by Body Worn Camera or Communication Center audio recordings during the preliminary inquiry.

CASE INFORMATION

Internal Affairs Case #: <u>20-179</u>	Date Investigation Completed: <u>8/26/2020</u>
Type of Investigation: <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING

Sergeant Name: <u>NA</u>	IBM _____
Lieutenant Name: <u>Steve Buzzell</u>	IBM <u>0115</u>
Commander Name: <u>Jeff Strossner</u>	IBM <u>1511</u>
Date of Meeting: <u>09-29-2020</u> <small>(MM-DD-YYYY)</small>	Location of Meeting: <u>SED Conference Room</u>

LEVEL 2 PRESENTER OF FACTS

Supervisor Name: <u>SGT Drew Jeltos</u>	IBM <u>3816</u>
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SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)

Employee Name: <u>Mark Daly</u>	IBM <u>1858</u>
Rank or Position: <u>Officer</u>	<input checked="" type="checkbox"/> Sworn <input type="checkbox"/> Civilian
Assignment: <u>Gold Hill - DART</u>	

Check this box if there are additional Subject Employees

POLICY ALLEGATION(S) AND FINDINGS

POLICY #1 ALLEGATION – Most Serious if Multiple Allegations

Policy Name: Use of Force **Number:** 705

Finding For Policy #1 (Select One):

Unfounded

Exonerated

Not Sustained

Sustained

PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 FINDING

- *Graham v. Conner* requires an objective fact review without 20/20 hindsight.
- Salmons was being arrested for failure to disperse or clear a roadway and blocking traffic. He had been previously witnessed by officer slapping another officer's arm or pushing an officer.
- Offc. Laabs pinned Salmons to the ground however he concealed his left arm under his body.
- Offc. Laabs maintained control of Salmons's right arm while Offcs. Daly, Thymian, and Sgt. Wrede attempted to handcuff Salmons.
- Offc. Daly attempted to place flexcuffs on wrist of Salmon.
- Salmon resisted cuffing by grabbing the hands of Offc Daly and grabbing the flexcuffs with his hand.
- Offc. Daly struck the hands of Salmons to make him release his grip on Offc. Daly's hand and the flexcuffs.
- Several attempts were made to apply the flexcuffs but that was complicated by Salmons's resistance and the fact the flexcuff failed to tighten down as designed.
- The use of flexcuffs was abandoned and Offcs. Daly, Thymian, and Sgt. Wrede placed regular steel handcuffs on Salmons.
- No other force was used by Offc. Daly.
- By a preponderance of the evidence, I find the Use of Force - EXONERATED.

Check if additional Policy Allegations Page utilized

Check if an additional Administrative Insight memorandum is included in the BlueTeam case file

RECOMMENDED ACTION/CASE DISPOSITION

RECOMMENDED ACTION/DISPOSITION FOR THE CASE

<input checked="" type="checkbox"/> None - No Further Action Necessary	
<input type="checkbox"/> Training	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
Brief Description of Training:	
Training Provided By: <input type="checkbox"/> Completed by Training Academy Staff <input type="checkbox"/> Completed by Chain of Command <input type="checkbox"/> Completed by Other Section/Department/Agency	
Type of Training: <input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario	
<input type="checkbox"/> Verbal Counseling	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____ <input type="checkbox"/> Entry added to NeoGov
<input type="checkbox"/> Supervisor Discussion Record (SDR)	
<input type="checkbox"/> Written Reprimand	
<input type="checkbox"/> Suspension	Hours: _____
<input type="checkbox"/> Demotion	From Rank of: _____ To Rank of: _____
<input type="checkbox"/> Termination	

All disciplinary forms MUST be completed and attached to the investigation in BlueTeam with a copy sent to the Human Resources Manager.

BASIS FOR THE RECOMMENDED ACTION/DISPOSITION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input checked="" type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input type="checkbox"/> No Previous Similar or Same Policy Violations
<input type="checkbox"/> Previous Relevant Evaluation Entries in NEOGOV
<input type="checkbox"/> Pattern of Conduct
<input type="checkbox"/> Serious Nature of the Violation
<input type="checkbox"/> Violation Involves a Criminal Act
<input type="checkbox"/> Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below

DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS

NA

PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS

IA CASE #	_____	DATE OF ACTION:	_____
ACTION TAKEN:	_____		
IA CASE #	_____	DATE OF ACTION:	_____
ACTION TAKEN:	_____		
IA CASE #	_____	DATE OF ACTION:	_____
ACTION TAKEN:	_____		

See the Subject Employee’s Internal Affairs Extract Attached to this Case

J. Strossner/1511

10/20/2020

Form Completed By (Name and IBM)

Date

DEPUTY CHIEF'S
POLICY ALLEGATION(S) AND FINDINGS

POLICY #1 ALLEGATION – Most Serious if Multiple Allegations

Policy Name: Use of Force **Number:** 705

Finding For Policy #1 (Select One):

Unfounded **Exonerated** **Not Sustained** **Sustained**

PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 FINDING

- I concur with the chain of command findings.
- By a preponderance of the evidence, I find the Use of Force - EXONERATED.

DEPUTY CHIEF'S
POLICY ALLEGATION(S) AND FINDINGS

POLICY #2 ALLEGATION – Most Serious if Multiple Allegations

Policy Name: _____	Number: _____		
<u>Finding For Policy #2 (Select One):</u>			
<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Sustained

PREPONDERANCE OF THE EVIDENCE FOR POLICY #2 FINDING

DEPUTY CHIEF'S
POLICY ALLEGATION(S) AND FINDINGS

POLICY #3 ALLEGATION – Most Serious if Multiple Allegations

Policy Name: _____	Number: _____		
<u>Finding For Policy #3 (Select One):</u>			
<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Sustained

PREPONDERANCE OF THE EVIDENCE FOR POLICY #3 FINDING

- Check if additional Policy Allegations Page utilized**
- Check if an additional Administrative Insight memorandum is included in the BlueTeam case file**

ACTION/CASE DISPOSITION

ACTION/DISPOSITION FOR THE CASE

<input checked="" type="checkbox"/> None - No Further Action Necessary	
<input type="checkbox"/> Training	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
Brief Description of Training:	
Training Provided By:	
<input type="checkbox"/> Completed by Training Academy Staff	
<input type="checkbox"/> Completed by Chain of Command	
<input type="checkbox"/> Completed by Other Section/Department/Agency	
Type of Training:	
<input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario	
<input type="checkbox"/> Verbal Counseling	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<input type="checkbox"/> Entry added to NeoGov	
<input type="checkbox"/> Supervisor Discussion Record (SDR)	
<input type="checkbox"/> Written Reprimand	
<input type="checkbox"/> Suspension	Hours: _____
<input type="checkbox"/> Demotion	From Rank of: _____ To Rank of: _____
<input type="checkbox"/> Termination	

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BASIS FOR THE ACTION/DISPOSITION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input checked="" type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input type="checkbox"/> No Previous Similar or Same Policy Violations
<input type="checkbox"/> Previous Relevant Evaluation Entries in NEOGOV
<input type="checkbox"/> Pattern of Conduct
<input type="checkbox"/> Serious Nature of the Violation
<input type="checkbox"/> Violation Involves a Criminal Act
<input type="checkbox"/> Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below

DEPUTY CHIEF'S ADDITIONAL CONSIDERATIONS

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James P Rigdon/1342

10/27/2020

Form Completed By (Name and IBM)

Date