

**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**

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

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

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

**LEVEL 2 PRESENTER OF FACTS**

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

<b>Employee Name:</b> <u>Robert Thymian</u>	<b>IBM</b> <u>4313</u>
<b>Rank or Position:</b> <u>Officer</u>	<input checked="" type="checkbox"/> Sworn <input type="checkbox"/> Civilian
<b>Assignment:</b> <u>MVNI - SIU</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:** Body Worn Camera **Number:** 704

**Finding For Policy #1 (Select One):**

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

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 FINDING**

Official Finding is MISCONDUCT NOT BASED ON COMPLAINT

- Initial investigation was for the Use of Force involving several other employees.
- Offc. Thymian’s only role in the arrest of Salmons’s was holding his left leg and assisting placing handcuffs on him.
- Offc. Thymian was interviewed as a witness to the original case.
- During the course of the investigation it was determined Offc. Thymian did not activate his BWC prior to or during the arrest of Salmons.
- Policy requires application of the BWC to record contacts.
- The contact with Salmons was a lawful arrest with a resistant subject.
- Offc. Thymian believed he had BWC video documenting this incident, however it is not found in the Avail BWC management system.
- BWC Technician Kathy Wolfe the type of camera used by Thymian has never failed to upload video when its obtained.
- CDR Strossner searched avail and found only one BWC recording between 12:00AM on May 31<sup>st</sup> through 8AM on June 1<sup>st</sup>. That video did not record the arrest of Salmons.

By a preponderance of the evidence, I find that while Offc. Thymian believes he ran BWC, the fact it is not located anywhere within Avail, means that he did not. I find MISCONDUCT NOT BASED ON COMPLAINT.

**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 type="checkbox"/> <b>None - No Further Action Necessary</b>	
<input type="checkbox"/> <b>Training</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<b>Brief Description of Training:</b>	
<b>Training Provided By:</b> <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	
<b>Type of Training:</b> <input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario	
<input checked="" type="checkbox"/> <b>Verbal Counseling</b>	<input checked="" type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion <b>10/14/20</b> <input type="checkbox"/> Entry added to NeoGov
<input type="checkbox"/> <b>Supervisor Discussion Record (SDR)</b>	
<input type="checkbox"/> <b>Written Reprimand</b>	
<input type="checkbox"/> <b>Suspension</b>	<b>Hours:</b> _____
<input type="checkbox"/> <b>Demotion</b>	<b>From Rank of:</b> _____ <b>To Rank of:</b> _____
<input type="checkbox"/> <b>Termination</b>	

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 type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input checked="" 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**

<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		

**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:** Body Worn Camera **Number:** 704

**Finding For Policy #1 (Select One):**

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

**PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 FINDING**

- This allegation was brought up during a Use of Force investigation involving other employees.
- Officer Thymian was interviewed as a witness, not a subject officer.
- Officer Thymian believes that he did record this incident and actually reviewed the footage.
- His BWC activity shows BWC use both before and after this incident.
- Automated triggers potentially failed to activate the camera.
- BWC Techs indicate that no “footprint” of any video of this incident from Officer Thymian exists and that this would be nearly impossible. However, one such case did occur in October of 2020 where an officer recorded and the video simply disappeared.
- I find that there is not enough evidence to show that Officer Thymian knowingly did not activate his camera and therefore I submit a finding of “Non Sustained”.

**DEPUTY CHIEF'S**  
**POLICY ALLEGATION(S) AND FINDINGS**

**POLICY #2 ALLEGATION – Most Serious if Multiple Allegations**

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

**PREPONDERANCE OF THE EVIDENCE FOR POLICY #2 FINDING**

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**DEPUTY CHIEF'S**  
**POLICY ALLEGATION(S) AND FINDINGS**

**POLICY #3 ALLEGATION – Most Serious if Multiple Allegations**

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

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

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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.

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<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**

- Although a final disposition had not been reached yet, Officer Thymian was already “verbally counseled” about BWC usage.
- Officer Thymian has no similar policy violations and it is not anticipated that this will be an issue for him in the future.

James P Rigdon

11/02/2020

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Form Completed By (Name and IBM)

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Date