

**COLORADO SPRINGS POLICE DEPARTMENT
COMPLAINT RECEIPT FORM**

COMPLAINANT INFORMATION					
Last Name:	First Name:	Middle Name:	DOB:	Race:	Sex:
Brown	Ryan	Anthony	[REDACTED]	B	M
Address:	City / State:			Zip Code:	
[REDACTED]				80917	
[REDACTED]				Other #:	

Information received by: Personal Interview Telephone Mail Other

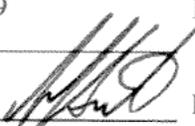
BRIEF DESCRIPTION OF INCIDENT AND ALLEGATION (Include call screen and case number)	
Date/Time Incident Occurred: 3/25/15 1100 hrs	Date/Time Incident Reported: 3/25/15 1407 hrs
<p>The complainant was riding in the front passenger seat of his car while his brother was driving the two of them home. A CSPD officer pulled his brother over for an unknown reason. After his brother told the officer that he did not have his license with him, his brother was pulled out of the car at taser point, handcuffed and detained in the back of the officer's cruiser. The officer then contacted the complainant and told him to get out of the car. The complainant remained in the car and asked the officer to identify himself and tell him why he was being stopped as he recorded the interaction. The officer then pulled the complainant out of the passenger seat and threw him on the ground. Two officers were on top of him when the officer that pulled him out of his car forcefully shoved his face into the snow that was on the ground. He was then handcuffed and detained in the back of a police car. The complainant was served with a summons for Resisting / Interference with a Public Official and released. His brother was issued a summons for an obstructed windshield and released. CR # 15-13423</p>	

INVOLVED EMPLOYEE(S) IF KNOWN (Codes S - Subject Employee, W- Witness Employee)		
Code	Name/ IBM	Division/Unit and shift
S	Officer Nelson	SH / 0900
W	Officer Detwiler	SH / 0600

STATUS OF INFORMATION	
<input type="checkbox"/>	The information provided does not constitute a violation of Department policy. Your concerns will be discussed with the employee if appropriate and no further action is anticipated.
<input checked="" type="checkbox"/>	A preliminary inquiry will be conducted to determine whether or not a policy violation may have occurred. Upon completion of the investigation, you will be notified of the results.
<input type="checkbox"/>	A formal complaint investigation has been initiated based on the information received. An impartial investigation will be conducted to determine whether or not misconduct occurred. Upon completion of the investigation, you will be notified of the results.

INVESTIGATION WILL BE CONDUCTED BY: (Subject to change)	
<input checked="" type="checkbox"/> The employee's Chain of Command, Supervisor:	PH:
<input type="checkbox"/> The Internal Affairs Unit Phone: 444-7417	

Supervisor Receiving Complaint: Sgt. Makofske 2419 Division: Internal Affairs

Division Commander Review: Lt. M. Santos 980  Date: 3/26/15

I hereby state that the information provided by me in this complaint is true and correct. I understand that if investigation reveals that I have knowingly provided false or misleading information, I may be subject to criminal charges under City Ordinance 9.3.104 or C.R.S. 18-8-111.

Complainant Signature: _____ Mailed to complainant

WHITE - Internal Affairs YELLOW - Division PINK - Complainant



CITY OF COLORADO SPRINGS

DATE: March 26, 2015
TO: Lt. M. Santos 980
FROM: Sgt. Brian Makofske
SUBJECT: 15-065

Complainant # 1 Statement

Ryan Anthony Brown DOB: [REDACTED]
[REDACTED]
[REDACTED]

3-25-15 @ approximately 1415 hours

Sgt. Sokolik and I spoke to Ryan Brown in an interview room on the first floor of the POC. Ryan told us that around 1130 hours his brother was driving him home when Officer Nelson pulled them over and approached their vehicle. Officer Nelson did not identify himself; Officer Nelson's first words to Ryan's brother were "Is your license suspended?" Officer Nelson did not say why he was stopping them; he pulled out his taser and ordered Ryan's brother out of the car. He handcuffed his brother and detained him in the back of a police car. Ryan does not know why Officer Nelson pulled them over because Officer Nelson never told them. A female officer on the passenger side told him to keep his hands where she could see them.

Moments later, Officer Nelson approached the passenger side of his vehicle, grabbed Ryan and threw him face down into the snow. Officer Nelson then shoved his head into the snow and threw his phone which he had been using to record the incident. The phone was not damaged. Officer Nelson told him that he was going to be arrested and sent to jail while he detained him in the back of a police car. Ryan stated he was not being a "saint" in the back of the police car; he was talking "a lot of shit." He repeatedly stated that Officer Nelson never told his brother why he was being pulled over and never identified himself by name; Officer Nelson only told him that his name would be on his ticket.

Ryan emphasized that there was no reason for Officer Nelson to pull his brother over and that Officer Nelson would not have been able to see his cracked windshield because his car has heavy tint on the rear and side windows and the officer never passed their vehicle. Ryan stated that the officer had no reason to pull them over. He said that the officer issued his brother a ticket for a cracked windshield to save face because he did not have anything else on him.



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Our conversation with Ryan ended at approximately 1435 hours.

Complainant # 2 Statement

Benjamin Brown DOB: [REDACTED]
[REDACTED]
[REDACTED]

3-25-15 @ approximately 1435 hours

I spoke to Benjamin Brown in the same interview room on the first floor of the POC. Sgt. Sokolik accompanied Ryan Brown to his car where Ryan took photographs of his car's windshield. Benjamin Brown told me that Officer Nelson pulled him and his brother over near their house. Officer Nelson knocked on the window which was rolled down just a little bit before asking Benjamin if his license was suspended. Benjamin replied "no." Officer Nelson then asked him if he had his license with him and Benjamin replied "no."

Benjamin stated his brother then began asking the officer why he had pulled them over and telling the officer that he was not following correct procedure. The officer then pulled out his taser and ordered Benjamin out of the car. The officer then handcuffed Benjamin and detained him in the back of a cruiser.

When asked why he thought the officer had pulled him out of the car, Benjamin stated the officer probably thought that he was not being compliant. He explained that when the officer initially asked him to get out of the car, he did not respond to him for approximately 5-10 seconds. The officer then asked him to get out of the car again. His brother then put his hand on his chest and told him that he did not have to get out of the car unless the officer was going to arrest him. When the officer brought out his taser, Benjamin exited the vehicle.

Benjamin watched two officers pull his brother out of the car. He saw Officer Nelson push his brother's face into the snow and twist his arm behind his back to arrest him. He then threw his brother's phone which landed not too far from the arrest location.

Officer Nelson came back to the car and spoke with Benjamin; he saw that Benjamin had a warrant, but it was only for a summons. Officer Nelson let Benjamin off with a summons for an obstructed view.

Benjamin's main concern was that the two officers could have handled the situation better.



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Benjamin stated that before he pulled them over, the officer was driving next to the driver's side of their vehicle. He wondered how the officer would have been able to see the cracked windshield from his vantage point on the side of their vehicle. Benjamin stated that when the officer pulled them over, his brother said "I guarantee he probably saw the cracked windshield." Benjamin wondered how the officer would have been able to see it from his position alongside his brother's vehicle.

After the stop, his brother told him that it was "fucked up" that the officer did not tell them why he had pulled them over. Benjamin told me that the windshield is cracked in front of the driver, but it is cracked at the bottom and does not obstruct the driver's view. Benjamin told me that he was not injured or hurt by the officer during the traffic stop and that his brother had not told him that he had been injured or hurt. When asked what he initially thought he was being pulled over for, Benjamin told me "if anything, I would say probably the exhaust or the modified exhaust."

Our conversation ended at approximately 1450 hours.

Investigative Notes

3/25/15 – Ryan Brown agreed to email a copy of the video from his cell phone to me.

3/26/15 – I called Ryan Brown and asked about the video. He told me he couldn't email it to me because the file was too large, but he would get it to me. I told him I could download the video at the POC. He said he would try to get to the POC in the afternoon, but could not promise he would make it.

Ryan asked how he could obtain Officer Nelson's personnel file. I told him he could file a CORA request through the City's website.

3/27/15 – I called Ryan Brown who told me that the video from his cell phone was now accessible on You Tube under "Our perfect justice system at work." I located the video on You Tube – it was published on 3/26/2015 and is 1:57 minutes in length.

<https://www.youtube.com/watch?v=WkvPlxps7zo>

Ryan told me that he would email the photos he took of his windshield to me. Ryan asked for the case report and for the call screen. I told Ryan he could request copies of each through the City's website.

3/27/15 – Ryan Brown emailed three photos and a copy of the video to me at 11:02 am. Two of the photos show his car's front windshield. The third shows his car's rear windshield.

Case Summary

Internal Affairs # 15-065

Officer David Nelson stated that during the morning hours of March 25, 2015, he was patrolling a high-crime area when he observed a black Chevy Cavalier with darkly tinted windows travelling abnormally slowly on Austin Bluffs Parkway. Officer Nelson attempted to turn his marked patrol car around so that he could follow the Cavalier and look for a reason to initiate a traffic stop. Before Officer Nelson was able to turn around, he saw the Cavalier speed away from the area in his rear-view mirror.

At approximately 11:17 hours, Officer Nelson observed the same Chevy Cavalier with tinted windows in the area of South Carefree Circle and West Enchanted Circle. Officer Nelson stated he drove past the vehicle and observed that the front windshield was cracked, the front license plate was partially obstructed and the exhaust was modified. Officer Nelson then slowed down so that the Cavalier would pass his cruiser and he could position himself to make a traffic stop. Officer Nelson stated he had to almost come to a complete stop before the Cavalier passed him and he could position his cruiser behind it. Officer Nelson activated his overhead lights and pulled the vehicle over.

The vehicle was being driven by Benjamin Brown. Benjamin's brother, Ryan Brown, was the vehicle's only other occupant and was seated in the front passenger seat. Officer Allison Detwiler arrived on scene immediately after Officer Nelson initiated the stop.

Officer Nelson and Officer Detwiler approached the vehicle together. Benjamin Brown rolled down the driver's window about three inches when Officer Nelson initially contacted him. Officer Nelson asked Benjamin for his driver's license. Benjamin told him that he did not have his license with him because he had left it in his house which was nearby. Officer Nelson asked Benjamin to exit the vehicle. Benjamin stated that his brother, Ryan, put his arm across Benjamin's chest and told him that he did not have to exit the vehicle. After asking Benjamin to exit the vehicle repeatedly, Officer Nelson pointed his taser at Benjamin and ordered him out of the car. Benjamin exited the vehicle. Officer Nelson conducted a pat-down search of Benjamin's person, handcuffed him and detained him in the rear of his marked police cruiser.

While Officer Nelson was detaining Benjamin, Officer Detwiler was monitoring Ryan from the passenger side of the vehicle. After Officer Nelson pointed his taser at Benjamin, Officer Detwiler drew her firearm and held Ryan at gunpoint. Officer Detwiler stated that she had to ask Ryan to keep his hands visible several times.

After he had detained Benjamin, Officer Nelson joined Officer Detwiler on the passenger side of the vehicle. He repeatedly instructed Ryan to exit the vehicle. Ryan locked the passenger door. He then unlocked it and Officer Nelson opened the door. Officer Nelson grabbed Ryan by his right wrist and pulled him out of the car. Once he was out of the car, Officer Detwiler took hold of Ryan's left arm and the officers brought him to the ground. Ryan was put on the ground on his stomach. Officer Nelson pushed his face down into the snow before bringing Ryan's hands behind his back. Officer Nelson removed a cell phone and wallet from Ryan's left hand and tossed them aside before detaining Ryan in Officer Detwiler's marked police cruiser.

Benjamin Brown was issued a summons for Obstruction of View or Driving Mechanism and released. Ryan Brown was issued a summons for Resisting/Interference with a Public Official and released.

Later that day, Benjamin and Ryan Brown met with Internal Affairs investigators at the Police Operations Center to express concerns about the traffic stop. Ryan Brown stated that Officer Nelson did not have probable cause for the stop and that he and his brother were removed from the vehicle for no reason. Benjamin Brown expressed that the officers could have “handled the situation better” overall.

When asked why he thought he had been pulled over, Benjamin said “I don’t even know. Probably, if anything, for a modified exhaust, but that’s how it was when my brother bought it....”

When asked why he thought that he had been pulled out of the car, Benjamin said the officer probably felt that he “wasn’t being compliant.” When the officer told him to get out of the car, Benjamin “just sat there.” He explained that his brother was telling him that he did not have to get out of the car and he didn’t know who to listen to.

During his interview with Internal Affairs, Officer Nelson stated he pulled the driver out of the car because there were only two officers on scene and he needed to secure the passenger who would not show his hands and kept on “fiddling around with his crotch.” He explained that he had to detain the driver so that he could secure the passenger.

Sergeant Brian Makofske

Internal Affairs

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March 25, 2015

[The following is an interview conducted by Sgt. Brian Makofske and Sgt. Jim Sokolik with Ryan and Benjamin Brown at the Police Operations Center, 705 S. Nevada Ave., Colorado Springs, CO 80903.]

[Recording started at this point]

Ryan Brown: -- incident. This happened a couple hours ago, not even about 11:00, 11:30, around that time. Me and my brother were driving home from the bread store, kind of settling some stuff at the house, I was getting bread for lunch. They're home for spring break, so that's what was going on.

Officers, they were coming off one of the side streets because we live on West Enchanted Circle, so off of South Carefree or north. We're coming up South Carefree, so going, I guess that would be east, traveling east on –

Makofske: Were you driving?

Ryan Brown: Yeah – oh, I wasn't driving. My brother was driving. These two officers, two carloads of police officers come off of one of the side streets. I'm not too sure what side street it was. They made a left onto the side street onto South Carefree. One of the officers passes us up. The other one's just right in our – our blind side. It's snowing outside. What the hell – there's nothing going on.

So, we get to – I'm not even sure what that street is, but it's right before – when we got pulled over, we stopped. We were on West Enchanted Circle. We were on our street, maybe three houses down from the house.

Makofske: Is there one police car in front of you and one behind you?

Ryan Brown: No, the – the one –

Makofske: Both behind?

Ryan Brown: No, one kept traveling, so one kept -- was in front of us, kept traveling east, and then he pulled us over there. They eventually double back and came around, came back. When Officer – Officer Nelson, when he approached the vehicle, my brother, he had the window cracked open. He doesn't have to have it all the way down or anything like that. He had it cracked open so we could communicate., he could communicate to the officer. The officer's – his first words wasn't hey, I'm Officer such and so such and so. He didn't identify himself. He didn't say hey, this is the reason why I'm pulling you

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over. Do you know why I'm pulling you over? Standard police procedure. He asked, "Do you have a license? Is your license suspended?"

My brother said, "I don't have my ID on me. I am a licensed driver. We just come from the store. I live right there. I could go get my ID. I'm licensed – I'm licensed to drive." He explained that to him. "Where's your ID," and all this, going off, "Get out of the vehicle." He was like, "Get out of the vehicle. Come back here with me. We're going to discuss this in my car." I was like, "Don't you get out of the car." I said, "For what? Is he under arrest? What's the point of view even stopping us? You haven't even identified the reason why you stopped us." "Get out of the car," and blah, blah, blah.

He opens up the passenger door. He pulls out his – his Taser. He – it's locked and loaded, it's got the damn – I'm looking right at the light. It has a little infrared beam. I'm looking right at it." I'm like, "Joe, get out of the car because you'll end up getting shot for some stupid shit." "You didn't even explain to us why you pulled us over, but yet still you're doing all this. I have it on video because I was recording it because at that point, I was like, "Man, I'm not going to be one of these situations. I'm recording it. I'm recording it." If he gets my brother out. He places him in handcuffs, and he's like taken my brother out of the car and he's placed him in handcuffs for what reason we don't even know. We didn't do anything frightening to the officer. Nothing, nothing at all for him to snatch him out of the car and put him in handcuffs, and he has even told us why he pulled us over.

Makofske: So, the other officer, she was on – on the passenger side. She was on my side. She was "Keep your hand on the – over the dashboard where I can see them." I'm like, Oh, shit, they're both trigger happy. They're about to shoot my ass. My hands are sitting there on the dashboard as I'm still talking to the camera. Then they come around. They open up my door, pulled me out of the car, threw me onto the ground face-first in the snow. The post office, the delivery man, he's looking at me like what the hell's going on here? I see these kids every day. What are they doing?

I have it on camera. You see the officer shoving his hand or placing my head, like putting it in the snow, like pushing my head there, and he grabs my camera and tosses my phone into the snow. It's not messed up or anything, but the recording stopped from that point. He was like, "Now you're about to get arrested. You're going to jail."

"Oh, you're going to send me to jail," like –

Makofske: This is Officer Nelson?

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Ryan Brown: This is Officer Nelson. “Oh, you’re going to send me to jail, huh? For what?” What did he say? “Interfering with police – police activity,” or something like that. That’s some – some bullshit excuse that he gave me. That’s the reason why I’m going to jail. Alright. We’ll see how that sticks in the court. I’m smart. I know I’m a smartass. I’m not here to be your friend. If I say something that you’re upset, hey, yeah, I called you a pig. I don’t care because that’s how I feel, and I’m not –

Makofske: Mmm hmm.

Ryan Brown: It doesn’t matter. I didn’t do anything illegal. I didn’t say anything threatening – anything threatening to him. Why are you pulling me out of my car? Why are – why are you even pulling us over in the first place? I continued to ask that. You failed to identify yourself. “Well, I’m a police – a Colorado Springs Police Officer. You can see that I’m in uniform.” You know, something smart like that. But you still haven’t identified your name. So, like, I don’t even know who you are, as it states in my video. I have -- the video is about a minute and 57 worth of video.

Like I said, they put me on the ground, threw me – had me on the ground in the snow. I’m in shorts. My brother’s in shorts because, shit, it was snowing – or the sun was out earlier.

Makofske: Mmm hmm.

Ryan Brown: And then that quick it just starts snowing, so we’re in shorts. I’m on the ground, wet – in the back seat – now they put me in the back seat of the car. They tell me, “Well, you’re getting arrested. You’re going to jail.” I – I really don’t care, like, they – I didn’t do anything wrong, and you want to send me to jail, that’s fine. See how that – that rolls.

Makofske: Mmm hmm.

Ryan Brown: So, I kept saying – I was talking a lot of shit in the back seat of the cop car. I’m not going to lie and say hey, I was a damn saint back there and all quiet. No. I’m upset. “Why are you pulling us over?” Still. When it was all said and done, my brother gets a ticket for – for a cracked windshield. I get a ticket for the – well, it’s a city code. It’s basically Obstruction, Interfering With a Police Officer – or a Peace Officer and Resisting. That’s what they had at the end of the day.

Makofske: How long did the stop last?

Ryan Brown: I’d say about 30, 40 minutes. The sergeant, he came out. The sergeant came.

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Makofske: Do you know the sergeant's name?

Ryan Brown: I have his card. Boscro or Biscaro, B-I-S-C-A-R-O.

Makofske: Do you know the female officer's name?

Ryan Brown: I do not. I do not know her name, but I actually –

Makofske: What did she look like?

Ryan Brown: Her name is on the summons because she actually –

Makofske: Your brother has a copy of the summons?

Ryan Brown: On my – her name's on my summons.

Sokolik: Do you have your summons?

Ryan Brown: I don't have my summons. I thought I had it on me. I don't have her name. Actually, she is not the person I have the problem with.

Makofske: Can I take a look at this video?

Ryan Brown: Yeah, not a problem.

Sokolik: Do you have your car, too?

Ryan Brown: I feel that – that she was just backing – backing her partner's play. She didn't really know what was going on. *[Video/audio recording playing.]* See, he's pushing my face in the snow, and he takes my camera and throws it, and that was the end of the video.

Makofske: Would you send that to me? I'll give you an email address. I've got Ryan Brown, R-Y-A-N-B-R-O-W-N?

Ryan Brown: Correct.

Makofske: What's your date of birth?

Ryan Brown: 12-9-83.

Makofske: And what's your home address?

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Ryan Brown: [REDACTED]

Makofske: Phone number for you?

Ryan Brown: Area Code [REDACTED]

Makofske: [REDACTED]

Ryan Brown: [REDACTED]

Makofske: Alright. So, did your brother, his license was just not on him, but he does have a valid license?

Ryan Brown: Yeah, he has a valid license, and I assumed because my license was suspended for a DUI and everything, but I've went through a whole process, got everything that I need to get, interlock, everything, so I don't know if he was riding and bringing my plates, and seeing that, "Oh, the driver of this vehicle possibly has a suspended license." I don't know, because that was the immediate thing he started asking for wasn't "This is why I'm pulling you over." "Where's your license? Do you have a suspended license?"

Makofske: Alright, yeah.

Ryan Brown: So, that's what I assume that's what that was for. I don't know.

Makofske: Okay.

Ryan Brown: But even still, if that's the reason why you pulled us over, you need to let me know, "Hey, I'm pulling you over" –

Makofske: Can I – can I ask you, when I watched that, you're saying to the officer, "You haven't identified yourself," but he's in a marked vehicle, correct, so you see – you know it's a police officer pulling you over.

Ryan Brown: I know it is, but how many times there's –

Makofske: My question to you is what difference does his name make because he gave that to you ultimately at the end of the contact, correct?

Ryan Brown: Well, that's just because it was on my ticket, and I – he wasn't the one that – that issued it to me. It was the female officer.

Makofske: Okay.

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Ryan Brown: And his name was on there because he was the officer who, I guess, made the stop. I don't know. I don't know why his name was on there.

Makofske: I guess what I – and so I work in Internal Affairs. What we look into is violations of policy.

Ryan Brown: Mmm hmm.

Makofske: Was there an administrative violation of policy that happened here? And I'm not going to know until I read the ticket, I look at any associated case reports. We want to talk to your brother. We want to figure out what happened.

Ryan Brown: Mmm hmm.

Makofske: But when I watch that video and when I hear you tell me that you're telling me that there's a lot of "I don't know's," and one thing I would like for you to just consider is that there are "I don't know's" on the part of the officer also. So, when he pulls you over, and you just told us that maybe there's some kind of a hit that comes back on this vehicle because it's – your license was suspended previously, he doesn't know who's driving. He's trying to figure that out, so he asks for the ID. There's no ID. All I'm saying is consider that because he doesn't know who he's dealing with just as you don't know who you're dealing with.

Ryan Brown: Mmm hmm.

Makofske: But you do know that it's a police officer behind you because they're in uniform.

Ryan Brown: That doesn't mean nothing to me, sir. There's been people that go around and – or falsify and acting as cops all the time, and that happened here.

Makofske: Okay, but him telling you the name, how does that change that? If that's legitimately your concern, and he's saying, "I'm Officer Smith," –

Ryan Brown: That's not even a true concern for me. What's the reason why you pulled me over is my concern.

Makofske: Okay.

Ryan Brown: And you didn't do that. You didn't tell me –

Makofske: But he did tell you.

Ryan Brown: No, he did not.

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Makofske: Your brother has a ticket.

Ryan Brown: He has a ticket, but this is after the fact.

Makofske: Which lists that reason.

Ryan Brown: But this is after the fact. The reason -- he gave my brother a ticket for a cracked windshield. So, how are you able to see a cracked windshield and you're in the blind side of somebody on the back side? How are you going to see a cracked windshield from the front?

Makofske: Again, I won't know -- does your brother have a cracked windshield? Is there a cracked windshield on the car?

Sokolik: Did you drive the same car here, sir?

Ryan Brown: Yeah.

Sokolik: Okay, where is it? Parked out in front?

Ryan Brown: It's out in front.

Sokolik: Okay, and of course I was going to say -- is it your vehicle?

Ryan Brown: It's my vehicle.

Sokolik: Okay, so if he did run the plates, it would come back in your --

Ryan Brown: It will come -- it will come -- it's listed in my wife and myself's -- our names, and my license is no longer suspended, so, and that's through the DMV, so if that came back --

Sokolik: Are you -- you've got -- you've taken care of your license?

Ryan Brown: The thing is I'm clear with the DMV. Clear --

Sokolik: Okay. Did they -- did they issue you a new license yet?

Ryan Brown: I don't have the actual new license yet, but it won't show suspended. You know, if you were to run my information right now, it will show reinstated or --

Sokolik: Valid driver?

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Ryan Brown: -- indicates valid driver. It won't show suspended or under revocation. It won't show none of that stuff, so even with him running that, it wouldn't have popped up, I don't think. I guess I really don't know. That I don't know.

Makofske: But you're also questioning whether or not the officer would have been able to see that the windshield was cracked?

Ryan Brown: How -- how would you be able to see a cracked windshield if you never passed us? You never -- he never passed us.

Makofske: Is there heavy tint on your vehicle on the back --

Ryan Brown: It's a --

Makofske: -- on the back window?

Ryan Brown: On the back window. It's heavy tint, but even still that's -- you never said, "I pulled you over because you got your tint."

Makofske: No, no, I'm not suggesting he pulled you over for the tint. I'm just saying, like, when you're driving, you can see through --

Ryan Brown: Oh, see, no, no, there's no way he could see through the front, no. There's no way.

Makofske: Did he approach you from an angle?

Ryan Brown: No. I'm telling -- we're riding. We're in the far right hand lane because we're going to be making the right right here to take Enchanted Circle going up South Carefree. The other officer, like I said, they came off a side street. They were in tandems, there's two of them. The other one just passes up, like wherever, wherever they were going about their business. He kind of tailed back and was just riding on the blind side.

Makofske: So, the other officer would have been in a position to see your windshield, though.

Ryan Brown: She -- the other officer would have, but the other officer wasn't the one that initiated the stop, and the other officer, he had to call the other officer back to come, "Hey, I got -- I pulled this car over."

Makofske: Okay.

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Ryan Brown: And I heard him say something to her, like, "Oh I ran this earlier," or something and I don't know – it became muffled after that, but I heard him telling her that. That's when he had my brother handcuffed and she was on the side. He said, "I ran the car earlier," something like that and that's -- I don't even know what that – what that's about. I don't know.

Sokolik: Do you think there's another reason they pulled you over?

Ryan Brown: I'm not going to say because driving when I'm black, I don't know. I can't prove that, but I know that stuff happens. We know that stuff happens, but I'm not even going to throw that out there. I do know that he had no reason to pull us over. We weren't speeding, and at least if you had a reason, you never identified the reason for pulling us over. "Hey, you know why I pulled you over?" That's standard. Every time I've been pulled over, I've been asked that question. "You know why I pulled you over?" "I don't know." "Well, your license is suspended," or "Your plates are," blah, blah, blah, or "You were speeding," or something like that. That never happened.

Makofske: I can tell you this. Just so – just – just maybe it helps clear up a couple things for you. One, there's nothing in our policy which tells the officer you have to have this dialogue when you pull someone over. We do instruct the officer to have to identify themselves at some point before the end of the stop, and that would be the ticket with the officer's name on it. There's nothing that requires him to say –

Ryan Brown: Don't you need reasonable suspicion to pull a person over?

Makofske: You need – you need reasonable suspicion to pull somebody over, yes. You need probable cause that a traffic violation occurred, but it sounds like your windshield is cracked, which would –

Ryan Brown: But how – that would be a secondary. That's not a – that's something to pull somebody over, pull them out of their car, throw them onto the ground while it's snowing for a cracked windshield –

Makofske: You're making leaps here, so what he needs to pull you over is a traffic violation, and your windshield being cracked, if it is indeed cracked, would be a traffic violation.

Ryan Brown: But you need to see that. How could you see that, unless you're Cleo the Psychic, how are you going to see a cracked windshield –

Makofske: That's – that's something we don't know without –

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Sokolik: We can't even talk about that, though, because it's just speculation. We don't know what he's going to say about why he's pulled you over. It's kind of unfair to say, "Well, maybe he did this" when we have no idea because we haven't talked to him.

Ryan Brown: I understand, but I'm telling you ultimately my brother got a ticket for a cracked windshield. I have to call that saving face. We don't have shit else on you, so we're going to go ahead and make this a – oh, you have a cracked windshield. We'll go ahead and add that, or you, you're being lippy with us, so we're going to say you were resisting and keeping us from doing our job, which is BS. If you're behind me, how are you going to see something that's in the front, a violation that's in the front? And you're absolutely right. That is a reason, a traffic violation for having a cracked windshield.

Sokolik: And because I'm – we haven't talked about everything else, everything else is speculation.

Ryan Brown: Mmm hmm.

Sokolik: If they – you mentioned this muffled conversation that they ran this plate before.

Ryan Brown: Mmm hmm.

Sokolik: I don't, did officers see your plate an hour ago, saw you had a cracked windshield, and said, "Hey, if I see that moving, I'm going to stop it." I don't know, and it's just pure speculation to have that conversation until – until you talk to the officer.

Ryan Brown: That's fine. I just want to – I understand what you're saying. I just wanted to come here, make sure my complaint's filed and on – and documented, and then when I take my next step, they can go back in and look at this and how this was handled.

Sokolik: Absolutely, and having this conversation is not us not taking your complaint.

Ryan Brown: Mmm hmm.

Sokolik: I want to make sure that you understand that.

Ryan Brown: No, I understand. I understand what you're doing. Procedures, policies, everybody has to follow.

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Sokolik: What I would like to know is how did the sergeant get involved? How did the supervisor –

Ryan Brown: I really – I really don't know. He just – I don't know if it's because the call went out, and he just automatically showed up. I don't know.

Sokolik: Did you request a supervisor?

Ryan Brown: I never requested a supervisor. He came out, and I explained to him that it seemed like when he came and I explained to him what happened, he talked to the officer, like they started seeing the difference. It went from, "Oh, you're going to jail. We're going to take you to jail" to "Oh, we'll probably just serve and release you right now," and it went to that.

Sokolik: Okay.

Makofske: Do you have a copy of your ticket?

Ryan Brown: My ticket, I do not have a copy. My brother, he has a copy of his. He has his, but I could get it to you –

Makofske: Do you have it at home or something?

Ryan Brown: I do. I have it at home.

Makofske: There's an email address on there. If you would just send it to me or give me a call –

Ryan Brown: Okay.

Makofske: -- and let me know. This is yours if you want to keep that.

Ryan Brown: Okay.

Sokolik: What's your first name, sir?

Ryan Brown: Ryan.

Sokolik: I'm horrible at names, but I'll just go out with Ryan, and we'll get a picture of his windshield, and license plate –

Makofske: So, Ryan, the way it works is, like I said, we take your concerns. We're going to look – I'll give you a call after I've looked at the officer's case

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report and that kind of stuff, and I'll let you know one way or the other what we're going to do with it. You will also receive a copy of your complaint in the mail –

Ryan Brown: Mmm hmm.

Makofske: So, but it – it may take 7-10 days before that –

Ryan Brown: This is not my first go-round.

Makofske: -- gets to you.

Ryan Brown: I've waged a complaint before with – I had spoke with – I don't think she's here no more, Lt. Sheppard. She was here. I don't think she's here anymore, but I spoke with her.

Makofske: Okay, so you understand the process?

Ryan Brown: Yeah, I understand. I just want to make sure it's documented.

Makofske: Okay.

Sokolik: Let's step outside, sir, and we'll get a –

[A few minutes pass while photos are taken of the windshield of Mr. Brown's car.]

Makofske: I'm Brian Makofske.

Benjamin Brown: Benjamin Brown.

Makofske: Benjamin?

Benjamin Brown: Yes, sir. And the other officer, he has my ticket.

Makofske: Oh, he does?

Benjamin Brown: Yeah.

Makofske: Okay. What's your date of birth?

Benjamin Brown: [REDACTED]

Makofske: And your home address?

Benjamin Brown: [REDACTED]

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Makofske: And a home phone number for you?

Benjamin Brown: [REDACTED]

Makofske: Alright. So, what happened?

Benjamin Brown: My brother and I, we were actually on our way back from the bakery, getting bread for our little brothers and sisters, and we pull up onto South Carefree, driving up to our street on West Enchanted, and to the right of us – no, it was to the left of us, there was two units, and we're – as soon as we're ready to turn onto West Enchanted, one of the other cops got behind me and turned on the lights, and at the time my brother was on the phone with his probation officer, and he had just got off the phone, and that's when the lights came on. My brother was like, "Pull over. I'll do the talking. Just don't – don't say anything smart or" – I was like, "Alright."

So, Officer David Nelson walks up and knocks on the window, and I rolled down the window just a little bit, and he doesn't identify himself or ask me if I knew why he pulled us over. All he says is "Is your license suspended?" I told him no. He asked me if I had it on me. I told him no, and we were – I told him it's right there at the house, but we're literally right down the street from the house. I could throw a rock and it would land in the driveway. And he was like, "Well," – my brother started asking him how come – how come you haven't asked us why – why you pulled us over? You're not following the right procedure." And the guy pulls out his Taser and was like, "Get out the car."

So, I get out the car, put my hands up when I get out the car, and he detains me and puts me in the back of his unit, and after that, he walks back up to my brother's car, and they started trying to – I don't hear what's going on, but I see what's going on, and I see them pull up – I don't know the other officer's name that was there with him, but they pull him out the car, and next thing I know I see the Officer Nelson has his hand pushing my brother's face into the snow, and it looks like he's twisting my brother's arm trying to get him so he can get his hand behind his back to arrest him, and next thing I know I see my brother throwing – not my brother, his phone being thrown by the officer, and I think – I believe it lands not too far from where they are. And after that, that's pretty much all I've seen because they take me back to the other officer's car, unit, and Officer Nelson, that's when he comes and talks to me about everything, lets me know that – he's asking questions, "Is this your vehicle?" I told him, "No, it's my brother's."

I was driving because I'm the one with the valid license at the time, and he – he runs my number, runs my name and everything and comes up and sees that I

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have a warrant – a warrant out, but it's only for a summons, and he wasn't sure on what it was. He didn't believe me, so he called it in to make sure it was okay, and they clarified it and said it was – he's fine. It's just for a summons, so he lets me go and lets me off with a ticket for Obstruction of View. That's for the cracked windshield.

Makofske: Do you – the other officer has that summons, you said?

Benjamin Brown: Yes, sir.

Makofske: How long did this entire interaction last?

Benjamin Brown: The approximate time from what I read on the ticket, it said when he pulled us over is 11:17, and the time that the – it took him to print the ticket was 11:45, so we were there past that time. We didn't – we didn't physically walk into the house until about maybe 12, 12:15.

Makofske: So, where was your license?

Benjamin Brown: It was actually in the garage.

Makofske: At your house?

Benjamin Brown: Yes, sir.

Makofske: Do you normally have it with you when your driving?

Benjamin Brown: Yes, sir.

Makofske: So, what are your main complaints about?

Benjamin Brown: Well, I – mine is just how – I feel like he handled the situation – I feel like he could have handled it – they both could have handled the situation better.

Makofske: Who, the two officers?

Benjamin Brown: Yeah.

Makofske: Okay.

Benjamin Brown: And just how he approached me at first, it would just be like – I'm not going to say he sounded rude, but he didn't sound – you know.

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Makofske: Friendly?

Benjamin Brown: Yeah.

Makofske: Did he say anything inappropriate?

Benjamin Brown: No, not to me, at least.

Makofske: Did he put you in handcuffs?

Benjamin Brown: Yes, he did.

Makofske: What did he tell you when he pulled you out of the car?

Benjamin Brown: He didn't – he just said, "Put your hands behind your back" and like kicked my legs apart and like pushed me onto the car, and I was – I felt kind of scared because of the fact he had a Taser to my back, so I'm like okay, if I make any sudden movements, he's going to let the Taser loose, so.

Makofske: Why do you think the officer pulled you out of the car?

Benjamin Brown: Because he probably felt like I wasn't being compliant, but I'm listening –

Makofske: What would have given him that impression?

Benjamin Brown: The first time he asked me to get out the car, I just sat there, like – I was nervous because my brother was saying that – my brother said I didn't have to get out the car, so I'm sitting there trying – I don't know who to listen to.

Makofske: Alright, so if I have this right, he comes up to the car, this Officer Nelson comes up to the car.

Benjamin Brown: Mmm hmm.

Makofske: You have your window open a little bit, like an inch or two, or –

Benjamin Brown: Yeah.

Makofske: And he – he asks you about your license, if it's suspended. You say no, and he asks you if you have the license on you, and you say no.

Ryan Brown: Right.

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Makofske: At that point, did he ask you to get out of the car?

Benjamin Brown: Right.

Makofske: And you didn't say anything.

Benjamin Brown: Right. I didn't say anything. My hands were on the wheel and everything.

Makofske: So, how much time passes between when he asked you to get out of the car and –

Benjamin Brown: Like, 5, 10 seconds.

Makofske: Alright, so there's a pause?

Benjamin Brown: Right.

Makofske: And then he asks you to get out of the car again?

Benjamin Brown: Mmm hmm, and my brother says, "You" – he was like, "You don't have to unless he's getting ready to arrest you," and my brother says that, that's when the guy pulls out his Taser because my brother – my brother just reaches over my lap and was like – puts his hand on my chest and was like, "No, you don't have to get out." And then that's when the guy pulled out the Taser and was like, "Get out the car."

Makofske: So, he pulled out the Taser after he had asked you two times to get out of the car?

Benjamin Brown: Right.

Makofske: So, the first time you just didn't say anything.

Benjamin Brown: Right.

Makofske: And the second time your brother put his hand across your chest?

Benjamin Brown: Yeah, it was like, "You don't have to get out unless – unless he has a valid reason – unless you're about to get arrested," pretty much. That's exactly what he told me.

Makofske: Now, you said your vehicle has a cracked windshield?

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Benjamin Brown: Yeah.

Makofske: You didn't have a driver's license on you –

Benjamin Brown: Right.

Makofske: -- while driving? Did the officer have a valid reason to pull you over?

Benjamin Brown: He still didn't explain to us why he pulled us over.

Makofske: Okay. Did the ticket explain to you why he had pulled you over?

Benjamin Brown: No. The only thing I seen on the ticket is – is him – is the windshield, and at the time, he was the one on the side of us. He – I don't – and – because I'm not paying – I didn't – I didn't think anything of it as he's on the side, but when he pulls us over, my brother was like, "I guarantee he probably saw the cracked windshield." I was like, "How would he be able to see that from the side?"

Makofske: Your brother said that?

Benjamin Brown: Yeah. That's why I was like, "Well how would he see that from the side?" But after – after we both get out of the cuffs, he put – he let us get into the car where my brother was like my brother asked me how come – "What was your ticket for?" I was like, "For the cracked windshield," and he was like, "That's" – he was like – he felt like it was – excuse my language, but fucked up because the guy – that's what the guy should have told us at first. He should have explained why he was pulling us over. Instead, he just – my brother – my brother feels like he jumped the gun. Me, I'm in the middle because I –

Makofske: Okay. And you asked how was the officer able to – or you were wondering how did the officer see the cracked windshield?

Benjamin Brown: Mmm hmm.

Makofske: Are the – are the front door windows tinted or anything? Would the officer be able to see through them?

Benjamin Brown: He – he could see through them, yeah.

Makofske: Would he have been able to see through those windows and see the front windshield?

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Benjamin Brown: Mmm mm.

Makofske: Why not?

Benjamin Brown: Because the – the tints aren't – they're not dark, but you have to be like – it's pretty much as far as we are, at least look into the car, so –

Makofske: So, you can't see anything through the car.

Benjamin Brown: Right.

Makofske: Would the officer have been able to see you when he pulled up and you rolled the window down a little bit?

Benjamin Brown: Yeah.

Makofske: Yeah?

Benjamin Brown: Mmm hmm. It's not the – the tint's not like – it's not dark, it's not like dark, dark, but it's – it's normal tint.

Makofske: And the front windshield, is it badly cracked or –

Benjamin Brown: Mmm mm.

Makofske: Is it cracked in front of the driver?

Benjamin Brown: Yeah.

Makofske: Like in front of where the driver would be looking?

Benjamin Brown: It's – it's like – it's in front at the bottom, though. It's not like in – in my view, but it's like further at the bottom where the windshield wiper is, where it sits. That's where.

Makofske: Okay, so you couldn't hear any dialog between your brother and the officer when your brother was pulled out of the car because you were already detained at that point?

Benjamin Brown: Mmm hmm.

Makofske: So, you saw the officer pull your brother out of the car. You said he pushed him down into the snow, and pushed his face down?

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Benjamin Brown: Mmm hmm.

Makofske: Then the officer handcuffed your brother?

Benjamin Brown: Yeah.

Makofske: And then your brother was taken and put into another car.

Benjamin Brown: Right.

Makofske: Were either one of you injured or hurt during this?

Benjamin Brown: Me, I wasn't. My brother, I'm not sure if he was or not.

Makofske: Has he told you that he's injured or hurt or –

Benjamin Brown: Mmm mm.

Makofske: -- or complaining about pain or anything like that?

Benjamin Brown: Mmm mm.

Makofske: No, okay. Did you – did you talk with the officer at all?

Benjamin Brown: I did. I just asked him because I – like my – like my main concern at that point in time when I was in the back of the police unit, I had to see my – I was on – I had to see my probation officer at 12, and I was letting him know. I was like, "Hey, is there a way I would be able to talk to my probation officer like right now or any time soon?" And he was like, "Well, if your probation officer has any questions, you can give him my number to call," so I was like, "Well, can I get your card just in case?" He's like, "My information will be all on the – on the ticket." And I looked, and I – like I didn't see the – his direct number to be able to contact him, but I did see a couple of numbers, so she wrote those down.

Makofske: Okay. I'm going to see if I have a card for you. That's me.

Benjamin Brown: Thank you, sir.

Makofske: So, what happens from here, I work in Internal Affairs, so I look at this to see if there were any violations of administrative policy, and if there were, then those are handled. If there were not, then we still may take the information and discuss it with the employees to see if there's anything we can learn from it or see if there's anything better we can do next time, those types of things. I

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won't be able to comment as to whether or not there was some sort of violation of policy until I've had a chance to look at the summonses, look at the case reports, look at the call screen, that kind of stuff. So, I can contact you or your brother or both of you if you like, and – are you guys pretty much together a lot, or should I just give you a call?

Benjamin Brown: Yeah, we're usually together all the time, so --

Makofske: So, I'll give one of you a call after I've had a chance to look at this. And what I do is I fill out what is called a Complaint Receipt Form, and that just says that the Police Department has received your complaint.

Benjamin Brown: Right.

Makofske: And you get a copy of that in the mail, but you have to give it 7-10 days for me to fill it out and mail it out to you.

Benjamin Brown: Okay.

Makofske: Do you have any questions of me? No? Is there anything else that you'd like to add? Jim, do you have any questions after looking at the car?

Sokolik: No, no.

Makofske: Did you notice if the front windows, are they tinted heavily?

Sokolik: The whole car is fairly well-tinted. Back window, definitely there's – it's kind of pretty much [inaudible] So. Your brother does have your summons. I gave him his copy back so he does have that.

Makofske: Mr. Brown, let me ask you just a couple of quick questions. So, as you're driving and the officer pulls up alongside you, so the officer's driving along the driver's side of your vehicle?

Benjamin Brown: Yes, sir.

Makofske: You say he's sort of parallel, like he's directly across from you?

Benjamin Brown: Right.

Makofske: Did he ever pull in front of you at all, or –

Benjamin Brown: No, sir.

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Makofske: And there were two officers?

Benjamin Brown: Mmm hmm.

Makofske: Did the other officer pull in front of you at any point, or –

Benjamin Brown: No, they – both of them were behind us.

Makofske: Behind you. Did either of the officers ever pass you while they were –

Benjamin Brown: No, sir.

Makofske: -- driving? No? What did you think you were getting pulled over for?

Benjamin Brown: To be honest, I don't even know. Probably, if anything, probably the exhaust, for a modified exhaust, but that's how it was when my brother bought it from the guy that we –

Makofske: Describe that to me. What is it? Very loud?

Benjamin Brown: I'm not a big fanatic on cars, so I can't really – I wouldn't say it's loud, but there's also an intake where the engine is too, so –

Makofske: Alright, but the exhaust has been modified? Has he been pulled over for that before?

Benjamin Brown: No, not that I know of, sir. I haven't, personally, but I'm not sure if –

Makofske: Did you wonder that out loud when you saw the police lights turn on behind you? Did you wonder what's going on? Why are they pulling me over? Did you and your brother discuss that at that point?

Benjamin Brown: Mmm mmm.

Makofske: No? Because you told me earlier your brother did say, "I bet you it's for the windshield."

Benjamin Brown: Mmm hmm.

Makofske: Okay, and did you guys have any other conversation about that?

Benjamin Brown: Mmm mmm.

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Makofske: Okay. Anything else you can think of?

Benjamin Brown: No, sir.

Makofske: Like I said, I'll be in touch. We appreciate you coming in, and you have my card, so give me a call if you think of anything else in the meantime.

Benjamin Brown: Yes, sir. Will do.

Makofske: Alright.

Sergeant Brian Makofske
Internal Affairs

/cmc

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Makofske: This is Sergeant Makofske with the CSPD Internal Affairs Section. Today is Tuesday, April 21st, 2015. The time now is approximately 9:55 a.m. I'm at the Templeton Station Post Office interviewing Letter Carrier David Pyzola, P-Y-Z-O-L-A regarding IA Case #15-065. Also present is Internal Affairs Sgt. Joel Kern.

Mr. Pyzola, did you witness a traffic stop which involved two CSPD officers on March 25th of this year near the intersection of South Carefree Circle and West Enchanted Circle?

Pyzola: I did.

Makofske: Would you please start at the beginning and tell me what you saw or heard?

Pyzola: I was just coming back from delivering a package on [REDACTED] when I looked to my left which is down off of South Carefree. I noticed a car stopped with two marked police cars behind it with their lights on, and I just – coming back, I stopped, realized everything that's going on in the media, actually, I stopped just to see what's going on. As I was standing there, two officers got out, one male and one female, and I believe the male officer walked up to the driver's side of the car and started talking to the driver.

I could – I could hear his voice but I couldn't really exactly make out what he was saying. It on – it was quiet, so I could hear him addressing the driver. I would say maybe 15 or 20 seconds into that, he kind of kneeled down a little bit as if then to start addressing the passenger as if he was maybe talking to him or saying something.

At that time, the driver – the police officer, I'm sorry, the police officer took a step back, and he told the driver to get out of the car. And this time I believe both officers, the male and female pulled their weapons. I know on the news that I saw they had mentioned Tasers, but I believe they pulled their weapons. They addressed the driver to get out of the car. The driver got out of the car. The officers then put their weapons back into their holsters.

The male officer frisked the driver of the car, put him in handcuffs, and walked him back to the second police car. After that, both officers went to the passenger side of the stopped car and started asking or telling, whatever way you want to perceive it, for the passenger to open the car door. And this went on for, I would say, 20-30 seconds. He asked him several times. "Open your door. Open your door." I don't know why he couldn't open the door or if he didn't want to open the door or what, but he kept saying, "Open the door."

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The passenger's side driver door then opened, and I could see, again, the male officer kind of reach in to pull him out of the car. As they pulled him out of the car, the male and female officer put the guy on the ground, and the guy was in a yard in the snow. It was snowing, and they were saying, "Stop resisting. Stop resisting," and they cuffed him from there, put handcuffs on him, and they walked him to the first police car, and after they put him in the first police car, that's when I had jumped back into my truck and continued.

Makofske: Were you able to hear anything that the passenger was saying?

Pyzola: No.

Makofske: But when the officers approached the passenger side, you were able to hear them?

Pyzola: I could – I could hear the commands of "Open the door."

Makofske: Can you tell me a little bit more about what you saw when they removed the passenger from the vehicle? How did that go exactly?

Pyzola: Like I said, the passenger's door then finally come open, and it – and it looked as if the – the officer, the male officer, reached in to pull him out or the door's opening and the guy was still stalling from what I saw. It was like – it wasn't like if you open the door and get out. The door opened, and he didn't come out right away still, so there was a pause in between there, and then I could see the male officer kind of go in and grab his arm and pulled him out and then they put him immediately to the ground. They didn't, like, put him up against the car or anything like that to frisk him. They put him down to the ground, and they both – both officers at that time were saying, "Stop resisting. Stop resisting."

Makofske: So, at some point, the female officer also grabbed the passenger?

Pyzola: I would have to say yeah, because she helped take him down to the ground, so, like I say, she was kind of behind the male officer. The male officer was a bigger guy and she came to assist per se, and whether they both had him at the same time before they put him down or once he – once he was on the ground, I know she was involved in helping handcuff him. In between that short span, two or three seconds, I wasn't sure if it was just the male officer or they were both – the male officer was in front, so it would probably be him helping out maybe as he was getting out of the car she then assisted in putting him down on the ground.

Makofske: So, once the passenger is on the ground –

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Pyzola: Correct.

Makofske: Where were the officers? Were they on top of him or –

Pyzola: Yeah, from what I could see, they were on top of him.

Makofske: Was he on the ground for very long?

Pyzola: No. I would say he wasn't on the ground – with it happening so fast, he wasn't on the ground 30 seconds.

Makofske: Did you see if the passenger had anything in his hands?

Pyzola: I could not see it from my angle, no.

Makofske: Did you see the officers remove anything from his hands?

Pyzola: No.

Makofske: You said that the officers were telling the passenger to stop resisting?

Pyzola: Correct.

Makofske: Was it apparent to you what they were referring to?

Pyzola: He – he kind of looked like as if he was just squirming around, kind of like, I don't know. I don't want to say fighting back, but not just – not just stopping and complying. It was like a little tussle, per se. It wasn't swinging to punch the officers and the officers weren't swinging to punch him, but there was – there was movement on the ground.

Makofske: So, in your opinion, was the passenger being compliant with the officers?

Pyzola: I would say no at that time. He wasn't compliant from the time he was saying open the door, so being down, he didn't just stop. There was still movement on both sides.

Makofske: And could – you told me that you couldn't understand what the passenger was saying. Could you hear the passenger speaking to the officers, though?

Pyzola: No, no.

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Makofske: No? Okay. When you're watching this, how far away were you?

Pyzola: I don't know really. I was two houses away on [REDACTED] from where they had stopped him.

Makofske: Did you have a clear view?

Pyzola: Yeah, yeah.

Makofske: What was your overall impression of the stop?

Pyzola: My overall impression was from the – from the beginning, the officer was addressing the driver, and like I said, I'd seen at that time when he knelt down to talk, as if you would kneel down to talk to a – if you were standing there. The passenger was more saying like – egging – egging on things. Like I said, I couldn't hear what the passenger was saying to him, but I could hear the officer addressing him, and then when they told him – he told him to open the door several times. "Open the passenger side door," and it wasn't coming open, and it was like – so, when I ask you to open the passenger side door, open it and do what you're told to do, so at that point, it was kind of – you know, it was like he asked you to open the door, dude. What do you – what do you expect? He was probably getting a little upset with him. "Open the door." How many times – how many times do you have to say it?

Makofske: Sgt. Kern?

Kern: Did you remember anything distinct about the vehicle that was stopped?

Pyzola: No.

Kern: Do you remember the condition of the windows?

Pyzola: No, no.

Makofske: Is there anything else that you'd like to add that maybe we haven't asked you about that you think would be important for us to know?

Pyzola: Just -- I remember – I believe just at the very end, and I can't remember – at one – at one point, one – I can't remember if it was the driver's side or the person they were – the second one they arrested in the snow, they still haven't made notice to me also standing there. And he yelled, "Mr. Mailman, do you see what they're doing? Do you see what they're doing to me?" And – and I told just what I saw, but it's like, they gave you chances to comply or do what you're

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supposed to do, so now we're going to go to step two and make it happen. That was about it.

Kern: I have one more question for you.

Pyzola: Yeah.

Kern: When you were over watching the officers and their interactions with the car, could you see the occupants of the vehicle as you were standing there?

Pyzola: Before they pulled them out of the car?

Kern: Right. In the car, could you see –

Pyzola: No, at that time I couldn't tell if they were male or female, kids, or what, so, no, I could just see them talking to them, and, again, I couldn't hear what the driver or the passenger were saying initially. I could hear the police officer's voice as far as talking to them.

Kern: Thank you.

Makofske: When the officers had removed the passenger from the vehicle, and they put the passenger on the ground, at any point did you see the officer push the passenger's face down into the snow?

Pyzola: I didn't see that.

Makofske: Did it seem as if the officers were attempting to keep the passenger on the ground longer than necessary?

Pyzola: No. They were holding him down long enough to handcuff him, and I don't even know that they really searched him after they handcuffed him. They kind of handcuffed him and then they got him up, but yeah, no I couldn't – from my angle, I couldn't tell if they were, like, holding his neck down. They could have just been on his neck when they were cuffing him or holding his head or holding him on the back, but they were on top of him. And I don't want to – when I say on top, I don't want to say they had their knees in his back. If you're laying down, I can be on the side of you and being on top of you and holding you down. They were –

Makofske: So, is that – they were on the side of him holding him down?

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Pyzola: I'm really not sure about that. I'm not sure. I couldn't tell if they were actually on top of him and holding him down or to the side, but they were definitely in an area being on top to handcuff him.

Kern: Was there anything that you saw that gave you pause or concern?

Pyzola: No. No.

Makofske: Anything else?

Pyzola: That's it.

Makofske: The time now is approximately 10:09 a.m., and that will conclude this interview.

Sergeant Brian Makofske
Internal Affairs

/cmc

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[The following is a telephone interview conducted by Internal Affairs Sergeant Brian Makofske.]

Makofske: This is Sergeant Makofske with the CSPD Internal Affairs Section. Today is Thursday, April 2nd, 2015. The time now is 1:31 p.m. I'm conducting a telephone interview with Mr. Katherine McFerran regarding IA Case #15-065. Ms. McFerran, do you know Officer Alison Detwiler?

McFerran: I do.

Makofske: And how do you know her?

McFerran: I actually met her for the first time on – on that day for my ride-along, so that was the first time I had met her.

Makofske: And how about Officer Dave Nelson? Do you know him?

McFerran: I do not. I knew him just from that call.

Makofske: Did you witness Officers Nelson and Detwiler conduct a traffic stop, this was near the intersection of South Carefree Circle and West Enchanted Circle when you were riding along with Officer Detwiler on Wednesday, March 25th?

McFerran: Yes, sir.

Makofske: And would you please start at the beginning and tell me what you saw or heard?

McFerran: So, when we arrive, Officer Detwiler got out of the car and she proceeded to the passenger side of the car while the other officer, Officer Nelson, I believe, was speaking with the driver. Now, I stood on the passenger side of Officer Detwiler's car, so I was not – I did not hear what happened, and then Officer Detwiler had her gun pulled, I believe, because the windows were very dark. You couldn't – it was hard to see anything, and she was, like I said, on the passenger side, and Officer Nelson get the drivers – the driver out of the driver's side and cuffed him and then put him in the back of his car, and proceeded to the other side of the car to the passenger and while Officer Detwiler was still watching him through the car. I did see – I don't know if the door was locked, but I did see that somebody, and I don't remember who it was, somebody did try to attempt to pull the door open, but it did not actually come open until the second time, but honestly, I cannot recollect who actually opened the door. And then I saw them talking. I don't know what was said.

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I saw them talking and then I saw the – the young man that they were talking to had – they had him by his arm and – and he had his cell phone in his hand. This is what I can see from the passenger side, had his cell phone in his hand, and you could tell that they were asking him to get out of the car, and he was not complying, so they ended up, I think, removing him from the car – not I think. I know. They remove him from the car and proceeded then to put him on the ground and then – and cuffed him and then put him back in the back of the car with me. And while he was in the back of the car with me, he was using some pretty vulgar language and saying some things like “F this, F that, F the pigs, and this is Ferguson,” and just like very vulgar and very angry and upset that they were pulled over.

Then when Officer Detwiler got in the car after speaking with Officer Nelson, he did kind of calm down towards the end, but he was still very crass, and in my opinion, very inappropriate, so that’s what I have for you.

Makofske: Do you remember specifically what he was saying? Was there a consistent message or was he – did you talk to him at all?

McFerran: You know, I did not talk to him, no. I kept my mouth shut. He was upset for me – he was upset at me for that, too. He was like, “I can’t believe you’re with these guys, and oh, the silent treatment and was just like trying to talk to me, and I just didn’t respond. He was just saying like, “This is racist. This is – we didn’t do anything,” and just kept saying like, “I don’t need to give you anything. I don’t need to do that,” and just really upset in general about the fact that they were pulled over, so.

Makofske: Do you know why they were pulled over?

McFerran: I do not. That part, I do not because we had actually proceeded after, so Officer Nelson was first there and then we were, like, maybe 15 seconds away and then we looked around and we pulled up after they had already been pulled over, so, and I did not hear why he was actually pulled over.

Makofske: So when – when you pulled up, did Officer Detwiler park behind Officer Nelson?

McFerran: Yes.

Makofske: Do you remember, did Officer Nelson, was he in a marked police cruiser?

McFerran: Yes. Marked police cruiser, in full uniform.

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Makofske: Do you know if the lights were on, his overhead lights, the red and blue lights?

McFerran: Yes.

Makofske: And then where was Officer Nelson when you guys first arrived on scene?

McFerran: He was already getting out of the car talking, I believe, to the passenger side. I think he was already out. I think he was already out of the car. I believe he was. I'm sorry, if I had – I – I should have thought about that part a little bit more, but I don't – I'm pretty sure he was out of the car by the time we got there.

Makofske: Do you remember hearing any radio transmissions about the stop or hearing Officer Nelson ask for another officer to show up?

McFerran: No, I do not remember that. All I know is that we were turning around to assist him.

Makofske: And then you said that Officer Nelson pulled the driver out of the car?

McFerran: No, the driver was compliant. The driver got out of the car on his own, so, after he had talked.

Makofske: Can you tell me a little bit more about what that looked like when the driver came out of the car? What did Officer Nelson do?

McFerran: He just spoke with him and then put him in handcuffs and put him in the back seat. He was very compliant, the guy that got out of the driver's side.

Makofske: And then tell me more about what it looked like when – was it Officer Nelson or was it Officer Detwiler that pulled the passenger out of the car?

McFerran: Officer Nelson had him the majority and Officer Detwiler was assisting, so Officer Nelson had the most – most of the passenger out, and Officer Detwiler was just right there holding on, like, helping him hold – bring him down on the ground.

Makofske: And then once the passenger was on the ground, what happened then?

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McFerran: They – they cuffed him and put him in the back seat.

Makofske: Do you remember which officer cuffed him and where the officers were? Were they on top of the passenger?

McFerran: I believe Officer Nelson was, yes, and I believe that it was Officer Nelson that cuffed him.

Makofske: Did it appear as though the passenger was struggling –

McFerran: Or actually, you know what? No, I apologize. That is incorrect. Officer Nelson had taken the driver and cuffed him and then I believe it was Officer Detwiler's handcuffs that they used.

Makofske: You said that the driver seemed very compliant. Was it different with the passenger? Did it seem like he was struggling with the officers?

McFerran: I'm sorry, one more time. What was the question?

Makofske: You said that the driver was very compliant with Officer Nelson.

McFerran: Mmm hmm.

Makofske: Did it seem different with the passenger? Did it seem like the passenger –

McFerran: Oh, very much. Very much. He was trying – I believe he was trying to record everything on his phone all the way down, so he was – he was not getting out of that car. That was very, very visible that he had no intention of getting out of the car without a fight.

Makofske: And would you describe what you saw as a fight between the officers and the passenger?

McFerran: I don't – no, I wouldn't quite classify it as a fight. I think that Officer Detwiler and Officer Nelson handled it very well. They brought him gently to the ground. It wasn't forceful. It wasn't kicking and screaming. It wasn't anything like that. It was they finally got him out of the car and they brought him to the ground and then they cuffed him. So, but there was not very much – there was no fighting, so – it was just slow motion.

Makofske: Did you see either officer put their hand on the passenger's head while he was on the ground and maybe push him – push his face down?

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McFerran: No, sir. I did not see that.

Makofske: Would you have been able to tell or were you in a position to see it if that had happened?

McFerran: I don't think so, no.

Makofske: Did you see either officer take the cell phone from the passenger?

McFerran: Yes. Officer Detwiler did remove the cell phone from his hand, mm hmm, before she put his hands back behind his back.

Makofske: So, was this while he was on the ground?

McFerran: Yeah, yeah, because he -- he had come to the ground and then he had -- his left arm was up above his head, and he had his phone in his hand and Officer Detwiler removed the phone and then brought his hand back behind his back.

Makofske: Did you see what Officer Detwiler did with his phone?

McFerran: I did not see that. I don't think so. I don't know why I think that maybe she put it back in his pocket, though. I thought maybe she put it back in his pocket, but I'm not a hundred percent sure on that one. So.

Makofske: Did you see either officer throw the passenger's phone?

McFerran: No.

Makofske: Would you have been in a position to see that if it had occurred?

McFerran: I would have, yes. The way he was angled was slightly -- I couldn't see his head, but I could see all his limbs, so.

Makofske: Okay. And about how far away were you from this interaction?

McFerran: Oh, less than 10 feet.

Makofske: Did you have a clear view? Was there anything between you and the officers and the passenger?

McFerran: No, sir.

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Makofske: And you said you weren't in a position to hear anything that the officers were saying to the passenger or to the driver?

McFerran: Yes, that's correct.

Makofske: Alright. Do you remember any conversation at all that you may have had with the officers after the driver and the passenger had been released, about the stop?

McFerran: No, just -- we were just kind of in awe as to how vulgar he was, just lots of F-bombs and how much he hates the police and how this was Ferguson, and that was -- that was pretty much all that we were kind of just shocked about.

Makofske: Now, you said that the passenger seemed upset. How about the driver? What was his demeanor like?

McFerran: You know, I didn't see much of the driver. All I saw was when he got out of the car, he was not, like -- he was not aggressive or anything. He was just -- he kind of just did what he was supposed to do and sat in the back of the cruiser, so.

Makofske: And how about the demeanor of Officer Nelson and Officer Detwiler? How did they seem?

McFerran: They seemed very calm and appropriate, so there was no anger, no frustration, no anything. He acted very calmly and rationally, so.

Makofske: And then if you don't mind, can you give me kind of your overall impression of the traffic stop and the acts of the officers?

McFerran: In my opinion --

Makofske: Yeah.

McFerran: Everything went the way it should have gone. Had the passenger just done what the officers asked, it was one of those things that if he had done what they were asking, then all this could have been avoided and he could have just been on his merry way by then, but there definitely -- in my opinion, I felt like he was trying to make a point or trying to pick a fight is what my overall opinion is of it, so.

Makofske: Ma'am, are you connected with the Colorado Springs Police Department in any way?

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McFerran: No.

Makofske: Do you volunteer here for us or anything like that?

McFerran: No.

Makofske: Is there anything else that you'd like to add or anything that I haven't asked you about that you think I should know?

McFerran: The only other thing I want to make sure that you guys know is that he did calm down toward the end of the call, and that is because Officer Detwiler tried to calm him down and – and she did really good at that, so, that's the only thing that I would say after that.

Makofske: Do you remember what she was saying to do that, or what she was doing to do that?

McFerran: No. She was – she just said that she wasn't sure what the stop was for at the time, that he needed to just calm down and everything would be explained and – and then he kind of calmed down towards the very end when the ticket was being written, so.

Makofske: About how long do you think the stop lasted?

McFerran: I think maybe 30, 40 minutes, maybe. I'm not exactly the best timer – or judge of time. Sorry.

Makofske: Well, if there's nothing else, I'm going to stop the recording. The time now is 1:45 p.m.

Sergeant Brian Makofske
Internal Affairs

/cmc

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Makofske: This is Sergeant Makofske with the CSPD Internal Affairs Section. Today is Thursday, April 2nd, 2015. The time now is approximately 2:01 p.m. I'm interviewing Officer Alison Detwiler, IBM 1121, regarding IA Case #15-065. Also present is Internal Affairs Sergeant Joel Kern.

Alison, you were given the Garrity Advisement before I started the recording. Do you have any questions about it?

Detwiler: I do not.

Makofske: How long have you been an officer with CSPD?

Detwiler: Twenty-two years.

Makofske: Do you have any prior law enforcement experience?

Detwiler: Yes. Summit County Sheriff's Department.

Makofske: For how long?

Detwiler: Like two years.

Makofske: And what's your current assignment?

Detwiler: Patrol Stetson.

Makofske: And your current shift?

Detwiler: 9a to 7p.

Makofske: We're here to discuss a traffic stop which occurred a little over a week ago on March 25th near the intersection of South Carefree Circle and West Enchanted Circle. It's documented under Case #15-13423. Have you had a chance to review that case report?

Detwiler: Yes, briefly. I'll keep it in case I need to reference it.

Makofske: Do you remember the traffic stop?

Detwiler: I do. Very well.

Makofske: Would you please start at the beginning and tell me what happened?

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Detwiler: Yeah. I'd like to start even before the traffic stop a little bit. We had gone to a call for service, myself and Officer Nelson, just prior to that on an alarm, and so I was in the general area with him, and we were both east on South Carefree, I believe, but I was ahead of him quite a ways, and all of a sudden, he says something on the air like, "Alison" – or "Dispatch, I've got traffic. Alison, come around and get back here," you know, and it had some urgency to his voice, I thought, because he knew I was close as we had just left that call for service, so he was requesting me to come back to his location really quick, so I flipped a U-turn and came back to Enchanted where I saw him pulled over there behind this car, and I pulled up and about that time, both of us exited the cars.

I believe he hadn't even exited his car at that point, and we both approached the car, him on the driver's side and me on the passenger side, so I didn't know much of anything, really. I just saw the car pulled over, a dark sedan with super dark, tinted windows on the passenger side, and I was just being the cover officer, just standing back trying to view what I could view the best that I could in the car and just let Dave handle the contact.

I could hear him talking to the occupants in the car, but I really couldn't hear what was being said. I heard Dave reference identification more than once. "I need to see your identification. I need to see your identification," so I assumed that they weren't providing it, but I couldn't hear any conversation within the car, like, what was being said. I could hear them talking but couldn't clearly hear anything, so I just stood back and watched, and the next thing I knew, Dave escalated pretty quick, his voice and his responses escalated fairly quickly. I saw him step back from the car just ever so slightly. I think he opened the door at that point and had his Taser out and started yelling at the driver to exit the car which concerned me greatly because I didn't know what he had seen in that car. That's when I pulled my gun and decided to be the lethal cover. I didn't know if – he didn't he didn't give me any kind of signal as to what was going on, and I had no idea, so I just went to lethal and held the passenger and tried to do the best I could to focus on the passenger, asked him to keep his hands where I could see them.

And once or twice, his hands dropped out of my sight, so I said probably at least three times, "Hey, put your hands up where I can see him," and he would, but there was a couple times where I felt really uneasy, like, I couldn't see him. The windows were super dark on the car, and Dave was trying to get the passenger out, and I was just trying to communicate with Dave, Look, just handle – just handle that guy, like, I just don't want both of us – I was trying to be just cover. I didn't want two people out of the cars, so I was trying to slow him down a little bit, like, just whatever you – just get him detained and put him in a car and then we'll deal with this guy because I felt like he was sort of ramped up, and I was trying to keep it kind of calm. And so he does. He takes the guy back to the car. I still have no idea, really, what's going on. I'm just standing there, and I'm keeping an eye

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on the passenger, and then he comes back to the passenger side of the car, opens the door, and the guy was being really verbal, like, "You don't have any right to – you don't – you haven't presented identification," whatever he was saying. He was saying a bunch of, "You don't have a right to pull me out of the car," just a bunch of stuff, and so I was trying to just really do the de-escalation thing because I'm pretty good at it, and I was like, "Look, dude, you're not under arrest. I just want to check you for weapons and keep this – I have no intent to arrest you. I just want to make sure that you don't have any weapons on you."

He shook his head no. He was verbalizing that he wasn't going to get out of the car. Dave started to pull him out before I could do anything else, and Dave's pulling him out of the car, and then just – he gets him upright and I still at that point thought it was just my impression that we probably could have handled it with him standing upright. Like he wasn't physically fighting us, but Dave's like, "Take him to the ground," and the next thing I knew he was like – throws him in the grass right there beside us, and I just kind of went with it.

I had his, like, left arm a little bit, and the guy's screaming and yelling, and there was like a post office guy, I think, down the street, and he was like, "Are you watching this? Are you watching this?" And I think Dave grabbed his cell phone and kind of tossed it away from him, and the guy's screaming and yelling and Dave's like, "You're under arrest now," and puts him in my car, and I was just kind of standing there in the dark because I missed so much just being the – the cover officer, and he's screaming in my car, "What am I arrested for?" And I'm like, "I – dude, I – you're going to have to talk to Officer Nelson. This is his stop." "What did you stop the car for?" "Dude, I don't know. It wasn't my traffic stop. It happened before I got here." And then it was "Fuck the police," and "This is the reason I hate the fuckin' pigs, and you're all a bunch of fuckin' pigs," and at some point I was able to deescalate him in the car, and I'm like, "Look, I don't know what happened prior to my arrival here, but it looks like you're going to just get a summons. I'll serve and release you. I'll deal with you so you don't have to deal with him," and I tried to get him to calm down, and he did, and he was very, like, "I'm sorry. I don't mean to yell at you. You're not the person I'm upset with. You're not the officer I'm upset with. I want all of his information."

I'm like, "We'll make sure you have that," and Biscaro comes and talks to him at one point for a couple minutes in my car, and I ended up – I talked to Sgt. Biscaro and I said, "Why don't I serve and release him and keep – keep Nelson completely out of this to try and keep this to deescalate as much as possible and have no more contact with him, and so that's what I did. Dave wanted me to charge him with whatever we did – Interference, and I did the summons and handled it so that there wasn't any more contact because that – obviously, that's where the deal was.

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I do think that he escalated things unnecessarily by his behavior in the car and his unwillingness to just be cooperative with the police, but I have to tell you, working with Nelson as much as I do that his – I don't know how to put it. His – the way he escalates himself so rapidly, I think, sometimes escalates things more than they need to be, and it's frustrating. He just thinks – he gets so excited that his ability to take things up here, brings things up there, and that's frustrating for me. I feel like I've been put in sort of a bad spot by that, but having said that, the guys in the car were obviously not very cooperative, or at least, the passenger wasn't because I tried to do my best to keep it sort of calm.

Makofske: Okay, so the passenger was issued a ticket, and the driver was issued a ticket –

Detwiler: Right.

Makofske: And they were sent on their way.

Detwiler: Yes.

Makofske: Did you discuss the call or the traffic stop with – with Dave or Sgt. Biscaro after they had left?

Detwiler: I just briefly went over to Biscaro when he got there and kind of told him what I had which was like – I didn't know anything. I never even knew why the car was pulled over. I was so in the dark on most of it, but I couldn't hear much. I couldn't see much, so I felt like I was just kind of sucked into into this whole thing, sort of, and then we went back to the sub and did the reports, and I just put in what I saw and knew. At one point, Dave said, "Did you put in your report that he locked the passenger door? I think that was the only – I'm like, "I don't remember if he did or didn't," like – I'm not going to put that in my report because I don't remember if he did or didn't. And that – that was about it. And I gave Dave a copy of my report, and I tried to just put in whatever I remembered, and you know it's not a lot because I didn't see hardly anything from my side nor did I hear much. I felt sort of in the dark over there, you know?

Makofske: And was the car running while you were standing at the passenger side?

Detwiler: I can't remember, to be honest with you. I cannot remember.

Makofske: Do you remember ever hearing if the exhaust was modified?

Detwiler: I don't. I knew that that's what – I knew – I remember seeing it, and it looked big. It looked like a modified coffee can –

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Makofske: Tail pipe?

Detwiler: Yes. I did see that, but I never heard the car, and so I'm thinking it must not have been running, but I – I don't know. Honestly, I'm not sure.

Makofske: Was the passenger side window up?

Detwiler: Yes, completely.

Makofske: So, you described there was a dark tint?

Detwiler: Really dark.

Makofske: But you're still able to see something?

Detwiler: Like, I can see his hands because they're a little bit lighter than whatever he had on or – so it – I could see just a little bit, but it was really hard to see in the car, so there was a couple times it looked like, I don't know if he put his hands to his sides or down, just enough that I was losing control of the sight of them, and so I would say, "Put your hands back up where I can see them," and he did.

Makofske: So, he could hear you through the – the closed window?

Detwiler: He must have because he responded when I did – when I said that to him.

Makofske: So, when his hands were visible to you, where were they?

Detwiler: I think he had them either on his knees or just like out in front of him when – when they were – when I could see him. And then once or twice, they'd flip wherever they – to the side, down, which was concerning because Dave's behavior was so escalated that I'm – like I'm over on this side of the car, not knowing what he saw that brought him up there, then I'm like, is there something that I need to be worried about? And he didn't verbalize anything to me, but you could see that something obviously alarmed him, right? I mean, he went to his Taser, and so I just assumed there was some sort of threat.

Makofske: Do you remember seeing if the front windshield of the car was cracked?

Detwiler: I don't remember that at all. I don't think I ever saw or looked at it.

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Makofske: Do you remember seeing the front license plate in the windshield of the car?

Detwiler: No, I don't remember that at all.

Makofske: You said that the passenger, when he was detained in the back of your car, that he was belligerent. Do you remember him talking about anything else?

Detwiler: He – he said a whole ton of stuff. He was talking about Ferguson and this is why that happened, and you're all F-ing pigs, and this is the reason I've always hated the fuckin' cops, and you didn't identify yourself, and I'm like, "Look, dude. I mean, we're in marked cars, and uniforms, and" – and then he went off on the reason for the traffic stop, and he was asking me, and I still had no idea. Like, I literally had no idea. I had no answers for him. Like, I did not know what was going on, and I just told him to try and be patient and I would get to the bottom of it and help him figure it out, and I – I tried to just keep it as calm as possible, and at one point he finally just calmed down and apologized to me and said that he was sorry, that it wasn't me that he was upset with, and that there was some decent cops out there and he appreciated me, and I had a civilian rider with me. You know that, right? And so she heard a lot of that.

Makofske: Do you know of any other witnesses?

Detwiler: There was a post office guy at one point down the way that – that he was screaming at.

Makofske: That the passenger was screaming at?

Detwiler: Uh-huh. "Hey, are you seeing me getting thrown on the ground," as Nelson pulled him out of the car, so – he was --

Makofske: He was in uniform?

Detwiler: Yeah, yeah, in the – you know, a mail truck. I believe he had his mail truck there, and that's the only other person I noticed.

Makofske: Did it seem as if the passenger was resisting being pulled out of the car?

Detwiler: It did.

Makofske: And what makes you –

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Detwiler: It did seem like he was kind of, “You have no right to do this,” and I felt like he was kind of leaning in as Dave was pulling him out a little bit, but there was no real, for me, very passive resistive as opposed to, “I’ll fight,” and if somebody’s fighting me, I’m good with just fine, you’re fighting, you’re going to the ground or whatever. A passive resister, I don’t know. I think he was just more being difficult, so I was thinking – and that – that’s, I think, a lack of communication on – on Dave’s part a little bit because I didn’t know what he was going to do, and all of a sudden, he’s – so I’m standing there just kind of going – and he took him to the ground, and I guess it’s just a matter of perception. I’m not saying he did anything different or wrong, but my perception probably would have been to just pull him out and see if we had some cooperation. That’s just my perception.

Makofske: So, you pull him out and you made some gestures. Dave put his head on the ground –

Detwiler: Dave like pat him somehow and some kind of an arm bar with that – I think his right arm, and – and just almost immediately took him to the ground, so I really was just kind of flowing –

Makofske: Did you assist him at all with that?

Detwiler: Yeah, I had him like by his left arm, and he softly put him to the ground and then, I mean, the whole time I was trying to like – I rolled the – I’m like, “Look, dude, roll over,” and I’m brushing the snow off of him, trying to – trying to minimize the situation and not get him any more pissed off, and the guy was screaming at me, “No, don’t – don’t brush this off now. No, fuck you. Leave the snow on me,” and he’s saying stuff like that. I’m trying to kind of make it better, I guess, for –

Makofske: Alright. So, I’m just going to go through this kind of step-by-step. So, Officer Nelson pulls him out of the car. It seemed to you as if the passenger was pulling back.

Detwiler: Yeah, I feel like he was. I mean, he wasn’t cooperative.

Makofske: He gets him out of the car, and then he –

Detwiler: Well, it was sort of almost in one move, like he was pulling that arm. The guy was sort of pulling back a little bit. I was kind of standing there because I couldn’t get in the way because Officer Nelson’s like here, dude’s here, and you can hear me saying – because I saw that YouTube thing. You can hear me saying, “Dude, you’re not under arrest,” because I was thinking we didn’t have anything. We just – I just wanted to make sure he didn’t have any weapons, and

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it was going to be sort of a done deal. Let me pat you down, and then we just went to the ground, and so I was kind of over on his left side, and whether I had – I think I had his left hand a little bit at one point, but, I mean, I was just there, you know?

Makofske: Were either you or Officer Nelson on top of him when he was on the ground?

Detwiler: Nelson was, I think.

Makofske: Alright, and the passenger, he's – he's on his stomach at this point?

Detwiler: Yes.

Makofske: Alright.

Detwiler: In the snow and the grass in that yard that was just right there.

Makofske: And so Officer Nelson has control of one arm and you have control of the other arm –

Detwiler: Right, right.

Makofske: His left arm.

Detwiler: Right.

Makofske: And then –

Detwiler: And then we cuff him.

Makofske: Did you cuff him or –

Detwiler: No, he – Dave was holding onto him, and I'm like, "Where are the cuffs?" And he was like, "I don't know," and then – then he looked up and saw them on the top of the car, so I grabbed the handcuffs, and I think he cuffed him. I think.

Makofske: Did he have anything in his hands at this point?

Detwiler: He had that phone at some point, and I think Officer Nelson grabbed it and threw it into the – into the grass, into the snow, and he was –

Makofske: And when you say, "threw it," did he throw it very far?

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Detwiler: No, I mean, like, tossed it is probably a better word. He like tossed it about a foot from the guy at best, just to get it out of the way.

Makofske: Alright, so that was right before he handcuffed him?

Detwiler: Right.

Makofske: Alright, and then you both pick him up, or –

Detwiler: I don't know if I helped with that or not. I remember brushing the snow off, so I was like, "Why don't you roll over, and I'm trying to, like, brush the snow off, and I'm like, "Just sit up, dude." And he's yelling and screaming, and I'm like – and I'm explaining to him, "Dude, all you have to do is let me pat you down. It didn't need to be this," and he was screaming at me and –

Makofske: So, he's detained in the back of your car?

Detwiler: Correct.

Makofske: And your civilian rider is sitting at the front of that car?

Detwiler: Yes.

Makofske: Now, did Officer Nelson have any more contact with the passenger after he was detained in your car?

Detwiler: I don't think he did. I don't ever remember him talking to him again. And I tried to – I actually asked Biscaro, because I knew it was such a bad thing. I'm like, "Let me handle this, please. Let me – you and I – you cover me, and I'll deal with it. I think we can do this better without that just to keep it – because it was such a bad thing, I was like – I was afraid we'd get him out of the car and Nelson would come over and he would blow up, and then we'd end up in another problem, so I was like, "Just tell him to stay there and let me deal with it" because he was really calm and cooperative with me.

Makofske: Now, at some point the decision was made to issue a summons to the passenger --

Detwiler: By Nelson.

Makofske: By Nelson, so you had some dialog with –

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Detwiler: Yeah, I went up and I said – because he’s told him, “You’re under arrest.” I’m still just kind of left in the dark, you know? What do you want me to – he was like, “Do an E-ticket.” I’m like, “What do you want me to do an E-ticket for? So, he told me, and I was like, “Okay.”

Makofske: Did he tell you at any point why he had stopped the car, or why he wanted you to cite the passenger?

Detwiler: He said he was going to charge him with the muffler or whatever at the very end, like – about the time that he told me about the E-ticket for the passenger.

Makofske: Did you have any discussions with Dave about what -- what his reasons for issuing the passenger a summons were?

Detwiler: No.

Makofske: Had you – well, what did you think at that point?

Detwiler: I thought the passenger brought a lot of problems on himself by being uncooperative, and I couldn’t have been more direct with him. “Stand up out of the car. You’re not under arrest. I’m just going to pat you down,” and had he complied with that, the situation wouldn’t have turned into what it did.

Makofske: So, before Dave grabbed him and pulled him out of the car, you had told him –

Detwiler: I sure did, and it was very clear.

Makofske: And how many times did you do that?

Detwiler: I think I told him a couple times, “You’re not under arrest. I’m just going to pat you down for weapons.” And had he – had he complied with that, and I think we had very good – or at least I felt very good cause to pat him down. He’s in that dark – in the car, being belligerent with Nelson. I could hear him shouting things, but I couldn’t hear the dialog. His hands went down several times out of my view. I felt like that needed to be done, and I would have left it at that. So, the fact that he wasn’t compliant at that point was – he very much interfered with what was going on there and didn’t need to – he interfered with the traffic stop almost from the get-go from what Nelson said, that he was yelling at the driver to not provide ID and things like that, but I couldn’t hear that.

Makofske: So, when he told you to cite the passenger for interference, you didn’t have any questions about that?

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Detwiler: No.

Makofske: When the passenger's on the ground, did either one of you put your hands on his head?

Detwiler: Nelson did, and honestly, I wouldn't have remembered that, but I saw it on the YouTube thing. I saw him kind of shove his head down on the YouTube thing, but I – it happened so fast, I probably couldn't have remembered that if I hadn't seen it.

Makofske: Given the context at the moment, why did you think he did that, or did you think anything of it?

Detwiler: Honestly, like I said, I didn't even remember he had done it, so I don't know. He wasn't, like, actively fighting us. He was – he just didn't want to get out of the car. He just wasn't going to get out of the car. There was no way the guy was going to get out of the car. He was saying, "I'm not getting out of the car," and he was verbalizing that he wasn't going to cooperate with us, basically. He wasn't going to -- I don't think he had any plan of cooperating, but very passively resisting which is – in my game, a different game sort of.

Kern: Alison, you mentioned that different calls are – in your experience of working with Officer Nelson, that you've become frustrated about him escalating situations more. Could you expand on that?

Detwiler: This is obviously uncomfortable for me, but I have a very different style of work than he does, and I take great pride in my ability to deescalate and control situations, and, I think as you guys know, I'm not afraid to go hands-on, if necessary. I'm not afraid to fight, if necessary, but I think I do a real good job deescalating things, and he is – it's sort of a known thing at Stetson that he's super excitable and he escalates very rapidly, and you just – sort of unpredictable and so when he was – I mean, he's just – he just escalated over there, and I didn't – I mean, I guess my perception is I don't know when I'm in that situation what to think because sometimes I – I think that he over escalates himself. I think he gets so excited that he – he isn't perceiving or – it's just hard to explain. I just think he gets way up there, and because he's way up there, it causes the situation to get way up there sometimes.

Kern: If I'm understanding you right, would it be fair to say that in your view if Officer Nelson is escalating things, he doesn't have the – the option to deescalate or he doesn't take the time –

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Detwiler: Correct, yeah, he gets – and – and it causes the other people in the situation to also sometimes unnecessarily, i.e., the people in the car, if he's all of a sudden screaming, that tends to make everybody else ramp up. So, it's just a really uncomfortable position to be put in, but I – it's frustrating for me that I have a very different style of police work, so it's – I just – it's hard for me.

Kern: Do you think it's just a matter of routine that this occurs or would it be only on specific instances with –

Detwiler: It's often. It's often. Yesterday I was working with him, and he's in the county for some reason, which I don't know, and I'm trying to clear a call, and he's screaming for a Code 1, and he's screaming for officer Code 3, and I'm trying to get there, and it's already stressful when you're trying to get to an officer that's screaming that, and he just keeps yelling on the air, "I need officers now." And I'm trying to think and maneuver through an intersection, and he's yelling on the air, and it's just unnerving when somebody gets – I think it causes everybody else to get there. I think clouds your perception of what's going on when you're up here. Having been in a shooting, and you know I've been in a shooting, had I been screaming and yelling on the air and lost control, I think I would have completely caused everybody else to have panic and who knows what could have come of that?

Kern: Take the instance yesterday when you showed up. What else happened?

Detwiler: I showed up. I was actually with several officers then, but one of the – we're talking a few – one dude was fairly uncooperative from what I understand, but he has 4 or 5 kids, and everybody else was cooperative, and it's just -- I mean, he just, like, sort of spins out of control, and I'm not the only person that thinks this. A lot of people on that shift are like, have expressed to me that they try and stay away from it because it's just – like you never know if he really needs help or if something's really bad or he's just – you just never know.

Kern: Well, for instance, yesterday, when you showed up after all that, were you kind of like, "What was all this for?"

Detwiler: I was frustrated because I was trying to get – you can only get there so fast, no matter how many times you scream, it isn't going to get me there any faster.

Kern: But you – did you get there and go, "Okay, why was I" –

Detwiler: Yes, yes. Yes.

Kern: Why was there a rush here?

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Detwiler: Yes. We had a handful of Doherty kids. I mean, yes, can kids be dangerous? Yes, of course they can, and I don't know everything that happened before I got there, so I don't want to throw him out there. I don't know. But I just think in general he's way up here and sometimes when you're way up there, you lose your sense of good perception of what really is taking place. That's my opinion, and that's just an opinion because I lost a lot of what happened in that traffic stop being passenger, so.

Makofske: So, since the stop, have you had a chance to discuss it with Dave? Do you know why he escalated at the driver's side?

Detwiler: No, I didn't really talk about it. I had a – I had a female rider, and it wasn't appropriate to – and honestly, it just – I just, like – I'm just better off if I stay away from him. I just don't like his style. It doesn't work for me. And yeah, I personally like Dave. He's a great guy. I just don't work well with that. I just don't. I'm a whole lot more – and I can escalate. Don't get me wrong. I have a reputation for that, too, when I need to, but I have a very different style of police work, and is that – does that make his wrong? Not necessarily. It's just that it's different. That's all I'm saying.

Makofske: Did you talk about the stop with Sgt. Biscaro?

Detwiler: Just briefly when he was on scene, and I told him, like I don't even know why he was stopped. I don't know – I don't know what happened here. I felt like I was sort of – I did kind of express to him like, I felt like I was kind of sucked into that whole thing, and that's not a great feeling when your sucked into his stuff because I never – you never know what you're going to get sucked into. [Chuckling]

Kern: Was the rider a friend of yours or just a random citizen?

Detwiler: Well, yes and no. She – she is the wife of a firefighter that I casually know, and I never knew her before, so he called me up and said, "My wife would really like to get into police work. I think I would really like her to come out and see you work and do the job and – and so she can see what it's all about." And I had never met her before, so – so she was out there just kind of experiencing it with a female officer because she wanted to see if she could do it.

Makofske: Is there anything else that you'd like to add?

Detwiler: I don't think so. I hope I remembered to tell you everything. It's an uncomfortable position to be in. I'm not throwing him under the bus by any

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means. It's just that I think it's just a difference in – in styles and personalities in general. Like, there's maybe a lot that he saw that I didn't see. I don't know.

Makofske: This investigation is ongoing, so don't discuss it with anyone. The time now is approximately 2:31 p.m., and that will conclude this interview.

Sergeant Brian Makofske
Internal Affairs

/cmc

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April 8, 2015, 10:30 a.m.

Makofske: This is Sergeant Makofske with the CSPD Internal Affairs Section. Today is Wednesday, April 8th, 2015. The time now is approximately 10:30 a.m. I'm interviewing Sgt. Steve Biscaro regarding IA Case #15-065. Also present is Internal Affairs Sergeant Joel Kern.

Steve, when you tell – would you tell me when you were hired on as an officer with the CSPD?

Biscaro: 1993.

Makofske: And how long have you been a sergeant?

Biscaro: Since 2003.

Makofske: Did you have any law enforcement experience before you started with CSPD?

Biscaro: I was a military police officer in the Army, and I went through a civilian law enforcement class in the upstate New York region to be a sworn officer in the state of New York.

Makofske: And what's your current assignment and shift?

Biscaro: I work Shift 1, the late Shift 1 from 9 a.m. to 7 p.m. at Stetson Hills Division.

Makofske: We're here to talk about a traffic stop which was initiated by Officer Dave Nelson on March 25th of this year at approximately 11:15 a.m. This was near the intersection of South Carefree Circle and West Enchanted Circle. Do you remember responding to this traffic stop?

Biscaro: I do.

Makofske: Would you please start at the beginning and tell me about your involvement with it?

Biscaro: At the beginning, I was sitting at the Duty Desk at the time that it initially started. I heard Officer Nelson call out on a traffic stop and then call for another unit and then for a unit to respond Code 3, lights and sirens.

After that, he'd gotten on the radio and said it was – he didn't need another officer. He just needed a sergeant. Dispatch dispatched me to it, and I kind of told them that I was tied up at the desk and couldn't leave right away, and then Lt. Graves came back from a meeting that she was at, so I was able to leave the Duty Desk and respond out to where the traffic stop had taken place.

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When I got to the scene, it was Officer Nelson and Officer Detwiler already on scene. Officer Nelson was parked in front of Officer Detwiler's vehicle and the violating car was parked in front of Officer Nelson's car. There was nobody in the car, the violator's car. They were both secured in the back of one each of the officers' cars.

I got out of my car and talked to Officer Nelson for a brief moment just to find out what was occurring and what had happened prior to my arrival. He said he did a traffic stop on the car for – I think it was obstructed view, for exhaust alteration, and not being able to see the front license plate because it was obscured a little bit in the front window and not attached to the car. He went on to tell me that the driver was actually fairly cooperative. It was the passenger that wasn't cooperative. The passenger seemed to be coaching the driver on what to do and what not to do, and so Officer Nelson had removed the driver from the car to make sure he didn't have any weapons and secure him because he didn't have any identification with him. Then he came back around and didn't feel right with the passenger being in the car, so he was going to pull him out to make sure there were no weapons on him or anything like that since they were going to be writing a ticket to the driver and didn't want to have to worry about what the passenger was doing.

When they went to get the driver – or the passenger out of the car, he became – he was belligerent from the very beginning of the stop, from what I understand. He became more belligerent at the time and wouldn't get out of the car, was saying he had no right to talk to him, all that kind of stuff and it turned out the officers had to lay hands on him to get him out of the car, put him down on the grass. It was snowing at the time, so grass and snow -- handcuffed him, and took him back into the car. They put him in Officer Detwiler's car at the time. So, I asked Officer Nelson what he was planning on doing. He said he was going to scratch the driver some tickets for not having insurance and believe it was obstructed view on the car and then I informed him that if he thought that the passenger was being – obstructing the whole traffic stop and that they had pulled him out and had to use any type of force, that type of thing, then he could cite him for a proper violation. It is just my belief that if we lay hands on somebody, then we charge him with what's appropriate for that.

So, after that, he agreed. I went back and talked with Officer Detwiler just to see what the guy's demeanor was like. She said he was relatively confrontational. So, I opened the back door. He was sitting on the passenger side of the back seat. I was on the driver's side, opened the back door, tried to engage him in conversation to see if he – what his demeanor was or if he wanted to talk to me or anything such as that, so we started to talk, and he went right in to talk about Ferguson, then he started talking about the 1960s and how he felt that police were just there to oppress him. I tried to tell him that none of that had anything to

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do with the situation we're dealing with right now, but he just kept going back to the same thing. He went back to saying that Officer Nelson, when he came up to the car, didn't show him two forms of identification, that I told him that that was unreasonable, that that wasn't something that was going to happen, and then he just – he just kept going back and back through the whole thing of Ferguson, the '60s, and basically a black man being profiled by the police. So, I told him I didn't believe that was the circumstances here, that it was reasonable – there was a reason why he was stopped, and the conversation basically ended then because I wasn't going to keep going back and re-hashing things with him. He said that he was going to contact Internal Affairs.

I gave him my business card, told him that I was there and to let whoever know that I was there, and I tried to talk to him to appease him to try to figure out a way for it not to get to this point, but there was – there was no appeasing this gentleman.

Makofske: Then what happened?

Biscaro: They were get – they were writing the tickets, so I went back to my car and just kind of hung out until they were getting ready to serve the tickets. Officer Nelson served the driver his tickets and let him go. Officer Detwiler and I spoke and we decided that since he had – the passenger had such heartburn with Officer Nelson, that we would serve the tickets to him, and there would be no more interaction between him and Officer Nelson. So, Officer Detwiler said she was doing some tickets, so I went back, had him step out of the car, unhandcuffed him, tried to explain the tickets to him. He didn't really want to listen so much to the tickets.

I was explaining the tickets, gave him the tickets, he signed the ticket. He was released, and then he went on and he kept wanting to talk about the stop and about there was no reason for him to be stopped, so I finally said, "It's time for you to go," gave him a card, and be done with it. Leave. And that was the end of it. Officer Detwiler and Officer Nelson got in their cars, went back to the sub to do paperwork, and they went on their way, and I cleared the call.

Makofske: Was there more to the conversation you had with Officer Detwiler?

Biscaro: There wasn't a whole lot of conversation. It was just that she said that she'd got there late on the thing, that she – they were going to pull the passenger out of the car, and that she was on the passenger side and **Alicia** said she had the individual at gunpoint because of how his demeanor was until Officer Nelson finished detaining the driver and then he came up and then they actually had to go hands-on with the guy.

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Makofske: Did Officer Detwiler express any concerns to you about how it had been handled?

Biscaro: No, not that I – not that I recall.

Makofske: Did you speak to the driver at all?

Biscaro: No. He was – he was calm, and his demeanor wasn't – he never said a word that I saw. If I felt that there was something – some reason that I needed to talk to him about the situation, I would have, but it seemed like he understood what was going on, so I didn't have a conversation with him.

Makofske: How about Officer Nelson? What was his demeanor like?

Biscaro: He's a BB in a boxcar to start with, so he – he's kind of excitable, but he wasn't anything over the top. He was just explaining that – that he didn't feel it was safe having that guy left in the car just by how his demeanor was on the initial contact with the guy.

Makofske: Did you have any concerns with the stop?

Biscaro: No.

Makofske: Did you feel as if the passenger was trying to complain to you?

Biscaro: He was – I wouldn't say complaining. Well, he was complaining from the get-go, but it wasn't a complaint where it was a complaint where I felt that he wanted action taken at that point. There was nothing on that scene that was going to – he had IA in his head, and there was no getting around the Internal Affairs part of it, so I just gave him my card and said that I had been there, and that he could do what he felt like he needed to do.

Makofske: Did he complain of pain or injury at any point?

Biscaro: No.

Makofske: Did he appear to have any injuries?

Biscaro: No.

Makofske: Joel? Is there anything else that you'd like to add?

Biscaro: No. I – I guess I didn't know that he had videotaped it until after the whole fact of things, and – until the next day Sgt. Potter told me, and I had watched the video. And in my opinion, this kid was trying to bait the officers into

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doing something that he could use against them, and they didn't do anything wrong, in my opinion. They stayed professional, and if they didn't feel safe with the guy in the car, I'm wholeheartedly behind removing him from the car to remove him from the situation to make sure he didn't have any weapons on him and just have him stand by, but he didn't want to – to abide by what they were asking him to do, so it turned into where he ended up in handcuffs just for their safety. So, I don't have any problem with how they handled the situation.

Makofske: This investigation is ongoing, so please don't discuss it with anyone. The time now is approximately 10:40 a.m., and that will conclude this interview.

Sergeant Brian Makofske
Internal Affairs

/cmc

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April 9, 2015, 3:00 p.m.

Makofske: This is Sergeant Makofske with the CSPD Internal Affairs Section. Today is Thursday, April 9th, 2015. The time now is approximately 3:03 p.m. I'm interviewing Officer Dave Nelson, IBM 230 regarding IA Case # 15-065. Also present are Attorney Rich Radabaugh who is representing Officer Nelson, and Internal Affairs Sergeant Joel Kern.

Dave, you were given the Garrity Advisement before I started the recording. Do you have any questions about it?

Nelson: I do not.

Makofske: How long have you been an officer with CSPD?

Nelson: Since January 18th, 1991.

Makofske: Do you have any law enforcement experience prior to that?

Nelson: That was Woodland Park Police for a year prior to that and four years Air Force Security Police before that.

Makofske: And what's your current assignment?

Nelson: Stetson Hills Day Shift Patrol.

Makofske: We're here to discuss a traffic stop which occurred on March 25th of this year near the intersection of South Carefree Circle and West Enchanted Circle which is documented under Case Report #15-13423. Have you had a chance to review that report?

Nelson: Yes, I have.

Makofske: Have you had a chance to review the video which was posted to YouTube by the passenger of the vehicle you stopped?

Nelson: Yes, I have.

Makofske: Do you remember the traffic stop?

Nelson: Yes.

Makofske: Will you please start at the beginning and tell me what happened?

Nelson: Well, prior to the traffic stop that day, I am very big on working the DDACTS zone, and I was working in the area of Austin Bluffs and Barnes. I saw the same vehicle – it stands out and has a – I think it has a white roof, and it's all

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black. The windows are really dark, mostly dark from the back. I think there's a – a lighter tint on the front, but I did notice them driving real slow down Austin Bluffs, abnormally slow right, like, in front, almost by Albertacos right on Austin Bluffs Parkway. I was heading the other direction. I was heading what would be east or north, however you want to call it there on Austin Bluffs, and I was coming up to Barnes.

I – I see them over there going real slow, and I know Albertacos is a high crime area, lots of drugs being sold between there, the Family Dollar, and McDonald's by Doherty, so I – I turn around to see if I can pick something up so I can find a reason to stop this car because of the way they are right then, and as soon as I got up to the light, there was other traffic on Barnes coming out that had a green, and they – I'm assuming they saw me because when I was in the turn lane, they just took off westbound. By the time I could turn around, I'd had no idea where they'd gone, so I already had kind of a clue about this vehicle earlier that day and then about – it was 11:17, I just cleared a call with Officer Detwiler. Don't know the address, but it was in that area, and I was heading on South Carefree. I was heading eastbound, and I saw the car, so I tried – I tried to get a look at it a little better. I get back, and I see that – I could see that there was a modified exhaust.

Couldn't hear too much, but I did see the dark tint, and I went past a little bit and looked back and saw the cracked windshield and obstructed plate somewhat in the front window, so I backed off a little bit, and I – just due to – I thought they may be involved in some drug activity or some kind of criminal activity, I asked for a cover car before I made the stop, and it was Officer Detwiler. I saw her, like, a hundred yards ahead of me, so I got on the radio and says, "Can you come back here and cover me on this stop," and I called out the traffic stop.

Pulled over South Carefree and Enchanted Circle West. It's a – well, it's a black in color Chevy Cavalier, Colorado 651 frame queen queen. Pulled over – pulled over, and Officer Detwiler approaches. She gets out. I get out. I walk up to the window. The – I can't – I mean, the back is black. I couldn't see anything really there, and then I get out, and I can see in a little bit, and he – I said – I knocked on the window. I said, "Can you roll down the window?" And he rolls it down about three inches, and I said, "Can you please roll down the window the rest of the way? And he does.

Makofske: This is the driver?

Nelson: Driver. And he does, but in the meantime, and I don't know the exact words, so I didn't put it in my report that he didn't comply – or he was being told not to comply by the – the passenger which is Ryan Brown, and I don't know exactly what he was saying, but it was more like, "Don't give him your stuff," or "Don't do this, don't do that." And then he said – and then my driver said, "I don't have my license." I said, "That's okay. Can I get your information?" And then

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Ryan Brown's still badgering him, and he's kind of looking, the driver, is looking at Ryan Brown to see – like, advice, what to do by talking to me, like, he didn't want – Ryan Brown didn't want his brother talking to me.

So, I at that point said, "I need to see ID," and then he wouldn't do that, they wouldn't show their hands. I kept on saying, "Let me see your hands." The driver puts his hands up on the steering wheel, and the passenger, Ryan Brown, kept on playing around, like, he had his hands inside of his -- by his crotch, by his groin, and he wasn't moving, and then I'm saying, "Show your hands. Show your hands." He says, "I'm recording this. I'm recording this," and at that time I didn't see anything other than his hands in his – in his crotch.

So, I called for more – another car Code 3 because I see this is going horrible, and then Officer Detwiler, I don't know what she heard, but she was on the other side of the car. I could see that she – she had her gun out and she was holding him at gunpoint at that point. I think it was kind of right about that point. I – when this is still going horribly bad, the guy – I said, "Come on out of the car." The passenger saying, "Don't get out of the car." So, I take my Taser out. I turned it on, and I put the light on him, and he sees the light on him, so he pops right out. I pat him down and put him in handcuffs, and move him back to my car.

I said, "What's up with your – what's up with him? And I said, "You doing alright? I'm going to temporarily hold you here until we get him out of the car and everything is secure." So we take him back. I put him in the back seat. I immediately come back up and I started going around to the drive – or passenger side, I'm sorry. Go around to the passenger side, and I think this – let me go back just a little bit. When I'm handcuffing him, I think that's where I saw the video start at that point, and the video – I didn't know he was videotaping at the time, but he said he was. I didn't know if he was or not, but from the You Tube video, that's when I took him back to the car then I came back and went to the passenger side, and I could hear a click, like he's locking the doors. I could hear Alison asking him to come out, and I hear the click and so I'm thinking, okay, he's going to jump to the driver's side. So, I started scurrying around to the other side to – because the door was still open, hoping that he wouldn't get to that side and shut the door, but that never happened. I hear the click again, so I started going – like he unlocked it, so I – I went back to the other side. Alison was grabbing the door. I – I pushed the door open, and I'm asking him to come out. I'm trying to be gentle with him. I said, "You just need to get out of the car."

At that time we're still saying, "We need to keep seeing your hands." He doesn't come out, so I grab his wrist in a wrist lock and I start kind of trying to get him to come out. I said, "Sir, you need to come out." And he's still talking, "I did nothing," and I said, "You need to come out of the car," and Officer Detwiler says something about, "We need to pat you down for weapons," and as soon as I start getting him out, I had something in my hand, I could see on the You Tube, so I

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sat it down on top of his hood or the top of the roof. I think it was a phone – a cell phone because I was calling – I – I already called – by this time I also called for a supervisor also. Sgt. Biscaro was en route, and I had another car coming Code 3. We started to get him out. I get him partially out, and as soon as he starts coming out, I have him out enough that I was going to pull him out of the car, and I felt him pull—pull back a little bit like nudge me back, so I pulled him back out even harder and took him to the ground in a wrist lock. Got him – we got him around and we got him handcuffed. Well, I'm going to step back just a little bit again. As I'm doing that, he has his phone and I think his wallet was in his hand, so I take that, threw that aside, and I get his hands – get him handcuffed and that's basically about it. We waited for the arrival of the sergeant. Officer Detwiler put him in his car, so – yeah, he went into her car and the other guy was in my car, and that's about the last of the contact I had with him.

I wanted to – I was going to search the car a little more thoroughly, it's just that it never got to that. I tried to see the guy – the driver, Benjamin, said – I said, "Can I get your insurance? Is it in the glove box?" And he says, "I don't want you going in the glove box, so I kind of just let it go at that and wrote him for the insurance and the view obstructed. And Officer Detwiler did the summons while Sgt. Biscaro looked over while they served it.

Makofske: Did you discuss the stop after the driver and the passenger had been served and released with the sergeant on scene or with Officer Detwiler?

Nelson: Yeah, I know we talked about it, but I don't remember exactly what all we said.

Makofske: I'd like to just back up to the beginning. You said that you were in a DDACTS zone?

Nelson: Uh-huh.

Makofske: Would you briefly explain to me what that is?

Nelson: Yeah, DDACTS is the Data Driven Approach to Crime and Traffic Safety, and it – what it is is it's kind of an overlap which is done by the crime analysis between all the traffic crashes and traffic-related activity and the crimes in the area, so -- and then they overlap it, and the highest area that has both is the DDACTS Zone -- most arrests, most crime, most burglaries, and most whatever is happening in that area.

Makofske: You told me that this vehicle stood out to you because it was driving abnormally slow. Do you recall roughly how fast it was driving and what the speed limit in that area is?

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Nelson: It happened both times. The – on Austin Bluffs, I believe that's a 40, and he was probably doing 20, 25, just looked like they were looking – it was just really weird, and there's a lot of heroin activity there at Albertacos, heroin and methamphetamine sales, and the kids from Doherty are walking across the high school buying some pot and stuff from some people over there too. So, I know that, so I'm just at that point, that's – they were doing about 20, 25 then, and then again on South Carefree when I went past them when they were doing the speed limit – I think it's 40, 45 there, maybe, then when I got past them in the left lane, I was starting to slow down still hoping that they would pass me again, and they slowed down to, like, we were going really slow, like 20, 25 miles an hour or so. I had to nearly stop in the left lane for them to keep going past me.

Makofske: When you say "them," were you able to see the driver and the passenger in the vehicle initially while you were doing enforcement in the DDACTS Zone?

Nelson: No, I didn't see anybody. I just saw the car.

Makofske: And then how about later in the day, so about how much time elapses between your first observation of this vehicle and the stop?

Nelson: I try to get into that – right into the shift a lot of times, so I think it probably was about 7:30 to 9:00 timeframe.

Makofske: So, then you see the vehicle again, and this is – would be around 11:15 when you – when you conducted the traffic stop?

Nelson: Yeah.

Makofske: Were you able to see the driver or the passenger at that point?

Nelson: Not until like – not until I got up on the car, until I got up to the window.

Makofske: Is this because the tint was too dark, or –

Nelson: Well, I can't remember how dark it is on the front window, but on the back, it's really dark, so – I mean, like, real, real dark, so I – I think – yeah, I had to get up to the front and kind of looking through the – or through the driver's window to be able to see him.

Makofske: What did it indicate to you when the vehicle – so, this is on South Carefree now. You're traveling eastbound, is that correct, and you pass the – you pass the vehicle. What did it indicate to you when they slowed down to sort of match your speed and stayed behind you or –

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Nelson: That they were trying to hide something, that they're trying to – for me to go away, basically. They didn't want to have contact, obviously.

Makofske: Sorry, I meant to ask about this. You said during your first contact with this vehicle, when you – by the time you had gotten your car turned around so that you could go ahead and follow the car, they had taken off --

Nelson: Yeah.

Makofske: -- or the vehicle had taken off. Would they have been in a position to see your police vehicle?

Nelson: Yes.

Makofske: So, was it clear to you at that point that they were responding to your --

Nelson: I believe so.

Makofske: -- attempt to pull them over?

Nelson: I definitely believe so from going that slow to seeing me in the turn lane to taking off, yeah.

Makofske: How close did you get to their vehicle earlier in the day or did you get close to their vehicle at all?

Nelson: Well, the -- well, yeah, I mean, I'm going one direction, they're going the other, so --

Makofske: Okay, so you pass by each other in opposite directions. You turned around --

Nelson: Yeah.

Makofske: And the car disappeared?

Nelson: Took off, yeah. Well, when I'm in the turn lane, I'm watching him in my rearview mirror taking off. But by the time I turned around, and all the other traffic was there, I don't know where he went.

Makofske: You said that when you initially contacted the driver of the vehicle, after you had stopped the car, that the window was only partially rolled down. Did that indicate anything to you?

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Nelson: Yeah, to me, I mean, usually that's – they don't want you to – sometimes that's like I don't want you to smell alcohol on my breath or smell the weed in my car, or something like that, so I – to me, that was another indicator he was trying to hide something.

Makofske: And about this point you're describing that you're talking to the driver and the driver is not very cooperative with you because the passenger is telling him not to cooperate?

Nelson: Yeah, he's kind of –

Makofske: Not in those words, but –

Nelson: Yeah. He was kind of passive resist – resisting kind of guy. I mean, he wasn't like – he wasn't – I mean, he wasn't difficult other than he wouldn't cooperate by giving me his ID or information, you know, the car, but I could see he was totally being – what should I say? His brother was calling the shots. You could really tell that. His brother was telling him what he wanted him to do.

Makofske: Now, you described the stop as sort of the initial moments of the stop as going horribly bad. Could you describe that a bit more for me? Tell me what's going through your head that gives you that impression?

Nelson: What's going through my head is all the stuff going on with police officers these days with the Ferguson stops and with the stuff that happened in Ferguson and other communities that you could tell right away that that was an issue and they didn't want to cooperate. They didn't respect the police. They had no respect for anybody, obviously, that it was going to become a problem, and I was trying to handle it with kid gloves as much as I could to the point where he would not – he would not show his hands, and he kept on fiddling around with his crotch. I thought it's time to get them out of the car.

Makofske: And when you say, "them," you mean both the driver and the passenger at that point?

Nelson: Yeah. Well, I had to get the driver out of the way because there was only two of us. I had to get – the driver was easy to secure, so I had to secure him before we had the other one. That's why I – when I was taking him back, I – I didn't want Alison to be the only officer there with him in case something happened. That's why I had a unit coming Code 3, but they were too far off. They never even got there.

Makofske: So, after the driver had been detained, you and Officer Detwiler contact the passenger. Would you tell me a little bit more about the amount of force you used in taking the passenger to the ground –

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Nelson: Okay. It was very minimal. It was just a pull down to the ground like a – a – it probably wasn't even 50% of what I could do, but his pull back was probably not his full strength either. It was just like a – it was a pull back, but it wasn't probably all his strength, because I think he would have been able to do a little more than that.

Makofske: And so when you succeeded in bringing the passenger out of the car, was he on his stomach, or how did he wind up being positioned –

Nelson: Yeah. When we're out, I take him down. The – it's grass area. I think there was a sidewalk. We got farther out from the sidewalk. There was grass and light snow, so there was probably a little bit of dusting of snow on the ground. Went down onto his stomach. I held him in a wrist lock with one leg on one side of his arm and one on the other. Got a handcuff on – on the one hand, and then Alison brought me the other hand and handcuffed.

Makofske: At some point did you push the passenger's face down into the snow?

Nelson: I – I didn't realize I did that until I saw the You Tube video, but I think what I did – as he was coming up, I held his – onto the top of his head. I – I don't know – I didn't push him hard or push him down in the – but no, I pushed – held down the top of his head.

Makofske: And why would you have done something like that?

Nelson: If he was coming back up or something. I don't know. I have no idea. I didn't even know I did it until I saw the You Tube video.

Makofske: You said that you threw his phone aside?

Nelson: Yeah, well, I – I just tossed it to the side and that – I think – I think it was right when I was handcuffing him and moved the phone out on the side.

Makofske: So, how far did the phone travel?

Nelson: A foot or two. I just set it aside from where he was laying down.

Makofske: And why –

Nelson: As soon as he was secured, I picked it up and put it in the passenger seat.

Makofske: Why did you take the phone out of his hand?

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Nelson: While he was being handcuffed. He – I didn't want him to hold onto anything, and I think he had his wallet, too. I took them both and put them away.

Makofske: Joel?

Kern: When you were at the driver's side door talking to the driver, did you hear Mr. Brown making any demands of you?

Nelson: To identify ourselves.

Kern: Is that what the demand was?

Nelson: Yeah, he was – yeah. "You didn't identify yourselves." I did explain we were police officers with the City of Colorado Springs, and I did that more than once. That was a few times. It was kind of – several times.

Kern: And you were driving a marked cruiser, correct?

Nelson: Marked cruiser. Two – at that point, we had two marked cruisers and myself and Officer Detwiler in full uniform.

Kern: I was just going to ask you. You're wearing a full uniform today. Were you wearing the same uniform on the day of the stop?

Nelson: Yes.

Kern: What were your thoughts then when he was demanding that you identify yourself?

Nelson: My thoughts? That it was going to be a problem that he was – my – my thought on this was that he was trying to stir something up. For what reason, I don't know, but with all the stuff going on with police right now, I kind of had a feeling that's what was going on.

Kern: Did you ever identify yourself despite wearing the full uniform and being in a marked car?

Nelson: I don't know if I gave my name right away or not. I don't know.

Kern: Did you see Mr. Brown making any physical movements inside the vehicle?

Nelson: Yeah. While he was sitting the whole time, I was trying to get his hands away from his groin. He was sitting on his hands a little bit.

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Kern: Were you concerned that he was armed?

Nelson: Yes.

Kern: And what would cause you to be concerned about that?

Nelson: Like he was tucking something under his leg or something in the back area of his groin towards his belt or waistline. I have no idea.

Kern: Did you see him making any physical movements towards his brother, the driver?

Nelson: You know, I don't know. I tried to think about that on the way back, other than him motioning to him, I don't know if he made any – touching his brother or did anything. I don't know.

Kern: When you removed the driver from the vehicle, Did Mr. Brown protest this or make any attempts to stop that action?

Nelson: Mr. Brown, Benjamin or Ryan?

Kern: The driver, Benjamin. So when you were removing Benjamin from the car, did Ryan make any protest to that or try to stop that in any way?

Nelson: No, he was really good. He was – that's why he didn't get charged –

Radabaugh: They're talking about the driver. He's asking about the passenger.

Kern: Right, I'm asking –

Nelson: Oh, about the passenger?

Kern: Correct. So, I'm asking about the – so, what I'm asking is you remove the driver from the vehicle.

Nelson: Yes.

Kern: And then when you're doing that, was Ryan Brown protesting that –

Nelson: Oh, yeah, I could hear him yelling, but I don't know exactly what he was saying. I could hear him yelling in there.

Kern: Was he trying to block that – cut that action in any way physically?

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Nelson: Just yelling that, “Don’t” – not – basically, I don’t know what the words were, but “You don’t do this. You don’t do this,” telling his brother what to do, but I don’t know his exact words. I wasn’t paying attention to that at that – that point.

Kern: And when you got back with the driver to your vehicle, did – and you asked the driver, “Hey, what’s going on with him?” How did he respond to that?

Nelson: I think – it was to the point that he just didn’t really say anything. It was just kind of like he was just really a quiet kind of guy. He says, “It’s just my brother,” and that’s basically it. He didn’t say anything different.

Kern: And prior to this stop, did you have any knowledge of Ryan Brown before this?

Nelson: Not the person, just the vehicle.

Kern: Did you have any knowledge of any special information related to Mr. Brown and his contacts with police?

Nelson: No. I didn’t know about that until later, that there’s a BOLO or something out.

Kern: But that was after this incident?

Nelson: Yes.

Kern: What did we charge Ryan Brown with?

Nelson: Resisting, obstruction, and – oh, that’s it. That’s it.

Kern: Were those charges discussed with Officer Detwiler and Sgt. Biscaro?

Nelson: Yes.

Kern: Was it your initiation for those criminal charges, or did Sgt. Biscaro agree with you?

Nelson: He agreed with me. The only disagreement that I had, I would have liked to have taken him to Stetson Hills Substation before I released him. I think it would have given him a chance to cool down a little more, but Sgt. Biscaro – actually, I think Alison Detwiler brought it up to Sgt. Biscaro that we should just serve and release him, so that’s what they did.

Kern: Do you have any idea how long the traffic stop lasted?

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Nelson: I don't.

Kern: Do you know of any other witnesses to the traffic stop?

Nelson: I don't know if there was a witness to the traffic stop, but there was a postal delivery – a mailman that was delivering when Ryan Brown was on the ground yelling that – I looked up and saw the postman there. He delivered some mail.

Kern: Was Ryan Brown communicating with him?

Nelson: I think he said something and I'm not exactly sure. He's like, "Hey, see this?" Or I don't know exactly what he said, but he was – he was yelling to the postman.

Kern: Has Ryan Brown had any contact with you since the traffic stop?

Nelson: No.

Makofske: Can you describe the postal employee for me?

Nelson: I think he was a white male, older with gray hair.

Makofske: And if I'm envisioning this correctly, the traffic stop is occurring on South Carefree Circle? It's on West Enchanted Circle?

Nelson: Yeah, just around the corner, just barely on Enchanted Circle.

Makofske: Okay. So, where was the postal employee in relation to the stop?

Nelson: Probably about 100 feet up is some postal boxes where – from where we were, and he was looking back.

Makofske: A hundred feet up?

Nelson: A hundred feet to the south.

Makofske: Is there a particular reason why you did not provide your name and/or the reason for the stop during the initial contact?

Nelson: Didn't have – really didn't have any time to do that. I was trying to explain things and kept on getting interrupted.

Makofske: Did you hear the passenger asking you or demanding that you tell him those things?

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Nelson: Let me think about that. He says – the only thing I think he was saying is “You have – you look at me and stop me for no reason,” over and over and then telling his brother not to comply, so I’m not exactly sure what else he said.

Makofske: Do you normally tell people the reason for the stop and identify yourself when you initiate a traffic stop?

Nelson: Yeah, I usually – “I’m an officer with the Colorado Springs Police Department. Do you know why I stopped you?” Because then I get them to – it’s just normal for me. It’s what I’ve done with Motors forever, and I’m – and I said, “Do you know why I stopped you? Then I wait for them to say, “Yeah, I was speeding,” or whatever I was doing. That’s when I write their notes down, what they said, and then I say, “Yeah, that’s correct. You’re doing 60,” or whatever you’re doing, and that’s usually how I conduct my traffic stops. Real calm, real polite, so there was no reason for this to happen.

Makofske: Did either the driver or the passenger complain to you that they were injured or hurt in any way?

Nelson: No.

Makofske: Did either one of them have any apparent or visible injuries?

Nelson: No.

Makofske: Rich, do you have any questions?

Radabaugh: Just a couple. Did you ever pull out your duty weapon?

Nelson: Taser.

Radabaugh: Just a Taser, not the pistol?

Nelson: No.

Radabaugh: Did you ever use your Taser?

Nelson: No.

Radabaugh: Did you ever use profanity during the traffic stop?

Nelson: No.

Radabaugh: Did you ever tell him to quit filming?

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Nelson: No.

Radabaugh: Even after you realized that he was filming?

Nelson: No.

Radabaugh: And we got the part that you were wearing a uniform that day? Any difference in the uniform you're wearing now than what you were wearing then?

Nelson: No.

Radabaugh: Was Alison Detwiler in full uniform?

Nelson: She was.

Radabaugh: And both your cruisers were marked with overhead lights?

Nelson: Yes.

Radabaugh: Did the driver ask you to identify yourself?

Nelson: No.

Radabaugh: Just the passenger did?

Nelson: Yeah.

Radabaugh: Did the passenger ever acknowledge that you were police officers?

Nelson: Yeah – the passenger?

Radabaugh: Mmm hmm.

Nelson: I don't know if he ever acknowledged that. He was just yelling.

Radabaugh: And you've been a police officer from the Colorado Springs Police Department for 24 years?

Nelson: Yes.

Radabaugh: Last 24, is that correct?

Nelson: Yes.

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Radabaugh: And another year in park?

Nelson: Yes.

Radabaugh: And during that time, how many traffic stops do you think you've made, average?

Nelson: Motors, I probably –

Radabaugh: A thousand? Two thousand?

Nelson: I've done probably about 20,000 traffic stops.

Radabaugh: Has anyone ever complained about you before for using excessive force on a traffic stop?

Nelson: I've had complaints before, very few. I don't remember if it was an excessive force or not. I don't think so, but I don't know.

Kern: That's all I have.

Makofske: Is there anything else that you would like to add?

Nelson: No.

Makofske: Sgt. Kern?

Kern: No.

Makofske: This investigation is ongoing, so please don't discuss it with anyone other than your attorney. The time now is approximately 3:35 p.m., and that will conclude this interview.

Sergeant Brian Makofske
Internal Affairs

/cmc

UNIFORM SUMMONS AND COMPLAINT / PENALTY ASSESSMENT

Police Department
() Juvenile (Parent must appear)

76078

CITY OF COLORADO,
COLORADO vs:

Middle Name		Last Name		DOB	Age		
		BROWN					
City		State/Zip		Report Number			
COLORADO SPRINGS		CO/80917					
Place of Birth		State/Zip		Interpreter Needed			
CA							
Presented?	State	Race	Sex	Hgt	Wgt	Hair	Eyes
Yes	CO	B	M	609	210	BLK	BRO
Lic Year	Veh Year	Make	Model	Style	Veh Color		
15	2002	CHEVROLET	CAVALIER	2D	BLACK		
Home Phone		Other Phone					
31		7195969291					

DIRECTED TO APPEAR AS INDICATED

Police Court
Springs, CO
04/15/2015 AT 1:30 PM
Failure to appear in court may result in a bench warrant for your arrest and/or your driver's license being revoked. If this date falls on a day when the court is closed, including weekends and holidays, you are to appear on the next business day.

INSTRUCTIONS

Sub Code	Com Code	Fine	Surcharge	Points
				Mandatory Court 0

VIOLATION OF VIEW OR DRIVING MECHANISM

VIOLATION OBSTRUCTED

Sub Code	Com Code	Fine	Surcharge	Points
				Mandatory Court 4

VIOLATION - OWNER

VIOLATION - UNINSURED/OPERATED VEHICLE WITHOUT PROOF OF INSURANCE

TOTAL TO BE PAID BY MAIL / COURT	TOTAL POINTS	
Mandatory Court	4	
TYPE OF VIOLATION	Violation Date	Approx Time of Violation
ENCHANTED CIR	03/25/2015	11:17
LOCATION	Service Date	Approx Time
ENCHANTED CIR	03/25/2015	11:45
OFFENSE	TRAFFIC	

I, THE UNDERSIGNED, HEREBY PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED AND I ACKNOWLEDGE RECEIPT OF THIS SUMMONS AND COMPLAINT.

NOTED BY: *Nelson David*
 Reasonable cause to believe that the defendant committed the offense(s) against the peace and dignity of the State of Colorado, City of Colorado Springs and certify that this Summons and Complaint was served upon the defendant at the location and on the date referenced above.
 Officer 1 Signature: *Nelson David* Nelson DAVID 230
 Officer 2 Signature: *Nelson David* Nelson DAVID 230

UNIFORM SUMMONS AND COMPLAINT / PENALTY ASSESSMENT

Colorado Springs Police Department
() Traffic (X) Non Traffic () Juvenile (Parent must appear)

E074659

THE PEOPLE OF THE STATE OF COLORADO,
CITY OF COLORADO SPRINGS vs:

First Name		Middle Name		Last Name		DOB	Age	
RYAN				BROWN				
City		State/Zip		Report Number		Interpreter Needed		
[REDACTED]		COLO SPRGS		2018-00013423				
Employer / School		Place of Birth		State/Zip				
SELF EMP		CA						
Address		City		State/Zip				
		CS						
Drivers License #	Presented?	State	Race	Sex	Hgt	Wgt	Hair	Eyes
[REDACTED]	Yes	CO	B	M	607	160	BLK	BRO
Vehicle License #	State	Lic Year	Veh Year	Make	Model	Style	Veh Color	
651FQQ	CO	15	2002	CHEVROLET	CAVALIER		BLACK	
VIN		Home Phone		Other Phone				
1G1JC124X27358131		7192291093						

YOU ARE HEREBY DIRECTED TO APPEAR AS INDICATED

Colorado Springs Municipal Court
224 E. Kiowa St., Colorado Springs, CO
04/15/2015 AT 1:30 PM
Failure to pay fine or appear in court may result in a bench warrant for your arrest and/or your driver's license being revoked. If this date falls on a day when the court is closed, including weekends and holidays, you are to appear on the next business day.

SEE BELOW FOR INSTRUCTIONS

Charge	Section	Sub Code	Com Code	Fine	Surcharge	Points
No 1	9.3.101					Mandatory Court 0

TITLE: RESISTING/INTERFERENCE WITH A PUBLIC OFFICIAL (ADULT)

Description	PASSENGER INTERFERED W/ OFFICIAL POLICE DUTIES	
Victims Brochure ()	TOTAL TO BE PAID BY MAIL / COURT Mandatory Court	
APPROXIMATE LOCATION OF VIOLATION	Violation Date	Approx Time of Violation
Located in Colorado Springs, El Paso County, Colorado	03/25/2015	10:00
CUSTODY / SERVICE / LOCATION	Service Date	Approx Time
S CAREFREE CIR @ W ENCHANTED CR	03/25/2015	10:00
NON PAYABLE SUMMONS	CRIMINAL	

WITHOUT ADMITTING GUILT, I HEREBY PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED AND I ACKNOWLEDGE RECEIPT OF THIS SUMMONS AND COMPLAINT.

DEFENDANT: *RYAN BROWN*
 The Undersigned have probable cause to believe that the defendant committed the offense(s) against the peace and dignity of the people of the State of Colorado, City of Colorado Springs and certify that this Summons and Complaint was signed and served upon the defendant at the location and on the date referenced above.
 Officer 1: *Det Wiler Allison* DETWILER ALLISON 1121
 Officer 2: *Nelson David* NELSON DAVID 230
 Served by: *Det Wiler Allison* DETWILER ALLISON 1121
 Srv Officer

UNIFORM SUMMONS AND COMPLAINT / PENALTY ASSESSMENT

Colorado Springs Police Department

() Traffic (X) Non Traffic () Juvenile (Parent must appear)

E074659

Report Number 2015-00013423
Interpreter Needed

**THE PEOPLE OF THE STATE OF COLORADO,
CITY OF COLORADO SPRINGS vs:**

First Name RYAN	Middle Name	Last Name BROWN	DOB	Age
City COLO SPRGS		State/Zip CO/80917		
Employer / School SELF EMP		Place of Birth CA		
Address CS		City / State/Zip		
Drivers License #	Presented?	State	Race	Sex
[REDACTED]	Yes	CO	B	M
Hgt	Wgt	Hair	Eyes	
507	160	BLK	BRO	
Vehicle License #	State	Lic Year	Veh Year	Make
651FQQ	CO	15	2002	CHEVROLET
Model	Style	Veh Color		
CAVALIER		BLACK		
V.I.N. 1G1JC124X27358131	Home Phone	Other Phone		

YOU ARE HEREBY DIRECTED TO APPEAR AS INDICATED
 Colorado Springs Municipal Court
 224 E. Kiowa St., Colorado Springs, CO
04/15/2015 AT 1:30 PM
Failure to pay fine or appear in court may result in a bench warrant for your arrest and/or your driver's license being revoked. If this date falls on a day when the court is closed, including weekends and holidays, you are to appear on the next business day.

SEE BELOW FOR INSTRUCTIONS
 TO ANSWER CHARGES OF VIOLATIONS OF: The code of the City of Colorado Springs 2001 as amended.

Charge No.	Section	Sub Code	Com. Code	Fine	Surcharge	Points
1	9.3.101			Mandatory Court		0

Title **RESISTING/INTERFERENCE WITH A PUBLIC OFFICIAL (ADULT)**

Description **PASSENGER INTERFERED WI OFFICIAL POLICE DUTIES**

Victims Brochure ()	TOTAL TO BE PAID BY MAIL / COURT Mandatory Court	TOTAL POINTS 0
----------------------	---	---------------------------------

APPROXIMATE LOCATION OF VIOLATION: Located in Colorado Springs, El Paso County, Colorado	Violation Date	Approx. Time of Violation
S CAREFREE CIR @ W ENCHANTED CR	03/25/2015	10:00

CUSTODY / SERVICE / LOCATION	Service Date	Approx. Time
S CAREFREE CIR @ W ENCHANTED CR	03/25/2015	10:00

NON PAYABLE SUMMONS **CRIMINAL**

WITHOUT ADMITTING GUILT, I HEREBY PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED AND I ACKNOWLEDGE RECEIPT OF THIS SUMMONS AND COMPLAINT.

DEFENDANT: X _____

The Undersigned have probable cause to believe that the defendant committed the offense(s) against the peace and dignity of the people of the State of Colorado, City of Colorado Springs and certify that this Summons and Complaint was signed and served upon the defendant at the location and on the date referenced above.

Officer 1 _____ Officer 1 Signature	DETWILER ALLISON 1121 _____ Officer 1
Officer 2 _____ Officer 2 Signature	NELSON DAVID 230 _____ Officer 2
Served by _____	DETWILER ALLISON 1121 _____ Srv Officer

Diagram

Pictures

Officer Notes:

PC:

SEE RPT

Speed Determined by:	Weather: Snow
Visual Speed:	Traffic: Medium
Radar / Laser #:	Attitude: Poor
Radar (Moving/Stationary):	Condition: Wet
Radar Distance:	Road: Blacktop
Tune Fork #1:	Reg Exp: 0515
Tune Fork #2:	Insp Exp:
Trailer Tag:	Stop Type: TRAFFIC
Condition: Wet	Trailer State: CO
Unit Number: 5A23	Trailer Expires:

Additional Subjects

<https://www.youtube.com/watch?v=WkvPlxps7zo>

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.....Mr. Benjamin Brown

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.....Ms. Katherine McFerran
.....Letter Carrier David Pyzola

Section 5INTERVIEWS WITH WITNESS OFFICERS
.....Officer Allison Detwiler
.....Sergeant Steven Biscaro

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.....Officer David Nelson

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.....Link to YouTube video of traffic stop
.....Copy of video from Ryan Brown’s cell phone (poor quality)
.....Radio traffic from call for service 1500131247

INTEROFFICE MEMORANDUM



CITY OF COLORADO SPRINGS

June 8, 2015

Mr. Ryan Brown
3035 W. Enchanted Circle
Colorado Springs, CO. 80917

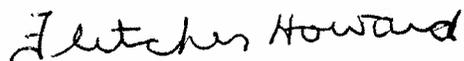
Dear Mr. Brown:

This letter is in response to the complaint you made on March 25, 2015, regarding the actions of a Colorado Springs Police Department employee Dave Nelson with whom you came in contact on March 25, 2015.

A complete and thorough investigation was conducted, which included interviews with you, the accused employee(s), and identified witnesses. The investigation disclosed that the act complained of did occur, but was justified, legal and proper.

If you have any questions regarding this investigation, please contact Lt. Cari Graves of the Stetson Hills Division Phone Number 444-3153.

Sincerely,



Commander Fletcher Howard
Stetson Hills Division

15-065

Case Notes

3/25/15 – I received the complaint from Ryan and Benjamin Brown.

3/27/15 – Ryan Brown told me that the video of the traffic stop was accessible on YouTube under “Our perfect justice system at work.” I located the video on YouTube – it was published on 3/26/2015 and is 1 minute 57 seconds in length. <https://www.youtube.com/watch?v=WkvPlxps7zo>

3/31/15 – The case was assigned to me for investigation.

4/2/15 – I interviewed Ms. Katherine McFerran (Officer Detwiler’s civilian rider) over the phone.

4/2/15 – Sgt. Kern and I interviewed Officer Detwiler in my office.

4/8/15 – Sgt. Kern and I interviewed Sgt. Biscaro in my office.

4/9/15 – Sgt. Kern and I interviewed Officer Nelson in my office. Attorney Rich Radabaugh was also present.

4/21/15 – Sgt. Kern and I interviewed Letter Carrier David Pyzola at the Templeton Station Post Office.

4/27/15 – Ryan Brown sent me an email which accuses both officers of lying in their reports. The email is included in section one of this investigation as an addendum to the original complaint.

INTEROFFICE
MEMORANDUM



DATE: 06-02-15
TO: Sgt. J. Sokolik
FROM: Sgt. J. Benner 1480 *JB*
SUBJECT: Lt. Graves Request

On 05-28-15, I received a phone call from Lt. Graves requesting a brief summary regarding Ryan Brown's contempt of court cases that were related to the Colorado Springs Municipal Courthouse. The following is information that was obtained through court records at the Municipal Courthouse:

On 04-01-13, Ryan Brown was sentenced for a shoplifting case to 45 days with 30 days suspended plus other various conditions. This case was documented under Case #12M04779. On 04-10-13, Mr. Brown was "advised contempt of court for lying to Judge regarding being finished with the County Court sentence." He served 45 days for that Contempt of Court that ran concurrent with the original 15 days. The Honorable Judge Price presided over these proceedings.

On 06-12-14, Mr. Brown was in court for a Petition to Revoke for the conditions of his probation and was taken into custody on that date. The court records show from the Honorable Judge Williams:

"Defendant taken into custody in courtroom. Defendant misrepresented to the court that he thought he had served all his jail time. Advised court he was not aware there was still 30D suspended on original charge. Defendant stated because the mitt had both Shoplifting and Contempt on it he thought he was done with any further jail. Annette Chevalier called into courtroom and repeated past discussion she has had with defendant specifically stating the jail sentences ordered in both charges were separate sentences and that there was still 30D suspended."

Mr. Brown served an additional 30 days for this Contempt of Court charge under court case #14M17846.

On November 5th, Mr. Brown was sentenced to the suspended 30 days from the original Shoplifting charge.

During this entire proceeding, 6 warrants were issued for his arrest for Failure to Appear and Failure to Comply.



CITY OF COLORADO SPRINGS

DATE: October 8, 2015
TO: Kassondra Cloos
FROM: Lieutenant Catherine Buckley
SUBJECT: Requested CCJRA-Ryan Brown Investigation

The Colorado Springs Police Department ("CSPD") has received your records request dated September 24, 2015 for the complete Internal Affairs ("IA") file concerning the CSPD contact with Ryan Brown on March 25, 2015 ("the Incident"). Although your request states that the records are sought under the Colorado Open Records Act ("CORA") and the Colorado Criminal Justice Records Act ("CCJRA") please be advised all of the CSPD records you have requested are considered criminal justice records as defined in C.R.S. § 24-72-302(4).

The CCJRA, as codified in C.R.S. § 24-72-301 *et. seq.*, governs the release of criminal justice records. Please note that since your request is for records other than records of "official action" as defined in C.R.S. § 24-72-302(7), the release of the requested records is within the discretion of the official custodian per C.R.S. § 24-72-304(1) subject to the statutory requirements contained within the CCJRA as well as the balancing requirements prescribed by the Colorado Supreme Court in Harris v. Denver Post 123 P.3d 1166, 1175 (Colo.2005) and other Colorado case law.

Your records request seeks the following documents from CSPD:

The complete internal file created by the CSPD Internal Affairs unit ("IA") concerning the IA investigation involving the Incident between Ryan Brown and the CSPD officers;

As noted in your request, CSPD denied a similar request for the IA files concerning the Incident in an email dated July 3, 2015. The denial email included a statement that CSPD would reexamine the factors considered by the records custodian and determine if denial was still proper at the conclusion of the State criminal case against Ryan Brown. Specifically the email stated "CSPD will release the investigative documents from the IA file concerning the Incident." Please refer to the attached PDF files contained in the folder labeled IA Investigative Documents for the IA investigative documents. This file contains all IA investigative documents with the exception of the audio recordings of the IA investigator's interviews with the complainants, the officers, and other witnesses. The attached records do contain transcripts of these interviews. If you would like to listen to the audio recordings of the interviews conducted by the IA investigators, those recordings will be made available at the CSPD Police Operations Center. To make arrangements to listen to the audio recordings please contact Professional Standards Commander Tish Olszewski.



CITY OF COLORADO SPRINGS

In response to your request, the custodian have carefully considered and weighed the public's interests in inspection of the deliberative process records contained in the IA file against the following factors:

1. the chilling effect that such public disclosure of IA deliberative process files would compromise the reviewing CSPD supervisors' ability to conduct frank and meaningful analysis and review of the IA investigative records so as to impact the ability of CSPD maintain its organizational mission to conduct thorough IA investigations and, if necessary, appropriately discipline its officers and employees;
2. the effect on CSPD employee morale and performance would be negatively affected by such public disclosures of the deliberative process files which could contain confidential employee discipline records ;
3. the effect on the privacy rights of officers subject to IA investigations;
4. CSPD's interest in keeping historical confidential files, which include IA deliberative process files, confidential.

After balancing the factors supporting and opposing disclosure of the documents the custodian determined that release of the records was contrary to the public interest. In the custodian's analysis, the four factors listed above outweighed the interest the public has in viewing the deliberative process records especially given the release by CSPD of the IA investigative documents to the public. The IA investigative documents provide the public open access to the facts and circumstances detailing the encounter between Ryan Brown, Benjamin Brown, and the CSPD Officers.

Should you have any additional questions please contact me.



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

EVENT	OCCURRED INCIDENT Resisting or Obstructing		INCIDENT # 2015-00131247		DATE/TIME REPORTED 3/25/2015 11:17		
	LOCATION OF OCCURRENCE S CAREFREE CIR W ENCHANTED CIR Colorado Springs, CO				OCCURRED DATE/TIME 3/25/2015 11:15		
					OCCURRED THROUGH 03/25/2015 11:16		
<input type="checkbox"/> Domestic Violence		<input type="checkbox"/> DNA Evidence		<input type="checkbox"/> Interpreter Needed		<input type="checkbox"/> Evidence	
<input type="checkbox"/> Photos							
OFFENSES	STATUTE / DESCRIPTION					Counts	Attempt/Commit
	9.3.101B Interference with Public Official					1	Completed
VICTIM	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	01	Victim	CITY OF COLORADO SPRINGS,				
	ADDRESS					PRIMARY PHONE	
	CITY OF COLO SPGS					SECONDARY PHONE	
	RACE		SEX	HEIGHT	WEIGHT	HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP				EMAIL ADDRESS			
Brown, Ryan Anthony				ERWISE KNOWN			
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	01	Suspect	Brown, Ryan Anthony			31	
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE		SEX	HEIGHT	WEIGHT	HAIR	EYE
	Black		Male	5 9	160	Black	Brown
DL/ID NUMBER			STATE	JACKET NUMBER			
			CO				
VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
	TYPE / MAKE / MODEL			YEAR	COLOR		
	PLATE	STATE	VIN		VALUE		
	DESCRIPTION						
PROPERTY	ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
	SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR		
	ITEM TYPE and DESCRIPTION						

CASE DISPOSITION Cleared by Arrest	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT Stetson Hills Patrol
REPORTING OFFICER & IBM # Nelson, David 0230		APPROVING SUPERVISOR & IBM # Biscaro, Steven	



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

ADDITIONAL SUSPECTS / OTHER SUBJECTS

SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	02	Family Member	Brown, Benjamin Joe III				[REDACTED]
	ADDRESS					PRIMARY PHONE	[REDACTED]
	[REDACTED]					SECONDARY PHONE	[REDACTED]
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
Black	Male	5 8	200	Black	Brown		
DL/ID NUMBER	STATE	JACKET NUMBER					
[REDACTED]	CO						
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	03	Witness	McFerran, Katherine Jill				[REDACTED]
	ADDRESS					PRIMARY PHONE	[REDACTED]
	[REDACTED]					SECONDARY PHONE	[REDACTED]
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
White	Female	5 10	130	Blond	Blue		
DL/ID NUMBER	STATE	JACKET NUMBER					
[REDACTED]	CO						
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
DL/ID NUMBER	STATE	JACKET NUMBER					
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
DL/ID NUMBER	STATE	JACKET NUMBER					
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
DL/ID NUMBER	STATE	JACKET NUMBER					

REPORTING OFFICER & IBM # Nelson, David 0230	APPROVING SUPERVISOR Biscaro, Steven
--	--



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

VEHICLES as INVOLVED

VEHICLES	VEH #	VEHICLE ROLE	PLATE / STATE	VIN
	01	Suspect Vehicle	651FQQ CO	
	YEAR	TYPE / MAKE / MODEL	STYLE	
	2002	Automobile\Chevrolet\Cavalier\Cavalier	2D	
	TOWED TO	TOWED BY	TOP COLOR	BOTTOM COLOR
			Black	Blue
ADDITIONAL DESCRIPTIVE INFORMATION				

VEHICLES	VEH #	VEHICLE ROLE	PLATE / STATE	VIN
	YEAR	TYPE / MAKE / MODEL	STYLE	
	TOWED TO	TOWED BY	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION				

VEHICLES as PROPERTY

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
	TYPE / MAKE / MODEL		YEAR	COLOR
	PLATE	STATE	VIN	VALUE
	DESCRIPTION			

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
	TYPE / MAKE / MODEL		YEAR	COLOR
	PLATE	STATE	VIN	VALUE
	DESCRIPTION			

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
	TYPE / MAKE / MODEL		YEAR	COLOR
	PLATE	STATE	VIN	VALUE
	DESCRIPTION			

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
	TYPE / MAKE / MODEL		YEAR	COLOR
	PLATE	STATE	VIN	VALUE
	DESCRIPTION			

REPORTING OFFICER & IBM # Nelson, David 0230	APPROVING SUPERVISOR Biscaro, Steven
--	--



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

NARRATIVE

INITIATING INFORMATION: On 03-25-13 at approximately 1117 hours, I (Officer Nelson #230) observed a black in color Chevrolet Cavalier, Colorado license #651FQQ eastbound in the right traffic lane of South Carefree Circle approaching Enchanted Circle West. Earlier during the day I observed this same vehicle in the area of Austin Bluffs Parkway and Barnes Road traveling slowly westbound near Albert Tacos and noticed very dark tinted windows. I attempted to turn around to conduct a traffic stop and the vehicle rapidly fled the area westbound on Austin Bluffs Parkway. I was unable to catch up to the vehicle at this time because of heavy traffic. This area is the Stetson Hills DDACTS area and is known as a high crime area. Upon noticing the vehicle again at 1117 hours, The vehicle had the front license plate partially obstructed in the right front portion on the inside of the windshield. The muffler was modified (Louder than stock) and the windshield was cracked approximately 6 inches up from the center across the passenger side area.

OFFICER STATEMENT: Prior to conducting the traffic stop I drove slowly past the vehicle while eastbound in the left traffic lane. I then slowed to approximately 25mph and the Chevrolet Cavalier slowed trying not to pass. I asked for a unit to cover me prior to stopping the vehicle because of the dark tinted windows. Officer Detwiler # 1121 was approximately 100 yards ahead of me and covered me on the traffic stop. Officer Detwiler approached the passenger side of the vehicle while I went to the driver's side window. I stood at the driver's window and knocked on the window and the driver, later identified as Benjamin Brown DOB: [REDACTED] (Verified identification by police photo) rolled down the dark tinted window approximately 3 inches. I asked Benjamin Brown to roll the window all the way down and he complied.

I asked Benjamin Brown for his driver's license and he looked at his passenger, later identified as his brother, Ryan Brown DOB: [REDACTED]. (Ryan Brown was identified by a Colorado identification card and a police photo) Benjamin Brown remained silent as Ryan Brown began placing his hands under his legs, near his groin area. Ryan Brown told Benjamin Brown not to comply with officers. I told both parties to put their hands where I could see them and Benjamin Brown complied by placing his hands on the steering wheel.

Ryan Brown did not comply and was held at gunpoint by Officer Detwiler while I requested another unit to respond. I asked both parties for identification several times and they said they did not have any that it was at the house. Ryan Brown took his hands out from under his legs and was holding a cellular phone telling us that he was recording. I asked Benjamin Brown again for his name and the passenger stated that we did not identify ourselves and why they were being pulled over. I asked Benjamin Brown to exit the vehicle so I could pat him down for weapons and place him into my police car to check his identification and he again looked at Ryan Brown who was becoming more uncooperative. I took out my taser and pointed it at Benjamin Brown while opening the car door and told him to exit and he complied. I patted down Benjamin Brown and placed him into my police car.

Officer Detwiler remained holding Ryan Brown at gunpoint while at the passenger door. I then covered her at the passenger side of the vehicle while she was telling him to exit the vehicle. Ryan Brown asked if he was

REPORTING OFFICER & IBM #
Nelson, David 0230

APPROVING SUPERVISOR
Biscaro, Steven



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

NARRATIVE (continuation)

under arrest. Officer Detwiler told him that he was not under arrest that he was going to be checked for weapons. I then heard the door lock and tried to open the passenger door. I started to go around to the open driver's side door and he unlocked the passenger door.

I went back to the passenger side of the vehicle and opened the door. Officer Detwiler and I both asked Ryan Brown to exit the vehicle and he would not comply with our instructions. I grabbed Ryan Brown's right wrist and placed him into a wrist lock while continuing to order him out of the vehicle. I pulled Ryan Brown slightly to get him out of the vehicle and he pulled me backwards. I then pulled on his right wrist harder to get him out of the vehicle while Officer Detwiler grabbed his left arm. He was placed onto the ground and his phone removed from his hand. I handcuffed him without further incident. I patted Ryan Brown down for weapons and placed him into Officer Detwiler's patrol car. Officer Detwiler had a civilian rider (K McFerran DOB: [REDACTED]) in the police car who witnessed the traffic stop.

Sgt Biscaro responded to the scene while I issued Benjamin Brown a summons for Obstruction of View and Compulsory Insurance. Benjamin Brown stated the insurance card was probably in the glove compartment but did not want me to go into the glove compartment to retrieve it. Officer Detwiler completed a summons for Ryan Brown for the charges of Resisting/Interference with a Public Official. Both parties were served and released.

For further information see Officer Detwiler's supplement.

REPORTING OFFICER & IBM #
Nelson, David 0230

APPROVING SUPERVISOR
Biscaro, Steven



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2015-00013423**

EVENT	OCCURRED INCIDENT Resisting or Obstructing	INCIDENT #	DATE/TIME REPORTED 03/25/2015 12:25
	LOCATION OF OCCURRENCE		OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence		<input type="checkbox"/> DNA Evidence	<input type="checkbox"/> Interpreter Needed
		<input type="checkbox"/> Evidence	<input type="checkbox"/> Photos

OFFENSES	STATUTE / DESCRIPTION	Counts	Attempt/Commit

VICTIM	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE		SEX	HEIGHT	WEIGHT	HAIR	EYE
	VICTIM / OFFENDER RELATIONSHIP				EMAIL ADDRESS		

SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE		SEX	HEIGHT	WEIGHT	HAIR	EYE
	DL/ID NUMBER			STATE	JACKET NUMBER		

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned	<input type="checkbox"/> Counterfeit / Forged	<input type="checkbox"/> Destroyed / Damaged / Vandalized
			<input type="checkbox"/> Recovered	<input type="checkbox"/> Seized	<input type="checkbox"/> Stolen
					<input type="checkbox"/> Unknown
	TYPE / MAKE / MODEL			YEAR	COLOR
PLATE		STATE	VIN		VALUE
DESCRIPTION					

PROPERTY	ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned	<input type="checkbox"/> Counterfeit / Forged	<input type="checkbox"/> Destroyed / Damaged / Vandalized
			<input type="checkbox"/> Recovered	<input type="checkbox"/> Seized	<input type="checkbox"/> Stolen
					<input type="checkbox"/> Unknown
SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR	
ITEM TYPE and DESCRIPTION					

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT Stetson Hills Patrol
REPORTING OFFICER & IBM # Detwiler, Allison 1121		APPROVING SUPERVISOR & IBM # Potter, Charles	



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2015-00013423**

NARRATIVE

On 03-25-15 1117 hours I Officer A. Detwiler, 1121 was dispatched to S Carefree Cr and W Enchanted Cr to assist with Officer Nelson on a traffic stop. I pulled up behind Officer Nelson and approached the passenger side of the car while Officer Nelson approached the driver side. The passenger windows were tinted and I could barely see the passenger.

As I watched the passenger side of the car, I could hear Officer Nelson requesting multiple times for the driver to produce identification but I was unable to hear the responses inside the car. I had to ask the passenger several time to keep his hands where I could see them. Officer Nelson asked the driver to step from the car and detained him and placed him in the car.

Officer Nelson then returned to the passenger side with me and opened the car door. The passenger later identified as Ryan Brown, DOB [REDACTED], said, "Am I under arrest?" I told him he was not under arrest and I only planned on checking him for weapons. I asked Mr. Brown to step from the car and he shook his head no and refused to get out of the car. Officer Nelson told him to get out as well and he refused. At that time Officer Nelson put him in a wrist lock and pulled him from the car and I assisted by holding his left arm. Officer Nelson then assisted him to the ground on his chest in the yard directly beside the car and placed handcuffs on him.

He was escorted to the back of my car and told he was under arrest by Officer Nelson. While inside my car he continued to call us "fuckin pigs! And said "that's why I have always hated the cops", and referred to Ferguson Mo, multiple times, continued to say we did not properly identify ourselves on the traffic stop even though we were in marked patrol cars and in full police uniform.

I served and released Ryan Brown for resisting and interference with a public official on summons number #E074659.

REPORTING OFFICER & IBM #
Detwiler, Allison 1121

APPROVING SUPERVISOR
Potter, Charles



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

EVENT	OCCURRED INCIDENT Resisting or Obstructing		INCIDENT # 2015-00131247		DATE/TIME REPORTED 3/25/2015 11:17		
	LOCATION OF OCCURRENCE S CAREFREE CIR W ENCHANTED CIR Colorado Springs, CO				OCCURRED DATE/TIME 3/25/2015 11:15		
					OCCURRED THROUGH 03/25/2015 11:16		
<input type="checkbox"/> Domestic Violence		<input type="checkbox"/> DNA Evidence		<input type="checkbox"/> Interpreter Needed		<input type="checkbox"/> Evidence	
<input type="checkbox"/> Photos							
OFFENSES	STATUTE / DESCRIPTION					Counts	Attempt/Commit
	9.3.101B Interference with Public Official					1	Completed
VICTIM	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	01	Victim	CITY OF COLORADO SPRINGS,				
	ADDRESS					PRIMARY PHONE	
	CITY OF COLO SPGS					SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
VICTIM / OFFENDER RELATIONSHIP Brown, Ryan Anthony 12/9/1983 OTHERWISE KNOWN					EMAIL ADDRESS		
SUSPECT/OTHER	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	01	Suspect	Brown, Ryan Anthony			[REDACTED] 31	
	ADDRESS					PRIMARY PHONE	
	[REDACTED]					[REDACTED]	
	[REDACTED]					SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE		
Black	Male	5 9	160	Black	Brown		
DL/ID NUMBER		STATE	JACKET NUMBER				
[REDACTED]		CO					
VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
	TYPE / MAKE / MODEL				YEAR	COLOR	
	PLATE	STATE	VIN			VALUE	
	DESCRIPTION						
PROPERTY	ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
	SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR		
	ITEM TYPE and DESCRIPTION						

CASE DISPOSITION Cleared by Arrest	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT Stetson Hills Patrol
REPORTING OFFICER & IBM # Nelson, David 0230		APPROVING SUPERVISOR & IBM # Biscaro, Steven	



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

ADDITIONAL SUSPECTS / OTHER SUBJECTS

SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	02	Family Member	Brown, Benjamin Joe III				[REDACTED]
	ADDRESS					PRIMARY PHONE	[REDACTED]
	[REDACTED]					SECONDARY PHONE	[REDACTED]
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
Black	Male	5 8	200	Black	Brown		
DL/ID NUMBER	STATE	JACKET NUMBER					
[REDACTED]	CO						
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	03	Witness	McFerran, Katherine Jill				12/4/1984
	ADDRESS					PRIMARY PHONE	[REDACTED]
	[REDACTED]					SECONDARY PHONE	[REDACTED]
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
White	Female	5 10	130	Blond	Blue		
DL/ID NUMBER	STATE	JACKET NUMBER					
[REDACTED]	CO						
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
DL/ID NUMBER	STATE	JACKET NUMBER					
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
DL/ID NUMBER	STATE	JACKET NUMBER					
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME				DOB / AGE RANGE
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
DL/ID NUMBER	STATE	JACKET NUMBER					

REPORTING OFFICER & IBM # Nelson, David 0230	APPROVING SUPERVISOR Biscaro, Steven
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

VEHICLES as INVOLVED

VEHICLES	VEH #	VEHICLE ROLE	PLATE / STATE	VIN
	01	Suspect Vehicle	651FQQ CO	
	YEAR	TYPE / MAKE / MODEL		STYLE
	2002	Automobile\Chevrolet\Cavalier\Cavalier		2D
	TOWED TO	TOWED BY	TOP COLOR	BOTTOM COLOR
			Black	Blue
ADDITIONAL DESCRIPTIVE INFORMATION				

VEHICLES	VEH #	VEHICLE ROLE	PLATE / STATE	VIN
	YEAR	TYPE / MAKE / MODEL		STYLE
	TOWED TO	TOWED BY	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION				

VEHICLES as PROPERTY

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown			
	TYPE / MAKE / MODEL			YEAR	COLOR	
	PLATE	STATE	VIN		VALUE	
	DESCRIPTION					

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown			
	TYPE / MAKE / MODEL			YEAR	COLOR	
	PLATE	STATE	VIN		VALUE	
	DESCRIPTION					

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown			
	TYPE / MAKE / MODEL			YEAR	COLOR	
	PLATE	STATE	VIN		VALUE	
	DESCRIPTION					

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown			
	TYPE / MAKE / MODEL			YEAR	COLOR	
	PLATE	STATE	VIN		VALUE	
	DESCRIPTION					

REPORTING OFFICER & IBM # Nelson, David 0230	APPROVING SUPERVISOR Biscaro, Steven
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # **2015-00013423**

NARRATIVE

INITIATING INFORMATION: On 03-25-13 at approximately 1117 hours, I (Officer Nelson #230) observed a black in color Chevrolet Cavalier, Colorado license #651FQQ eastbound in the right traffic lane of South Carefree Circle approaching Enchanted Circle West. Earlier during the day I observed this same vehicle in the area of Austin Bluffs Parkway and Barnes Road traveling slowly westbound near Albert Tacos and noticed very dark tinted windows. I attempted to turn around to conduct a traffic stop and the vehicle rapidly fled the area westbound on Austin Bluffs Parkway. I was unable to catch up to the vehicle at this time because of heavy traffic. This area is the Stetson Hills DDACTS area and is known as a high crime area. Upon noticing the vehicle again at 1117 hours, The vehicle had the front license plate partially obstructed in the right front portion on the inside of the windshield. The muffler was modified (Louder than stock) and the windshield was cracked approximately 6 inches up from the center across the passenger side area.

OFFICER STATEMENT: Prior to conducting the traffic stop I drove slowly past the vehicle while eastbound in the left traffic lane. I then slowed to approximately 25mph and the Chevrolet Cavalier slowed trying not to pass. I asked for a unit to cover me prior to stopping the vehicle because of the dark tinted windows. Officer Detwiler # 1121 was approximately 100 yards ahead of me and covered me on the traffic stop. Officer Detwiler approached the passenger side of the vehicle while I went to the driver's side window. I stood at the driver's window and knocked on the window and the driver, later identified as Benjamin Brown DOB: 10-29-91 (Verified identification by police photo) rolled down the dark tinted window approximately 3 inches. I asked Benjamin Brown to roll the window all the way down and he complied.

I asked Benjamin Brown for his driver's license and he looked at his passenger, later identified as his brother, Ryan Brown DOB: 12-09-83. (Ryan Brown was identified by a Colorado identification card and a police photo) Benjamin Brown remained silent as Ryan Brown began placing his hands under his legs, near his groin area. Ryan Brown told Benjamin Brown not to comply with officers. I told both parties to put their hands where I could see them and Benjamin Brown complied by placing his hands on the steering wheel.

Ryan Brown did not comply and was held at gunpoint by Officer Detwiler while I requested another unit to respond. I asked both parties for identification several times and they said they did not have any that it was at the house. Ryan Brown took his hands out from under his legs and was holding a cellular phone telling us that he was recording. I asked Benjamin Brown again for his name and the passenger stated that we did not identify ourselves and why they were being pulled over. I asked Benjamin Brown to exit the vehicle so I could pat him down for weapons and place him into my police car to check his identification and he again looked at Ryan Brown who was becoming more uncooperative. I took out my taser and pointed it at Benjamin Brown while opening the car door and told him to exit and he complied. I patted down Benjamin Brown and placed him into my police car.

Officer Detwiler remained holding Ryan Brown at gunpoint while at the passenger door. I then covered her at the passenger side of the vehicle while she was telling him to exit the vehicle. Ryan Brown asked if he was

REPORTING OFFICER & IBM #
Nelson, David 0230

APPROVING SUPERVISOR
Biscaro, Steven



COLORADO SPRINGS POLICE DEPARTMENT
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Initial Case Report

Case Report # **2015-00013423**

NARRATIVE (continuation)

under arrest. Officer Detwiler told him that he was not under arrest that he was going to be checked for weapons. I then heard the door lock and tried to open the passenger door. I started to go around to the open driver's side door and he unlocked the passenger door.

I went back to the passenger side of the vehicle and opened the door. Officer Detwiler and I both asked Ryan Brown to exit the vehicle and he would not comply with our instructions. I grabbed Ryan Brown's right wrist and placed him into a wrist lock while continuing to order him out of the vehicle. I pulled Ryan Brown slightly to get him out of the vehicle and he pulled me backwards. I then pulled on his right wrist harder to get him out of the vehicle while Officer Detwiler grabbed his left arm. He was placed onto the ground and his phone removed from his hand. I handcuffed him without further incident. I patted Ryan Brown down for weapons and placed him into Officer Detwiler's patrol car. Officer Detwiler had a civilian rider (K McFerran DOB: 12-04-84) in the police car who witnessed the traffic stop.

Sgt Biscaro responded to the scene while I issued Benjamin Brown a summons for Obstruction of View and Compulsory Insurance. Benjamin Brown stated the insurance card was probably in the glove compartment but did not want me to go into the glove compartment to retrieve it. Officer Detwiler completed a summons for Ryan Brown for the charges of Resisting/Interference with a Public Official. Both parties were served and released.

For further information see Officer Detwiler's supplement.

REPORTING OFFICER & IBM #
Nelson, David 0230

APPROVING SUPERVISOR
Biscaro, Steven



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2015-00013423**

EVENT	OCCURRED INCIDENT Resisting or Obstructing	INCIDENT #	DATE/TIME REPORTED 03/25/2015 12:25
	LOCATION OF OCCURRENCE		OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence		<input type="checkbox"/> DNA Evidence	<input type="checkbox"/> Interpreter Needed
		<input type="checkbox"/> Evidence	<input type="checkbox"/> Photos

OFFENSES	STATUTE / DESCRIPTION	Counts	Attempt/Commit	

VICTIM	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE		SEX	HEIGHT	WEIGHT	HAIR	EYE
	VICTIM / OFFENDER RELATIONSHIP				EMAIL ADDRESS		

SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	ADDRESS					PRIMARY PHONE	
						SECONDARY PHONE	
	RACE		SEX	HEIGHT	WEIGHT	HAIR	EYE
	DL/ID NUMBER			STATE	JACKET NUMBER		

VEHICLE	VEH #	PROPERTY CODE	<input type="checkbox"/> Burned	<input type="checkbox"/> Counterfeit / Forged	<input type="checkbox"/> Destroyed / Damaged / Vandalized	
			<input type="checkbox"/> Recovered	<input type="checkbox"/> Seized	<input type="checkbox"/> Stolen	
			<input type="checkbox"/> Unknown			
	TYPE / MAKE / MODEL			YEAR	COLOR	
PLATE		STATE	VIN		VALUE	
DESCRIPTION						

PROPERTY	ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned	<input type="checkbox"/> Counterfeit / Forged	<input type="checkbox"/> Destroyed / Damaged / Vandalized
			<input type="checkbox"/> Recovered	<input type="checkbox"/> Seized	<input type="checkbox"/> Stolen
			<input type="checkbox"/> Unknown		
SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR	
ITEM TYPE and DESCRIPTION					

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT Stetson Hills Patrol
REPORTING OFFICER & IBM # Detwiler, Allison 1121		APPROVING SUPERVISOR & IBM # Potter, Charles	



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2015-00013423**

NARRATIVE

On 03-25-15 1117 hours I Officer A. Detwiler, 1121 was dispatched to S Carefree Cr and W Enchanted Cr to assist with Officer Nelson on a traffic stop. I pulled up behind Officer Nelson and approached the passenger side of the car while Officer Nelson approached the driver side. The passenger windows were tinted and I could barely see the passenger.

As I watched the passenger side of the car, I could hear Officer Nelson requesting multiple times for the driver to produce identification but I was unable to hear the responses inside the car. I had to ask the passenger several time to keep his hands where I could see them. Officer Nelson asked the driver to step from the car and detained him and placed him in the car.

Officer Nelson then returned to the passenger side with me and opened the car door. The passenger later identified as Ryan Brown, DOB 12-09-83, said, "Am I under arrest?" I told him he was not under arrest and I only planned on checking him for weapons. I asked Mr. Brown to step from the car and he shook his head no and refused to get out of the car. Officer Nelson told him to get out as well and he refused. At that time Officer Nelson put him in a wrist lock and pulled him from the car and I assisted by holding his left arm. Officer Nelson then assisted him to the ground on his chest in the yard directly beside the car and placed handcuffs on him.

He was escorted to the back of my car and told he was under arrest by Officer Nelson. While inside my car he continued to call us "fuckin pigs! And said "that's why I have always hated the cops", and referred to Ferguson Mo, multiple times, continued to say we did not properly identify ourselves on the traffic stop even though we were in marked patrol cars and in full police uniform.

I served and released Ryan Brown for resisting and interference with a public official on summons number #E074659.

REPORTING OFFICER & IBM #
Detwiler, Allison 1121

APPROVING SUPERVISOR
Potter, Charles







