

Aurora Police Department

Internal Affairs Case 2020-25

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1. ALLEGATIONS

1. Officer Jason Rosenblatt

There are allegations that in March of 2020 Officer Rosenblatt received text messages and/or photographs depicting unprofessional conduct by members of the Aurora Police Department and failed to notify a supervisor.

If this allegation is proven, Officer Rosenblatt could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

2. Officer Nathan Woodyard

There are allegations that in approximately March of 2020 Officer Woodyard may have had knowledge of or been involved with text messages and/or photographs depicting unprofessional conduct by members of the Aurora Police Department and failed to notify a supervisor.

If this allegation is proven, Officer Woodyard could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

3. Officer Kyle Dittrich

There are allegations that in 2019 in the 1700-1900 block of Billings Street, while on-duty, Officer Dittrich was involved with other members of the Aurora Police Department in the taking of a selfie photograph at the memorial for Elijah McClain.

If this allegation is proven, Officer Dittrich could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

4. Officer Jaron Jones

There are allegations that in 2019 in the 1700-1900 block of Billings Street, while on-duty, Officer Jones was involved with other members of the Aurora Police Department in the taking of a selfie photograph at the memorial for Elijah McClain.

If this allegation is proven, Officer Jones could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

5. Officer Erica Marrero

There are allegations that in 2019 in the 1700-1900 block of Billings Street, while on-duty, Officer Marrero was involved with other members of the Aurora Police Department in the taking of a selfie photograph at the memorial for Elijah McClain.

If this allegation is proven, Officer Marrero could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

6. [REDACTED]

[REDACTED]

[REDACTED]

14.2.1 Conduct Unbecoming

Members will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Unprofessional conduct and irresponsibility will include that which brings the Department into direct disrepute, publicly or amongst its members, reflects direct discredit upon the member, or impairs the operation or efficiency of the Department or member.

2. INVESTIGATION

June 25, 2020

1430 hours

I (Agent Tom Sobieski) and IAB Sergeant Chris Crusier were briefed of an internal complaint by IAB Commander Marcus Dudley and IAB Lieutenant Cassidee Carlson that was just received by the chief's office.

In summary we were told that earlier this day, Officer [REDACTED] had announced at a FOP board meeting that he was told by Officer Jason Rosenblatt that he had received photos showing Aurora Police Officers Nathan Woodyard, Kyle Dittrich, and Erica Marrero at Elijah McClain's gravesite and that they were drinking alcohol.

We were told Officer [REDACTED], Sergeant Marc Sears and Officer Mike Iovine then went to District 3 where Officer Rosenblatt was working and asked him about the photos, and he denied it, asking where they had gotten that information.

Further we were told Sergeant Sears had been instructed to author a memorandum by the chief's office.

We were told the investigation was to start immediately.

1440 hours

I called Sergeant Sears and requested that he respond to the IAB for a witness interview. Officer [REDACTED] was with Sergeant Sears and responded as well. Both were given witness memorandums upon their arrival at the IAB.

1508 hours

Sergeant Marc Sears was interviewed as a witness in Internal Affairs. The interview was recorded this is only a summary.

Sergeant Sears was asked to describe what happened at the FOP board meeting on this date. He said the meeting started at 1000 hours on the third floor of District 2. He advised that Mike Iovine, James Benedict, Jad Lanigan, William Revelle, Ralph Knight, [REDACTED], Aaron Gallagher, Elizabeth McKlem, Stephanie Kerns, and Cody Lanier and his approximately 4-year-old daughter were present for this meeting.

Investigator note: Sergeant Sears wrote down these names on a sheet of paper. This list was put into the investigative folder of this case.

Sergeant Sears said the meeting was not recorded and that he was off duty at the time.

Sergeant Sears was advised what was understood was that during this meeting some information came to light that caused him some concern. He said they were getting ready to conclude the meeting when Officer ██████████ said he had some information that he wanted to bring to their attention.

Sergeant Sears said that Officer ██████████ said that he was at a social engagement with Officer Rosenblatt when he said that he needed to tell him something. Sergeant Sears said he believed Rosenblatt was one of the officers involved in the Elijah McClain incident.

Sergeant Sears said that Officer ██████████ told them that Officer Rosenblatt told him that he had received an unannounced text message via his phone with some pictures of some of our officers who were around Elijah McClain's gravesite. He said Officer ██████████ said the way Rosenblatt explained it was more of a jovial sense, they were poking fun and joking and laughing.

Sergeant Sears said he asked Officer ██████████ if he had seen any of the pictures and he said he did not. Sergeant Sears said this raised huge concern for him and he went and talked to Bill Revelle about how they were going to address the situation. He said Officer Rosenblatt was not a FOP member.

Sergeant Sears said the consensus was that this had to be brought to the attention of the command. He said Officer ██████████ contacted Rosenblatt who was down in District 3 and asked him if he could meet with them and that it was an important matter that they needed to discuss with him.

Sergeant Sears said ██████████ told him Rosenblatt was not able to leave District 3 because his sergeant was on vacation but if they could meet with him down there, he would be ok with that. He said he was not sure who Rosenblatt agreed to meet with.

Sergeant Sears said he thought it was important for him to go down there so he went with ██████████. He said Officer Iovine went as well. He said they then all met with Officer Rosenblatt in his office in District 3.

Sergeant Sears said this meeting took place in Officer Rosenblatt's office and behind closed doors. He said Officer [REDACTED] started explaining why they were there, and Rosenblatt asked [REDACTED] how he had found out about this. He recalled [REDACTED] telling Rosenblatt that he had told him about this, and Rosenblatt denied telling him.

Sergeant Sears said it was his impression that Officer Rosenblatt became very defensive and heard Officer [REDACTED] tell him that they were there to help and are trying to figure out what was going on. He said Rosenblatt got more defensive and was shutting down so he told him it was not his fault that he received a text message, but it was important what the content of those text messages were. He said he explained to Rosenblatt that if the allegations are true that they deal with them appropriately.

He said he heard Officer Iovine tell Rosenblatt that these were very serious allegations and they needed to get out in front of it. He said he never heard Officer Iovine raise his voice, he was just explaining the situation.

Sergeant Sears said he then got an unrelated phone call from Deputy Chief Glidden and stepped out of the office. He said, while on the phone, he observed Officer [REDACTED] and Officer Iovine come out of the office and go into the main hallway of District 3. He said he went and started talking with Officers [REDACTED] and Iovine and they were trying to meet with Officer Judy Lutkin because he knew she is the president of the labor organization that Rosenblatt belongs to.

He said he then saw Officer Lutkin in the hallway and then saw Officer Rosenblatt approach Officer Lutkin and asked her if he could speak with her prior to talking to them. He said Officer Lutkin and Rosenblatt then left the hallway.

Sergeant Sears said Officer [REDACTED] was upset with Rosenblatt who he said had lied to them. He said he then called Interim Chief Wilson and told her that there were serious allegations that they needed to discuss. He said he gave Chief Wilson a very brief overview of the allegations. He said Chief Wilson then requested that he call Deputy Chief Glidden and have Division Chief Parker on the phone call as well. He said a short time later he spoke with Deputy Chief Glidden and Division Chief Parker and explained the incident to them in the same detail he had explained to us.

While he was on the phone, he observed Officer Lutkin come and speak with Officer [REDACTED] and Iovine. He said he could not hear this conversation. He said he was told by [REDACTED] and Iovine that Officer Lutkin told them it was not illegal to be at a gravesite. He said he was a "little taken aback" by that statement.

Sergeant Sears said that Deputy Chief Glidden requested to get something from him in writing about this incident. After he left District 3, he said he received a call from Division Chief Parker who asked him if he was still at District 3 and he told him he was not. He said he was told by Division Chief Parker that Officer Lutkin was talking to the District 3 Watch Commander Lieutenant McKinney and there were comments about them being down there and conducting business. He said that he told Chief Parker that they had already left.

Sergeant Sears said he then went to the chief's office and used a computer at one of the secretary's desk and generated an email to Chief Parker, Chief Glidden and CC'd Interim Chief Wilson.

Sergeant Sears said he saw Lieutenant Carlson leaving the chiefs office area and she told him he was going to need to be called in as a witness.

Investigator note: Prior to the interview Sergeant Sears was requested to forward the email to myself and Sergeant Crusier. A copy of the email is in the Investigative Documents folder.

Sergeant Sears said he got down to District 3 at approximately 12:30 p.m. He said he did not record the meeting with Officer Rosenblatt and did not believe that anyone else did.

Sergeant Sears specifically remembered Officer Rosenblatt saying, *"How did you find out about this"* and that he denied telling Officer [REDACTED] about it. He said Rosenblatt did not deny getting the actual pictures.

Sergeant Sears said he heard Officer Rosenblatt state that he had erased those pictures from his phone.

He said Officer Rosenblatt was told how serious this would be if it got out and Rosenblatt was asking well how would it get out? He said Officer Rosenblatt used some technological term on how he erased the photos.

Sergeant Sears said he could not say if Officer Rosenblatt had lied or if he had forgot he told [REDACTED] about this. He said Rosenblatt was downplaying it like this wasn't that big of a deal. He said the meeting with Rosenblatt lasted a total of 10 minutes at the most.

He said he never heard any yelling or screaming during this meeting and when he took the phone call was 10 feet away from the door. He said Officer Lutkin said that

Rosenblatt said that Officer Iovine had his fist clenched and he was standing over his desk yelling at him and he said that never happened when he was there at all.

Sergeant Cruser asked Sergeant Sears if he knew when [REDACTED] received the information from Rosenblatt but the way he understood it, the gravesite pictures were taken before the incident in Minneapolis.

Sergeant Sears said he was not in uniform when he went to D3 but was on duty. He said he did not know if Officer Rosenblatt knows him or knows he is a sergeant and he did not recall introducing himself. He said he himself did not ask Rosenblatt any questions.

Sergeant Sears said he told Officer Iovine and [REDACTED] prior to the meeting with Rosenblatt that he was not going to ask any questions or do any type of an investigation because he remembered there was a Preservation of Evidence letter that was issued to the officers involved in Elijah McClain and knew Rosenblatt was one of those officers and this could potentially be criminal. He said nobody else mentioned the Preservation Letter.

Sergeant Sears said that Officer [REDACTED] told him that he was told by Rosenblatt that Kyle Dittrich and Officers Woodyard and Marrero were in the photos. He said he was not told what the photo showed or how many photos there were. Sergeant Sears said [REDACTED] told him he did not see the photos.

Sergeant Sears said Officer [REDACTED] did not tell him if Officer Rosenblatt told him who sent the photos to him. He said the way it was explained to him by [REDACTED] that it was part of a group chat with numerous people.

He felt that most or all the people in the board meeting heard the information provided by Officer [REDACTED]. Sergeant Sears was reminded to stress confidentiality to his board members.

1601 hours

Officer [REDACTED] was interviewed as a witness in Internal Affairs. The interview was recorded this is only a summary.

Officer [REDACTED] said earlier this day while in a FOP board meeting at District 2 he told the board that he had some information pertaining to Elijah McClain and some pictures that were allegedly sent to a friend of his.

He said he learned of this information at a social gathering at a friend's house but could not remember exactly when. He said the information was concerning to him and it took him a long time to cope with it and see what he wanted to do. He said he did not know who else knew about this information or if anyone else was going to come forward. After speaking extensively with his wife about this information he decided he was going to talk to Sergeant Sears about it and let him know.

Officer [REDACTED] said the social gathering he was talking about was at Kathrine Lewis' house and this was after the bid change, possibly in March.

Officer [REDACTED] said the person who gave him this information was Officer Jason Rosenblatt. He said this gathering was sort of a dinner party with drinking. He said this conversation came up about the time they were talking about getting a subpoena for Officer Rosenblatt's cell phone. He said Officer Rosenblatt was voicing some concerns about his cell phone and they were having a conversation about that.

Officer [REDACTED] said he asked Officer Rosenblatt what he was so concerned about and he mentioned that he had been sent these pictures in a group text message. He said Officer Rosenblatt told him that some officers had sent him pictures from Elijah McClain's gravesite. He said he didn't remember the exact conversation what he remembered was Officer Rosenblatt told him the pictures showed them drinking and taking selfies hanging out at the grave in a joking manner.

Officer [REDACTED] said that he had not seen the pictures and that Officer Rosenblatt told him that he had deleted them.

Officer [REDACTED] said Officer Rosenblatt told him that Erica Marrero, Dittrich and Woodyard were in the photos.

He said that he did not know what Rosenblatt's phone number was and had deleted it from his contacts. He did say that it had a [REDACTED] area code possibly [REDACTED]. He said Rosenblatt changed his phone number yesterday because someone told him his phone number got leaked about the Elijah McClain case.

He said he was not sure if anyone else heard this conversation. He said neither himself or Officer Rosenblatt were intoxicated when they had this conversation and said this was at the very beginning of the night. He said he did not know if or who else Rosenblatt had told about this. He said he had talked to Katie Lewis and Kayla Matous

about this along with Rosenblatt. He said he has not talked with Rosenblatt about this since.

He said when the Elijah McClain incident happened, he reached out to Rosenblatt as a friend and they went to dinner and described their relationship as friends.

He said Rosenblatt was concerned about the photos and gave him no indication that he was in any of the photos. He said his interpretation of the conversation was that Rosenblatt was shocked that they would even do anything like this.

He said Rosenblatt did not say anything about telling anyone on the police department about what happened.

Officer [REDACTED] said that he was in shock with this information and he thought who would do that and that it was disgusting, and it took a long time for him to process it calling it shocking. He said if they did do this he can't work with people like that and that they don't deserve to be in this profession. He said regardless of what crime anyone ever committed a death is a death and a human life is a human life and it should all be respected.

He said Rosenblatt did not indicate how many photos he had received or if he said photos plural or if there was only one with them all in it, he just remembered him saying it was sent in a group text message. He did not remember him saying who was in the group.

Officer [REDACTED] was asked why he did not come forward before now and he said, *"It's a shitty situation to be in, the last thing you want to do is affect someone's livelihood, affect their family life."* He said he understands by doing this it will negatively impact him for sure and will affect his reputation. He said he knew it was the right thing to do and that he had to do it, it just took him a long time to build up the courage.

He said he thought everyone at the FOP meeting heard what he said. He was not sure at the time who knew about this information or if everyone knew about it already.

Officer [REDACTED] said he called Officer Rosenblatt and told him that there was something important that he really needed to talk to him about. He said Rosenblatt told him that he could not leave D3 because he was busy. He said that he rode to D3 with Sergeant Sears and Mike Iovine drove himself and they met in the office Rosenblatt was working out of.

He said his intent by going to D3 was to have Rosenblatt go with him to the chief or say that yeah, we need to fix this. He said it was a collective discussion for them to go to D3. He said he wanted to protect Rosenblatt because he did not think he was at fault for this because he received a text message.

Officer [REDACTED] said when they got to D3 he told Rosenblatt that there were pictures that he talked about. [REDACTED] said he told Rosenblatt that if the pictures got out that would be detrimental not only to the police department, the citizens but police officers because people could literally die over this. He said Rosenblatt responded by saying that he did remember them having a conversation about it. Officer [REDACTED] said Rosenblatt accused him of being the one asking about the photos. He said he had no knowledge of it until Rosenblatt mentioned it.

He said the conversation at District 3 started with APA and FOP and legal defense and what should he do. He said Rosenblatt was concerned about what was going on.

He said Rosenblatt never admitted having the conversations the way he described it.

He said Rosenblatt was asking him how these pictures would get out, it was a group text message, how would they ever be leaked to anyone.

Officer [REDACTED] said at this point Officer Iovine got angry and told Rosenblatt that he had a family he has to protect, and he has had friends die in New York over similar incidents and he would appreciate it if they could get something figured out here.

He said that Sergeant Sears got a phone call and left. [REDACTED] then asked Officer Iovine to leave because he got really upset. He said he told Rosenblatt that he was there to help him take care of this that it was a lot bigger than just him, that it was huge. He said Rosenblatt kept saying that he did nothing wrong and he told him that he agreed with him.

He said Rosenblatt told him he thought he should call the APA Reps. and he told him please go call them. He said he told Rosenblatt that he was there as his friend and nothing else. He said that he then walked out of the room and that was the last time he talked to him.

He said they then ran into Officer Lutkin in D3 coming out of the bathroom and they told her she needed to talk to Rosenblatt. He said she then came back and started questioning him about why he didn't say something, and he explained it to her, and she made the statement that it was not criminal for someone to go to a gravesite.

Officer [REDACTED] thought they got down to D3 at approximately 1240 hours.

He said it appeared to him that Officer Lovine was maybe frustrated or not even frustrated but scared.

He said during the conversation at D3 Rosenblatt said, *"Yes I got the pictures in a group text and I deleted them as soon as I got them."*

Officer [REDACTED] said Rosenblatt also said that he did not know who was in the pictures or who was in the group chat at which time he told him he was lying and to stop lying. He said Rosenblatt knows who was in the pictures and who was in the group chat stating that is something you just don't forget.

He said that they then left D3 and went to the chief's office and Sergeant Sears drafted an email, which he read. He said he did not author an email.

He said himself and Sergeant Sears then responded to Internal Affairs.

Investigator note: Lieutenant Carlson called all the subject member officers and requested they respond to the IAB to be interviewed in reference to a complaint involving text messages. Lieutenant Carlson requested that they bring their cell phones and after information was learned, more specifically the phone they had in September and October of 2019. Lieutenant Carlson emailed each subject member an IAB memo with the allegation of 14.2.1 Conduct Unbecoming. The subject members were each issued more specific NOI's prior to being interviewed. Each subject member had an Observer and reviewed the Directives stated in the memorandum prior to being interviewed.

1742 hours

Officer Jason Rosenblatt was interviewed in Internal Affairs. The interview was recorded this is only a summary. Also present for the interview was IAB Sergeant Chris Cruser and Officer Joe Cornell as an Observer.

At the beginning of the interview prior to being asked any questions Officer Rosenblatt wished to make a statement and wanted to put on the record that over the past couple of days he has only gotten 4-5 hours of sleep stating this was a very stressful and emotional time right now.

It was explained to Officer Rosenblatt that it was alleged he received text messages or photographs around March that depicted unprofessional conduct by members of the Aurora Police Department. When asked if that occurred and he said, "Yes sir."

He said he could not remember when it was, but he received a text message with a photo in it and he replied to it and that was basically it. When asked who the text message was from, he said it was from a number that he did not know and that he did not save. He said he no longer had the text message or the photo saying it was deleted. He said that he still had the phone he received the text message on and had it with him.

Officer Rosenblatt said he thought he received the text photo this year but was not sure. He remembered it was cold when he received it but was really bad with dates and could not narrow it down.

He said his phone number was [REDACTED]. He was asked again who sent him the text and he said he did not know that he honestly does not remember but he thought it was an officer from this department. He said he honestly could not remember who it was. He said there was no text in the message, it was just a photo.

Officer Rosenblatt said he saw it and the photo made him very anxious and very uncomfortable and he just wanted it to go away. He was asked a third time who the text was from and again he said he did not know and said that was the honest truth.

He said the photo was taken at the memorial for Elijah McClain as he recognized the lights on the west side of Billings Street. He said there were three officers in the photo and it was a selfie. He said it was nighttime when the photo was taken. He said he did not remember if the trees were blooming or anything to identify the time of year the photo was taken.

When asked who was in the photo he said, "*Romero I think her name is, a female officer, Kyle Dittrich was in the photo I believe and Jaron Jones.*" He said he thought Romero's first name was "*Alisha.*" He said he thought that was her name.

Officer Rosenblatt said he could not tell who was holding the phone but thought it was a selfie. He said all three were looking at the camera. He said he knew these people and had worked around them. He said you could see the memorial in the background and was not sure where they were standing to take the photo. He said he recognized where the photo was taken. He said all three were in uniform. He said the photo made him uncomfortable, but he could not remember what everyone was doing in the photo saying that he did not stare at it.

Officer Rosenblatt was asked in his opinion if the officers in the photo were grieving or making fun of Elijah McClain and he said he did not want to give his opinion.

He said the photo made him uncomfortable because this incident was so fresh in his mind. He said this keeps being brought up and he just wants it to go away. He said he did not know what the intentions were of the officers in the photo.

Officer Rosenblatt said he replied to the photo with, "ha ha." He was asked what "ha ha" meant to him and he said, "*People that know me know that I have a nervous laugh and I wanted to give something short and concise and not engage in anyway and just let them know and kind of just be done with it.*" He said if you give a short response you sort of close yourself down in the discussion a little bit and hopefully more stuff like this wouldn't come. He said that he did not believe he got any response back. He thought that the text was only to him and not a group.

Officer Rosenblatt was asked why he deleted the photo and he said that his phone had an automatic 30 day delete setting. He said he did not intentionally delete it; the phone setting did. He said he did not save the photo he just left it in the text string.

He felt there was a high probability that it was one of the three officers in the photo that had sent it to him.

Officer Rosenblatt said he was willing to give us his phone voluntarily to look for the photograph and the text.

He said he has been by the Elijah McClain memorial saying he worked in D2 so he drove by it all the time. He said he has never taken any pictures of the memorial and that he had never taken any pictures from there.

Sergeant Crusier asked Officer Rosenblatt to clarify the names of who was in the picture stating that he seemed a bit unsure about Romero. He said he was sure it was Kyle Dittrich and Jaron Jones and he was "*pretty sure*" about Romero. Sergeant Crusier then opened APPS on the computer in the interview room.

The Romero's were pulled up on the computer, but he said it was not them. Erica Marrero was then pulled up by Sergeant Crusier and Officer Rosenblatt identified her as who was in the photo, not Romero. He said they were graveyard officers and he works swings so they don't have a lot of contact.

He said he wanted to say it was someone who wasn't in his phone, a number he didn't have saved, because he remembered an area code came up and not a name. He said back when he received the text, he did not have any of these three officers in his contacts. He said he has ran into all three officers in the photo since receiving the photo but none of them mentioned it and he did not ask them about it. He wanted to say the area code of the number that the photo came from was [REDACTED] but he was not certain.

Officer Rosenblatt said the officer's shirts and badges could be seen in the photo.

Officer Rosenblatt said he did not tell any of his bosses about the photo stating, *"I, honestly, I was under a lot of stress from this incident and I just wanted it to go away."*

He said another thing that made him think it was from a number he didn't know because that was the only thing that came up and there were no other previous texts associated with that number. He said he did not believe he got any text from that number after the photo.

He again said that he could not tell who was holding the phone. He said that he did not forward the photo to anyone.

He said that neither Officer Woodyard or Officer Roedema were in the picture.

Observer Officer Cornell had no questions he wanted asked of Officer Rosenblatt. Officer Cornell asked to step out of the room with Officer Rosenblatt and was allowed to do so.

At the end of the interview Officer Rosenblatt said he was sorry he received this photo on his phone and that he never sent it and it made him feel uncomfortable and he is just ready for it all to be over and done with. He said he did not stare at the photo for very long and everything that he told me during the interview was truthful.

After the interview Officer Cornell and Rosenblatt requested that a direct order be issued to him to surrender his cell phone. Sergeant Crusier went back into the interview room and gave Officer Rosenblatt the order to surrender his cell phone.

Officer Rosenblatt said he had looked in his phone and only had messages going back to January so apparently, he had received the text/photo prior to that. He wanted to be clear on the record that he was not sure at this time if he deleted it or if it auto deleted.

1905 hours

Officer Nathan Woodyard was interviewed in Internal Affairs. The interview was recorded this is only a summary. Also present for the interview was IAB Sergeant Chris Crusier and Sergeant Darren Chamberland as an Observer.

It was explained to Officer Woodyard that an allegation had been received that he may have been involved in text messages and a photograph depicting unprofessional conduct by members of the Aurora Police Department at the Elijah McClain memorial. He was asked if he had any information about these allegations and he said, "Yes."

Officer Woodyard said, *"I did receive a photograph several months ago with three people at the memorial."* He estimated that he received this text in September of 2019. He said he recognized where the photo was taken as he could see the wall of 225 and knew it was taken on Billings Street around the 1900 block. He said the picture was taken at nighttime.

Officer Woodyard was asked who was in the photo and he said, *"um Jaron Jones, Kyle Dittrich and Erica Marrero."* He said he has worked with and knows them all and was fairly confident it was them in the photo. He said he did not remember who sent the photo to him. He said he no longer has the photo and couldn't be sure if he deleted it or if it auto deleted but it was no longer on his phone. He said he did not know about the auto delete until he received an order to preserve things on his phone. He said he received the photo before he received the order. He said his phone number is [REDACTED] and received the photo he thought by text. He again said he did not remember who sent the text but believed it was a member of the Aurora Police Department and his best guess would be it was one of the three in the picture.

He said it appeared the photo was a selfie but could not remember who took the photo. He said they were all standing together, and it was Kyle, Jaron then Erica and it had to be either Kyle or Erica who was taking the photo. He said they were all in uniform and could be seen from the chest level up and it appeared they were on-duty and said they all worked graveyard shift. He said he has talked to these three since receiving the photo but did not remember talking about the photo.

Officer Woodyard said seeing the photo made him feel uncomfortable but he did not want to speculate how a member of the public would feel about it. He said he believed the Elijah McClain memorial was in the background of the photo. He said he could not speculate on what the officers were doing in the photo, if they were grieving or being funny.

When asked what about the photo made him feel uncomfortable, he said *"um, really the whole incident has made me feel uncomfortable, so being at the memorial and being reminded of that is not something I wanna remember or think about."*

When asked if he ever confronted any of the three in the photo about the photo he said, *"Not that I can think about."*

He said in the photo they were all standing together, and he thought Jaron had his arms around Kyle. He did not remember if they were laughing or joking or being serious. He did not remember responding or replying to the text.

When asked if he told a supervisor at the Aurora Police Department about the photo he said, *"I did not."* He paused for quite a few seconds when asked why not and said, *"I couldn't say."*

He said he did not forward the photo to anyone else nor did he remember telling anyone else about it.

Sergeant Crusier asked if when he got the photo if it was sent to multiple people like in a text string and he said he could not remember. He was asked again if he thought they were grieving in the photo and he said, *"I didn't think they were grieving"* and it looked like they had smiles on their face.

He said he has never been to the memorial. He was told we had information that there was a picture of him at the memorial and was asked if that was true and he said, *"No."*

Officer Woodyard said when he received the photo there was no text with it.

He was asked if he would be willing to let us look through his phone or if he would be willing to look through his phone for the photo and he said he did have his phone with him asked if he was being ordered to give up his phone and he was told, *"Yes."* He said he wanted to cooperate and would be willing to do that.

Officer Woodyard retrieved his phone and searched the text and images on his phone but did not locate the photo. He said he was on a text string with them because he was on their team but did not locate the photo in that string.

He said all of the people in the photo were in his contacts but he could not remember if one of their names was listed with the photo.

Sergeant Crusier gave Officer Woodyard an order to turn over his phone and he did.

2001 hours

Officer Kyle Dittrich was interviewed in Internal Affairs. The interview was recorded this is only a summary. Also present for the interview was IAB Sergeant Chris Crusier and Officer Aaron Gallagher as an Observer.

Officer Dittrich was read the allegation from the NOI that he was issued, that there were allegations that while he was on-duty he was involved with other members of the Aurora Police Department in the taking of a selfie photograph at the memorial for Elijah McClain and was asked if that occurred. Officer Dittrich replied, *"It did sir."*

Officer Dittrich said Officer Nathan Woodyard was someone that he had worked with and was in his academy class with and they are really good friends and Woodyard was involved in the altercation with Elijah McClain. He said he and two other officers were in that area on a call and after they were done with that call and were walking back out to their cars he said, *"I thought it would be, it would cheer everybody up, if we took a selfie, um, we had uh Officer Jaron Jones who just came back to team 30 after he was on a suspension, um, and I just wanted to show Officer Woodyard that we were together, um, in solidarity thinking of him. So, I thought it would be funny if we took a photo there, and uh the three of us took a photo at the scene. It was just a quick, you know one photo, um, we had Officer Jaron Jones put his arm around my head kind of in a half buddy-buddy but also sort of as homage to the carotid control hold."*

He said, *"I realized afterwards that this was in incredibly, to say it was incredibly poor taste is an understatement."* He said he sent the photo to Officer Woodyard hoping that it would *"cheer him up."* He said he talked to Officer Woodyard later and he said Officer Woodyard's response was, *"hey, that's not cool dude."*

Officer Dittrich said he deleted the photo off his phone months ago. He felt this photo was taken in September or October of 2019 because Officer Woodyard was detailed to the Academy.

Officer Dittrich said that he was on-duty and the picture was taken in the 1900 block of North Billings. He said he took one photo and it was taken on his cell phone. He said his phone number was [REDACTED]. He said he did not have the same phone that he had at that time that his phone got destroyed in another use of force incident where he landed on his phone and it wouldn't turn on.

He said the photo was not meant for public dissemination it was just meant for his friends. He said Jaron Jones and Erica Marrero were also in the photo. He said they had a "group chat" and he sent it to the three of them (Woodyard, Jones and Marrero), He felt it was likely that [REDACTED] was also in the group chat. Officer Dittrich said that he likely would have sent it to Jason Rosenblatt as well for the same reasons he sent it to Officer Woodyard, to cheer him up.

Officer Dittrich said he did not know exactly what time the photo was taken but said it was taken during graveyard shift maybe 1:00 a.m. or so. He said this was a spur of the moment thing as they were walking out to their cars, he saw the candles on the side of the road. He said this was not a planned thing like they all agreed to meet up there and to this. He said this was not preplanned.

He said they were all in uniform and believed that you would be able to tell that they were police officers in the photo. He said there was no one else that he sent the photo to other than who he had mentioned.

Officer Dittrich said the photo wasn't meant for posting on Facebook or anything like that. He said at the time he wasn't thinking about the conduct unbecoming policy he said his friend was hurting and he thought he could do something to cheer him up. He said he knew the photo was in *"incredibly poor taste, I just, I have a dark sense of humor."* He said he knew why the memorial was there and he knew why Nathan was hurting and it was just to connect the dots of the two. He said he now is *"deeply regretful of what I did."* He said he had no idea how inflammatory the photo would be at the time.

He said he did not believe he sent the phone number to Officer Roedema stating that he didn't think he even had his number. He said if the media got the photo it would be disastrous and pretty much the worst-case scenario if they found out. He said when he sent the photo he did not send any text with it that he knew of.

Officer Dittrich said that he talked about the photo with Officer Woodyard possibly at the Christmas party they had. He said Woodyard did not reply when he got the photo and did not recall if Rosenblatt had. He did not recall if anyone had replied to the photo.

He felt the photo was on his old phone that had been destroyed and did not think the photo would be stored on the cloud. He said he turned this destroyed phone into T-Mobile when he got his new phone.

Officer Dittrich said he was not aware of anyone who got the photo contacting a supervisor with the Aurora Police Department, nor did he.

Officer Dittrich said it was his idea for Officer Jones to put his arm around his neck.

Officer Dittrich voluntarily surrendered his current cell phone for the purpose of downloading and looking for the photograph. He was also given an order to surrender the phone by IAB Sergeant Chris Crusier.

Observer Officer Gallagher requested Officer Dittrich be asked if it was his intent to make fun of Elijah McClain's death and he said, *"No sir."* He also requested Officer Dittrich if while at the scene where the photo was taken and in the subsequent sharing of the photo did you make any negative or disrespectful remarks about Elijah McClain and he said, *"No sir, we just said hey let's take a picture and send it to Woody."* Officer Dittrich said he did not recall the type of call he was on prior to taking the photo.

At the end of the interview Officer Dittrich said he was just falling on the mercy of the department and chief. He said, *"I don't know what I'm gonna do without this job and that I have always tried to do the right thing for the department and I never intended to make the department look bad and I know that's exactly what I did."* He said, *"I'm just really sorry for what I did and obviously I'm here, I accept responsibility for what I did."*

2056 hours

Officer Jaron Jones was interviewed in Internal Affairs. The interview was recorded this is only a summary. Also present for the interview was IAB Sergeant Chris Crusier and Sergeant Walt Obrecht as an Observer.

It was explained to Officer Jones that there was an allegation that while he was on duty, he was with other members of the Aurora Police Department and he took a selfie photo at the memorial for Elijah McClain on Billings Street. He was asked if that occurred and he said, *"It did sir."*

He said, *"Myself and two other officers were in the area on a call and observed the memorial and took a photograph in front of it for the sole purpose to try to cheer up one of the members that was involved in the initial Elijah McClain event."*

He did not remember what the call was or the date the photo was taken and guessed it was four months ago.

He said he did not recall whose idea it was to go and take a selfie.

When asked who was with him he said, *"Officer Kyle Dittrich and Officer Erica Marrero."* He said he could not remember if the idea to go take a selfie was something that just came up while they were on the call or if it was something they planned earlier.

Officer Jones said he was on duty and in uniform when the photo was taken. He said to his recollection it was Officer Dittrich that took the photo and that he took one photo.

When asked what everyone was doing in the photo, Officer Jones said, *"uh the memorial was behind us, Officer Dittrich had his, uh, I don't remember which arm but he had his arm outstretched taking a selfie photo. Erica, Officer Marrero was standing, I believe, to our left and I had my arm around Officer Dittrich's neck."* He said he believed he would be shown in the middle of the photo.

Officer Jones was asked to describe his arm around Officer Dittrich's neck and he asked what I meant and he was told that other people said he was simulating the Carotid and he said, *"I believe that to be accurate sir."*

He said he received the photo on his phone and said it was sent on a group text between himself, Officer Woodyard, Officer Dittrich and Officer Marrero.

When asked if the photo was still on his phone he said, *"Not that I am aware of sir."* When asked if he had deleted the photo he said he never saved it to his phone. He did not think he still had the group text on his phone saying it was a long time ago.

When asked if he would be willing to voluntarily let us look in his phone for that photograph Officer Jones said, *"Yes sir."* When asked if there was any text sent along with the photo and he said he did not remember the response. He thought there was some response to the photo but could not remember what that was. He said he did not forward the photo to anyone. He said he did not know who else had seen the photo other than the people mentioned in the group text.

He said his best friend Officer Woodyard was going through a very difficult time and he was struggling with the fact that he could not cheer him up. He said the picture was taken to help make light of the situation to cheer Officer Woodyard up and help him process what he had been through and he thought the photo would help accomplish that. He said the photo had nothing to do with anyone else other than Officer Woodyard. He said it was his attempt to make Officer Woodyard's outlook on what took place lighter to help him mentally get in a better space.

When asked what the public would think about the photo, Jones said in his opinion, "*I believe the public will be uh appalled by the photo.*" He said they were not there to grieve Elijah McClain.

Sergeant Crusier asked whose idea was the arm around the neck simulating the Carotid and Officer Jones said, "*It was mine sir.*"

Officer Jones clarified that Officer Dittrich took the photo and sent it out on the group text. He thought Officer Woodyard responded to the text but could not recall what the response was.

He was asked if anyone forwarded the photo to Officer Roedema or Officer Rosenblatt and he said not that he knew of.

He was asked if Officer [REDACTED] was also on the text and he stated that she might have been. He said she was on their team so it would make sense that she was on it. He said the people on the text group were people on his team.

Officer Jones said that he had not been to the memorial other than this one time and he has not taken any other photos there nor has he heard of anyone else taking photos there.

He was told the Elijah McClain incident happened approximately at the end of August in 2019 and was asked if that would help him narrow down when the photo was taken and he said it would not. He thought it was approximately four months prior to this time. He said he was not involved in the call involving Elijah McClain stating he was off-duty that night.

Sergeant Crusier asked Officer Jones if he would voluntarily give us his phone to be downloaded and he said he was "*completely willing*" and would. Sergeant Crusier also gave him an order to turn over his phone.

Observer Sergeant Obrecht requested that Officer Jones be asked when he said to cheer up Officer Woodyard physically or mentally was that because of the news reports at the time or the DA's response or lack of response or were there other reasons. Officer Jones said the photo was a combination of everything. He said ever since it happened, he (Officer Woodyard) was remorseful and critical of himself and had trouble with his confidence, this was his first critical incident and he didn't know how it was

going to go he did not know the process. He said this was his interpretation from having conversations with officer Woodyard. He said Officer Woodyard was also having trouble sleeping and he suggested to him he attend counseling. He said Officer Woodyard was a shell of his friend and not himself. He said he wanted to make Officer Woodyard feel better because he did not think he was doing a good job on his own and that was a judgment he made on how he was going to go about it.

Officer Jones said other than possibly a text response that he could not remember the content of he has not discussed the photo with Officer Woodyard.

At the end of the interview Officer Jones said he would like to apologize for his attire as he came straight from a plain clothes assignment and he said normally he would have went home and put on a suit.

Officer Jones said, *"I realize, um, like you had discussed sir, if the public found out about this and how this is perceived and uh it was not my intention at all to cause harm to any involved parties, my sole intention was to help a brother out, whether I used correct judgment or not is on me."*

2132 hours

Officer Erica Marrero was interviewed in Internal Affairs. The interview was recorded this is only a summary. IAB Sergeant Chris Crusier was present in the interview as well as Sergeant James Benedict who was an Observer.

Officer Marrero was told the reason she was there was because a complaint had been received by the Chief's office that she was involved with other members of the Aurora Police Department in taking a selfie photograph at the memorial of Elijah McClain.

Officer Marrero was asked if that had happened and she said, "Yes sir."

She said she remembered responding to a call in the area and when they came out they realized the area that they were in as the area where "Woody" had his incident.

Officer Marrero said, *"We were like so why don't we take a picture and we will send it to him just like a hey look where we are, like thinking of you kind of thing. I didn't have any ill intent towards it I honestly don't even remember any other conversation that we had."*

She said she did not know when the photo was taken but felt it was shortly after the incident occurred. She remembered it being cold outside because she was wearing her jacket so it had to be shortly after the beginning of this year. She said she was pretty sure it was in 2019.

Officer Marrero said she was on duty when this occurred, and she was with Officer Dittrich and Officer Jones. She said the picture was taken on Billings Street.

Officer Marrero said she did not remember whose idea it was to take the picture. She said, *"I might have suggested it. I didn't think of it as a big thing because I didn't mean any ill intent by it so I was like let's just send him a hey were thinking of you kind of thing."*

When asked who took the picture Officer Marrero said, *"It was either me or Kyle Dittrich, I can't remember."* She said the picture was no longer on her phone which had the number [REDACTED]. She said in all honesty she could not remember if she took the photo or not.

When asked to describe the picture Officer Marrero stated, *"I remember, I think we took two, one was of like the grassy area and the building and we took it and then I think at that point we were like oh he is not going to recognize where it was and then we saw like the lights of the memorial and so we turned around and we had it in like the far distant, and we took it and I remember I think it was me and then Dittrich and Jones and I think I was leaning in like this smiling and then Dittrich or Jones had his arm over Kyle like this and we were like all smiling."*

She said the picture was taken at night but could not give an approximate time when. She stated they were working graveyards.

When asked who all would have got the photo and she said she thought it was sent to their group text so she thought it would have herself, Dittrich, Jones and Woodyard. She said she did not think [REDACTED] was involved in the chat yet because she was not on their team last year.

She said she was in uniform when the photo was taken and she believed you could see their uniforms in the pictures.

When asked if Officer Roedema or Rosenblatt had received the photo she said not that she knew of. She said Woodyard did receive the photo as he was on the group chat and he was the reason for the chat.

When asked if she would be willing to voluntarily give us her cell phone to download it and look for the photo's she stated, "Sure." She said she deleted the photo from her phone which was a Pixel 3. She said she had a new phone with her, but her Pixel was at her residence and she was willing to get it for us.

When asked why she had deleted the photo she said because they deleted it after and she has started deleting her group chats and all her text messages since her phone did not have a rolling 30 day delete. She said she was not aware of anyone else that may have seen the photo. She said she did not remember sending the photo out but realized that if she took the photo she would have had to send it out.

She did not think the Carotid control hold was being simulated in the photo it was just an arm around the neck kind of thing.

Officer Marrero was asked if that photo was released to the public today what would the general public think, she said, *"In light of everything, I don't think it would be a good thing."*

She said she was not at the memorial to grieve for Elijah McClain when they took the photo.

Sergeant Crusier asked Officer Marrero if she remembered hearing either Dittrich or Jones suggest to each other that they would represent the Carotid and she said, *"I remember someone making a joke like oh maybe we should do the Carotid in it and I remember seeing the picture and then Jones and Jones when he had his arm over it didn't look like it at all."* She did not remember who suggested doing the Carotid but said it was one of the boys.

She said they had a text conversation back and forth when the photo was sent but did not remember what was said. She remembered having a conversation about not sending it out to Woody because he got named in the lawsuit then they deleted the photo.

She said she did not recall telling any Aurora Police Supervisors about the photo.

When asked when she had discussed the photo with Officer Woodyard she said it was around the time he was named in the lawsuit. She said, *"We were like we probably shouldn't have this because people aren't gonna take it the way that like we say it."* She further said, *"You know 'cause we didn't mean any ill intent or anything like that but I think the way people would view it would be the wrong way."* She said she

remembered Dittrich saying that they probably shouldn't talk about this around Officer Woodyard because he was pretty upset by everything.

Sergeant Crusier ordered Officer Marrero to get her phone and bring it in.

Observer Sergeant Benedict requested that Officer Marrero be asked if she thought what happened to Elijah McClain was a tragic situation and she said, *"Of course I don't know anybody who would want someone to die on this job like our job as officers is not to go out there and harm people it's to help them."* She was asked about his family, was it a tragedy to his family and she said, *"Of course, I'm a mom, if I lost my kid I'd be devastated, no matter what the circumstances."*

Officer Marrero said she has always strived to be someone who is a good community officer. She says she tries to talk to people and explain everything and prides herself in being able to calm people down in different situations.

She said she has not been to the memorial since this incident (other than driving by it on duty taking calls) and has not taken any other photo's there.

At the end of the interview Officer Marrero said, *"I never intended for this photo to be something that was offensive to anybody, in all honesty it was just meant to, we were all going through a really tough times with everything that happened with Woody and it was taken to be just like a hey were thinking of you, like, and we ended up in the same spot and it reminded us of you so we turned around and took the photo I never meant to harm anyone in the process."*

June 26, 2020

Officer [REDACTED] was interviewed in Internal Affairs. The interview was recorded this is only a summary. Also present for the interview was IAB Sergeant Chris Crusier and Officer Judy Gurley-Lutkin as an Observer.

It was explained to [REDACTED] that as was stated in the NOI we were there to talk about a photograph or a couple photographs that she may or may not have received in August or September of 2019. It was explained the photographs would have involved members of the department at the Elijah McClain memorial on Billings. [REDACTED] said, *"No I don't recall receiving anything like that."* She said in August/September of last year she would have been on team [REDACTED] supervised by [REDACTED].

██████████ was asked if she was ever part of a chat group/text group that would have had Dittrich, Jones, Marrero and Woodyard. She said she currently was part of a chat group containing those officers but was not part of the group back in August or September of 2019. She said those officers were all on team ██████████ and she did not join that chat group until after the bid until November or December.

She said she was not involved in taking any photos and has not been to the memorial. She did state she was on the call the night of the Elijah McClain incident. She said her phone number at the time and still is ██████████.

She said she was never made aware of a photo by anyone until this IA investigation.

██████████ was not requested to surrender her cell phone for searching.

Date the photos were taken:

A Burglary call for service was located on October 20, 2019 at the Sage Creek Apartments at 1768 Billings Street, #211. The CAD report (2019-359774) shows Officer's Jones, Dittrich and Marrero were dispatched to the call.

Officer Jones, working car 312, cleared the call at 01:35:29 a.m. Officer's Dittrich and Marrero were a two-officer car working car 313. They cleared the call at 01:35:54 a.m.

The location of the Elijah McClain incident was at the Sage Creek Apartments at 1768 Billings Street. It occurred on August 25, 2019.

Officer Kyle Dittrich stated one photo was taken in September or October of 2019 at approximately 1:00 a.m. in the 1900 block of Billings Street at the Elijah McClain memorial. He said it was taken after handling an unrelated call in the area with Officers Jones and Marrero.

Officer Jaron Jones said one photo was taken at the Elijah McClain memorial on Billings Street after he and Officer's Dittrich and Marrero handled a call in that area. He did not remember what the call was or the date the photo was taken and guessed it was four months ago.

Officer Erica Marrero said she remembered two photos being taken with one containing the grassy area and the building in the background and the second containing the memorial. She could not remember when the photo was taken other than it was in 2019

and it was cold. She said the photo was taken after herself, Officer Dittrich and Officer Jones responded to a call in that area.

Cell phone download and searching:

IAB Lieutenant Carlson called all the subject member officers and requested they respond to the IAB to be interviewed in reference to a complaint involving text messages. Lieutenant Carlson requested that they bring the cell phones each had around September of 2019. Lieutenant Carlson emailed each subject member an IAB memo with the allegation of 14.2.1 Conduct Unbecoming. The subject members were each issued more specific NOI's prior to being interviewed. Each subject member had an Observer and reviewed the Directives stated in the memorandum prior to being interviewed.

All subject officers (except for [REDACTED] who was not requested after saying she did not receive the text/photo) voluntarily surrendered their cell phones for the purpose of downloading and searching for photographs or text related to this allegation.

After Officer Rosenblatt's interview, his Rep., Officer Joe Cornell, requested that a lawful order be given for the surrender of Rosenblatt's cell phone. This request was granted and was done on video in the interview room.

For continuity, all subject members were then given lawful orders to surrender their cell phones for searching for the photos by Sergeant Crusier at the end of each interview.

The subject officers all maintained custody of their cell phones and took them individually to Agent Del Matticks at Headquarters and the phones were downloaded. The phones were then returned. Individually labeled thumb drives were supplied by Agent Matticks to Internal Affairs containing the data for each officer's phone.

Officer Dittrich said that he took one photo with the memorial in the background. Officer Jones remembered one photo being taken at the memorial as well.

Officer Marrero thought she might have taken the photos. She remembered two photos being taken with one containing the grassy area and the building in the background and the second containing the memorial lights in the background.

Officer Dittrich's phone images were searched first. The two described photos were located in the images file. There were 2638 images.

One photograph shows Officer Dittrich who is smiling and appears to be holding the phone and taking the picture. Officer Jones has his right arm around Officer Dittrich's neck and Officer Erica Marrero next to Officer Jones smiling. In the background is a street and across the street is a wall which appears to be the McClain memorial. The top part of Officer Dittrich's badge is visible in the photo as is a portion of the Aurora Police patch on Officer Jones uniform shirt.

The details page for the photo taken of the memorial shows it was taken on October 20, 2019 at 01:22:07 a.m. then modified on 10/20/19 at 01:44:18 a.m. (MST).

The second photo shows Officer Dittrich who appears to be holding the phone and taking the picture. Behind him and to his right is Officer Marrero and behind her and to her left is Officer Jones. All three officers are smiling. Officer Dittrich's badge is clearly visible and all three are in uniform. The officers appear to be standing in a grassy area between a sidewalk and a brick building. It appears this photo was taken at or near where the Elijah McClain incident occurred.

The details page for the photo taken of the grassy/building area does not show when it was taken but does show it was modified on 10/20/2019 at 01:42.14 a.m. (MST).

Investigator note: The two detail pages for the above described photos are in the Investigative Documents.

Officer Marrero's phone images were searched next. No photos related to this incident were located.

It was determined since Officer Dittrich and Officer Marrero stated they took the photos their images would be searched first and if the images were located none of the remaining Officer's phone images would be searched.

Since Officer Rosenblatt said he replied with a text after he received the photo his texts were searched. No texts related to this incident were observed.

Injuries

None.

Support Data for Basis of Synopsis, Investigation, Conclusions and Findings

AIM Complaint 2020-0109-COM	(3 pages)
Email – M. Sears	(1 page)
List - Board Member Meeting Attendees	(1 page)
APD Digital Forensics Mobile Device Extraction Reports	(5 pages)
Photographs	(4 pages)
APD Report 2019-359774	(4 pages)
Email – IRP Advisement	(2 pages)



Aurora Police Department

Investigation - Details

Complaint: 2020-0109-COM

Incident Type:		Incident #:	2020-0109-COM
Call Type:	Dept Directives Violation	Incident Date:	Time:
		Date Reported:	2020-06-25 Time: 14:50
Report #:			
Location:			
Address:			
Location1:	Location2:		
Status:	Open	Date Closed:	

Details

COM/PWR Must do label: ***Prior to closing, the Allegations & Action Taken pages must be completed***

Action taken is found by opening the allegations page, click the pencil icon next to each allegation. Then click on "Add Action Taken" and complete the boxes in the popup window.

Do not track the employee or add them to signatures.

Remember to complete the person links.

To be completed by the First Line Supervisor:	To be completed by the First Line Supervisor
------------------------------------------------------	----------------------------------------------

How Received:

Follow-Up Contact Method:

Complaint of Racial (Bias-based) Profiling:	No
Complaint of Untruthfulness/Dishonesty:	No
Result of a Field Contact:	No
Result of Asset Forfeiture:	No
Result of Vehicle Stop?:	No
Traffic Stop with no summons or arrest (Statutory):	No
All other contacts (Non-Statutory):	No
Complaint of Excessive UOF?:	No
This complaint came from::	APD member (Internal)

Finish lable: The below box must be filled out prior to closing. If you need explanations of what the choices are please see the AIM help documents in the Resource Library.

End result of complaint:

Employee *Required

Employee: Marrero, Erica N **Employee ID:** 0315829
Supvr at Incident: Nunez, Rachel A **ID:** 0199850
Rank: Patrol Officer **Position:** D2-Patrol Graves-449 **Shift:**

Employee: Rosenblatt, Jason G **Employee ID:** 0315112
Supvr at Incident: Brukbacher, Matthew J **ID:** 0242030
Rank: Patrol Officer **Position:** ERT-Emergency Respns Team-968 **Shift:**

Employee: Woodyard, Nathan S **Employee ID:** 0314452
Supvr at Incident: Beuthel, James **ID:** 0114810
Rank: Patrol Officer
Specialist **Position:** MD-Elec Support Section-993 **Shift:**

Persons Involved

Complainant **Glidden, Harry D**

Alias: Glidden, Harry D

Address:

Contact:

DOB: 1959-08-31

Age: 0

Race: White

Sex: M

Build:

Height: 74

Weight: 245

Hair Color: Blond

Eye Color: Blue

Non-PWR RP Type

Vehicle Color

Vehicle Make

Vehicle Model

Vehicle Year

Notes:

Allegation & Action Taken

Name:

ID:

Policy Type:

Policy List:

Violation:

Finding:

Finding Date:

Allegation Notes:

Action Taken

Employee:

Action:

Suspension Hours:

Due Date:

Action Type:

Hearing Date:

Start Date:

Action Date:

Order Number:

Time:

Tracking & Notes

Group Assigned To: IA Administrator

Role:

Date Assigned: 2020-06-25

Completion Date:

Assigned To: Grady, Gail L

Employee Assigned By: Grady, Gail L

Due Date:

Recommendation:

Notes:

Group Assigned To: IA

Role: Supervisor

Date Assigned: 2020-06-25

Completion Date:

Assigned To: Carlson, Cassidee C

Employee Assigned By: Grady, Gail L

Due Date:

Recommendation:

Notes: Assigned IAB Case Number 20-25

Exhibit (If applicable)

Notification

Signature

Related Incident

IAI-2020-0025

2020-06-25

Internal Affairs Pending

Open

Signatures

Reviewing Supervisor (Print Name)

Signature

Date

Reviewing Supervisor (Print Name)

Signature

Date

Reviewing Supervisor (Print Name)

Signature

Date

Reviewing Supervisor (Print Name)

Signature

Date

Sobieski, Thomas

From: Sears, Marc
Sent: Thursday, June 25, 2020 2:58 PM
To: Cruser, Christopher; Sobieski, Thomas
Subject: Fw: Concern

From: Sears, Marc
Sent: Thursday, June 25, 2020 2:22 PM
To: Parker, Darin <dparker@auroragov.org>; Glidden, Harry <hglidden@auroragov.org>
Cc: Wilson, Vanessa <vwilson@auroragov.org>
Subject: Concern

Gentlemen,

On 06-25-20 during a meeting I was informed by Ofc. [REDACTED] that he was notified by Ofc. Rosenblatt of some information that Rosenblatt received on his phone via text message. [REDACTED] was with Rosenblatt during a social engagement and Rosenblatt stated that he received a text that consisted of pictures of Officers Woodyard, Marrero and Dittrich positioned around Elijah McClain's grave site.

[REDACTED] believes that the stated officers were in plain clothes and off duty but he never saw the pictures so he was not certain. I asked what they were doing there and he did not have any idea. I asked if he knew if their behavior was described when they were around the grave site. [REDACTED] said that it was described to him as the stated officers were poking fun and laughing. I also asked if he knew when this event took place and the only thing that [REDACTED] could say was it was before the incident that happened in Minneapolis MN.

Due to the current climate surrounding the McClain incident, I think that this potential situation should be looked at due to the potential unbecoming behavior that could have occurred.

Respectfully,
Sgt. Marc C. Sears

MySelf

VP Irvine

ZUP Benedict

TR Jad Langran

PR William Revell

TR Ralph Knight

SA

GS Aaron Gallagher

Sec Elizabeth

DL Keenan

ZTR Cody Lande

Daughter

Criminal ?



AURORA POLICE DEPARTMENT DIGITAL FORENSICS UNIT



MOBILE DEVICE EXTRACTION REPORT

Date: 06/25/20	Agency: APD	Agency Case #: IA 20-25	Case Type: Internal Affairs Investigation
Evidence Item #: N/A	Location of Extraction: <input checked="" type="checkbox"/> Digital Forensics Unit <input type="checkbox"/> On Site (Fill in address below)		
Crime Scene Item #: N/A			
Case Agent: Paulovich, Jason #25330	Examiner: Matticks, Del #25344		

Request: Sergeant Paulovich escorted APD Officer Jason Rosenblatt #315112 into the APD Digital Forensic Unit and requested a forensic extraction of Rosenblatt's Apple iPhone 8 Plus for SMS/MMS and image/video files from September 1, 2019 to present.
Legal Authority: <input type="checkbox"/> Consent <input type="checkbox"/> Search Warrant <input checked="" type="checkbox"/> Other: Internal Affairs Investigation

Make: Apple	Model: A1864 (iPhone 8 Plus)	IMEI: 356114092893071	
OS Version: 13.5.1	SIM Card: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carrier: Verizon	Passcode: [REDACTED]
System Date: 06/25/20	System Time: 19:30	Local Date: Same	Local Time: Same
Device Storage: 32GB	Micro SD Storage: None	Micro SD Storage Extraction Method: N/A	
Phone Number: [REDACTED]	Pre-Existing Damage: None		

Network Isolation Method: <input checked="" type="checkbox"/> Airplane Mode <input type="checkbox"/> SIM Card Removed <input checked="" type="checkbox"/> Wi-Fi/Bluetooth Off <input type="checkbox"/> EMI-RFI Enclosure <input type="checkbox"/> Faraday Bag <input type="checkbox"/> Other: N/A	
Extraction Software/ Version: UFED PA 7.33.0.30	Extraction Method: iOS Advanced Logical
Analysis Software/Version: UFED PA 7.33.0.30	Extraction Hash Value (last 5 numbers): D61A9

Narrative

Upon successfully conducting an iOS Advanced Logical extraction of the Apple iPhone 8 Plus, I verified the extraction hash value but conducted no additional analysis. I then created a Cellebrite Reader Report which contained only SMS/MMS and image and video files from September 1, 2019 to present.

If a forensic extraction was completed, the results were compiled in an interactive reader and provided to the case agent, along with a copy of this report, on USB flash media. All original extraction files will be maintained on evidence servers within the APD Digital Forensics Unit and can be duplicated upon request.

NOTE: Some images, videos, or other artifacts may not be viewable on a workstation connected to an organizational network due to limited privileges and/or other restrictions such as, but not limited to, insufficient RAM, older software versions, or not having the correct codec. The UFED Reader report is best viewed on a workstation not connected to any organizational network.



AURORA POLICE DEPARTMENT DIGITAL FORENSICS UNIT



MOBILE DEVICE EXTRACTION REPORT

Date: 06/25/20	Agency: APD	Agency Case #: IA 20-25	Case Type: Internal Affairs Investigation
Evidence Item #: N/A	Location of Extraction: <input checked="" type="checkbox"/> Digital Forensics Unit <input type="checkbox"/> On Site (Fill in address below)		
Crime Scene Item #: N/A			
Case Agent: Paulovich, Jason #25330	Examiner: Matticks, Del #25344		

Request: Sergeant Paulovich escorted APD Officer Nathan Woodyard #314452 into the APD Digital Forensic Unit and requested a forensic extraction of Woodyard's Apple iPhone XR for SMS/MMS and image and video files between 09/01/19 and 10/31/19.			
Legal Authority:	<input type="checkbox"/> Consent	<input type="checkbox"/> Search Warrant	<input checked="" type="checkbox"/> Other: Internal Affairs Investigation

Make: Apple	Model: A1984 (iPhone XR)	IMEI: 353012095802557	
OS Version: 13.5.1	SIM Card: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carrier: Verizon	Passcode: [REDACTED]
System Date: 06/25/20	System Time: 8:23PM	Local Date: Same	Local Time: Same
Device Storage: 256GB	Micro SD Storage: None	Micro SD Storage Extraction Method: N/A	
Phone Number: [REDACTED]	Pre-Existing Damage: None		

Network Isolation Method:	<input checked="" type="checkbox"/> Airplane Mode	<input type="checkbox"/> SIM Card Removed	<input checked="" type="checkbox"/> Wi-Fi/Bluetooth Off
	<input type="checkbox"/> EMI-RFI Enclosure	<input type="checkbox"/> Faraday Bag	<input type="checkbox"/> Other:
Extraction Software/ Version: UFED PA 7.33.0.30	Extraction Method: iOS Advanced Logical		
Analysis Software/Version: UFED PA 7.33.0.30	Extraction Hash Value (last 5 numbers): A105E		

Narrative

Upon successfully conducting an iOS Advanced Logical extraction of the Apple iPhone XR, I verified the extraction hash value but conducted no additional analysis. I then created a Cellebrite Reader Report which contained only SMS and image and video files from September 1, 2019 to present.

If a forensic extraction was completed, the results were compiled in an interactive reader and provided to the case agent, along with a copy of this report, on USB flash media. All original extraction files will be maintained on evidence servers within the APD Digital Forensics Unit and can be duplicated upon request.

NOTE: Some images, videos, or other artifacts may not be viewable on a workstation connected to an organizational network due to limited privileges and/or other restrictions such as, but not limited to, insufficient RAM, older software versions, or not having the correct codec. The UFED Reader report is best viewed on a workstation not connected to any organizational network.



AURORA POLICE DEPARTMENT DIGITAL FORENSICS UNIT



MOBILE DEVICE EXTRACTION REPORT

Date: 06/25/20	Agency: APD	Agency Case #: IA 20-25	Case Type: Internal Affairs Investigation
Evidence Item #: N/A	Location of Extraction: <input checked="" type="checkbox"/> Digital Forensics Unit <input type="checkbox"/> On Site (Fill in address below)		
Crime Scene Item #: N/A			
Case Agent: Paulovich, Jason #25330		Examiner: Matticks, Del #25344	

Request: Sergeant Paulovich produced a Samsung Galaxy S9 cell phone belonging to APD Officer Kyle Dittrich #314456 and requested a forensic extraction of the device for SMS/MMS and image and video files between 09/01/19 and 10/31/19.			
Legal Authority:	<input type="checkbox"/> Consent	<input type="checkbox"/> Search Warrant	<input checked="" type="checkbox"/> Other: Internal Affairs Investigation

Make: Samsung	Model: SM-G960U (Galaxy S9)	IMEI: 356916090646875	
OS Version: 10	SIM Card: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carrier: T-Mobile	Passcode: [REDACTED]
System Date: 06/25/20	System Time: 9:06PM	Local Date: Same	Local Time: Same
Device Storage: 64GB	Micro SD Storage: None	Micro SD Storage Extraction Method: N/A	
Phone Number: [REDACTED]	Pre-Existing Damage: None		

Network Isolation Method:	<input checked="" type="checkbox"/> Airplane Mode	<input type="checkbox"/> SIM Card Removed	<input checked="" type="checkbox"/> Wi-Fi/Bluetooth Off
	<input type="checkbox"/> EMI-RFI Enclosure	<input type="checkbox"/> Faraday Bag	<input type="checkbox"/> Other:
Extraction Software/ Version: UFED 4PC 7.34.1.23	Extraction Method: File System (Android Backup)/Advanced Logical		
Analysis Software/Version: UFED PA 7.34.0.38	Extraction Hash Value (last 5 numbers): FBE69		

Narrative

Upon successfully conducting a File System and Advanced Logical extraction of the Samsung Galaxy S9 cell phone, I verified the extraction hash value but conducted no additional analysis. I then created a Cellebrite Reader Report which contained only SMS/MMS and image and video files between 09/01/19 and 10/31/19.

If a forensic extraction was completed, the results were compiled in an interactive reader and provided to the case agent, along with a copy of this report, on USB flash media. All original extraction files will be maintained on evidence servers within the APD Digital Forensics Unit and can be duplicated upon request.

NOTE: Some images, videos, or other artifacts may not be viewable on a workstation connected to an organizational network due to limited privileges and/or other restrictions such as, but not limited to, insufficient RAM, older software versions, or not having the correct codec. The UFED Reader report is best viewed on a workstation not connected to any organizational network.



AURORA POLICE DEPARTMENT DIGITAL FORENSICS UNIT



MOBILE DEVICE EXTRACTION REPORT

Date: 06/25/20	Agency: APD	Agency Case #: AI 20-25	Case Type: Internal Affairs Investigation
Evidence Item #: N/A	Location of Extraction: <input checked="" type="checkbox"/> Digital Forensics Unit <input type="checkbox"/> On Site (Fill in address below)		
Crime Scene Item #: N/A			
Case Agent: Paulovich, Jason #25330	Examiner: Matticks, Del #25344		

Request: APD Officer Jaron Jones #314466 produced his Apple iPhone XS and Sergeant Paulovich requested a forensic extraction of the device for SMS/MMS and image and video files between 09/01/19 and 10/31/19.
Legal Authority: <input type="checkbox"/> Consent <input type="checkbox"/> Search Warrant <input checked="" type="checkbox"/> Other: Internal Affairs Investigation

Make: Apple	Model: A1920 (iPhone XS)	S/N or IMEI: 356172099647437	
OS Version: 13.5.1	SIM Card: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carrier: Sprint	Passcode: [REDACTED]
System Date: 06/25/20	System Time: 10:08PM	Local Date: None	Local Time: None
Device Storage: 64GB	Micro SD Storage: None	Micro SD Storage Extraction Method: N/A	
Phone Number: [REDACTED]	Pre-Existing Damage: None		

Network Isolation Method: <input checked="" type="checkbox"/> Airplane Mode <input type="checkbox"/> SIM Card Removed <input checked="" type="checkbox"/> Wi-Fi/Bluetooth Off <input type="checkbox"/> EMI-RFI Enclosure <input type="checkbox"/> Faraday Bag <input type="checkbox"/> Other:	
Extraction Software/ Version: UFED PA 7.34.0.38	Extraction Method: iOS Advanced Logical Extraction
Analysis Software/Version: UDED PA 7.34.0.38	Extraction Hash Value (last 5 numbers): BE4CA

Narrative

Upon successfully conducting an iOS Advanced Logical extraction of the Apple iPhone XS, I verified the extraction hash value but conducted no additional analysis. I then created a Cellebrite Reader Report which contained only SMS/MMS and image and video files between 09/01/19 and 10/31/19.

If a forensic extraction was completed, the results were compiled in an interactive reader and provided to the case agent, along with a copy of this report, on USB flash media. All original extraction files will be maintained on evidence servers within the APD Digital Forensics Unit and can be duplicated upon request.

NOTE: Some images, videos, or other artifacts may not be viewable on a workstation connected to an organizational network due to limited privileges and/or other restrictions such as, but not limited to, insufficient RAM, older software versions, or not having the correct codec. The UFED Reader report is best viewed on a workstation not connected to any organizational network.



AURORA POLICE DEPARTMENT DIGITAL FORENSICS UNIT



MOBILE DEVICE EXTRACTION REPORT

Date: 06/26/20	Agency: APD	Agency Case #: IA 20-25	Case Type: Internal Affairs Investigation
Evidence Item #: N/A	Location of Extraction: <input checked="" type="checkbox"/> Digital Forensics Unit <input type="checkbox"/> On Site (Fill in address below)		
Crime Scene Item #: N/A			
Case Agent: Paulovich, Jason	Examiner: Matticks, Del #25344		

Request: Sergeant Paulovich produced a Google Pixel 3 cell phone belonging to APD Officer Erica Marrero #315829 and requested a forensic extraction of the device for SMS/MMS and image and video files between 09/01/19 and 10/31/19.
Legal Authority: <input type="checkbox"/> Consent <input type="checkbox"/> Search Warrant <input checked="" type="checkbox"/> Other: Internal Affairs Investigation

Make: Google	Model: Pixel 3	S/N or IMEI: 358275094093925	
OS Version: 10	SIM Card: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carrier: Verizon	Passcode: [REDACTED]
System Date: 06/26/20	System Time: 8:31AM	Local Date: Same	Local Time: Same
Device Storage: 64GB	Micro SD Storage: None	Micro SD Storage Extraction Method: N/A	
Phone Number: [REDACTED]	Pre-Existing Damage: None		

Network Isolation Method: <input checked="" type="checkbox"/> Airplane Mode <input type="checkbox"/> SIM Card Removed <input checked="" type="checkbox"/> Wi-Fi/Bluetooth Off <input type="checkbox"/> EMI-RFI Enclosure <input type="checkbox"/> Faraday Bag <input type="checkbox"/> Other:	
Extraction Software/ Version: UFED 4PC 7.34.1.23	Extraction Method: File System (Android Backup)/Advanced Logical
Analysis Software/Version: UFED PA 7.33.0.30	Extraction Hash Value (last 5 numbers): 546E9

Narrative

Upon successfully conducting a File System and Advanced Logical extraction of the Google Pixel 3 cell phone, I verified the extraction hash value but conducted no additional analysis. I then created a Cellebrite Reader Report which contained only image and video files between 09/01/19 and 10/31/19.

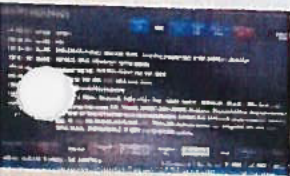
If a forensic extraction was completed, the results were compiled in an interactive reader and provided to the case agent, along with a copy of this report, on USB flash media. All original extraction files will be maintained on evidence servers within the APD Digital Forensics Unit and can be duplicated upon request.

NOTE: Some images, videos, or other artifacts may not be viewable on a workstation connected to an organizational network due to limited privileges and/or other restrictions such as, but not limited to, insufficient RAM, older software versions, or not having the correct codec. The UFED Reader report is best viewed on a workstation not connected to any organizational network.





Q | ▾



Save

Name: 8188676818095102013.0
Type: Images
Size (bytes): 62776
Path: Samsung GSM_SM-G960U Galaxy S9.zip/
sdcard/Android/data/
com.sec.android.gallery3d/
cache/0/8188676818095102013.0
Created:
Accessed:
Modified: 10/20/2019 1:42:14 AM(UTC-6)
Changed:
Deleted:
Extraction: File System
MD5: 17dc48ae26e233a6b987ef6d91ea5bc4
Source file: 8188676818095102013.0

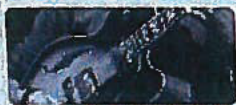
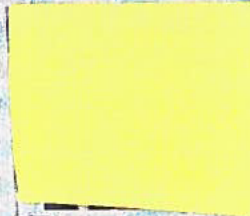
Map

Position:
Address:
Map Address:

April, 2020



ns ▾ Table Search



156658944530

Details

Events (0)



Save

Name: -9157838456658944530
Type: Images
Size (bytes): 1604237
Path: Samsung GSM_SM-G960U Galaxy S9.zip/
 sdcard/Android/data/
 com.sec.android.gallery3d/
 files/Trash/-9157838456658944530
Created:
Accessed:
Modified: 10/20/2019 1:44:18 AM(UTC-6)
Changed:
Deleted:
Extraction: File System
MD5: 758a77ce29bf7fb26cd861b44c4c3202
Source file: -9157838456658944530

Metadata

Camera Make: samsung
Camera Model: SM-G960J
Capture Time: 10/20/2019 1:22:07 AM
Pixel resolution: 2640x1488
Resolution: 7.2x7.2 (Unit: Inch)
Orientation: 0

Map

AURORA POLICE DEPARTMENT
CAD CALL HARDCOPY

CP 2019-359774

Reported: Oct-19-2019 23:52:48

Incident Location

Address : 211 - 1768 N BILLINGS ST
Place Name : in SAGE CREEK APTS
City : AURORA
District : 2 Beat : 12 Grid : 4G4
Telephone no. : [REDACTED]

General Information

Report number: 2019-40925
Case Type : BURGR- Priority : 5
Dispatch : Oct-20-2019 07:12:26
Cleared : Oct-20-2019 08:34:08
How call received : 911 SYSTEM
Unit ids : #1 - 312 #2 - 313 #3 - 312
Call taker ID : 315654

Complainant Information

Remarks :

Oct-19-2019 23:52:48 - Problem: SOMEONE BROKE INTO HOME ----- Vict caller on scene. -----
Susp/Veh not in area. ----- Time lapse: SOMETIME TODAY ----- Residential BURGLARY ----- Property taken: CELL PHONE, PIGGY BANK, AND OTHER ITEMS **
LOI search completed at 10/19/19 23:52:49 CTC **
LOI information for Event # P190359774 was viewed at: 10/19/19 23:57:15 ** >>>> by: Paula R.

(at cad22) on 2019-10-19 23:52:48 - Problem: SOMEONE BROKE INTO HOME

(at cad22) on 2019-10-19 23:52:48 - ----- Vict caller on scene.

(at cad22) on 2019-10-19 23:52:48 - ----- Susp/Veh not in area.

(at cad22) on 2019-10-19 23:52:48 - ----- Time lapse: SOMETIME TODAY

(at cad22) on 2019-10-19 23:52:48 - ----- Residential BURGLARY

(at cad22) on 2019-10-19 23:52:48 - ----- Property taken: CELL PHONE, PIGGY BANK, AND OTHER ITEMS

(at cadint1) on 2019-10-19 23:52:49 - ** LOI search completed at 10/19/19 23:52:49

**AURORA POLICE DEPARTMENT
CAD CALL HARDCOPY**

CP 2019-359774

Reported: Oct-19-2019 23:52:48

(at cad22) on 2019-10-19 23:52:54 - CTC

(at cad08) on 2019-10-19 23:57:15 - ** LOI
information for Event # P190359774 was viewed at:
10/19/19 23:57:15

(at cad08) on 2019-10-19 23:57:15 - ** >>>> by:
Paula R. Hull on terminal: cad08

(at cad08) on 2019-10-19 23:57:17 - ** LOI
information for Event # P190359774 was viewed at:
10/19/19 23:57:17

(at cad08) on 2019-10-19 23:57:17 - ** >>>> by:
Paula R. Hull on terminal: cad08

(at cad08) on 2019-10-19 23:57:18 - ** LOI
information for Event # P190359774 was viewed at:
10/19/19 23:57:18

(at cad08) on 2019-10-19 23:57:18 - ** >>>> by:
Paula R. Hull on terminal: cad08

(at cad08) on 2019-10-20 00:42:33 - ** LOI
information for Event # P190359774 was viewed at:
10/20/19 00:42:33

(at cad08) on 2019-10-20 00:42:33 - ** >>>> by:
Paula R. Hull on terminal: cad08

(at cad08) on 2019-10-20 00:42:34 - ** LOI
information for Event # P190359774 was viewed at:
10/20/19 00:42:34

(at cad08) on 2019-10-20 00:42:34 - ** >>>> by:
Paula R. Hull on terminal: cad08

(at cad08) on 2019-10-20 00:42:34 - ** LOI
information for Event # P190359774 was viewed at:
10/20/19 00:42:34

(at cad08) on 2019-10-20 00:42:34 - ** >>>> by:
Paula R. Hull on terminal: cad08

(at cad17) on 2019-10-20 00:54:08 - RP CB REQ
ETA...CT ADV PD ENRT

(at cad14) on 2019-10-20 01:08:17 - ** Case
number R2019040925 has been assigned to event
P190359774

(at cad14) on 2019-10-20 01:08:17 - ** >>>> by:

**AURORA POLICE DEPARTMENT
CAD CALL HARDCOPY**

CP 2019-359774

Reported: Oct-19-2019 23:52:48

Deborah J. Furler on terminal: cad14

**(at cad08) on 2019-10-20 01:35:55 - ** Event held
for 5 minutes and unit 313**

**(at cad08) on 2019-10-20 01:39:32 - ** Event held
for 5 minutes and unit 312**

**(at cad08) on 2019-10-20 07:12:21 - ** Event held
for 5 minutes and unit 312**

**JONES, JARON R(at S312) on 2019-10-20 08:34:07 -
Event Clear Comments> see mre**

Clearance Information

Remarks :

BURGLARY FREE TEXT

Final Case type : BURGLARY

Report expected : Yes Founded : Yes

Reporting Officer1 : 314466 - JONES, JARON R

Dispatch Details

Unit number : 312 Dispatched: Oct-20-2019 00:49:18

Officer 1 : 314466 - JONES, JARON R

Enroute : Oct-20-2019 00:49:22

At scene: Oct-20-2019 00:58:02

Cleared : Oct-20-2019 01:35:29

Dispatcher ID : 314821

Unit number : 312 Dispatched: Oct-20-2019 00:49:18

Officer 1 : 314466 - JONES, JARON R

Enroute : Oct-20-2019 00:49:22

At scene: Oct-20-2019 00:58:02

Cleared : Oct-20-2019 01:35:29

Dispatcher ID : 314821

Unit number : 312 Dispatched: Oct-20-2019 00:49:18

Officer 1 : 314466 - JONES, JARON R

Enroute : Oct-20-2019 00:49:22

At scene: Oct-20-2019 00:58:02

Cleared : Oct-20-2019 01:35:29

Dispatcher ID : 314466

Unit number : 313 Dispatched: Oct-20-2019 00:49:18

Officer 1 : 314456 - DITTRICH, KYLE E

**AURORA POLICE DEPARTMENT
CAD CALL HARDCOPY**

CP 2019-359774

Reported: Oct-19-2019 23:52:48

Officer 2 : **315829 - MARRERO, ERICA NICOLE**
Enroute : **Oct-20-2019 00:49:22**
At scene: **Oct-20-2019 00:57:59**
Cleared : **Oct-20-2019 01:35:54**
Dispatcher ID : **314821**

Unit number : **312** Dispatched: **Oct-20-2019 00:49:18**
Officer 1 : **314466 - JONES, JARON R**
Enroute : **Oct-20-2019 00:49:22**
At scene: **Oct-20-2019 00:58:02**
Cleared : **Oct-20-2019 01:35:29**
Dispatcher ID : **314466**

Unit/Officer Details

**** END OF HARDCOPY ****

Grady, Gail

From: Carlson, Cassidee
Sent: Monday, June 29, 2020 8:50 AM
To: Grady, Gail; Sobieski, Thomas
Subject: Fw: IRP PROCESS

For file.

Lieutenant Cassidee Carlson

Aurora Police Department
Internal Affairs Bureau
Monday-Thursday
p. 303.739.6070 | e. ccarlson@auroragov.org

From: Carlson, Cassidee
Sent: Monday, June 29, 2020 8:13 AM
Subject: Fwd: IRP PROCESS

This is sent on behalf of Chief Wilson.
Please read below and contact me to schedule. You can email me or call x36070.

Per directive 10.2.11, If you opt to have a representative appear with you or on your behalf, please notify **Lt. Carlson** identifying who your representative will be.

Thank you,
Lt. Cassidee Carlson

Begin forwarded message:

From: "Wilson, Vanessa" <vwilson@auroragov.org>
Date: June 29, 2020 at 7:56:50 AM MDT
To: "Carlson, Cassidee" <ccarlson@auroragov.org>, "Dudley, Marcus" <mdudley@auroragov.org>
Subject: IRP PROCESS

I believe IA # 20-25 and required reviews must be completed as expeditiously as possible. Therefore, I have determined, per DM 10.2.11, the IRP must be shortened in this matter to **TWO** days. This is due to the alleged misconduct, the risk of public disclosure, the high-profile nature of the underlying incident the preceding this incident, and the possible adverse and potentially violent response by the public in response to this incident as shown by recent riot activity in Denver and Aurora. Please ensure all involved members are informed in writing of this order.

This process starts this morning and add this email to the file.

Vanessa Wilson

Interim Chief of Police

Aurora, Colorado Police Department

Office: 303.739.6021



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PROCESS DOCUMENTS



**Office of the Chief of Police
Memorandum**

Date: June 25, 2020
To: Officer Kyle Dittrich #314456
From: Interim Chief Vanessa Wilson
Re: Administrative Leave with Pay


You are being placed on paid Administrative Leave for the duration of the investigation of IAB#20-25 or until further notice. You are prohibited from working any scheduled shifts, taking any police action, and working secondary employment. You are prohibited from wearing your uniform. You are obligated to honor any subpoenas that you have received or may receive. Should you appear in court, you will dress in appropriate business attire as defined in Directive 8.1.4 (Appearance).

While on administrative leave, you will remain available for contact during regular business hours (Monday through Friday, 0800-1700 hours). To that end, you will provide valid contact information.

I hereby acknowledge I have received a true and correct copy of the above Order on the 25th day of JUNE, 2020 at 20:40 hours.

Member Contact Information:

Telephone#: [REDACTED] Email: [REDACTED]



Kyle Dittrich

AURORA POLICE DEPARTMENT



Vanessa Wilson
Interim Chief of Police



**Office of the Chief of Police
Memorandum**

Date: June 25, 2020
To: Officer Jaron Jones #0314466
From: Interim Chief Vanessa Wilson
Re: Administrative Leave with Pay


You are being placed on paid Administrative Leave for the duration of the investigation of IAB#20-25 or until further notice. You are prohibited from working any scheduled shifts, taking any police action, and working secondary employment. You are prohibited from wearing your uniform. You are obligated to honor any subpoenas that you have received or may receive. Should you appear in court, you will dress in appropriate business attire as defined in Directive 8.1.4 (Appearance).

While on administrative leave, you will remain available for contact during regular business hours (Monday through Friday, 0800-1700 hours). To that end, you will provide valid contact information.

I hereby acknowledge I have received a true and correct copy of the above Order on the 25TH day of June, 2020 at 2122 hours.

Member Contact Information:

Telephone#: [REDACTED] Email: [REDACTED]



Jaron Jones

AURORA POLICE DEPARTMENT



Vanessa Wilson
Interim Chief of Police



**Office of the Chief of Police
Memorandum**

Date: June 25, 2020
To: Officer Erica Marrero #315829
From: Interim Chief Vanessa Wilson
Re: Administrative Leave with Pay

You are being placed on paid Administrative Leave for the duration of the investigation of IAB#20-25 or until further notice. You are prohibited from working any scheduled shifts, taking any police action, and working secondary employment. You are prohibited from wearing your uniform. You are obligated to honor any subpoenas that you have received or may receive. Should you appear in court, you will dress in appropriate business attire as defined in Directive 8.1.4 (Appearance).

While on administrative leave, you will remain available for contact during regular business hours (Monday through Friday, 0800-1700 hours). To that end, you will provide valid contact information.

I hereby acknowledge I have received a true and correct copy of the above Order on the 25 day of June, 2020 at 2202 hours.

Member Contact Information:

Telephone#: [REDACTED] Email: [REDACTED]


Erica Marrero

AURORA POLICE DEPARTMENT


Vanessa Wilson
Interim Chief of Police



**Office of the Chief of Police
Memorandum**

Date: June 25, 2020
To: Officer Jason Rosenblatt #315112
From: Interim Chief Vanessa Wilson
Re: Administrative Leave with Pay

You are being placed on paid Administrative Leave for the duration of the investigation of IAB#20-25 or until further notice. You are prohibited from working any scheduled shifts, taking any police action, and working secondary employment. You are prohibited from wearing your uniform. You are obligated to honor any subpoenas that you have received or may receive. Should you appear in court, you will dress in appropriate business attire as defined in Directive 8.1.4 (Appearance).

While on administrative leave, you will remain available for contact during regular business hours (Monday through Friday, 0800-1700 hours). To that end, you will provide valid contact information.

I hereby acknowledge I have received a true and correct copy of the above Order on the 25th day of June, 2020 at 1920 hours.


Member Contact Information:

Telephone#: [REDACTED] Email: [REDACTED]



Jason Rosenblatt

AURORA POLICE DEPARTMENT



Vanessa Wilson
Interim Chief of Police



**Office of the Chief of Police
Memorandum**

Date: June 25, 2020
To: Officer Nathan Woodyard #314452
From: Interim Chief Vanessa Wilson
Re: Administrative Leave with Pay

You are being placed on paid Administrative Leave for the duration of the investigation of IAB#20-25 or until further notice. You are prohibited from working any scheduled shifts, taking any police action, and working secondary employment. You are prohibited from wearing your uniform. You are obligated to honor any subpoenas that you have received or may receive. Should you appear in court, you will dress in appropriate business attire as defined in Directive 8.1.4 (Appearance).

While on administrative leave, you will remain available for contact during regular business hours (Monday through Friday, 0800-1700 hours). To that end, you will provide valid contact information.

I hereby acknowledge I have received a true and correct copy of the above Order on the 25TH day of JUNE, 2020 at 1953 hours.

Member Contact Information:

Telephone#: [REDACTED] Email: [REDACTED]

Nathan Woodyard

Nathan Woodyard

AURORA POLICE DEPARTMENT

Vanessa Wilson

Vanessa Wilson
Interim Chief of Police



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer Kyle Dittrich #314456
From: Lt. C. Carlson #26215
Date: June 25, 2020
Re: IAB Case # 20-25

You are notified the Internal Affairs Bureau has been directed by the Chief of Police to investigate possible violation(s) of Department Directives or City Policies. The allegations involve the following Directives or Policies:

14.2.1 -Conduct Unbecoming

It is your responsibility to review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview. Enclosed for your review is the Employee and Administrative Investigations pamphlet.

According to Directive 10.2.9, you have the right to have a sworn member present as an observer during your interview. Should you choose to have an observer present you are hereby notified the Internal Affairs Bureau will not be able to guarantee confidentiality of your case details. Please consult the Directives for further information concerning observers, before your interview.

Receipt of this notification constitutes an order that you shall not discuss the matter under investigation with any member of the Aurora Police Department or any person you know or reasonably should know will be interviewed as a witness by the Internal Affairs Bureau.

You should also be aware that Directive 10.2.20 prohibits members from being armed during Internal Affairs interviews or Disciplinary Hearings.

Upon receipt of this letter you are directed to call me at extension x36070 to schedule an interview. You are authorized to review any reports and body camera video prior to your interview. Should you have any questions, please do not hesitate to contact me.

Internal Affairs Bureau

Cc: Sgt. W. Hummel, Lt. J. D'Agosta, Capt. E. Wittman, Cmdr. J. Puscian

***Immediate Supervisor's Responsibility: Confirm with subject member receipt of their notification memorandum and have the member contact the Internal Affairs Investigator.**

Note: the department recognizes that receipt of a notification from the Internal Affairs Section may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550; Nicoletti-Flater & Associates at 303-989-1617; or Brower Psychological Police Services at 720-222-3400.



Aurora Police Department
NOTICE OF INVESTIGATION - SWORN

Kyle Dittrich
EMPLOYEE NAME

314456
I.D.#

June 25, 2020
DATE

2004 hrs
TIME

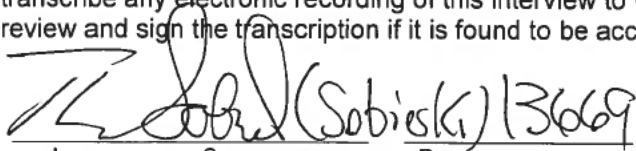
An administrative investigation is being conducted into the allegations of possible violations of City of Aurora or Aurora Police Department policies, procedures or directives related to the following incident(s):

<i>Include date, time and location if known</i>
2019-2020 in the 1700-1900 blk of Billings Street
<i>Description of the specific nature of the allegation</i>
This investigation is being conducted to determine whether or not the following directive violations occurred involving your conduct: There are allegations that while on duty you were involved with other members of the Aurora Police Department in the taking of a selphie photograph at the memorial for Elijah McClain. If this allegation is proven, you could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

Per Aurora Police Department Directive 10.2, as a sworn member you have specific rights and responsibilities during this investigation.

- You are being compelled by an Aurora Police Department supervisor to completely and truthfully answer questions or provide a written statement relating to your activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of this investigation; and, you can be disciplined up to and including termination for refusal to answer these questions.
- Questions, tests or examinations related to this investigation will be narrowly and specifically related to your job-related performance, conduct and fitness for duty.
- You are ordered not to discuss this case with any member of the department other than the investigating supervisor, an Aurora Police Association representative, a Fraternal Order of Police representative, your attorney or observer/representative while the case is active (as defined in APD Directives 10.2.)
- Any statements, tests or examination results gained from this investigation may be used against you in a disciplinary, administrative or civil proceeding, but will not be used against you in any subsequent criminal action.
- Voluntary statements or confessions made by you which are outside the scope of the investigation as defined above may be admissible in subsequent criminal actions.

You have the right to electronically record or take notes during this interview. The investigating supervisor will retain all tapes or notes created during a preliminary investigation. The Aurora Police Department reserves the right to transcribe any electronic recording of this interview to verify accuracy and context of statements. If requested, you will review and sign the transcription if it is found to be accurate.


INVESTIGATING SUPERVISOR DATE

 0314456
MEMBER SIGNATURE / ID#

6/25/20
DATE

**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

If the information I am ordered to provide is used for any purpose other than an Internal Administrative Investigation, I hereby invoke my constitutional right to silence under the **FIFTH** and **FOURTEENTH AMENDMENTS** to the United States Constitution and rely specifically upon protections afforded me under the holdings in Garrity v. New Jersey, 385 U.S. 493 (1967); Spevack v. Klien, 385 U.S. 551 (1967); and Gardner v. Broderick, 392 U.S. 273 (1968).

Member:

Kyle Dittich
(Signature)

Kyle DITTRICH 0314456
(Print Name and Employee #)

Date:

06/25/2020
⁰⁶
_{Rep}

Investigator:

R Sobieski (Sobieski) 13669
(Signature)



Aurora Police Department
ACCEPTANCE OF OBSERVER CONDITIONS

Date of form presentation: 6/25/20 Time of form presentation: _____

Presented By: Det. Tom Sobieski ID Number: 136690

For Accused Member:

As an accused member subject to a preliminary investigation you are entitled to have an observer present during any interview if you so choose. If you decide to have an observer present for your interview, you must have the observer present and ready for participation in the interview within 30 minutes from the time the investigating supervisor presents you with this form. The interview will commence at the expiration of 30 minutes regardless of whether the observer is present or not. Should the observer arrive after the 30-minute allotted time period, they will not be allowed to participate in the interview.

I wish to have an observer present for my interview.

I do not wish to have an observer present for my interview.

Kyle Dittich

SIGNATURE OF SUBJECT MEMBER

Kyle Dittich

PRINTED NAME OF SUBJECT MEMBER

OBSERVER CONDITIONS

For Observer:

Per Directive 10.2.9, as an observer you will conduct yourself during this interview according to the following guidelines, which I will read to you:

Present also is (state member's name) AARON GALLAGHER as an observer. (State member's name) AARON GALLAGHER, do you understand that you are here as an observer and cannot offer advise, counsel or interfere with the interview in any way or you will be ordered to leave? Do you understand that you are also ordered not to discuss this case with any member of the department or any person you know or reasonably should know will be interviewed as a witness during the preliminary or formal investigative process while the case is active (as defined in APD Directives 10.2 and 10.3)? Do you understand that material(s) present in this room during the course of the interview is not available for your review, perusal or access without the consent of the controlling investigator? Do you understand you are not allowed to conduct an inquiry or investigation into the facts and circumstances surrounding this case? Do you understand your presence here is a privilege extended to you by the Chief of Police, and violation of any of these guidelines may result in forfeiture of this privilege? Are you recording this interview yourself?

The Observer also acknowledges that they have received permission from a supervisor to attend this interview and will be allowed use of duty time to serve if they are on-duty. The observer acknowledges that they will receive straight-time compensation for time spent in an observer role if they are off-duty.

[Signature]

SIGNATURE OF OBSERVER

AARON GALLAGHER

PRINTED NAME OF OBSERVER

(Sobieski) 13669

INTERNAL AFFAIRS INVESTIGATOR / ID #

ARRIVAL TIME OF OBSERVER

FINAL INVESTIGATIVE REVIEW PROCESS (IRP)

Name: Officer Kyle Dittrich

ID: 314456

Assignment: District 2 Patrol

Date: June 29, 2020

Time: 2100

Location: Internal Affairs Bureau

IAB Investigator: Agent Tom Sobieski #13669

The Investigative Review Process is concluded. I understand I may not discuss the investigation with any unauthorized persons while the case remains active, as defined in Directive 10.2.

I understand I have seven calendar days from today to submit a signed Letter of Dispute.

I intend to submit a Letter of Dispute

YES

NO

Member declined IRP

YES ^{KED}

See attached email

Member failed to respond to IRP notice

YES

Signature/ID#:

Kyle Dittrich 314456
(Subject Member)

06/29/2020
(Date)

IAB Investigator:

T. Sobieski (Sobieski)
(Investigator) 13669

6/29/20
(Date)



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer Jaron Jones #314466
From: Lt. C. Carlson #26215
Date: June 25, 2020
Re: IAB Case # 20-25

You are notified the Internal Affairs Bureau has been directed by the Chief of Police to investigate possible violation(s) of Department Directives or City Policies. The allegations involve the following Directives or Policies:

14.2.1 -Conduct Unbecoming

It is your responsibility to review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview. Enclosed for your review is the Employee and Administrative Investigations pamphlet.

According to Directive 10.2.9, you have the right to have a sworn member present as an observer during your interview. Should you choose to have an observer present you are hereby notified the Internal Affairs Bureau will not be able to guarantee confidentiality of your case details. Please consult the Directives for further information concerning observers, before your interview.

Receipt of this notification constitutes an order that you shall not discuss the matter under investigation with any member of the Aurora Police Department or any person you know or reasonably should know will be interviewed as a witness by the Internal Affairs Bureau.

You should also be aware that Directive 10.2.20 prohibits members from being armed during Internal Affairs interviews or Disciplinary Hearings.

Upon receipt of this letter you are directed to call me at extension x36070 to schedule an interview. You are authorized to review any reports and body camera video prior to your interview. Should you have any questions, please do not hesitate to contact me.

Internal Affairs Bureau

Cc: Sgt. K. Rossi, Lt. S. Torpen, Cmdr. C. Juul

***Immediate Supervisor's Responsibility: Confirm with subject member receipt of their notification memorandum and have the member contact the Internal Affairs Investigator.**

Note: the department recognizes that receipt of a notification from the Internal Affairs Section may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550; Nicoletti-Flater & Associates at 303-989-1617; or Brower Psychological Police Services at 720-222-3400.



Aurora Police Department
NOTICE OF INVESTIGATION - SWORN

Jaron Jones
EMPLOYEE NAME

26215
I.D.#

June 25, 2020
DATE

2050
TIME

An administrative investigation is being conducted into the allegations of possible violations of City of Aurora or Aurora Police Department policies, procedures or directives related to the following incident(s):

Include date, time and location if known

In 2019 in the 1700-1900 blk of Billings Street

Description of the specific nature of the allegation

This investigation is being conducted to determine whether or not the following directive violations occurred involving your conduct:


There are allegations that while on duty you were involved with other members of the Aurora Police Department in the taking of a selphie photograph at the memorial for Elijah McClain.

If this allegation is proven, you could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

Per Aurora Police Department Directive 10.2, as a sworn member you have specific rights and responsibilities during this investigation.

- You are being compelled by an Aurora Police Department supervisor to completely and truthfully answer questions or provide a written statement relating to your activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of this investigation; and, you can be disciplined up to and including termination for refusal to answer these questions.
- Questions, tests or examinations related to this investigation will be narrowly and specifically related to your job-related performance, conduct and fitness for duty.
- You are ordered not to discuss this case with any member of the department other than the investigating supervisor, an Aurora Police Association representative, a Fraternal Order of Police representative, your attorney or observer/representative while the case is active (as defined in APD Directives 10.2.)
- Any statements, tests or examination results gained from this investigation may be used against you in a disciplinary, administrative or civil proceeding, but will not be used against you in any subsequent criminal action.
- Voluntary statements or confessions made by you which are outside the scope of the investigation as defined above may be admissible in subsequent criminal actions.

You have the right to electronically record or take notes during this interview. The investigating supervisor will retain all tapes or notes created during a preliminary investigation. The Aurora Police Department reserves the right to transcribe any electronic recording of this interview to verify accuracy and context of statements. If requested, you will review and sign the transcription if it is found to be accurate.

 (Sobieski) 13669
INVESTIGATING SUPERVISOR

6/25/20

DATE

 0314466
MEMBER SIGNATURE / ID#

6/25/20

DATE


**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

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Member:

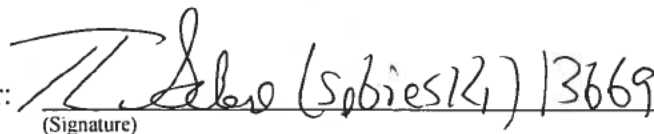

(Signature)

Jaron Jones 0314466
(Print Name and Employee #)

Date:

06/25/2020

Investigator:


(Signature) 13669



Aurora Police Department
ACCEPTANCE OF OBSERVER CONDITIONS

Date of form presentation: June 25, 2020 Time of form presentation: 2050

Presented By: Agent Tom Sobieski ID Number: 13669

For Accused Member:

As an accused member subject to a preliminary investigation you are entitled to have an observer present during any interview if you so choose. If you decide to have an observer present for your interview, you must have the observer present and ready for participation in the interview within 30 minutes from the time the investigating supervisor presents you with this form. The interview will commence at the expiration of 30 minutes regardless of whether the observer is present or not. Should the observer arrive after the 30-minute allotted time period, they will not be allowed to participate in the interview.

I wish to have an observer present for my interview.

I do not wish to have an observer present for my interview.

[Signature]
SIGNATURE OF SUBJECT MEMBER

Jaron Jones
PRINTED NAME OF SUBJECT MEMBER

OBSERVER CONDITIONS

For Observer:

Per Directive 10.2.9, as an observer you will conduct yourself during this interview according to the following guidelines, which I will read to you:

Present also is (state member's name) WALT OBRECHT as an observer. (State member's name) WALT OBRECHT, do you understand that you are here as an observer and cannot offer advise, counsel or interfere with the interview in any way or you will be ordered to leave? Do you understand that you are also ordered not to discuss this case with any member of the department or any person you know or reasonably should know will be interviewed as a witness during the preliminary or formal investigative process while the case is active (as defined in APD Directives 10.2 and 10.3)? Do you understand that material(s) present in this room during the course of the interview is not available for your review, perusal or access without the consent of the controlling investigator? Do you understand you are not allowed to conduct an inquiry or investigation into the facts and circumstances surrounding this case? Do you understand your presence here is a privilege extended to you by the Chief of Police, and violation of any of these guidelines may result in forfeiture of this privilege? Are you recording this interview yourself?

The Observer also acknowledges that they have received permission from a supervisor to attend this interview and will be allowed use of duty time to serve if they are on-duty. The observer acknowledges that they will receive straight-time compensation for time spent in an observer role if they are off-duty.

[Signature]
SIGNATURE OF OBSERVER
[Signature] (Sobieski) / 13669
INTERNAL AFFAIRS INVESTIGATOR / ID#

WALTER OBRECHT
PRINTED NAME OF OBSERVER
2100
ARRIVAL TIME OF OBSERVER

FINAL INVESTIGATIVE REVIEW PROCESS (IRP)

Name: Officer Jaron Jones

ID: 314456

Assignment: District 2 Patrol

Date: June 29, 2020

Time: 2100

Location: Internal Affairs Bureau

IAB Investigator: Agent Tom Sobieski #13669

The Investigative Review Process is concluded. I understand I may not discuss the investigation with any unauthorized persons while the case remains active, as defined in Directive 10.2.

I understand I have seven calendar days from today to submit a signed Letter of Dispute.

I intend to submit a Letter of Dispute YES NO

Member declined IRP YES See attached email

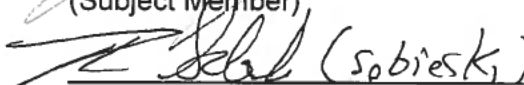
Member failed to respond to IRP notice YES

Signature/ID#:


(Subject Member)

06/29/2020
(Date)

IAB Investigator:

 (Sobieski) 13669
(Investigator)

6/29/20
(Date)



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer Erica Marrero #315829

From: Lt. C. Carlson #26215

Date: June 25, 2020

Re: IAB Case # 20-25

You are notified the Internal Affairs Bureau has been directed by the Chief of Police to investigate possible violation(s) of Department Directives or City Policies. The allegations involve the following Directives or Policies:

14.2.1 -Conduct Unbecoming

It is your responsibility to review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview. Enclosed for your review is the Employee and Administrative Investigations pamphlet.

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Receipt of this notification constitutes an order that you shall not discuss the matter under investigation with any member of the Aurora Police Department or any person you know or reasonably should know will be interviewed as a witness by the Internal Affairs Bureau.

You should also be aware that Directive 10.2.20 prohibits members from being armed during Internal Affairs interviews or Disciplinary Hearings.

Upon receipt of this letter you are directed to call me at extension x36070 to schedule an interview. You are authorized to review any reports and body camera video prior to your interview. Should you have any questions, please do not hesitate to contact me.

Internal Affairs Bureau

Cc: Sgt. R. Nunez, Lt. J. D'Agosta, Capt. E. Wittman, Cmdr. J. Puscian

***Immediate Supervisor's Responsibility: Confirm with subject member receipt of their notification memorandum and have the member contact the Internal Affairs Investigator.**

Note: the department recognizes that receipt of a notification from the Internal Affairs Section may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550; Nicoletti-Flater & Associates at 303-989-1617; or Brover Psychological Police Services at 720-222-3400.



Aurora Police Department
NOTICE OF INVESTIGATION - SWORN

Erica Marrero
EMPLOYEE NAME

315829
I.D.#

June 25, 2020
DATE

2130
TIME

An administrative investigation is being conducted into the allegations of possible violations of City of Aurora or Aurora Police Department policies, procedures or directives related to the following incident(s):

Include date, time and location if known

In 2019 in the 1700-1900 blk of Billings Street

Description of the specific nature of the allegation

This investigation is being conducted to determine whether or not the following directive violations occurred involving your conduct:

There are allegations that while on duty you were involved with other members of the Aurora Police Department in the taking of a selphie photograph at the memorial for Elijah McClain.

If this allegation is proven, you could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

Per Aurora Police Department Directive 10.2, as a sworn member you have specific rights and responsibilities during this investigation.

- You are being compelled by an Aurora Police Department supervisor to completely and truthfully answer questions or provide a written statement relating to your activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of this investigation; and, you can be disciplined up to and including termination for refusal to answer these questions.
- Questions, tests or examinations related to this investigation will be narrowly and specifically related to your job-related performance, conduct and fitness for duty.
- You are ordered not to discuss this case with any member of the department other than the investigating supervisor, an Aurora Police Association representative, a Fraternal Order of Police representative, your attorney or observer/representative while the case is active (as defined in APD Directives 10.2.)
- Any statements, tests or examination results gained from this investigation may be used against you in a disciplinary, administrative or civil proceeding, but will not be used against you in any subsequent criminal action.
- Voluntary statements or confessions made by you which are outside the scope of the investigation as defined above may be admissible in subsequent criminal actions.

You have the right to electronically record or take notes during this interview. The investigating supervisor will retain all tapes or notes created during a preliminary investigation. The Aurora Police Department reserves the right to transcribe any electronic recording of this interview to verify accuracy and context of statements. If requested, you will review and sign the transcription if it is found to be accurate.

 (Sobieski) 13669
INVESTIGATING SUPERVISOR DATE

6/25/20
 315829
MEMBER SIGNATURE / ID#

6/25/20
DATE


**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

If the information I am ordered to provide is used for any purpose other than an Internal Administrative Investigation, I hereby invoke my constitutional right to silence under the **FIFTH** and **FOURTEENTH AMENDMENTS** to the United States Constitution and rely specifically upon protections afforded me under the holdings in Garrity v. New Jersey, 385 U.S. 493 (1967); Spevack v. Klien, 385 U.S. 551 (1967); and Gardner v. Broderick, 392 U.S. 273 (1968).

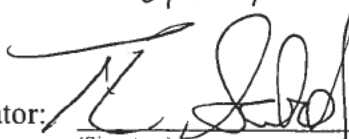
Member:


(Signature)
Erica Marrero 315829
(Print Name and Employee #)

Date:

6/25/2020

Investigator:


(Signature) (Sob'sik) 13669



Aurora Police Department
ACCEPTANCE OF OBSERVER CONDITIONS

Date of form presentation: June 25, 2020 Time of form presentation: 2/30

Presented By: Agent Tom Sobieski ID Number: 13669

For Accused Member:

As an accused member subject to a preliminary investigation you are entitled to have an observer present during any interview if you so choose. If you decide to have an observer present for your interview, you must have the observer present and ready for participation in the interview within 30 minutes from the time the investigating supervisor presents you with this form. The interview will commence at the expiration of 30 minutes regardless of whether the observer is present or not. Should the observer arrive after the 30-minute allotted time period, they will not be allowed to participate in the interview.

I wish to have an observer present for my interview.

I do not wish to have an observer present for my interview.

[Signature]
SIGNATURE OF SUBJECT MEMBER

Erica Marrero
PRINTED NAME OF SUBJECT MEMBER

OBSERVER CONDITIONS

For Observer:

Per Directive 10.2.9, as an observer you will conduct yourself during this interview according to the following guidelines, which I will read to you:

Present also is (state member's name) Scott Burchiel as an observer. (State member's name) Scott, do you understand that you are here as an observer and cannot offer advise, counsel or interfere with the interview in any way or you will be ordered to leave? Do you understand that you are also ordered not to discuss this case with any member of the department or any person you know or reasonably should know will be interviewed as a witness during the preliminary or formal investigative process while the case is active (as defined in APD Directives 10.2 and 10.3)? Do you understand that material(s) present in this room during the course of the interview is not available for your review, perusal or access without the consent of the controlling investigator? Do you understand you are not allowed to conduct an inquiry or investigation into the facts and circumstances surrounding this case? Do you understand your presence here is a privilege extended to you by the Chief of Police, and violation of any of these guidelines may result in forfeiture of this privilege? Are you recording this interview yourself?

The Observer also acknowledges that they have received permission from a supervisor to attend this interview and will be allowed use of duty time to serve if they are on-duty. The observer acknowledges that they will receive straight-time compensation for time spent in an observer role if they are off-duty.

[Signature]
SIGNATURE OF OBSERVER

Scott Burchiel
PRINTED NAME OF OBSERVER

[Signature] (Sobieski) 13669
INTERNAL AFFAIRS INVESTIGATOR / ID #

2/30
ARRIVAL TIME OF OBSERVER

FINAL INVESTIGATIVE REVIEW PROCESS (IRP)

Name: Ofc. Erica Marrero

ID: #315829

Assignment: D2 Patrol

Date: June 29, 2020

Time: 2:00 PM

Location: Internal Affairs Bureau

IAB Investigator: Agent Tom Sobieski

The Investigative Review Process is concluded. I understand I may not discuss the investigation with any unauthorized persons while the case remains active, as defined in Directive 10.2.

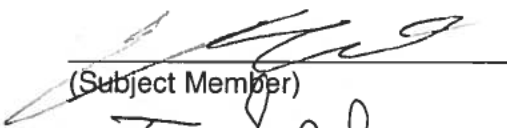
I understand I have seven calendar days from today to submit a signed Letter of Dispute.

I intend to submit a Letter of Dispute YES NO

Member declined IRP YES See attached email

Member failed to respond to IRP notice YES

Signature/ID#:



(Subject Member)

6/29/2020
(Date)

IAB Investigator:



(Investigator)

6/29/20
(Date)



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer [REDACTED]
From: Lt. C. Carlson #26215
Date: June 26, 2020
Re: IAB Case # 20-25

You are notified the Internal Affairs Bureau has been directed by the Chief of Police to investigate possible violation(s) of Department Directives or City Policies. The allegations involve the following Directives or Policies:

14.2.1 -Conduct Unbecoming

It is your responsibility to review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview. Enclosed for your review is the Employee and Administrative Investigations pamphlet.

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Internal Affairs Bureau

Cc: Sgt. R. Nunez, Lt. J. D'Agosta, Capt. E. Wittman, Cmdr. J. Puscian

***Immediate Supervisor's Responsibility: Confirm with subject member receipt of their notification memorandum and have the member contact the Internal Affairs Investigator.**

Note: the department recognizes that receipt of a notification from the Internal Affairs Section may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550; Nicoletti-Flater & Associates at 303-989-1617; or Brower Psychological Police Services at 720-222-3400.



Aurora Police Department
NOTICE OF INVESTIGATION - SWORN

EMPLOYEE NAME

I.D.#

June 26, 2020

DATE

1504 hrs.

TIME

An administrative investigation is being conducted into the allegations of possible violations of City of Aurora or Aurora Police Department policies, procedures or directives related to the following incident(s):

Include date, time and location if known

In 2019

Description of the specific nature of the allegation

This investigation is being conducted to determine whether or not the following directive violations occurred involving your conduct:

There are allegations that you received a photograph or photographs as part of a group text depicting unprofessional conduct by members of the Aurora Police Department that would bring the Department into direct disrepute publicly, or amongst its members. There is no information that you notified a supervisor about this incident.

If this allegation is proven, you could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

Per Aurora Police Department Directive 10.2, as a sworn member you have specific rights and responsibilities during this investigation.

- You are being compelled by an Aurora Police Department supervisor to completely and truthfully answer questions or provide a written statement relating to your activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of this investigation; and, you can be disciplined up to and including termination for refusal to answer these questions.
- Questions, tests or examinations related to this investigation will be narrowly and specifically related to your job-related performance, conduct and fitness for duty.
- You are ordered not to discuss this case with any member of the department other than the investigating supervisor, an Aurora Police Association representative, a Fraternal Order of Police representative, your attorney or observer/representative while the case is active (as defined in APD Directives 10.2.)
- Any statements, tests or examination results gained from this investigation may be used against you in a disciplinary, administrative or civil proceeding, but will not be used against you in any subsequent criminal action.
- Voluntary statements or confessions made by you which are outside the scope of the investigation as defined above may be admissible in subsequent criminal actions.

You have the right to electronically record or take notes during this interview. The investigating supervisor will retain all tapes or notes created during a preliminary investigation. The Aurora Police Department reserves the right to transcribe any electronic recording of this interview to verify accuracy and context of statements. If requested, you will review and sign the transcription if it is found to be accurate.

INVESTIGATING SUPERVISOR

DATE

6/26/20

DATE

**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

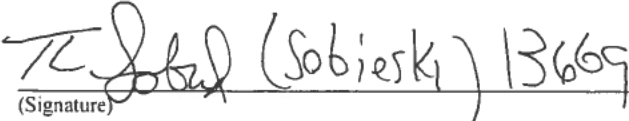
If the information I am ordered to provide is used for any purpose other than an Internal Administrative Investigation, I hereby invoke my constitutional right to silence under the **FIFTH** and **FOURTEENTH AMENDMENTS** to the United States Constitution and rely specifically upon protections afforded me under the holdings in Garrity v. New Jersey, 385 U.S. 493 (1967); Spevack v. Klien, 385 U.S. 551 (1967); and Gardner v. Broderick, 392 U.S. 273 (1968).

Member



(Print Name and Employee #)

Date: 06/26/2020

Investigator:  (Sobieski) 13669
(Signature)



Aurora Police Department
ACCEPTANCE OF OBSERVER CONDITIONS

Date of form presentation: June 26, 2020

Time of form presentation: 1506 hrs

Presented By: Agent Tom Sobieski

ID Number: 13669

For Accused Member:

As an accused member subject to a preliminary investigation you are entitled to have an observer present during any interview if you so choose. If you decide to have an observer present for your interview, you must have the observer present and ready for participation in the interview within 30 minutes from the time the investigating supervisor presents you with this form. The interview will commence at the expiration of 30 minutes regardless of whether the observer is present or not. Should the observer arrive after the 30-minute allotted time period, they will not be allowed to participate in the interview.

I wish to have an observer present for my interview.

I do not wish to have an observer present for my interview.

[Signature]
SIGNATURE OF SUBJECT MEMBER

[Redacted]
PRINTED NAME OF SUBJECT MEMBER

OBSERVER CONDITIONS

For Observer:

Per Directive 10.2.9, as an observer you will conduct yourself during this interview according to the following guidelines, which I will read to you:

Present also is (state member's name) Judy Lutkin as an observer. (State member's name) Judy Lutkin, do you understand that you are here as an observer and cannot offer advise, counsel or interfere with the interview in any way or you will be ordered to leave? Do you understand that you are also ordered not to discuss this case with any member of the department or any person you know or reasonably should know will be interviewed as a witness during the preliminary or formal investigative process while the case is active (as defined in APD Directives 10.2 and 10.3)? Do you understand that material(s) present in this room during the course of the interview is not available for your review, perusal or access without the consent of the controlling investigator? Do you understand you are not allowed to conduct an inquiry or investigation into the facts and circumstances surrounding this case? Do you understand your presence here is a privilege extended to you by the Chief of Police, and violation of any of these guidelines may result in forfeiture of this privilege? Are you recording this interview yourself?

The Observer also acknowledges that they have received permission from a supervisor to attend this interview and will be allowed use of duty time to serve if they are on-duty. The observer acknowledges that they will receive straight-time compensation for time spent in an observer role if they are off-duty.

Judy Lutkin LUTKIN/20780
SIGNATURE OF OBSERVER

Judy Lutkin
PRINTED NAME OF OBSERVER

Tom Sobieski (Sobieski) 13669
INTERNAL AFFAIRS INVESTIGATOR / ID #

1500
ARRIVAL TIME OF OBSERVER

FINAL INVESTIGATIVE REVIEW PROCESS (IRP)

Name: [REDACTED]

ID: # [REDACTED]

Assignment: [REDACTED]

Date: June 29, 2020

Time: 12:30 PM

Location: Internal Affairs Bureau

IAB Investigator: Agent Tom Sobieski

The Investigative Review Process is concluded. I understand I may not discuss the investigation with any unauthorized persons while the case remains active, as defined in Directive 10.2.

I understand I have seven calendar days from today to submit a signed Letter of Dispute.

I intend to submit a Letter of Dispute YES _____ NO X

Member declined IRP YES _____ See attached email

Member failed to respond to IRP notice YES _____

Signature/ID#:

[REDACTED]

6/29/2020
(Date)

IAB Investigator:

Tom Sobieski
(Investigator)

6/29/20
(Date)



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer Jason Rosenblatt #315112

From: Lt. C. Carlson #26215

Date: June 25, 2020

Re: IAB Case # 20-25

You are notified the Internal Affairs Bureau has been directed by the Chief of Police to investigate possible violation(s) of Department Directives or City Policies. The allegations involve the following Directives or Policies:

14.2.1 -Conduct Unbecoming

It is your responsibility to review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview. Enclosed for your review is the Employee and Administrative Investigations pamphlet.

According to Directive 10.2.9, you have the right to have a sworn member present as an observer during your interview. Should you choose to have an observer present you are hereby notified the Internal Affairs Bureau will not be able to guarantee confidentiality of your case details. Please consult the Directives for further information concerning observers, before your interview.

Receipt of this notification constitutes an order that you shall not discuss the matter under investigation with any member of the Aurora Police Department or any person you know or reasonably should know will be interviewed as a witness by the Internal Affairs Bureau.

You should also be aware that Directive 10.2.20 prohibits members from being armed during Internal Affairs interviews or Disciplinary Hearings.

Upon receipt of this letter you are directed to call me at extension x36070 to schedule an interview. You are authorized to review any reports and body camera video prior to your interview. Should you have any questions, please do not hesitate to contact me.


Internal Affairs Bureau

Cc: Sgt. Matt Brukbacher
Commander Stephen Redfearn

***Immediate Supervisor's Responsibility: Confirm with subject member receipt of their notification memorandum and have the member contact the Internal Affairs Investigator.**

Note: the department recognizes that receipt of a notification from the Internal Affairs Section may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550; Nicoletti-Flater & Associates at 303-989-1617; or Brower Psychological Police Services at 720-222-3400.



Aurora Police Department
NOTICE OF INVESTIGATION - SWORN

Jason Rosenblatt
EMPLOYEE NAME

315112
I.D.#

June 25, 2020
DATE

1735
TIME

An administrative investigation is being conducted into the allegations of possible violations of City of Aurora or Aurora Police Department policies, procedures or directives related to the following incident(s):

Include date, time and location if known

Approximately March of 2020

Description of the specific nature of the allegation

This investigation is being conducted to determine whether or not the following directive violations occurred involving your conduct:

There are allegations that you received text messages and/or photographs depicting unprofessional conduct by members of the Aurora Police Department that would bring the Department into direct disrepute publicly, or amongst its members. There is no information that you notified a supervisor about this incident.

If this allegation is proven, you could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

Per Aurora Police Department Directive 10.2, as a sworn member you have specific rights and responsibilities during this investigation.

- You are being compelled by an Aurora Police Department supervisor to completely and truthfully answer questions or provide a written statement relating to your activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of this investigation; and, you can be disciplined up to and including termination for refusal to answer these questions.
- Questions, tests or examinations related to this investigation will be narrowly and specifically related to your job-related performance, conduct and fitness for duty.
- You are ordered not to discuss this case with any member of the department other than the investigating supervisor, an Aurora Police Association representative, a Fraternal Order of Police representative, your attorney or observer/representative while the case is active (as defined in APD Directives 10.2.)
- Any statements, tests or examination results gained from this investigation may be used against you in a disciplinary, administrative or civil proceeding, but will not be used against you in any subsequent criminal action.
- Voluntary statements or confessions made by you which are outside the scope of the investigation as defined above may be admissible in subsequent criminal actions.

You have the right to electronically record or take notes during this interview. The investigating supervisor will retain all tapes or notes created during a preliminary investigation. The Aurora Police Department reserves the right to transcribe any electronic recording of this interview to verify accuracy and context of statements. If requested, you will review and sign the transcription if it is found to be accurate.

[Signature] (Sobieski) 6/25/20
INVESTIGATING SUPERVISOR DATE

[Signature] 315112
MEMBER SIGNATURE / ID#

6/25/20
DATE

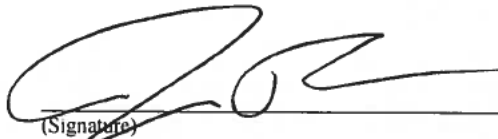
**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

If the information I am ordered to provide is used for any purpose other than an Internal Administrative Investigation, I hereby invoke my constitutional right to silence under the **FIFTH** and **FOURTEENTH AMENDMENTS** to the United States Constitution and rely specifically upon protections afforded me under the holdings in Garrity v. New Jersey, 385 U.S. 493 (1967); Spevack v. Klien, 385 U.S. 551 (1967); and Gardner v. Broderick, 392 U.S. 273 (1968).

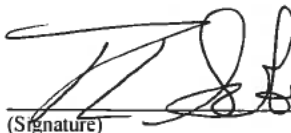
Member:


(Signature)
JASON ROSENBAIT 31512
(Print Name and Employee #)

Date:

6/25/20

Investigator:


(Signature) (Sobieski) 13669



Aurora Police Department
ACCEPTANCE OF OBSERVER CONDITIONS

Date of form presentation: June 25, 2020 Time of form presentation: _____

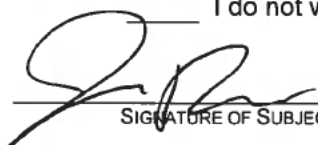
Presented By: Agent Tom Sobieski ID Number: 13669

For Accused Member:

As an accused member subject to a preliminary investigation you are entitled to have an observer present during any interview if you so choose. If you decide to have an observer present for your interview, you must have the observer present and ready for participation in the interview within 30 minutes from the time the investigating supervisor presents you with this form. The interview will commence at the expiration of 30 minutes regardless of whether the observer is present or not. Should the observer arrive after the 30-minute allotted time period, they will not be allowed to participate in the interview.

I wish to have an observer present for my interview.

I do not wish to have an observer present for my interview.


SIGNATURE OF SUBJECT MEMBER

Jason Rosenblatt
PRINTED NAME OF SUBJECT MEMBER

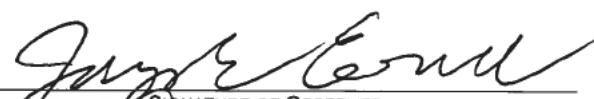
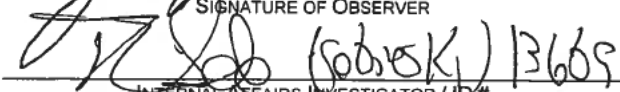
OBSERVER CONDITIONS

For Observer:

Per Directive 10.2.9, as an observer you will conduct yourself during this interview according to the following guidelines, which I will read to you:

Present also is (state member's name) Joe Cornell as an observer. (State member's name) JOE CORNELL, do you understand that you are here as an observer and cannot offer advise, counsel or interfere with the interview in any way or you will be ordered to leave? Do you understand that you are also ordered not to discuss this case with any member of the department or any person you know or reasonably should know will be interviewed as a witness during the preliminary or formal investigative process while the case is active (as defined in APD Directives 10.2 and 10.3)? Do you understand that material(s) present in this room during the course of the interview is not available for your review, perusal or access without the consent of the controlling investigator? Do you understand you are not allowed to conduct an inquiry or investigation into the facts and circumstances surrounding this case? Do you understand your presence here is a privilege extended to you by the Chief of Police, and violation of any of these guidelines may result in forfeiture of this privilege? Are you recording this interview yourself?

The Observer also acknowledges that they have received permission from a supervisor to attend this interview and will be allowed use of duty time to serve if they are on-duty. The observer acknowledges that they will receive straight-time compensation for time spent in an observer role if they are off-duty.


SIGNATURE OF OBSERVER

INTERNAL AFFAIRS INVESTIGATOR / ID# 13669

Joseph Cornell
PRINTED NAME OF OBSERVER
4:55 PM
ARRIVAL TIME OF OBSERVER

FINAL INVESTIGATIVE REVIEW PROCESS (IRP)

Name: Officer Jason Rosenblatt

ID: ~~314456~~⁷⁵
315112

Assignment: District 2 Patrol

Date: June 29, 2020

Time: 2100

Location: Internal Affairs Bureau

IAB Investigator: Agent Tom Sobieski #13669

The Investigative Review Process is concluded. I understand I may not discuss the investigation with any unauthorized persons while the case remains active, as defined in Directive 10.2.

I understand I have seven calendar days from today to submit a signed Letter of Dispute.

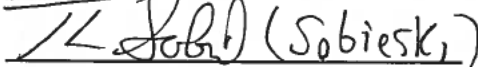
I intend to submit a Letter of Dispute YES NO

Member declined IRP YES See attached email

Member failed to respond to IRP notice YES

Signature/ID#: 
(Subject Member)

6/29/20
(Date)

IAB Investigator:  (Sobieski)
(Investigator)

6/29/20
(Date)



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer Nathan Woodyard #314452

From: Lt. C. Carlson #26215

Date: June 25, 2020

Re: IAB Case # 20-25

You are notified the Internal Affairs Bureau has been directed by the Chief of Police to investigate possible violation(s) of Department Directives or City Policies. The allegations involve the following Directives or Policies:

14.2.1 -Conduct Unbecoming

It is your responsibility to review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview. Enclosed for your review is the Employee and Administrative Investigations pamphlet.

According to Directive 10.2.9, you have the right to have a sworn member present as an observer during your interview. Should you choose to have an observer present you are hereby notified the Internal Affairs Bureau will not be able to guarantee confidentiality of your case details. Please consult the Directives for further information concerning observers, before your interview.

Receipt of this notification constitutes an order that you shall not discuss the matter under investigation with any member of the Aurora Police Department or any person you know or reasonably should know will be interviewed as a witness by the Internal Affairs Bureau.

You should also be aware that Directive 10.2.20 prohibits members from being armed during Internal Affairs interviews or Disciplinary Hearings.

Upon receipt of this letter you are directed to call me at extension x36070 to schedule an interview. You are authorized to review any reports and body camera video prior to your interview. Should you have any questions, please do not hesitate to contact me.

Internal Affairs Bureau

Cc: Sgt. J. Beuthel, Lt. M. Garland, Capt. C. Lertch, Act. Cmdr. R. McGregor

***Immediate Supervisor's Responsibility: Confirm with subject member receipt of their notification memorandum and have the member contact the Internal Affairs Investigator.**

Note: the department recognizes that receipt of a notification from the Internal Affairs Section may cause some members stress. If you feel you need to talk to someone you can contact the Peer Support line at 303-739-7550; Nicoletti-Flater & Associates at 303-989-1617; or Brower Psychological Police Services at 720-222-3400.



Aurora Police Department
NOTICE OF INVESTIGATION - SWORN

Nathan Woodyard
EMPLOYEE NAME

#314452
I.D.#

June 25, 2020
DATE

1902
TIME

An administrative investigation is being conducted into the allegations of possible violations of City of Aurora or Aurora Police Department policies, procedures or directives related to the following incident(s):

<i>Include date, time and location if known</i>
Approximately March of 2020
<i>Description of the specific nature of the allegation</i>
This investigation is being conducted to determine whether or not the following directive violations occurred involving your conduct:
There are allegations that you may have knowledge of or been involved with text messages and/or photographs depicting unprofessional conduct by members of the Aurora Police Department that would bring the Department into direct disrepute publicly, or amongst its members. There is no information that you notified a supervisor about this incident.
If this allegation is proven, you could be in violation of APD Directive 14.2.1 Conduct Unbecoming.

Per Aurora Police Department Directive 10.2, as a sworn member you have specific rights and responsibilities during this investigation.

- You are being compelled by an Aurora Police Department supervisor to completely and truthfully answer questions or provide a written statement relating to your activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of this investigation; and, you can be disciplined up to and including termination for refusal to answer these questions.
- Questions, tests or examinations related to this investigation will be narrowly and specifically related to your job-related performance, conduct and fitness for duty.
- You are ordered not to discuss this case with any member of the department other than the investigating supervisor, an Aurora Police Association representative, a Fraternal Order of Police representative, your attorney or observer/representative while the case is active (as defined in APD Directives 10.2.)
- Any statements, tests or examination results gained from this investigation may be used against you in a disciplinary, administrative or civil proceeding, but will not be used against you in any subsequent criminal action.
- Voluntary statements or confessions made by you which are outside the scope of the investigation as defined above may be admissible in subsequent criminal actions.

You have the right to electronically record or take notes during this interview. The investigating supervisor will retain all tapes or notes created during a preliminary investigation. The Aurora Police Department reserves the right to transcribe any electronic recording of this interview to verify accuracy and context of statements. If requested, you will review and sign the transcription if it is found to be accurate.

[Signature: J. Sobierki] 13669 6/25/20
INVESTIGATING SUPERVISOR DATE

[Signature] 314452 6/25/20
MEMBER SIGNATURE / I.D.# DATE

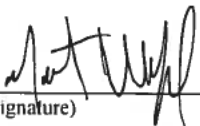
**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

If the information I am ordered to provide is used for any purpose other than an Internal Administrative Investigation, I hereby invoke my constitutional right to silence under the **FIFTH** and **FOURTEENTH AMENDMENTS** to the United States Constitution and rely specifically upon protections afforded me under the holdings in Garrity v. New Jersey, 385 U.S. 493 (1967); Spevack v. Klien, 385 U.S. 551 (1967); and Gardner v. Broderick, 392 U.S. 273 (1968).

Member:

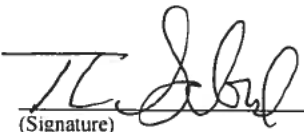

(Signature)

N WOODYARD 314452
(Print Name and Employee #)

Date:

6/25/2020

Investigator:

 (Sobieski) / 3669
(Signature)



Aurora Police Department
ACCEPTANCE OF OBSERVER CONDITIONS

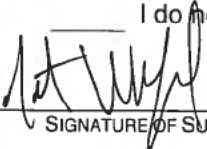
Date of form presentation: 6/25/20 Time of form presentation: 1902
Presented By: Det. Tom Sobieski ID Number: 136690

For Accused Member:

As an accused member subject to a preliminary investigation you are entitled to have an observer present during any interview if you so choose. If you decide to have an observer present for your interview, you must have the observer present and ready for participation in the interview within 30 minutes from the time the investigating supervisor presents you with this form. The interview will commence at the expiration of 30 minutes regardless of whether the observer is present or not. Should the observer arrive after the 30-minute allotted time period, they will not be allowed to participate in the interview.

I wish to have an observer present for my interview.

I do not wish to have an observer present for my interview.


SIGNATURE OF SUBJECT MEMBER

NATHAN WOODYARD
PRINTED NAME OF SUBJECT MEMBER


OBSERVER CONDITIONS

For Observer:

Per Directive 10.2.9, as an observer you will conduct yourself during this interview according to the following guidelines, which I will read to you:

Present also is (state member's name) D. Chamberland as an observer. (State member's name) NATHAN WOODYARD, do you understand that you are here as an observer and cannot offer advise, counsel or interfere with the interview in any way or you will be ordered to leave? Do you understand that you are also ordered not to discuss this case with any member of the department or any person you know or reasonably should know will be interviewed as a witness during the preliminary or formal investigative process while the case is active (as defined in APD Directives 10.2 and 10.3)? Do you understand that material(s) present in this room during the course of the interview is not available for your review, perusal or access without the consent of the controlling investigator? Do you understand you are not allowed to conduct an inquiry or investigation into the facts and circumstances surrounding this case? Do you understand your presence here is a privilege extended to you by the Chief of Police, and violation of any of these guidelines may result in forfeiture of this privilege? Are you recording this interview yourself?

The Observer also acknowledges that they have received permission from a supervisor to attend this interview and will be allowed use of duty time to serve if they are on-duty. The observer acknowledges that they will receive straight-time compensation for time spent in an observer role if they are off-duty.


SIGNATURE OF OBSERVER
Tom Sobieski (Sobieski) 13669
INTERNAL AFFAIRS INVESTIGATOR / ID #

D Chamberland
PRINTED NAME OF OBSERVER
1902
ARRIVAL TIME OF OBSERVER

FINAL INVESTIGATIVE REVIEW PROCESS (IRP)

Name: Ofc. Nathan Woodyard ID: #314452 Assignment: D2 Patrol

Date: June 29, 2020

Time: 4:00 PM

Location: Internal Affairs Bureau

IAB Investigator: Agent Tom Sobieski

The Investigative Review Process is concluded. I understand I may not discuss the investigation with any unauthorized persons while the case remains active, as defined in Directive 10.2.

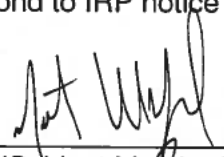
I understand I have seven calendar days from today to submit a signed Letter of Dispute.

I intend to submit a Letter of Dispute YES _____ NO

Member declined IRP YES _____ See attached email

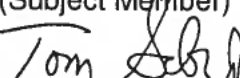
Member failed to respond to IRP notice YES _____

Signature/ID#:

 314452
(Subject Member)

6/29/2020
(Date)

IAB Investigator:

 13669
(Investigator)

6/29/20
(Date)



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Officer [REDACTED]
From: Sergeant Chris Crusier # 27239
Date: June 25, 2020
Re: IAB Case # 20-25

You are notified that the Internal Affairs Bureau has been directed by the Chief of Police to investigate a complaint, which will require that you be interviewed. This interview is in the capacity of a **WITNESS ONLY**. There is no indication at this time that you are involved in any misconduct.

The allegation concerns the following Department Directives:

Directive 14.2.1 Conduct Unbecoming


Directive 14.2.2 Making a False or Untruthful Declaration

Upon receipt of this notice, you are directed to contact me at **extension 6071** to arrange for an interview. You are also given notice that you are being ordered that you shall not discuss the case with any member of the Aurora Police Department or any person you know or reasonably know will be interviewed as a witness by the Internal Affairs Bureau.

Please review Directives 10.5 Rights of Members Under Administrative Investigation, 10.2.19 Individual Member Responsibility, 14.1.1 Lawful Orders, and 14.2.2 Making a False or Untruthful Declaration **prior** to your scheduled interview.

You should also be aware that Directive 10.2.20 prohibits members from being armed during Internal Affairs interviews.

Should you have any questions regarding this investigation, please contact me directly.


Sergeant Chris Crusier # 27239
Internal Affairs Bureau

**INTERNAL ADMINISTRATIVE INVESTIGATIVE ADVISEMENT
(GARRITY WARNING)**

I understand that I am being ordered by the authority of the Chief of Police to answer questions and/or provide a written statement in connection with an Internal Administrative Investigation. I understand that my answers to those questions and/or my written statement must be truthful and complete. Although the scope of the questions asked and/or my written statement provided is limited to activities, circumstances, events, conduct, or acts which pertain to the incident that is the subject of the investigation, I must answer truthfully and completely all questions asked of me. Failure to do so will result in discipline, which includes termination.

It is my belief and understanding that the Aurora Police Department is requiring this information solely and exclusively for Internal Administrative purposes. The information I provide shall remain confidential and no truthful information will be used in any criminal proceeding against me. (See, United States v. Veal, 153 F3d 1233 (11th C.A. 1998)).

If the information I am ordered to provide is used for any purpose other than an Internal Administrative Investigation, I hereby invoke my constitutional right to silence under the **FIFTH** and **FOURTEENTH AMENDMENTS** to the United States Constitution and rely specifically upon protections afforded me under the holdings in Garrity v. New Jersey, 385 U.S. 493 (1967); Spevack v. Klien, 385 U.S. 551 (1967); and Gardner v. Broderick, 392 U.S. 273 (1968).

Member: _____


(Print Name and Employee #)

Date: _____

6/25/20

Investigator: _____

(Signature)

 (Sebio) B665



CONFIDENTIAL
Internal Affairs Bureau
MEMORANDUM

To: Sergeant Marc Sears # 27245
From: Sergeant Chris Crusier # 27239
Date: June 25, 2020
Re: IAB Case # 20-25

You are notified that the Internal Affairs Bureau has been directed by the Chief of Police to investigate a complaint, which will require that you be interviewed. This interview is in the capacity of a **WITNESS ONLY**. There is no indication at this time that you are involved in any misconduct.

The allegation concerns the following Department Directives:

Directive 14.2.1 Conduct Unbecoming


Directive 14.2.2 Making a False or Untruthful Declaration

Upon receipt of this notice, you are directed to contact me at **extension 6071** to arrange for an interview. You are also given notice that you are being ordered that you shall not discuss the case with any member of the Aurora Police Department or any person you know or reasonably know will be interviewed as a witness by the Internal Affairs Bureau.

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Internal Affairs Bureau

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(GARRITY WARNING)**

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Member:

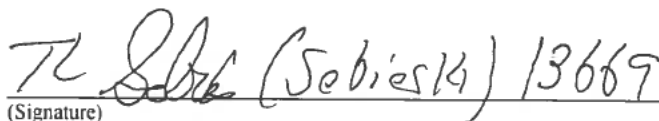

(Signature)

Marc C. Sears 27245
(Print Name and Employee #)

Date:

6-25-20

Investigator:


(Signature)

INTERVIEW WITH MARC SEARS

Interviewer: Agent Tom Sobieski

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1 Crusier: You get it. I think – you got it?

2 Sobieski: Yep. All right, I'm Tom Sobieski of the Internal Affairs Bureau. Today's
3 date is June 25th, 2020, the time is 1509 hours. This'll be an interview of
4 Sergeant Marc Sears in regard to IAB Case Number 20-25. Sergeant Sears
5 will you please identify yourself with your ID number and present
6 assignment?

7 Sears: 27245, Sergeant of the Neighborhood Policing Unit.

8 Sobieski: Have you read and signed the Garrity form?

9 Sears: I have.

10 Sobieski: Do you have any questions about it?

11 Sears: I do not.

12 Sobieski: I'm going to sign as the investigator. And you aware you're the – that you
13 are not the subject of this investigation?

14 Sears: I am.

15 Sobieski: Are you familiar with the Lawful Order directive?

16 Sears: I am.

17 Sobieski: Do you understand that you are being ordered by the Chief of Police to
18 answer my questions completely and truthfully?

19 Sears: Yes.

20 Sobieski: If you refuse to answer my questions, answer untruthfully or omit any
21 material facts you will be subject to disciplinary action. You understand
22 that you are also ordered not to discuss this case with any member of the
23 department?

24 Sears: Yes.

25 Sobieski: Do you understand this room is monitored with audio and video
26 equipment?

27 Sears: Yes.

28 Sobieski: Are you recording this interview yourself?

29 Sears: No.

30 Sobieski: Um, you just received a IAB memo. It has some directives noted on there,
31 Rights of Members Under Administrative Investigation, Making a False or
32 Untruthful Declaration and Individual Member Responsibility. Do you
33 have any questions about any of those directives?

34 Sears: I do not.

INTERVIEW WITH MARC SEARS

Interviewer: Agent Tom Sobieski

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35 Sobieski: Okay. Um, tell me about, um, there was an incident that occurred at the,
36 uh, FOP board meeting this afternoon.

37 Sears: Correct.

38 Sobieski: What – what time was that meeting?

39 Sears: It started at 1000 hours, at the, uh, District 2 on the 3rd floor in the
40 conference room, which I think is on the Northeast corner of the building.

41 Sobieski: Okay. Um, who was all present?

42 Sears: Uh, I'm just gonna write down names...

43 Sobieski: That's fine.

44 Sears: ...I forget – obviously myself was there, uh, my Vice President Mike
45 Iovine was there. My second VP Scott Benedict was there. Um, our
46 treasurer, Jad Lanigan was there, Captain Lanigan. Our past president, uh,
47 William Revelle was there. Um, our trustee Chris or Ralph Knight. Um,
48 our [REDACTED]. And our Grievance Steward, uh, was
49 Aaron Gallagher. Our secretary, Elizabeth McClem. And then we also
50 have, uh, our Dispatch Liaison, who is, uh, Stephanie Kerns. And our
51 second trustee, who is Cody Lanier. (Counting). I think that's it.

52 Sobieski: Okay. Are the meetings recorded in any way?

53 Sears: No.

54 Sobieski: Were you on or off duty?

55 Sears: I was off – I was off duty.

56 Sobieski: Off duty, so you were acting as the – the President of the FOP?

57 Sears: Correct.

58 Sobieski: Okay. Uh, uh, what I understand is during that meeting some information
59 came to light that, um, caused some concern, can you tell us about that?

60 Sears: Yes, uh, it was during new business that we were conducting and, uh, we
61 were getting ready to conclude the meeting actually and, um, my [REDACTED]
62 [REDACTED] said that he had a concern that he wanted to share or
63 new business that he wanted to share, I can't remember the exact verbiage
64 he used. But he brought to our attention that he was at a social engagement
65 with Officer Rosenblatt and they were talking – discussing things, Officer
66 Rosenblatt who, uh, I – I believe he was one of the officers that was
67 involved in the, uh, Elijah McClain incident. And he said that he needed to
68 tell him something and he explained to him that he received an
69 unannounced, uh, text message via his phone, with some pictures of some
70 of our officers that were around the ar- Elijah McClain's gravesite. And
71 that he – when it was being explained to him that they said it was more of
72 like a – a jovial sense that they were poking and joking, uh, laughing, uh,

INTERVIEW WITH MARC SEARS

Interviewer: Agent Tom Sobieski

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73 and I – I asked him if – if there was a – a certain – if he – if he was told
74 about any certain things that were said and he said, ‘No, I – I wasn’t’, and I
75 asked him if he saw the pictures and he’s like, ‘No, I didn’t see any of the
76 pictures at all, he had just told me that this occurred.’ Which raised huge,
77 huge concern for me.

78 Sobieski: Okay. What’d you do next?

79 Sears: So I discussed, uh, I think – I don’t necessarily think it was as a board, I – I
80 remember specifically getting up and going – walking over to Bill Revelle,
81 we were talking about how we were going to, um, how we were going to
82 address the situation. Knowing that, uh, Officer Rosenblatt is not a – an
83 FOP member, but it certainly became an issue, I went and I walked over to
84 Bill Revelle, who was the past president, and there were people that were
85 discussing I guess amongst each other different things that they were
86 thinking of – I couldn’t hear everything that everybody was saying, I was
87 having a conversation with, uh, Sergeant Revelle, and we basically came
88 to the – came to the conclusion that this had to be brought to attention. Uh,
89 to – to the command, and – and looked into. Uh...

90 Sobieski: Okay.

91 Sears: ...and then, uh, I think – I think ██████ contacted Officer Rosenblatt, who is
92 down at District 3. And we asked him if he could – or I didn’t I should
93 say, uh, ██████ asked him if he could meet with us and that it was an
94 important matter that we needed to discuss with him. I don’t know exactly
95 what transpired during their phone conversation but, uh, ██████
96 explained to me that he could not leave District 3 because his Sergeant was
97 on vacation and if we could meet with him then he would be okay with
98 that. So we then, uh, we’re discussing...

99 Sobieski: You said ██████, you meant Rosenblatt?

100 Sears: No, ██████ was telling me what transpired in their conversation.

101 Sobieski: Okay.

102 Sears: So ██████ told me that Rosenblatt stated to him he couldn’t meet with us...

103 Sobieski: Yeah, you said ██████ couldn’t meet...

104 Sears: Oh, I apologize.

105 Sobieski: I just wanna – I just wanna make sure I get the facts straight...

106 Sears: Right, right, right, right.

107 Sobieski: Rosenblatt said he couldn’t leave.

108 Sears: Rosenblatt said he...

109 Sobieski: Okay.

INTERVIEW WITH MARC SEARS

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110 Sears: ...couldn't leave because his sergeant was on vacation, and if we came
111 down there he would be willing to meet with us.

112 Sobieski: Okay.

113 Sears: Or meet with – I don't know who he said he would meet with but, I
114 thought it was – it was, uh, important for me to go down there, so I went
115 with, uh, [REDACTED] and I went with Vice President Iovine, Officer
116 Iovine, and we met with him in – in his office over in District 3.

117 Sobieski: Met with...

118 Sears: Met with Rosenblatt.

119 Sobieski: Okay.

120 Sears: Uh, in – in – in, uh, in District 3. We were in his office behind closed
121 doors. Officer [REDACTED] started explaining to him the – the issues or why we
122 were there, and Rosenblatt said to him, 'Well how did you find out about
123 this?' And I – I – I recall [REDACTED] saying, 'Well you told me about this'.
124 And he was like, 'No I didn't. How did you find out about it?' And I
125 immediately saw – in my – it was my impression that – that Officer
126 Rosenblatt became very defensive, um, [REDACTED] was trying to explain to
127 him, 'Hey listen,' uh, 'you know we're here to – to help and – and try to
128 figure out what's going on.' And he got a little bit more defensive and you
129 can see he was shuttin' down so I said, 'Hey listen, let me explain
130 something to you. I – I'm not – it's not your fault that you received text
131 messages from somebody, right?' So I said, 'But it – it is important what
132 the contents of those text messages were. And, uh, 'We wanna make sure
133 that if in fact these allegations are true, that it's dealt with appropriately'.
134 At that point in time, um, I was getting a phone call from Deputy Chief
135 Glidden about a completely separate incident. And Mike Iovine – I asked
136 to be excused, I just said, 'Excuse me for a moment while I take this call,
137 it's Chief Glidden' and Officer Iovine was standing with his back towards
138 the door of the office, and he said, 'Listen, let me explain something to
139 you. Marc and I have been in the media quite a bit lately, and our faces are
140 out there, and we have citizens that are posting things on Facebook about
141 our addresses, having people go to our houses and find us off duty, and this
142 is a very serious accusation that's being made, and we need to get in front
143 of it.' I stepped out right after that happened, and Officer Iovine never
144 raised his voice, he never threatened him or said anything to him, he was
145 just explaining the situation. I stepped out, I talked to Deputy Chief
146 Glidden and I explained to him that, 'Sir, can I – can I please get off the
147 phone with you, I – I have an emergency that I'm dealing with right now,
148 that I'm probably gonna talk to you here about in a minute', uh, and he
149 excused me. At that time I saw, uh, [REDACTED] and Officer Iovine
150 come out of the office. And they went into the, uh, what do you call it, the
151 main hallway at District 3 I guess is a good example? Or a good

INTERVIEW WITH MARC SEAR:

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152 description, and, uh, I started talking with – with [REDACTED] and Iovine,
153 and at the same time what we were trying to do was we were trying to meet
154 with, uh, Officer Lutkin – Judy Lutkin, because I knew that she was the
155 President of the labor organization that he belongs to.

156 Sobieski: Okay.

157 Sears: Uh, as – as Officer Lutkin came down the hallway, we started to touch base
158 with her, and Off- Officer Rosenblatt came out of – out of the – the back
159 area of District 3 there, and asked Judy if he could meet with her prior to us
160 talking with him. To her. Officer Lutkin went in the back with, uh, Officer
161 Rosenblatt, I – I wasn't part of that conversation, I don't know what
162 happened and then at that point in time, I was talking with [REDACTED]
163 and Iovine and [REDACTED] was expressing his frustration about
164 Rosenblatt lying right in front of him – right in front of his face, and then
165 lying to us. About how this information got relayed to [REDACTED]. So at that
166 point in time I had, uh, um, I had – I had gotten a call or I may have called
167 Chief Glidden, I can't remember – but I got on the phone with Chief
168 Glidden, and, uh, I said, 'I need to e- I need to talk to you guys about what
169 has just transpired, and, uh, and I' – I'm sorry, let me back up. Before
170 talking with Chief Glidden again, I immediately called Interim Chief
171 Wilson. And I said, 'Ma'am, there's a serious situation that's o-
172 allegations that are being brought up that we need to discuss'.

173 Sobieski: Okay.

174 Sears: She just said, 'Hey can you give me a brief – a brief overview of it real
175 quick? Um, I'm getting ready to go into two meetings back-to-back that I
176 can't miss'. 'Yes ma'am.' I gave her a very brief overview of what it was,
177 she was taken aback by it and she asked me to call Chief Glidden and
178 discuss it with him, and also have [REDACTED] on the phone call. So I
179 called Chief Glidden, I asked if we could – if he could get into an
180 environment where [REDACTED] would be there as well. They, uh, called
181 me back five, ten minutes later and I explained the incident to them in the
182 detail that I've explained to you. Uh, they – I asked – I know that I asked
183 [REDACTED] at one point if he ever saw these pictures and he said that he – he
184 never did see 'em, it was just all verbal stuff that he was getting from
185 Officer Rosenblatt. So at that point, um, when I was on the phone with the
186 – both of the Chiefs, uh, Officer Lutkin was coming – talking with Officer
187 Iovine and [REDACTED]. I wasn't privy to that conversation at all. Um,
188 they just explained to me once I finally got off the phone with them, they
189 said that, you know, Miss – that Officer Lutkin said you know, 'It – it's not
190 illegal for him to be at a gravesite'. And little taken aback by that
191 statement, considering what the actual nuts and bolts of this were, so, uh,
192 Chief Glidden then asked me – he said, 'Hey listen, I need to have
193 something in writing about this.' 'Not a problem sir'. Uh, I said, 'We'll – I
194 – I'll get it to you as soon as I can. Let's just finish up here'. I started to

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195 leave the – myself, [REDACTED] and Officer Iovine the- started to leave
196 District 3, I received a call from, uh, Chief Parker, saying ‘Hey are you
197 guys still at District 3?’ I said ‘No sir, I just left’. And he said, ‘Well,
198 good that you guys are leaving, because Officer Lutkin is talking to the
199 Watch Commander’ who I think was McKinney? I think? Rex was the –
200 was the Watch Commander, and there was some comments that were made
201 about us being down there and conducting business or whatever. ‘Sir’ –
202 and he said it – ‘It’s okay Marc, as long as you guys are gone it’s no big
203 deal’. I made arrangements with him to meet Chief Parker at
204 Headquarters, in the Chief’s office. I went to the Chief’s office and I sat
205 down at, uh, one of secretary’s desks that wasn’t there. I generated the, uh,
206 the email to Chief Parker, Chief Glidden and – and I cc’d – I believe I just
207 cc’d, uh, Interim Chief Wilson on it. And then, um, and that was about –
208 and then I saw Commander Dudley and Lieutenant, uh, Carlson coming out
209 of Chief Glidden’s office. Lieutenant Carlson asked to speak with me. I
210 spoke with her and she just said, ‘We’re – we’re gonna have to call you in
211 to be a witness’. And I said, ‘Yes ma’am, that’s fine. Whatever you need.’

212 Sobieski: Okay. So we’re talking about the email you sent, is that the email that you
213 sent to the Chiefs? And then you forwarded to...

214 Sears: Then I forwarded it...

215 Sobieski: ...myself and Sergeant Cruser?

216 Sears: Correct, this (unintelligible) email...

217 Sobieski: That is the one you authored? Okay.

218 Sears: Yes.

219 Sobieski: Um, what time do you think you got down to District 3, do you remember?
220 Approximately?

221 Sears: I think our meeting was done at noon, so maybe – maybe I got down there
222 at 12:30 maybe.

223 Sobieski: Okay.

224 Sears: Totally a complete estimate.

225 Cruser: You – I’m sorry – you got done at D3 at noon?

226 Sears: No-no-no, I got down – did you say ‘got down’ to D3? Or done at D3?

227 Sobieski: Yeah what time did you get down there approximately?

228 Sears: I got down there approximately 12:30 I think, 12:30, 1:00 maybe.

229 Cruser: I’m sorry.

230 Sobieski: Did – and you were – were present for the conversation with Rosenblatt.
231 Part of it.

INTERVIEW WITH MARC SEARS

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232 Sears: Part of it...

233 Sobieski: Except for when you describe that you stepped out.

234 Sears: Correct.

235 Sobieski: So you walk in the room, can you – can you provide as much details about
236 what he said as you can remember?

237 Sears: Yes...

238 Sobieski: Was it recorded – did anybody record it...

239 Sears: No, no I did not record it...

240 Sobieski: Okay.

241 Sears: ...uh, and I don't – I don't know if anybody else recorded it, I don't believe
242 that anybody did.

243 Sobieski: Okay.

244 Sears: Um, so it – it's one of the small – it's one of those Sergeants office that's
245 kinda set back from all the cubicles. It's probably – so anyway he was on
246 the very South end of that, we went into that office, the door was closed, I
247 sat down in the chair, almost probably identical to this – or similar to this.
248 In front of him he – he was behind his desk, uh, [REDACTED] was my – to
249 my immediate right. And I think he was standing up, and he had his arm
250 up on like a partition I wanna say, or his computer or something. Officer
251 Iovine was immediately to my left, and he had his back within four or five
252 inches of the door. Stepped back behind me actually. And, uh, and [REDACTED]
253 started talking and he – I remember – I remember Officer Rosenblatt
254 saying, 'How did you find out about this?'

255 Sobieski: Okay. Did Rosenblatt deny it?

256 Sears: He didn't – he denied telling [REDACTED] about the incident. But he
257 didn't deny getting this – getting the pictures, and he actually stated that he
258 had erased those pictures. From his phone.

259 Sobieski: Okay. Rosenblatt stated he erased the pictures?

260 Sears: Correct.

261 Sobieski: While you were talking to him?

262 Sears: Yes.

263 Sobieski: Okay. Anything else you can remember he said?

264 Sears: Um, he – I remember him inquiring, I don't remember exactly what he
265 said, but I remember him inquiring about – maybe he wasn't inquiring – he
266 – he became defensive so he started saying things like, uh, you know,
267 'Why – why – why is this a big deal?' or – 'How – how is this gonna get
268 out? How would it get out?' and – 'cause there was a conversation that

INTERVIEW WITH MARC SEARS

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269 was had of like, 'Do you understand what would happen if these pictures
270 and whatever they are, and they're not' – and I don't know, I don't – I
271 don't – all I know is that they weren't – uh, it was described to me as they
272 weren't like mourning the death of – of Elijah, they were poking fun and
273 laughing, and I – and there was the comment that was made of 'Do you
274 understand how this – if this gets out, how serious this is?' And he goes,
275 'Well how would it get out?' and I was – I said, 'The three people in this
276 room already know about it, and you're not – we – none of us were there,
277 we didn't even know this transpired.' And he said – and he used some
278 kind of – some – it sounded like a technological term of how he erased this,
279 to where it wouldn't be discovered. And – and I was like, 'Okay, well this
280 is gonna get out, there's plenty of things that – very easy for this to get
281 out'. And based on him saying that he didn't – he – I – I don't know if he
282 lied but maybe he didn't recall that he told [REDACTED] about this directly to his
283 face. I said, 'Listen, you – you've already told [REDACTED] about this. And we
284 know about it now.' And [REDACTED] was standing right there.

285 Sobieski: Right.

286 Sears: And so – and he was like, 'Well I – I just don't understand why – how this
287 could get out.' And – and – and he – he made it sound like he didn't think
288 it was that big of a deal, like almost like downplaying it to a point to where
289 he was being defensive about it, he – and he didn't say anything about it.
290 So that's when I got up and I was literally in that room for maybe three
291 minutes?

292 Sobieski: Okay.

293 Sears: Three to five minutes.

294 Sobieski: How long do you think the total meeting was with Rosenblatt?

295 Sears: With the other guys too you mean?

296 Sobieski: Yeah.

297 Sears: Um, maybe a total of 10 minutes at the most. And...

298 Sobieski: Did – was there yelling, screaming...

299 Sears: No yelling...

300 Sobieski: ...cordial or...

301 Sears: No yelling, no screaming, uh, it – I was – and I was literally no further than
302 10 feet away from the door. Uh, I never heard any yelling, I never heard
303 any screaming, uh, there was a comment that was made by Officer Lutkin,
304 to Officer Iovine that Rosenblatt said Mike had his – Officer Iovine had his
305 fists clenched, and he was standing over him, uh, over his desk, and he was
306 yelling at him. And that never happened when I was there. At all.

INTERVIEW WITH MARC SEARS

Interviewer: Agent Tom Sobieski

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307 Sobieski: Um, the part about poking fun and laughing at the gravesite. You received
308 that information from [REDACTED]? That was his take on what...

309 Sears: Yes.

310 Sobieski: Okay. Um...

311 Cruser: Do you, um, do you have an idea of when [REDACTED] apparently got
312 this information from Rosenblatt?

313 Sears: I don't – the only thing – I don't know when he got that information, all I
314 know is that I specifically asked when did the meeting occur at the
315 gravesite, and it was explained to me that the timeframe was pre-the
316 Minneapolis incident with the – with the officer using – putting his knee on
317 the guys' neck.

318 Cruser: Okay.

319 Sears: Um, that's all I know, I – I don't – I don't remember – I don't even think –
320 I might not even have asked that from [REDACTED].

321 Cruser: Okay. Um, and when you went down to District 3 and you met with
322 Rosenblatt, what was your – were you in civilian clothes, were you in your
323 Sergeant's uniform...

324 Sears: Just like this.

325 Cruser: Okay.

326 Sears: Just like this. Which for the record black shorts, and my under – blue
327 undershirt for patrol.

328 Cruser: Okay.

329 Sobieski: And just for the record as well you were still off duty when you went to
330 D3? Do you remember?

331 Sears: I – I – I – I think I was off duty, I mean I – no, if I got there at 12:30 then I
332 would've been on duty, because I called – I called Lieutenant Parvin, my
333 direct supervisor and I said, 'Hey there's an emergency situation that came
334 up, and I'm not gonna be able to meet with you until after I'm done with
335 it'. And he was like, 'Oh, it's – it's really not that big of a deal, okay do
336 it.' And – and keeping in mind I – there's a special order that's on – in
337 place within – within Power DMS, and I think the last time it was updated
338 was when Dan Oates was still here, that allows us to accomplish, uh, labor
339 activities while we're on duty. So – but I still called my immediate
340 supervisor just to say, 'Hey, I'm not gonna be up there', um, and we were
341 supposed to have a meeting at 12:30 so I know it was right before 12:30
342 when I called him to tell him that, as a matter of fact I think it was – I was
343 like I got ten more minutes to get over there but – so I called Lieutenant,
344 said, 'I have an emergency situation', and I knew – I didn't discuss it with
345 him just knowing the severity of what the allegations were.

INTERVIEW WITH MARC SEARS

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346 Sobieski: And just to be clear, uh, [REDACTED] the one that called Rosenblatt and set up
347 the meeting at D3.

348 Sears: Yes.

349 Sobieski: Okay. I'll be right back.

350 Sears: Yep.

351

352 Interview pauses at 00:23:18

353

354 Sears: Remind me not to forget to add somebody to this, that I just remembered.

355 Cruser: Okay. All right.

356 Sears: This has gotta stop in here.

357 Cruser: Yeah I'm not sure how much longer we're gonna have to keep going
358 (unintelligible).

359 Sears: (Unintelligible). I mean even when they add those, the city allows the
360 (unintelligible) people now, that you can have in a room...

361 Cruser: Mm-hm.

362 Sears: ...I don't think there's anything in there that says that you have to wear a
363 mask. I don't know – I...

364 Cruser: It isn't much. I'm a little bit guilty of that. (Unintelligible) contact with
365 people outside of your direct office space.

366 Sears: Okay.

367

368 Interview resumes at 0:25:51

369

370 Sobieski: Does – do you know does Officer Rosenblatt, does he know you, does he
371 know you're a – a Sergeant here?

372 Sears: I have no idea.

373 Sobieski: Okay. Did you in- introduce yourself to him or – at all or...

374 Sears: No. Not that I recall. I mean I just – not that I recall, I mean I – I assumed
375 that the large – the vast majority of this Police Department knows – just
376 because I'm the President of the FOP, that they know who I am. And they
377 know what's – that – as a Sergeant, um, I – I – I – but I never introduced
378 him to answer your question.

379 Sobieski: Okay. Did you specifically yourself and, uh, did you ask him Rosenblatt
380 any questions that he answered that you would've asked?

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381 Sears: No. No, and as a matter of fact, I didn't ask him any questions about like
382 'Hey what – what did the pictures look like?' or 'Did these pictures
383 happen?' I didn't ask him anything. I specifically explained to him the
384 importance and severity of this, and quite honestly I started recalling the
385 fact that, uh, a while – months ago, I – I know it was this year sometime,
386 obviously it was after the McClain incident that occurred, but I wasn't
387 going to ask any questions because I remembered and – and if I remember
388 correctly I – I told Officer Iovine and [REDACTED], that I'm not going in there to
389 ask any questions and do any more kind of an investigation because I
390 remembered that there was an incident that came up, about a preservation
391 of the evidence letter, that was issued to those officers involved in – in the
392 McClain incident, and there was a – there was a thought process that I said,
393 'This – this could potentially be criminal, if they were given an order by
394 the court or whoever that order came from, I didn't receive it, but I had
395 knowledge of it through the City Attorney's office, that a preservation of
396 letter order was given to them, and I didn't know the capacity of that, and I
397 didn't know if it's issued by the court or it was just something that the City
398 Attorney said, but there was the thought process that I had was that because
399 of that preservation of letter evidence, this is potentially – could potentially
400 be criminal, so I'm not – I'm not asking any questions about it at all.

401 Sobieski: Okay. Did Rosenblatt mention the preservation letter at all?

402 Sears: No.

403 Sobieski: That ever come up?

404 Sears: No.

405 Sobieski: Did anybody else mention it?

406 Sears: No. It was – and I don't think I even said anything to anybody about – I
407 might – I do- I don't – I didn't say anything to Rosenblatt about it, at all...

408 Sobieski: Okay.

409 Sears: ...I – I was literally in there for a very, very short time.

410 Sobieski: Did [REDACTED] – did he receive any information about who may have been in
411 the photos, what was shown, did he tell you any...

412 Sears: Yes, he said that he was told – not – he didn't see 'em, like he said...

413 Sobieski: Yeah.

414 Sears: ...like he told me. He told me that it was, uh, Kyle Dittrich, um, Officer
415 Woodyard, and I'm gonna probably – can I refer to the letter that I have?

416 Sobieski: You can.

417 Sears: I think I put 'em in there. Okay. Um, yep, Officers Woodyard, I think it's
418 pronounced Marrero, and Dittrich.

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419 Sobieski: Did he tell you anything about what the – how many pictures there were or
420 was – what the photo showed, anything like that?

421 Sears: No, and I don't – I don't know if Justin even knew that, 'cause like he told
422 me he did- he never even saw 'em.

423 Sobieski: Okay. Um...

424 Cruser: You had a name you wanted to add...

425 Sears: Oh, so...

426 Cruser: ...at the meeting?

427 Sears: ...the people that were at the meeting, I forgot to add – and like it's really
428 irrelevant but just to – Cody Lanier had his small daughter there. Um, that
429 was – she's like 4.

430 Sobieski: Okay.

431 Sears: That was – that was in the room.

432 Sobieski: Um, and this was a – a conversation that everybody that was in the room
433 heard?

434 Sears: Um...

435 Sobieski: You think or...

436 Sears: ...they – they heard about – they heard [REDACTED] – I know that Captain
437 Lanigan got up and walked out to use the bathroom at one point and so I
438 can say that with the exception of Captain Lanigan, I know that everybody
439 else was in the room, and they were definitely within – they definitely had
440 the ability to hear what [REDACTED] was saying.

441 Cruser: Right.

442 Sears: Because in those meetings sometimes their – their mind starts wandering,
443 they get on their phones and...

444 Cruser: Right.

445 Sears: ...and they're doing their thing. Um, but those were the people that were
446 in the room that would have had the ability to hear what was being said.

447 Cruser: Okay.

448 Sears: And – and I – and I got up – I – and I – with Captain Lanigan I – I can't
449 necessarily say that – that he heard all of it, because I remember him
450 getting up and walking out of the room.

451 Cruser: Okay. All right. Um, anything else?

452 Sobieski: Anything else you can think of that I haven't asked or that may be
453 important that you know of?

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- 454 Sears: No, I covered the preservation of evidence, which is why – one of the
455 biggest reasons why I didn't do. Um...
- 456 Sobieski: Can you caution your board members on confidentiality please?
- 457 Sears: Oh, yeah – yeah, absolutely. And – and th- and here's the thing is that, you
458 know, there's confidentiality within – within our board – with our board
459 meetings right? Um, and I've never experienced any of the board members
460 divulging any kind of information that w- that we address during any of our
461 – of our meetings that we have. But it was even said prior to leaving, and I
462 know I don't have to say this, because we have that caveat when we're in
463 there, this – this isn't discussed. Because at that point in time, there really
464 wasn't, uh, it was just an accusation, right?
- 465 Cruser: Sure.
- 466 Sears: ...um, and after talking to Rosenblatt, obviously listening to what he said,
467 there was actually some pictures that were – that were – that he received,
468 what those were I don't know. Uh, and what c- was contained in 'em I
469 don't know but I – I can assure you that these – they are – they are all very
470 well aware of the confidentiality behind this.
- 471 Sobieski: Okay.
- 472 Sears: What I'm concerned about – for – for the record, what I'm concerned about
473 is that when I look back on it now, is there a way that I could've done this
474 better? I think I was screwed either way I did this, um, however I know
475 that there were higher-ranking individuals that were in the D- District 3
476 building, and they were sending emails that the labor organizations were
477 together about an employee issue. Um, so I – I'm just concerned that this –
478 this is just gonna start getting further and further, and – and it – and I know
479 that we didn't discuss this, every time we – any time I was discussing this I
480 was behind closed doors, so when I was on – when I was on the call with
481 the Chief's, um, I was in the rollcall room at District 3, and I had the door
482 closed and nobody was in there. When I talked with Rosenblatt and Iovine
483 and [REDACTED], we were in his office like I said with the door closed, and when
484 – when I was talking to, uh, [REDACTED] and Iovine, we were in the, uh, corner
485 conference room office, by ourselves, with the door closed.
- 486 Sobieski: Okay.
- 487 Sears: So I – I'm...
- 488 Sobieski: Do you know – did – did Officer Rosenblatt tell [REDACTED], who had texted
489 him the photos?
- 490 Sears: No, he didn't tell me that, he...
- 491 Sobieski: He didn't tell you?
- 492 Sears: [REDACTED] didn't tell me who it was that sent them to him.

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493 Sobieski: Okay.

494 Sears: I was – I was – and I didn't – when I – the way it was explained to me was
495 that it was part of a group chat, so there was numerous peo- the way I
496 interpreted it was that there was numerous people that were part of this
497 text, and I don't even know if he knows where it came from. But I don't
498 know who specifically sent it.

499 Sobieski: Okay.

500 Sears: Nor do I know who actually took these supposed pictures.

501 Sobieski: Okay. You have anything else?

502 Cruser: No.

503 Sobieski: Anything else?

504 Sears: No.

505 Sobieski: It's, uh, 1543, and that'll....

506

507

508 Transcribed by Gail Grady

INTERVIEW WITH [REDACTED]

Interviewer: Agent Tom Sobieski

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1 Sobieski: All right. I'm Tom Sobieski of the Internal Affairs Bureau. Today's date
2 is June 25th, 2020 and the time is 1602. This'll be an interview of Officer
3 [REDACTED] in regard to IAB Case Number 20-25. [REDACTED] would
4 you please identify yourself with your ID number and present assignment.
5 [REDACTED] Sure. Uh, [REDACTED], [REDACTED], [REDACTED]. [REDACTED].
6 Sobieski: Okay. Have you read the Garrity form?
7 [REDACTED] I have.
8 Sobieski: Do you have any questions about it?
9 [REDACTED] No sir.
10 Sobieski: I'm gonna sign it as the investigator. And do you understand you're not
11 the subject of this investigation?
12 [REDACTED] I do.
13 Sobieski: Are you familiar with the Lawful Order directive?
14 [REDACTED] No.
15 Sobieski: All right, let me pull it up. How quick are you?
16 Cruser: Probably not quicker than paper.
17 Sobieski: We'll have you read the directive real quick just to make sure you're
18 familiar with it.
19 [REDACTED] Okay.
20 Cruser: It's, uh, right there.
21 [REDACTED] Thank you. Just this one piece right here?
22 Sobieski: 14.1.1, yeah.
23 [REDACTED] Okay. Sorry.
24 Sobieski: Do you have any questions about that directive?
25 [REDACTED] No.
26 Sobieski: Do you understand that you're being ordered by the Chief of Police to
27 answer my questions completely and truthfully?
28 [REDACTED] Yes.
29 Sobieski: If you refuse to answer my questions, or answer untruthfully or omit any
30 material facts you will subject to disciplinary action. Do you also
31 understand that you are also ordered not to discuss this case with any
32 member of the department?
33 [REDACTED] Yes.
34 Sobieski: Do you understand this room is monitored by audio and video equipment?

INTERVIEW WITH [REDACTED]

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35 [REDACTED] Yes.

36 Sobieski: Are you recoding this interview yourself?

37 [REDACTED] No.

38 Sobieski: Uh, when you arrived here you were issued a memorandum, um, there
39 were some directives mentioned on there, Rights of Members Under
40 Administrative Investigation, Making a False or Untruthful Declaration,
41 and Individual Member Responsibility. Do you have any questions about
42 any of those directives?

43 [REDACTED] No.

44 Sobieski: Okay. Um, so I understand earlier today you were present at a FOP
45 meeting over at Headquarters, is that correct?

46 [REDACTED] The meeting was here up on the 3rd floor. But yes.

47 Male: That's right.

48 Sobieski: Here at District 2 on the 3rd floor?

49 [REDACTED] Yes sir.

50 Sobieski: Are you an FOP Board Member?

51 [REDACTED] I am.

52 Sobieski: What is your position?

53 [REDACTED] [REDACTED]

54 Sobieski: What time was that meeting taking place?

55 [REDACTED] Uh, it started at 10 AM.

56 Sobieski: 10 AM? And from what I understand, you may have – at some point during
57 the meeting, um, mentioned, um, to Sergeant Sears and the other members
58 of the board of something that – that occurred...

59 [REDACTED] Yes.

60 Sobieski: ...that may have been concerning?

61 [REDACTED] Yes.

62 Sobieski: Can you tell us about that?

63 [REDACTED] Sure. Um, so I – yeah I ha- I have this information about the, um,
64 pertaining to Elijah McClain and some pictures that, um, were allegedly
65 sent to a friend of mine. And, uh, I found out about it – I couldn't give you
66 an exact date, um, I'm not sure. It – it was at a social gathering at a – a
67 mutual friends' house and, uh, um, the information that I had received was
68 concerning to me, has been concerning to me and it took me a long time to,
69 you know kind of cope with it and see what I wanted to do, to see if
70 anybody else was gonna come forward – I didn't know who knew about

INTERVIEW WITH [REDACTED]

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71 this information. I – so, um, after like speaking with my wife about it,
72 extensively, I decided today that I was gonna talk to Marc about it and let –
73 and let him know.

74 Sobieski: Sergeant Sears?

75 [REDACTED]: Yes. Sorry.

76 Sobieski: Okay. Can you give us a – a estimation the best you can of when you
77 received this information?

78 [REDACTED]: Mm...

79 Sobieski: A month or...

80 [REDACTED]: Can you tell me when the Elijah McClain death occurred?

81 Sobieski: Um, can't off the top of my head.

82 [REDACTED]: Okay.

83 Cruser: I'll – I'll find out for you real quick.

84 Sobieski: Where – where was this social gathering?

85 [REDACTED]: Uh, [REDACTED] house.

86 Sobieski: Okay.

87 Cruser: Took place in August. August of 2019.

88 [REDACTED]: Okay. Well yeah that – this was way after that – this was after the bid
89 change too, so, uh, gosh. I would say it was probably in March, maybe?
90 Somewhere in March. I'm not sh...

91 Sobieski: March of 2020?

92 [REDACTED]: Yes sir.

93 Sobieski: Okay. And who – who – who – who we talking about here, who gave you
94 this information?

95 [REDACTED]: Uh, Rosenblatt. Officer Rosenblatt.

96 Sobieski: What's his first name?

97 [REDACTED]: Jason, I believe.

98 Sobieski: Jason Rosenblatt?

99 [REDACTED]: Yes.

100 Sobieski: So you're at [REDACTED] house, this engagement sometime about
101 March, what – what did he tell you exactly?

102 [REDACTED]: Um, so we were – we were – it was just, you know, kind of a dinner party-
103 drinking party, um, this was – I got there before he did but this was around
104 the time I think when they were talking about getting his cell phone or

INTERVIEW WITH [REDACTED]

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105 subpoenaing his cell phone, uh, he was voicing some concerns about his
106 cell phone and, um, we were just having a conversation about that. And I –
107 I couldn't tell you exactly how the conversation went but I – the best of my
108 knowledge it was something I was saying like, 'What are you so concerned
109 about?' or 'What's the scope of the investigation?' something like that.
110 And then that's when he mentioned that he had been sent these pictures – I
111 believe he said in a – in a group text message setting, he said 'Yeah some
112 of the – some of the – the guys' – the guys meaning of- other officers –
113 'some of the guys have sent me pictures from Elijah McClain's gravesite.'
114 And uh, and then he went on to say, you know, I don't recall exactly but he
115 – it felt like the conversation was you know them kind of hanging out
116 possibly drinking at the gravesite, just taking selfies with the grave in – like
117 a, I don't know, kind of a joking manner I guess. And, uh, I remember him
118 talking about who it was and – and – and I don't know how many people it
119 is, I didn't see the pictures, I didn't – I didn't wanna see the pictures. Um,
120 and I think he said that he – he deleted the pictures, so he was worried
121 about that. But, um, yeah I – I remember him saying it was like, uh, Erica
122 Marrero, Dittrich, and, um, mm, Woodyard.

123 Sobieski: What would Rosenblatt's phone number have been at that time? Do you
124 remember?

125 [REDACTED] I literally just deleted it – I deleted it off my cell phone today.

126 Sobieski: You don't know if off the top of your head?

127 [REDACTED] I have no idea. It was, uh, yeah 'cause he changed his phone number
128 yesterday, so today when I was talking to him I – I deleted it – I switched
129 the numbers in his contact in my phone. I know it was a [REDACTED]
130 number, whatever that area code is, [REDACTED]? [REDACTED]-something.

131 Sobieski: Do you know why he deleted his phone number or changed his phone
132 number yesterday?

133 [REDACTED] Uh, I didn't ask him directly but I would assume it was because – someone
134 told me that his phone number got leaked, about the Elijah McClain case.

135 Sobieski: Anybody else hear this conversation between you two?

136 [REDACTED] Uh, I don't know in that direct – that direct time if they did. I'm not sure.

137 Sobieski: Okay. Um, you mentioned people were drinking, was – was he intoxicated
138 you think or...

139 [REDACTED] No, a hundred percent not intoxicated that night.

140 Sobieski: Were you?

141 [REDACTED] No. Not at all.

142 Sobieski: Okay.

143 [REDACTED] This was at the very beginning of the...

INTERVIEW WITH [REDACTED]

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144 Sobieski: Okay.

145 [REDACTED] ...of the night. I mean there were other people there that – that – that

146 [REDACTED] could've heard it – or I don't know if he told anyone else.

147 Sobieski: Okay.

148 [REDACTED] So I – I don't know.

149 Sobieski: Okay. Who all have you told about this, besides what we discussed so far

150 [REDACTED] today?

151 [REDACTED] Uh, so I called, uh, I talked to Katherine Lewis about it, Katie Beth Lewis.

152 [REDACTED] Uh, I believe I've had conversations with Kayla Matous about it. And then

153 [REDACTED] Rosenblatt obviously.

154 Sobieski: Have you and Rosenblatt talked about it since that ni- that night?

155 [REDACTED] No. Not that I recall anyways.

156 Sobieski: Were you guys – describe your relationship, you and Rosenblatt.

157 [REDACTED] Um, so I met him when I first got here out of, uh, FTO, I was working in

158 [REDACTED] D2. And, uh, he – we had a connection 'cause I used to be a cop in

159 [REDACTED] and he is from [REDACTED], so we kind had that connection. And, uh,

160 [REDACTED] just became kind of friends, you know, just hanging out, we were on – we

161 [REDACTED] overlapped a bunch of days on patrol so, um, yeah we became friends and

162 [REDACTED] then I – I wouldn't say that we hung out a lot, I – I remember when the

163 [REDACTED] Elijah McClain incident happened, like we had – we had dinner and I

164 [REDACTED] reached out to him just to – 'cause I know he's kind of – he's – I don't

165 [REDACTED] know if he hangs out with a lot of people, I know he had some stuff going

166 [REDACTED] on in his personal life so I just wanted to reach out, have dinner with him

167 [REDACTED] and just, you know, be a friend.

168 Sobieski: Okay.

169 [REDACTED] So – um, yeah, we hung out there, and then I hadn't hung out with him

170 [REDACTED] after that, I've invited him out a – a bunch of times and he's just, you

171 [REDACTED] know, always doin' something else so we never kind of connected again.

172 [REDACTED] And then I was, uh, over at Katie Beth's house and Rosenblatt showed up

173 [REDACTED] 'cause him and Kayla Matous are pretty close friends. So I think she

174 [REDACTED] invited him over.

175 Sobieski: Did Rosenblatt ever indicate that he was in any of the photos or that he had

176 [REDACTED] been to the grave...

177 [REDACTED] No.

178 Sobieski: ...site?

179 [REDACTED] No. He, uh, he was concerned about it, he...

180 Sobieski: He was concerned?

INTERVIEW WITH [REDACTED]

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181 [REDACTED] Yeah, he – if I remember correctly he was concerned about getting the
182 photos, and he basically wanted to get rid of them as soon as possible, like
183 he was kind of shocked that they would even think to do anything like that.
184 That was my – that was my interpretation of the conversation.

185 Sobieski: Okay. Do you know – did he ever say, ‘I – I’m thinking about bringing this
186 forward to the department’ or give you any...

187 [REDACTED] I don’t...

188 Sobieski: ...supervisor or anything like that?

189 [REDACTED] I don’t remember him saying that, and – and I didn’t say that to him at that
190 – that time, I just kind of – I too was kind of in shock with the information
191 and it – I think that night maybe initially I was kind of – my words were
192 probably like, ‘What the fuck, who would do that? That’s disgusting’.
193 Something like that. And I just took a lot of time to process it, because I –
194 it was shocking, you know, I – and what really got me was like I said
195 having conversations with my wife and I’m like – I just – I can’t work with
196 people that – people that do things like that – if they did do it, like I said I
197 didn’t see the pictures but they don’t deserve to – to be in this profession.
198 We don’t need them in his profession. And furthermore I think that
199 psychologically there may be some other issues there, if you – if you’re
200 willing to go to someone’s – regardless of what crime anyone ever
201 committed, a death is a death and a human life is a human life, and that
202 should all be respected. And I just – yeah.

203 Sobieski: Okay.

204 [REDACTED] So...

205 Sobieski: Did he say how many photos he got at all or...

206 [REDACTED] He didn’t.

207 Sobieski: He just...

208 [REDACTED] He didn’t.

209 Sobieski: ...indicated it was plural or...

210 [REDACTED] Yeah I – I don’t know if – yeah, I think so. I mean he did- he didn’t – I
211 remember him talking about the people that – that were there, and I don’t
212 know if – like each person sent ‘em, or maybe it was one photo and a group
213 photo with a bunch of people, I don’t know. But I remember him saying
214 that – that he was in a group text message, and I don’t know – I never
215 asked him who was in the group text message, I didn’t...

216 Sobieski: Okay. But you weren’t in the group text message?

217 [REDACTED] No, no no.

218 Sobieski: Okay. You never received any photos and you never saw ‘em.

INTERVIEW WITH [REDACTED]

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219 [REDACTED] No.

220 Sobieski: Okay so you tell you Sergeant Sears, um, what happens next?

221 [REDACTED] Uh, so I tell Sergeant Sears at the meeting. We kinda – we talk about it at
222 the meeting. And, uh, he was like shocked, I mean he didn't know – he
223 was like, 'I don't know how – how we need to proceed,' like 'I – I don't
224 know, I don't know if we should – I need – I need to call the Chief',
225 basically. And, uh...

226 Sobieski: Well let me – let me ask you this before you get too far into that. Um,
227 probably a question's gonna come up is why you did not come forward
228 before now.

229 [REDACTED] Because I was – I was thinking about – it's – it's a very – it's a tough...

230 Sobieski: And I'm not accusing you of any directive violations...

231 [REDACTED] Right, of course.

232 Sobieski: Okay?

233 [REDACTED] No, yeah, and I...

234 Sobieski: All right, you're a witness...

235 [REDACTED] ...have no problem talking about it...

236 Sobieski: ...okay.

237 [REDACTED] It's – it's a – it's a shitty situation to be in. It's shitty. The last thing you
238 wanna do is – is affect someone's livelihood, affect their family life, and
239 then I understand that by me doing this, this is gonna negatively impact me,
240 for sure. And you can't tell me otherwise. It's gonna affect my reputation,
241 because I'm sure that people are already talking. So it took me a l- a long
242 time to decide if I was gonna do it, I knew it was the right thing to do, and I
243 knew I had to do it.

244 Sobieski: Okay.

245 [REDACTED] It just took me a long time to build up the courage to essentially fall on that
246 grenade if this is true.

247 Sobieski: Okay. All right. Thanks for that. Um, so Sergeant Sears, you tell him,
248 what – what happens next?

249 [REDACTED] So we talked about it, um, and I – you know, he – Mike Iovine was real-
250 really upset and, um...

251 Sobieski: Do you think everybody that was at the meeting or – heard what you said?

252 [REDACTED] Yeah.

253 Sobieski: Okay.

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254 [REDACTED] Yeah. Because I was gonna talk to Mike – or to Marc privately about it,
255 and then we just started discussing more about the case and stuff and, um, I
256 was like, ‘look I have some information, I don’t know’ – ‘cause at – at that
257 time I didn’t know who knew – who knew this information...

258 Sobieski: Okay.

259 [REDACTED] ...I had no idea if everybody knew it and maybe I just thought I knew it. I
260 don’t know.

261 Sobieski: Okay.

262 [REDACTED] So I told ‘em about it, and then, um, we decided that we would go down – I
263 – I called Rosenblatt and I was like, ‘Hey man can I – I need to talk to you,
264 it’s important about some stuff’. And, uh, he’s like, ‘I can’t leave D3, like
265 I’m – I’m really busy’, and, uh, so we went down – Marc – I rode with
266 Marc and Mike Iovine drove himself and we drove down to D3, and we
267 met Rosenblatt in this – the office that he was working out of and, um...

268 Sobieski: Let me stop you there.

269 [REDACTED] Okay.

270 Sobieski: What – what was your intent by going to D3 and talking to Rosenblatt?
271 What were you...

272 [REDACTED] I just want...

273 Sobieski: ...trying to get out of it...

274 [REDACTED] ...I wanted to give him the opportunity – I wanted to say, um, that it’s
275 unfortunate what happened and it’s unfortunate that someone would –
276 would do something like that if – if it happened.

277 Sobieski: Right.

278 [REDACTED] And I – I guess my – I wanted him to just maybe go – if we had to talk to
279 the Chief or – or whatever, go with me or – or say, ‘Yeah, it’s – it’s – it –
280 we need to – we need to fix this.’

281 Sobieski: Was it your idea to go down there, or do you remember who’s – who’s
282 idea...

283 [REDACTED] Um, I think it was collectively, we just had a conversation about it...

284 Sobieski: Okay.

285 [REDACTED] ...and I mean, I – it’s hard for me because Rosenblatt’s a friend of mine...

286 Sobieski: Mm-hm.

287 [REDACTED] ...and I – I – I don’t want to see anything – I know that he’s already taking
288 this hard, like – I can’t – I can’t even imagine what he’s going through.

289 Sobieski: Right.

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290 [REDACTED] So I – I guess I just wanted to protect him and I don't think that he's at
291 fault for this, I mean he received a text message.

292 Sobieski: Okay. Go to D3.

293 [REDACTED] Go to D3.

294 Sobieski: What happens when you get down there?

295 [REDACTED] Talk to him, we – we get in the room, um, and I – I pretty much start
296 asking him, not – not asking him but talking about the situation, I was like,
297 'Look, I know that these pictures – there's these pictures that you told me
298 about,' and, uh, I was like, 'They could get out, and it could be detrimental
299 not only to the Police Department, the citizens but Police Officers', I mean
300 people could literally die over this, I mean, we're rioting over some stuff
301 that happened in states that we have nothing to do with.

302 Sobieski: Right.

303 [REDACTED] So that – that's what I said and he basically was like, 'I don't know – I
304 don't' – he's like 'I do remember us having a – a conversation about it, but
305 I didn't tell you about it, you – you asked me about it', which is not true. I
306 was – I did not ask him about – I had no knowledge of it until he
307 mentioned it. And I think the basis of the conversation initially started
308 with like, FOP versus APA, legal defense and stuff like that because he
309 knew I was associated with the board and he was kind of like 'What should
310 I do?' kind of thing.

311 Sobieski: Okay.

312 [REDACTED] Or just explaining – or you know explaining his concern for...

313 Sobieski: So his...

314 [REDACTED] ...what was going on.

315 Sobieski: ...his statement to you when you asked him about it was 'You asked me
316 about it'?

317 [REDACTED] Yeah. Yeah.

318 Sobieski: He never admitted that you guys had that conversation the way you
319 described it?

320 [REDACTED] Not the way that I described it.

321 Sobieski: Okay.

322 [REDACTED] Yeah.

323 Sobieski: Um...

324 [REDACTED] And then he was saying...

325 Sobieski: What else did you remember him saying? Exactly...

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326 [REDACTED] He was saying like, 'Well – well h- how would these pictures get out? It
327 was' you know 'it was a group text messages, how – like how would they
328 get out? How would – how would they ever be leaked to anyone?' and
329 then I was like, 'Look at all the stuff that has been leaked from the Police
330 Department, all it takes is somebody that knows something to be fed up
331 with what- you know, whatever, they don't get a special assignment or they
332 get some discipline for something, that's all – I mean, doesn't even take
333 that, just takes somebody – whatever, I don't know.' And he – he – he was
334 like, 'Well you know it's not – I don't see how it could get leaked out so' –
335 and I think at that point – I think Marc and – and Mike – more so Mike –
336 got really – got – he got angry and was like, 'Look man, I have a family I
337 have to protect, and I've had friends die in New York over similar
338 instances...'

339 Sobieski: Mm-hm.

340 [REDACTED] '...and I would really appreciate it if you just, like let's get something
341 figured out here'. And then at that point I think Marc and – Marc got a
342 phone call and walked out of the room and then I don't – I think I maybe I
343 asked Mike to leave, because I could tell that Mike was really upset. And,
344 um, I didn't want that to digress further into anger on anyone's side
345 because I don't think anger gets anyone anywhere.

346 Sobieski: Right.

347 [REDACTED] Um, so at that point I was like, 'Look, Rosie, I'm trying to help you, like I
348 wanna make sure that, you know, that we take care of this and that, you
349 know, there's a lot – it's – it's a lot bigger than just you and a cell phone,
350 or me, you know, this – this – this is huge.' And, uh, he was like, 'Oh I – I
351 – I didn't do anything wrong, I didn't do anything wrong', and I'm like,
352 'No, and no one's saying that you did. No one – I'm not here to accuse
353 you' and he was like, 'Well you just come in here with these two guys and
354 it just seems very accusatory' and I was like 'Well it's not. It's like that's
355 why I asked him to leave'.

356 Sobieski: Mm-hm.

357 [REDACTED] And he was like 'Well I think I should call the APA reps' and I was like,
358 'Go call 'em, please', I was like, 'I'm not here – I'm here as your friend,
359 I'm not here as anything else, like that's it'.

360 Sobieski: Okay.

361 [REDACTED] And, uh, he was like 'Well I wanna call, um, Doug Wilkinson' and I was
362 like, 'Please call him.' And then I was like, 'I – I don't wanna be here
363 when you talk to him', I – I – I walked out of the room. And, um, that was
364 the last time that I saw him. And then, uh, we were just kind of wa- I – I
365 don't know if – I don't know if Marc – maybe Marc called Chief, and she
366 was in meetings so she wasn't able to like set aside a time to meet. And I

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367 don't know if he told her what ha- what had happened exactly but she said
368 'Set up this time with' you know, 'Chief Glidden' and you know, 'keep
369 him in the loop'. So then we just – as soon as we walked out of that room,
370 we happened to see Judy right there, she was coming out of – I don't know,
371 bathroom or something I don't know – and then she kind of – told her what
372 was – not really what was going on but that she needed to talk to
373 Rosenblatt. And she talked with him, and then came back and started like,
374 questioning me about, you know, why – why I didn't say something or –
375 and then she was saying – and I explained the same thing to her, and, uh,
376 she was said I- you know like 'It's not criminal for someone to go to a
377 gravesite' this and that, and like – the – the question isn't if it's criminal,
378 the question is that it's not right regardless of law. So...

379 Sobieski: What time do you think you got down to D3?

380 [REDACTED] Uh, can I look at my cell phone and...

381 Sobieski: Sure. Just approximate.

382 [REDACTED] Okay.

383 Sobieski: What room did you talk to him in or where – where did you talk to him?

384 [REDACTED] I – I'm not – so when you walk in the door of D3, it's like the first room on
385 the right, which I think is all the Sergeants offices...

386 Sobieski: Okay.

387 [REDACTED] ...and – is that correct?

388 Cruser: Yeah, so you come in from where the Patrol cars are...

389 [REDACTED] Right, you come in...

390 Cruser: Make a right...

391 [REDACTED] ...through the parking lot, and then there's like the mailboxes and then
392 there's a door to the right.

393 Cruser: That's the Detectives and PAR...

394 [REDACTED] Is it?

395 Cruser: ...Sergeants.

396 Sobieski: Yeah, the Detectives and PAR – the first door to the right goes into the
397 Detective Bureau, and PAR...

398 [REDACTED] Yeah, so we walked through there and it was the last office on the left.

399 Sobieski: Okay, he was in his own office?

400 [REDACTED] Yeah. Let me see here. Um...

401 Sobieski: So was this a – like a cordial conversation or – describe the...

402 [REDACTED] I guess we got there around 12:40.

INTERVIEW WITH [REDACTED]

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403 Sobieski: 12:40?
404 [REDACTED] Yeah.
405 Sobieski: And you said he did, um, between him and I- Iovine, did – there was no
406 threats made and...
407 [REDACTED] No, I wouldn't even say...
408 Sobieski: ... it was nothing like that...
409 [REDACTED] ...I wouldn't even say it was heated...
410 Sobieski: Okay.
411 [REDACTED] ...I could just tell that – that Mike was – Mike was frustrated. He – I
412 wouldn't say that it was heated or...
413 Sobieski: Okay.
414 [REDACTED] ...argumentative or...
415 Sobieski: Maybe I put that word in your mouth. All right.
416 [REDACTED] Yeah, I don't – I don't know – maybe I said that but that's not how – no it
417 w- I wouldn't even say it was heated, I think it was Mike being frustrated –
418 and not even frustrated, I think just scared. You know? If that's the truth,
419 Mike was scared – is scared.
420 Sobieski: Yeah.
421 [REDACTED] I'm scared.
422 Sobieski: Okay. Um, did Rosenblatt ever admit in that conversation at D3 to
423 receiving the photos?
424 [REDACTED] In a round-about way. He – I don't kn- he did- I – I don't recall him saying
425 'Yes I had the picture' – or maybe he did. He said, 'Yes I got the pictures
426 in a group text, and I deleted them as soon as I got them', and then he said,
427 'I don't know who was in the picture' – I think he said 'I don't know who
428 was in the pictures and I don't know who was in the group chat'. And
429 that's when I – I probably got frustrated and I was like, 'Dude, you're
430 lying', like 'stop lying'.
431 Sobieski: And he'd been lying about who was in the pictures?
432 [REDACTED] I don't know if he was...
433 Sobieski: Or who was in the chat you think?
434 [REDACTED] I don't – I th- he knows exactly who was in the pictures...
435 Sobieski: Okay.
436 [REDACTED] ...he knows exactly who was in the fuckin' group chat – sorry...
437 Sobieski: But he did – he did admit to getting the pictures and deleting them?

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438 [REDACTED] Yes.

439 Sobieski: Okay.

440 [REDACTED] I mean that's just not something you forget, right? You just – you don't
441 forget that. Especially when it has to do with something that's impacted
442 your life that – that much. There's no way.

443 Sobieski: What happened next?

444 [REDACTED] Um, after we talked to Judy, Judy, um, was engaging me, went back in the
445 office, Marc was on the phone with – I – I don't know who, and then he
446 said that we needed to go draft an email to the Chief and to someone else,
447 um, so we went to Headquarters. Went up to the Chief's office, office
448 area. Used the computer there, Marc drafted an email, I read over the
449 email. Um, he sent it and then that's where I was basically, you know, I
450 talked with, um, Chief Parker for a little bit. Um, then went in another
451 office where Marc talked to, um, Chief of Police for a – a little bit, she just
452 basically said, you know, 'Thank you for reporting this and it's a big deal
453 and we need to get to the bottom of it,' type conversation.

454 Sobieski: Okay.

455 [REDACTED] And then we walked downstairs, got back in the car, came over here.

456 Sobieski: Okay. Did you author an email at all? Or just Marc?

457 [REDACTED] Just Marc.

458 Sobieski: Okay. Any questions?

459 Cruser: No I don't – hang on one second.

460 [REDACTED] Okay.

461 Cruser: And you can get up, stretch your legs.

462 [REDACTED] Okay.

463 Cruser: The recorder's still on.

464 [REDACTED] All right.

465

466 Interview pauses at 00:26:44

467 Interview resumes at 00:31:04

468

469 Sobieski: Okay. Um, I don't think I have any – any other questions for ya. Is there
470 anything that you thought of since we stepped out or that I haven't asked
471 that may be important?

472 [REDACTED] I don't think so.

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473 Sobieski: Okay. Um, the confidentiality of this investigation needs to stay in-house.
474 [REDACTED] Okay.
475 Sobieski: Um, I know it's on your memo but, um, you can imagine how this could
476 look, if it is true and this gets leaked out before we have a chance to
477 investigate it, so...
478 [REDACTED] I don't know why it wouldn't be true.
479 Sobieski: Okay.
480 [REDACTED] Unfortunately.
481 Sobieski: All right.
482 Cruser: (Unintelligible).
483 Sobieski: 1633, that'll be the end of this interview.
484
485 Transcribed by Gail Grady

INTERVIEW WITH JASON ROSENBLATT

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1 Crusier: All right.

2 Sobieski: Okay, I'm Tom Sobieski of the Internal Affairs Bureau. Today's date is
3 June 25, 2020 and the time is 1743. This will be an interview of Officer
4 Jason Rosenblatt in regard to IAB Case Number 20-25. Officer Rosenblatt,
5 would you please identify yourself with your ID number and present
6 assignment.

7 Rosenblatt: Yes sir, uh, Officer Jason Rosenblatt, 315112. I'm currently, um, with
8 Sergeant Brukbacher in ERT.

9 Sobieski: Okay. And you read and signed the Garrity form?

10 Rosenblatt: Yes sir I did.

11 Sobieski: Okay. You have any questions about it?

12 Rosenblatt: No sir.

13 Sobieski: I'm gonna sign as the investigator. And you read and signed the NOI?

14 Rosenblatt: Yes sir.

15 Sobieski: I'm gonna sign as the investigator. And you understand that you are the
16 subject of this investigation?

17 Rosenblatt: Yes sir.

18 Sobieski: Are you familiar with the Lawful Order directive?

19 Rosenblatt: Which one is that sir?

20 Sobieski: 14.1.1.

21 Rosenblatt: Can you give me a brief...

22 Sobieski: Sure I'll let you read it.

23 Rosenblatt: ...on that one? I think I read it I just – I...

24 Cornell: He read it, he's having a hard time concentrating...

25 Rosenblatt: Yeah.

26 Cornell: ...right now 'cause he's so tired, (unintelligible)...

27 Rosenblatt: Right. You want me to just...

28 Sobieski: Well I want you to understand everything so if you have – you don't
29 understand anything or you need to review anything just let me know.

30 Rosenblatt: Okay.

31 Sobieski: We're not here to do any tricks or anything.

32 Rosenblatt: Gotcha.

33 Sobieski: It's, uh, right there – 14.1.1.

34 Rosenblatt: Okay – yeah – that one.

INTERVIEW WITH JASON ROSENBLATT

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35 Sobieski: Okay. Do you understand you're being ordered by the Chief of Police to
36 answer my questions completely and truthfully, and if you refuse to answer
37 my questions or if you answer untruthfully or omit any material facts that
38 you will be subject to disciplinary action?

39 Rosenblatt: Yes sir.

40 Sobieski: Do you understand that you are also ordered not to discuss this case with
41 any member of the department other than the APA or FOP rep, or an
42 observer while the case is active?

43 Rosenblatt: Yes sir.

44 Sobieski: And in the event that a rep or an observer is involved as a witness in the
45 case, you can't discuss the case with them.

46 Rosenblatt: Yes sir.

47 Sobieski: Thanks, um, do you understand this room is au- monitored with, uh, audio
48 and video equipment?

49 Rosenblatt: Yes sir.

50 Sobieski: Are you recording this interview yourself?

51 Rosenblatt: No sir.

52 Sobieski: Um, you were advised to review some directives in your IAB memo...

53 Rosenblatt: Yes sir.

54 Sobieski: ...that you just received, um, and just for the record you looked at – looked
55 at the directives just prior to this interview?

56 Rosenblatt: Yes sir.

57 Sobieski: Uh, Rights of Members Under Administrative Investigation, Making a
58 False or Untruthful Declaration, and Individual Member Responsibility.
59 Do you have any, uh, questions about any of those directives?

60 Rosenblatt: No sir.

61 Sobieski: And you have an observer present. Officer Cornell can you identify
62 yourself with your, uh, ID number and present assignment?

63 Cornell: I thought you were gonna say (unintelligible) mask on. Uh, 1- 18563.
64 District 1, Swings.

65 Sobieski: Okay, and looking at the Observer Form, and Officer Rosenblatt you
66 indicated you wish to have an observer present? Is that correct?

67 Rosenblatt: Yes sir.

68 Sobieski: Um, do you understand as a result of this choice that IAB cannot guarantee
69 the confidentiality of your case details, except for those materials and
70 statements presented to members of this Bureau during the course of this
71 investigation?

INTERVIEW WITH JASON ROSENBLATT

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72 Rosenblatt: Can you read that one more time sir?

73 Sobieski: Sure can and I'll slow down. You have chosen your right to ex- to have
74 another member present as an observer during this interview. Do you
75 understand as a result of this choice, that IAB cannot guarantee
76 confidentiality?

77 Rosenblatt: Yes sir, sorry, I – I had to – I missed that first part sorry...

78 Sobieski: Okay.

79 Rosenblatt: ...yes sir.

80 Sobieski: I can give you a copy of this if you want.

81 Rosenblatt: No that's okay.

82 Sobieski: Okay. Officer Cornell, do you understand that you're here as an observer
83 and cannot officer advice, counsel or interfere with the interview in any
84 way or you will be ordered to leave?

85 Cornell: I do.

86 Sobieski: Do you understand that you are also ordered not to discuss this case with
87 any member of the department or any person you know or reasonably
88 should know will be interviewed as a witness during the preliminary or
89 formal investigative process while the case is active?

90 Cornell: I do.

91 Sobieski: Do you understand that materials present in this room during the course of
92 this interview are not available for you to review, peruse or access without
93 the consent of the controlling investigator?

94 Cornell: I do.

95 Sobieski: Do you understand that you're not allowed to conduct an inquiry or
96 investigation into the facts and circumstances surrounding this case?

97 Cornell: I do.

98 Sobieski: Do you understand that your presence here is a privilege extended to you
99 by the Chief of Police and any violation of these guidelines may result in
100 forfeiture of this privilege?

101 Cornell: Mm-hm, I do.

102 Sobieski: Are you interviewing this – are you recording this interview yourself?

103 Cornell: No.

104 Sobieski: And Officer Rosenblatt, you've signed the form?

105 Rosenblatt: Yes sir.

106 Sobieski: And Joe you signed the form?

107 Cornell: Yep.

INTERVIEW WITH JASON ROSENBLATT

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108 Sobieski: I'm gonna sign as the investigator.

109 Cornell: You understand most of those rules were written for me Tom?

110 Sobieski: They were?

111 Cornell: Yep.

112 Sobieski: Is this Cornell observer (unintelligible)...

113 Cornell: I think one of them maybe...

114 Sobieski: ...form?

115 Cornell: One of them may be Ross Lockey's.

116 Sobieski: All right. Um, so you read the NOI and you kinda know what we're here
117 to talk about?

118 Rosenblatt: Yes sir.

119 Sobieski: Um...

120 Rosenblatt: Before you get started if I could say somethin' if that's okay.

121 Sobieski: Sure.

122 Rosenblatt: Um, over the past two days I've only had about four or five hours of sleep.
123 Um, it's been a very stressful and emotional time right now. Um, so I just
124 put that on the record that that's the state that I'm giving this interview in.

125 Sobieski: Okay. So noted. Um, so as the NOI states, um, there are allegations that
126 you received text messages and or photographs, sometime around March of
127 this year, um, depicting unprofessional conduct by members of the Aurora
128 Police Department. Is that – did that occur?

129 Rosenblatt: Yes sir.

130 Sobieski: Can you tell me about it?

131 Rosenblatt: Uh, would you mind asking more of a direct question about it or do you
132 want me to just go through it and...

133 Sobieski: Um, why don't – why don't you tell me – tell me your story, and then if –
134 if I have any questions I'll follow up with that.

135 Rosenblatt: Okay. Um, I...can't remember exactly when it was, um, I received a text
136 message with a photo in it. Um, I replied to it. Um, and then that was the
137 end of our – yeah that's basically it.

138 Sobieski: Okay. Text message from who?

139 Rosenblatt: I – I think it – I don't wanna say 'I think' – um, I wanna say it was from a
140 number that I did not have saved but I can't say for that certain. Um, I
141 can't say it for certain.

142 Sobieski: All right I'm confused. Do you still have the text message?

INTERVIEW WITH JASON ROSENBLATT

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143 Rosenblatt: No sir.

144 Sobieski: Do you still have the photograph?

145 Rosenblatt: No sir.

146 Sobieski: Do you still have the phone?

147 Rosenblatt: Yes sir.

148 Sobieski: Did you bring the phone with you?

149 Rosenblatt: Yes sir.

150 Sobieski: Okay. Has it been deleted from the phone?

151 Rosenblatt: Yes sir.

152 Sobieski: Okay. Um, do you remember when you got the text message,
153 approximately? Was it sometime in March?

154 Rosenblatt: I – I don't know the exact month, um, I – I don't.

155 Sobieski: Was it this year? 2020?

156 Rosenblatt: I think so, yes, I wa- I – I – I wanna say it was this year.

157 Sobieski: Okay. Wasn't last week or yesterday...

158 Rosenblatt: No – no – no – it was a while ago.

159 Sobieski: Okay.

160 Rosenblatt: It was a while ago. Yes sir.

161 Sobieski: But you can't remember – you can't narrow that down any more at all?

162 Rosenblatt: Uh, I remember it was cold.

163 Sobieski: Okay.

164 Rosenblatt: I remember that it was cold, um, I – I'm really bad with – with dates and
165 stuff so I apologize but I...

166 Sobieski: Okay.

167 Rosenblatt: ...I – I remember it was cold so it had to have been somewhere in – in the
168 winter or something like that so...

169 Sobieski: Okay. And what number was your phone at that time?

170 Rosenblatt: Uh, [REDACTED].

171 Sobieski: How long have you had – have you had that number?

172 Rosenblatt: For – since I was a kid.

173 Sobieski: Okay. You still have that number?

174 Rosenblatt: No, I recently had to change it.

175 Sobieski: When did you change it?

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176 Rosenblatt: Uh, a few days ago.

177 Sobieski: Okay. Did you change it because of this investigation?

178 Rosenblatt: No sir.

179 Sobieski: Okay. Um, what service is that?

180 Rosenblatt: [REDACTED].

181 Sobieski: [REDACTED]?

182 Rosenblatt: Yes sir.

183 Sobieski: Okay. The – who – who sent you the text?

184 Rosenblatt: I – I...honestly cannot tell you. I don't know. I don't – I – I don't
185 remember, um, exactly who it was and I don't want to say the – the wrong
186 thing and it be somebody that's not involved...

187 Sobieski: Was it an officer from this department?

188 Rosenblatt: I think so. But I – again I can't say for certain. Um, I – I – I honestly
189 cannot say for certain.

190 Sobieski: What did it say?

191 Rosenblatt: It was just the photo.

192 Sobieski: Okay.

193 Rosenblatt: As – as far as I can remember.

194 Sobieski: So explain to me how – what happened when you got it.

195 Rosenblatt: I saw it and, um, it was very, uh, made me very anxious. Um,
196 uncomfortable. Um, and I just kind of wanted it to go away. I – I was
197 going through a very – this was at the height of the – of something that had
198 happened to me and, um, it made me very uncomfortable. And I just
199 wanted it to go away.

200 Sobieski: So it – it has who it's from on a text message right?

201 Rosenblatt: On the top...

202 ((Crosstalk))

203 Sobieski: ...photo?

204 Rosenblatt: Y- yeah on the top.

205 Sobieski: It wasn't anybody in your contact list, it didn't come up with a name?

206 Rosenblatt: I – I – I wanna say – I – I really don't remember 'cause it was one of those
207 things...

208 Sobieski: Jason this is gonna be really hard for people not to believe that you don't
209 know who you got that text from.

INTERVIEW WITH JASON ROSENBLATT

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210 Rosenblatt: I know and – I know. But that's why I'm – I know. But that's a- the
211 honest truth.

212 Sobieski: Okay. Um, let's talk about the photo.

213 Rosenblatt: Okay.

214 Sobieski: Tell me about that.

215 Rosenblatt: What would you like to know about it sir?

216 Sobieski: Tell me about the photo, what was on the photo? Where was it taken...

217 Rosenblatt: Um...

218 Sobieski: ...everything about it.

219 Rosenblatt: ...it was taken at the, uh, there was a – a memorial place for, uh, Elijah
220 McClain. Um, where there's lights on Billings Street, on the West side.

221 Sobieski: Okay.

222 Rosenblatt: Um, there were three officers in the photo, and it was a selfie, um, with the
223 lights behind them.

224 Sobieski: On Billings Street?

225 Rosenblatt: Yes sir.

226 Sobieski: Do you know when the photo was taken?

227 Rosenblatt: No sir.

228 Sobieski: Could you tell from the photo whether there was like snow on the
229 ground...

230 Rosenblatt: It was – it was night, it was nighttime...

231 Sobieski: It was nighttime?

232 Rosenblatt: Yes sir.

233 Sobieski: Um, anything else like the – were the trees blooming or you remember any
234 of that stuff?

235 Rosenblatt: No I – I don't. Um...

236 Sobieski: Do you have any...

237 Rosenblatt: ...I don't remember any snow...

238 Sobieski: ...was it taken – about the time it was sent to you or do you have any idea
239 when it was taken?

240 Rosenblatt: I – I would assume that it was taken, um, I don't know – I don't wanna
241 assume anything, I – I honestly I didn't really like investigate it, I just saw
242 it and was like – I just – I wasn't sitting there looking over it intensely or
243 anything like that.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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244 Sobieski: Who was in – who was in the photo?

245 Rosenblatt: Um, Romero I think her name is. Um, female officer, um, I wanna say
246 Kyle Dittrich was in the photo, I think, and Jaron Jones.

247 Sobieski: Romero, Dittrich and Jones.

248 Rosenblatt: Yes, that's (unintelligible).

249 Sobieski: Do you know Romero's first name?

250 Rosenblatt: A- Alicia maybe? Alicia Romero? I think that's her name.

251 Sobieski: Who was taking the photo?

252 Rosenblatt: I – it looked like a selfie format, um, from what I could tell.

253 Sobieski: Could you tell who was holding it?

254 Rosenblatt: No – no, I couldn't.

255 Sobieski: What were they – what was Alicia Romero doing in the photo?

256 Rosenblatt: She was – they were just kinda all just like lookin' at the camera.

257 Sobieski: Okay. And you could see their faces?

258 Rosenblatt: Yes sir.

259 Sobieski: And you know these people?

260 Rosenblatt: Yes sir.

261 Sobieski: And you work with them or worked around 'em or...

262 Rosenblatt: Worked around 'em, yes sir.

263 Sobieski: Okay. What's Dittrich's first name?

264 Rosenblatt: Kyle.

265 Sobieski: So they're all standing together with the memorial in the background?

266 Rosenblatt: Yes sir.

267 Sobieski: Are they on the street or...

268 Rosenblatt: I – I wanna say that they were on the street, pretty sure.

269 Sobieski: Okay. Can you see the memo- the memorial in the background?

270 Rosenblatt: I think so, yeah. I think so. I – I – I say that only because I recognized
271 where they were, if that makes sense.

272 Sobieski: Okay.

273 Rosenblatt: So I wanna say it was probably like a memorial, yeah.

274 Sobieski: Okay. Was there – was there any text with the photo?

275 Rosenblatt: I don't believe so, I think it was just the photo.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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276 Sobieski: Okay. What were they doing?

277 Rosenblatt: They were kinda just standing there with each other.

278 Sobieski: Okay. Were – were they in uniform?

279 Rosenblatt: Yes.

280 Sobieski: All of 'em?

281 Rosenblatt: Yes.

282 Sobieski: Were they doing any- anything with their hands or smiling or...

283 Rosenblatt: ...I know that it made me uncomfortable but I don't remember exactly
284 what everybody was doing. If that kinda makes sense. I – I – like I said I
285 didn't really like sit there and stare at the photo or anything like that. Um,
286 I was just uncomfortable by it. I don't remember exactly what each one of
287 them were doing.

288 Sobieski: In your opinion, from lookin' at the photo, were they grieving or were they
289 making fun of the memorial?

290 Rosenblatt: In my – my opinion?

291 Sobieski: Yes.

292 Rosenblatt: Um, it – I don't know if I'm...

293 Sobieski: Or some other word – whatever word you would use...

294 Rosenblatt: ...(unintelligible)...

295 Sobieski: ...to...

296 Rosenblatt: I don't...

297 Sobieski: ...describe...

298 Rosenblatt: ...I don't wanna give my opinion on something like that really.

299 Sobieski: The photo made you uncomfortable why?

300 Rosenblatt: 'Cause I – it – this thing was so fresh in my mind and I just wanted it go
301 away, and I felt like it keeps getting brought up. And I didn't want it to be
302 brought up, and I want it to go away. I'm just done with it.

303 Sobieski: Okay. So you don't have an opinion whether they were making fun of the
304 memorial or whether they were grieving him.

305 Rosenblatt: I – I...I w- I'm not sure what their intentions were. If that kinda makes any
306 sense. I'm trying just to th- think about what – what – I – I – I don't know
307 what their intentions were.

308 Sobieski: Okay. Um, you said you replied?

309 Rosenblatt: Yes.

310 Sobieski: What'd you send back?

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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311 Rosenblatt: I said, 'Ha ha'.

312 Sobieski: Like h-a-h-a?

313 Rosenblatt: Yes sir.

314 Sobieski: What does that mean to you?

315 Rosenblatt: People that know me know that I nervous laugh and I wanted to give
316 something short and concise and not engage in any way, and just let them
317 know that – kinda just be done with it – whenever – I don't know if you've
318 texted anybody but if you give a short response then you kinda close
319 yourself down for discussion a little bit and that's kinda what I was hoping
320 for. So that they wouldn't – I don't know, it wouldn't – more stuff like
321 this wouldn't come, I guess.

322 Sobieski: Did you get any response?

323 Rosenblatt: I don't believe that I did.

324 Sobieski: Were you the only one on that text string or was there other numbers on
325 there?

326 Rosenblatt: I think that it was only to me.

327 Sobieski: Um, you may have already answered this but why did you delete it?

328 Rosenblatt: So my phone had had a auto 30-day delete on it.

329 Sobieski: Okay.

330 Rosenblatt: For a period before that, so it had been auto-deleted after 30 days.

331 Sobieski: So you didn't delete it, the phone did?

332 Rosenblatt: Yes sir.

333 Sobieski: So it was stored on the phone, did you actually save it to your photographs
334 or...

335 Rosenblatt: No sir.

336 Sobieski: It just stayed in that text string?

337 Rosenblatt: Yes sir.

338 Sobieski: Do you think it was one of those three officers that sent you the text?

339 Rosenblatt: I would say high probability, it's – I'm not sure who else would get it and
340 then send it to me.

341 Sobieski: Okay. Are you willing to give us your phone voluntarily to look for that
342 text and that photograph?

343 Rosenblatt: Yes.

344 Sobieski: Um, so you recognized the area of the photograph as being of this 1700
345 block of Billings?

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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346 Rosenblatt: Yes sir. 1700 – is that where Evergreen is? Is that about 1700 block?

347 Sobieski: Well I put those words in your mouth. You recognized that area as where
348 the Elijah McClain incident occurred?

349 Rosenblatt: Yes sir.

350 Sobieski: From the background and stuff?

351 Rosenblatt: Yeah, yeah, yes.

352 Sobieski: And the memorial?

353 Rosenblatt: Yes sir.

354 Sobieski: Have you ever been to the memorial?

355 Rosenblatt: Yes sir.

356 Sobieski: When?

357 Rosenblatt: Uh, I work in D2 so I drive by it all the time.

358 Sobieski: Okay.

359 Rosenblatt: I've never been there, like gotten out or anything like that but I – I have
360 been to calls of service or routine patrols, I've driven through there, yes sir.

361 Sobieski: Okay. Did you ever take any pictures there?

362 Rosenblatt: No sir.

363 Sobieski: There won't be any pictures on your phone?

364 Rosenblatt: No sir.

365 Sobieski: Okay. And, um, when – well...

366 Cruser: So I just wanna clarify the names of the people that are in there 'cause it
367 seemed like you were slightly unsure about the name on Romero.

368 Rosenblatt: Yeah, correct (unintelligible) I'm sorry, I didn't mean to cut you off.

369 Cruser: Nope, you're fine, so I'm trying to – I just wanna clarify that we have the
370 names right of the people that were in the photo. So Kyle Dittrich, you
371 seem pretty po- positive on?

372 Rosenblatt: Yeah, fairly certain, yeah, I think – yeah.

373 Cruser: Okay and then Jones is – what was the first name?

374 Rosenblatt: Jaron.

375 Cruser: Jaron Jones? And you're...

376 Rosenblatt: Pretty...

377 Cruser: ...pretty confident on that?

378 Rosenblatt: Yes sir.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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379 Cruser: Okay and what about the Romero?
380 Rosenblatt: I'm pretty confident, I'm just uncertain – I'm pretty sure that's her last
381 name. I can see her face.
382 Sobieski: Alicia you said?
383 Rosenblatt: Yeah.
384 Sobieski: Um, did they work the same shift?
385 Rosenblatt: Yeah. I – I think they were at the time, yeah. I think it's Alicia but – I
386 don't – yeah.
387 Sobieski: Do you know, um...
388 Cruser: Are you good if I pull it up on here?
389 Sobieski: Sure. Do you know – you said they were all in uniform, h- what – could
390 you see like their shirts or what part of it did you see?
391 Rosenblatt: Yeah, I believe I could see their shirts and their badges and stuff.
392 Sobieski: Okay.
393 Cruser: Okay this is the reason why I asked, 'cause there's – we have two
394 Romero's.
395 Rosenblatt: Maybe it's Sara – no, that's not it.
396 Cornell: That's (unintelligible).
397 Rosenblatt: No I don't think – I think she's (unintelligible).
398 Cruser: Romero was (unintelligible).
399 Rosenblatt: What is her – oh Marrero.
400 Cruser: Is that who it is there?
401 Rosenblatt: Yes, Marrero, I'm sorry.
402 Cruser: That's Officer Erica Marrero...
403 Rosenblatt: Yes...
404 Cruser: ...correct?
405 Rosenblatt: ...I'm sorry.
406 Cruser: Okay. Thanks.
407 Sobieski: Marrero, Dittrich and Jones.
408 Rosenblatt: Yes, sorry for that, I...
409 Sobieski: Thank you for clarifying that.
410 Rosenblatt: Yeah, sorry about that.
411 Sobieski: It's okay.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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412 Rosenblatt: And...

413 Cornell: Didn't mean to interrupt...

414 Cruser: What's that?

415 Cornell: Didn't mean to in- interrupt there...

416 Cruser: No.

417 Cornell: But I wanted to him (unintelligible).

418 Cruser: Um, okay so I just wanted to clarify that – and then...

419 Rosenblatt: I'm starting to – oh, continue, I'm sorry.

420 Sobieski: Go ahead.

421 Rosenblatt: ...I'm second-guessing on my – myself, um, no. Fuck it.

422 Cruser: On which part?

423 Rosenblatt: The uniform thing. I – I wanna say that I remember them in uniform.

424 Sobieski: Okay.

425 Rosenblatt: I'm pretty sure they were in uniform.

426 Cruser: Okay. Um, the other thing I was gonna ask you is, how often have – do
427 you contact these other officers? That the number wouldn't have popped
428 up?

429 Rosenblatt: Um, so...

430 Cruser: In your contacts?

431 Rosenblatt: At that – they were graveyard officers, so you know how graves and I'm
432 swings officer so we – we interact but we don't really like hang out and
433 I'm usually pretty close to people around me. And, um, yeah I wanna say
434 it was from somebody that was- wasn't in my phone, and the only reason
435 that I say that is 'cause I remember seeing the area code, whenever it came
436 in, I think it was like – I think it was a- I think I remember seeing the area
437 code and that's what leads me to believe that it was from a number that I
438 didn't have saved. If that kinda makes sense.

439 Sobieski: But it wasn't a Colorado area code?

440 Rosenblatt: No it wasn't – it was a Colorado area code...

441 Sobieski: Oh okay.

442 Rosenblatt: ...but I – I just – that's what makes me believe I don't know who sent it is
443 'cause I remember seeing an area code when I saw it and...

444 Sobieski: Oh okay.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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445 Rosenblatt: ...I – I think that's why it made it a little bit weirder, if that kinda makes
446 sense but then I probably wrote it off like it's probably someone I just
447 don't have saved in my phone.

448 Sobieski: Do you have any of these three officers in your phone where it would've
449 popped up with their name?

450 Rosenblatt: Uh, I think now I have, um, now I have Dittrich, um, now I have Jones, I
451 don't have Alicia Romero's still...

452 Sobieski: What about back when you got the photo, did you have that then?

453 Rosenblatt: No, I don't think I would've had any of theirs...

454 Sobieski: No...

455 Rosenblatt: ...'cause Dittrich, we kind of became friends a little bit further after that I
456 believe.

457 Sobieski: Okay.

458 Rosenblatt: Um, but (unintelligible) friends we're work partners, they work, um...

459 Sobieski: Have you ran into these three officers since then?

460 Rosenblatt: Yeah.

461 Sobieski: Since you got the photo?

462 Rosenblatt: Yeah.

463 Sobieski: Has anybody mentioned the photo?

464 Rosenblatt: Not to me, no.

465 Sobieski: Did you ask 'em?

466 Rosenblatt: No. I just – no.

467 Sobieski: And you have no idea who sent the photo?

468 Rosenblatt: I – no, I remember seeing the area code and that's what leads me to believe
469 that I don't know who sent it, if that...

470 Sobieski: You don't remember...

471 Rosenblatt: ...makes any sense.

472 Sobieski: ...what the area code was?

473 Rosenblatt: I – you're – I wanna say it was 720, but I – that's what I remember.

474 Sobieski: Okay.

475 Rosenblatt: But who – I – that's what I wanna say, I can't say that for certain, but I
476 wanna say 720.

477 Sobieski: Did you tell any of your bosses about the photo?

478 Rosenblatt: No sir.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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479 Sobieski: Why not?

480 Rosenblatt: I – honestly, I was under a lot of stress from this incident, and I just wanted
481 it to go away. I didn't – I – I just wanted it to go away, and I just – I don't
482 wanna – for it to keep coming up and keep coming up and keep coming up,
483 I just wanted it to go away.

484 Sobieski: Okay.

485 Cruser: Um, just one – and I understand it was weighing heavily on you, and you
486 wanted it to go away. Um, and the fact that you mentioned that when you
487 saw the photo, that it immediately made you feel uncomfortable, would
488 you agree probably would lead a person to believe that you're gonna
489 remember what that photo looked like? And the reason I ask that is I just
490 wanna ask again, in your opinion, do you think they were grieving? Or do
491 you think it was something where they making fun of the photo or the, uh,
492 I'm sorry, the memorial?

493 Rosenblatt: I know it made me uncomfortable. I – I don't really wanna give my
494 opinion on something of how somebody else could take something, 'cause
495 we all have different ways that we take things. I guess if that kinda makes
496 sense...

497 Cruser: Well I guess I'm asking how you took it.

498 Rosenblatt: Um...

499 Cruser: Besides the fact that it made you uncomfortable.

500 Rosenblatt: I mean the whole thing really made me uncomfortable, it wasn't anything
501 that any one person was doing. It was just bringing up this thing that
502 happened to me that I wanted to go away. That – does that kinda – does
503 that make any sense, am I...

504 Cruser: Okay.

505 Rosenblatt: I just want it to go away. And I don't – I don't – like I said I – yeah.

506 Cruser: Hang on a second, be right back... Stretch your legs or whatever, we're
507 just – it's still on obviously, (unintelligible)...

508 Rosenblatt: Okay.

509 Sobieski: You guys need to step out at all?

510 Cornell: Yeah.

511 Rosenblatt: Yeah I'm going to use the restroom if that's okay.

512 Cruser: Okay, yep.

513 Rosenblatt: I'll leave my phone in here.

514 Cruser: Yep.

515 Cornell: I remember when the air co- air conditioner (unintelligible)...

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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516 Rosenblatt: Is there a bathroom?
517 Sobieski: Yeah, come on over here...
518 Cruser: (Unintelligible).
519 Rosenblatt: Okay.
520 Cruser: All right.
521
522 Interview pauses at 00:24:22
523 Interview resumes at 00:31:29
524
525 Rosenblatt: Uh, I remembered something else too, by the way, when I was just in the
526 bathroom.
527 Sobieski: Okay.
528 Rosenblatt: Another reason why I believe that it was from a number I didn't know is
529 'cause I remember seeing – like you know when you get a text from a new
530 number there's no prior text messages to it?
531 Sobieski: Yeah.
532 Rosenblatt: I didn't have any. It was – that was the only thing that was in our text
533 chain.
534 Sobieski: Okay.
535 Rosenblatt: That's what also believe – leads me to believe that it was from a number
536 that I didn't have saved in my phone if that...
537 Sobieski: Did you ever get any texts from that number after the photo...
538 Rosenblatt: I don't...
539 Sobieski: ...or anything?
540 Rosenblatt: ...I don't believe so, no.
541 Sobieski: Okay. Um, if some member of the public looked at the photo, would you
542 think it would put the department in a bad light?
543 Rosenblatt: Some people might view it that way.
544 Sobieski: Who – who – which one of the three officers was holding the camera, you
545 described it as a selfie?
546 Rosenblatt: I don't know. I don't know.
547 Sobieski: You can't – you couldn't tell from the way that...
548 Rosenblatt: No, I – I wanna say they're – some of their arms may have been cut off.
549 Maybe. On the photo.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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550 Sobieski: Okay. But you're pretty sure – you don't know which one of 'em's
551 holding it?

552 Rosenblatt: No sir.

553 Sobieski: Did you forward the picture to anyone?

554 Rosenblatt: No sir.

555 Sobieski: And there was no text with the photo.

556 Rosenblatt: Not – not that I can recall.

557 Sobieski: All you got was just the photo and...

558 Rosenblatt: Not that I can recall.

559 Sobieski: Okay.

560 Rosenblatt: Yes sir.

561 Sobieski: Um, and this is the phone that you received the text on?

562 Rosenblatt: Yes sir.

563 Sobieski: Is there a password on that phone?

564 Rosenblatt: Yes sir.

565 Sobieski: What is that?

566 Rosenblatt: [REDACTED].

567 Sobieski: [REDACTED].

568 Rosenblatt: Yes sir.

569 Sobieski: What kind of phone is that?

570 Rosenblatt: Uh, iPhone 8 Plus.

571 Sobieski: was Officer Woodyard in the picture?

572 Rosenblatt: No.

573 Sobieski: Was Officer Rodema in the picture?

574 Rosenblatt: No.

575 Sobieski: Joe, anything you'd like me to ask him?

576 Cornell:do you know honestly, um, I have something. Uh, okay. Can we – can
577 we step out for one second?

578 Sobieski: You can. Yep.

579 Cornell: ...for a second.

580 Sobieski: You can go around into the, uh, break room.

581 Cornell: Oh okay.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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582 Interview pauses at 00:34:24

583

584 Cruser: Are those still goin'?

585 Sobieski: Yeah.

586

587 Interview resumes at 00:34:56

588

589 Cornell: Sorry about that.

590 Sobieski: That's all right. Any other questions?

591 Rosenblatt: So, um...

592 Sobieski: Hold on. No other questions, you got any?

593 Cruser: No.

594 Cornell: No.

595 Sobieski: I'm done asking questions, is there anything you'd like to say?

596 Rosenblatt: Yeah, um, I'm sorry that this happened when I received the photo, I never
597 sent it, I never, um, propagated it or anything like that. Um, it made me
598 feel uncomfortable and I'm ready for it to all just be over with and done
599 with, and I'm tired of this coming up over and over and over again. Um,
600 yeah, I just – I just want it to be over with and...

601 Sobieski: Okay.

602 Rosenblatt: And I, uh, I know it – you might see me as trying to be, um, indecisive
603 with my answers but I genuinely – well, didn't sit there and study the photo
604 or – I just wanted it to go away. I...

605 Sobieski: Okay.

606 Rosenblatt: That's the best way to explain it, I...

607 Sobieski: Everything you...

608 Rosenblatt: ...I don't want you guys to...

609 Sobieski: ...everything you've told me today and the Sergeant here is truthful?

610 Rosenblatt: Yes, yes sir.

611 Sobieski: Okay. All right.

612 Cruser: I don't have any further questions, no I don't have anything else.

613 Sobieski: It's, uh, 1819, that'll be the end of this interview.

614

615 Interview reconvenes at 18:37

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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616 Cruser: Okay, this is Sergeant Chris Cruser with the Internal Affairs Bureau, we're
617 back on the record, on IAB Case Number 20-25, with, uh, Officer, uh,
618 Jason Rosenblatt. Um, Joe Cornell's here as the advisor – or as the
619 observer. It is 6- June 25th at 1839 hours. Uh, we're back on the record to
620 address the issue of Officer Rosenblatt's phone, and the purpose of this is I
621 wanna advise you that under 14.1.1, the Lawful Order directive, I'm
622 ordering you to submit your phone to the Internal Affairs Bureau for
623 investigation. Um, once that's complete and the contents are contained the
624 phone will then be turned back over to you.

625 Rosenblatt: Okay.

626 Cruser: So you are you going to – are you clear on that?

627 Rosenblatt: Yes sir.

628 Cruser: Okay, do you have any questions about that?

629 Rosenblatt: No sir.

630 Cruser: Okay.

631 Cornell: And – and this is a direct order, this – well – and – and the reason...

632 Cruser: Yes.

633 Cornell: ...and can we put it on the record why we're doing this again? We're
634 doing this because it was a little bit of a slip...

635 Cruser: Yeah.

636 Cornell: ...are you voluntarily giving this...

637 Cruser: Yeah, so – yes to clarify, um, in the previous interview the phone – the
638 phone was brought up and Officer Rosenblatt was asked to voluntarily turn
639 his phone over to us.

640 Cornell: Which he agreed to do.

641 Cruser: Which he did agree to do, but I am pointing out now as – as the Sergeant in
642 Internal Affairs that I am now making that under 14.1.1 and giving you a
643 lawful order to turn that phone over to us. So are we clear on that?

644 Rosenblatt: Yes sir.

645 Cruser: Does that make sense?

646 Coronell: Yes.

647 Cruser: Anything else? Okay.

648 Rosenblatt: Um...

649 Cornell: But he has – he'd like to add...

650 Rosenblatt: I'd like to point something out so, um...

651 Cruser: Absolutely.

INTERVIEW WITH JASON ROSENBLATT

Interviewer: Agent Tom Sobieski

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652 Rosenblatt: ...I was looking, my phone is on right now 'cause I wanted to show, um, I
653 do have messages back to January, and I don't, um, I don't think that one is
654 in here, so I wanna say it was either prior to January or it was deleted from
655 my – or I personally deleted it, either way. It could've been one or the
656 other one.

657 Cruser: Okay so based off what you're looking at now you have records going back
658 to January...

659 Rosenblatt: Yes, and I'm not sure how...

660 Cruser: ...(unintelligible)...

661 Rosenblatt: ...how, uh, wh- it – when the auto-delete, I don't know if it shows like the
662 – when you did get the first message and then it deletes up and – and then
663 now you have sooner ones so I'm not sure how that works. That could be
664 why, um, or if I just misjudged the time when i did the auto-delete. Or the
665 – it came in before January. That kinda makes sense 'cause I do remember
666 it was cold but...

667 Cruser: Okay.

668 Rosenblatt: ...um...

669 Cruser: So to clarify you don't know whether you deleted it yourself or whether...

670 Rosenblatt: Or the auto-delete...

671 Cruser: ...it auto...

672 Rosenblatt: ...yeah, I didn't wanna mis-speak on the record and...

673 Cruser: Okay.

674 Rosenblatt: ...now after looking at it and looking through it, um, I'm not sure which
675 one it is, so...

676 Cruser: Okay. That makes sense. Um, is there anything else?

677 Rosenblatt: Uh, no, no sir.

678 Cruser: Okay. All right so we're gonna go off the record so end of this secondary
679 interview's gonna be 1841 hours.

680

681 Transcribed by Gail Grady

INTERVIEW WITH NATHAN WOODYARD

Interviewer: Agent Tom Sobieski

06/25/2020 – 7:06 PM

IA Case# 20-25

Page 1

1 Sobieski: All right. All right. I'm Tom Sobieski of the Internal Affairs Bureau,
2 today's date is June 25th, 2020 and time is 1906 hours. This will be an
3 interview of Officer Nathan Woodyard in regard to IAB Case Number 20-
4 25. Officer Woodyard would you please identify yourself with your ID
5 number and present assignment?

6 Woodyard: Uh, it's 314452. I'm currently detailed to ESS.

7 Sobieski: And you've read and signed the Garrity form?

8 Woodyard: Yes.

9 Sobieski: Do you have any questions about it?

10 Woodyard: No sir.

11 Sobieski: I'm gonna sign it as the investigator. And you understand that you are a
12 subject of this investigation?

13 Woodyard: Yes.

14 Sobieski: Are you familiar with the Lawful Order directive? If not, it's in that book,
15 we can have you read it.

16 Woodyard: Yes please.

17 Cruser: Okay.

18 Sobieski: Yeah, if you have any – if you have any questions let me know.

19 Woodyard: Okay.

20 Sobieski: We'll make sure you understand everything. 14.1.1.

21 Woodyard: Okay.

22 Sobieski: Okay. Do you understand that you're being ordered by the Chief of Police
23 to answer my questions completely and truthfully, and if you refuse to
24 answer my questions, or if you answer untruthfully or omit any material
25 facts you will be subject to disciplinary action?

26 Woodyard: Yes.

27 Sobieski: Do you understand that you are also ordered not to discuss this case with
28 any member of the department other than the APA or FOP rep or observer
29 while the case is active?

30 Woodyard: Yes.

31 Sobieski: And in the event that an APA or FOP rep is involved in the case as a
32 witness or a subject you can't discuss the case with them.

33 Woodyard: Okay.

34 Sobieski: Um, and just – do you understand this room is monitored by audio and
35 video equipment for investigative reasons?

INTERVIEW WITH NATHAN WOODYARI

Interviewer: Agent Tom Sobieski

06/25/2020 – 7:06 PM

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36 Woodyard: Yes.

37 Sobieski: Are you recording this interview yourself?

38 Woodyard: No.

39 Sobieski: Have you asked your rep to record the interview?

40 Woodyard: No.

41 Sobieski: And you've read and signed the NOI.

42 Woodyard: Yes.

43 Sobieski: Okay, I'm gonna sign it as the investigator. Um, your IAB memo, which I
44 have a copy of, it has some policies in there. Um, Rights of Members
45 Under Administrative Investigation, Making a False or Untruthful
46 Declaration, and Individual Member Responsibility. Do you have any
47 questions about any of those...

48 Woodyard: No.

49 Sobieski: ...directives? Hang on a second. I'll make sure you get it before you
50 leave. Um, you have chosen to exercise your right to have another member
51 present as an observer during this interview. Do you understand that as a
52 result of this choice that IAB cannot guarantee the confidentiality of your
53 case details except for those materials and statements presented to
54 members of this bureau during the course of this investigation?

55 Woodyard: Yes.

56 Sobieski: Also present in the room is Sergeant Darren Chamberland. Sergeant
57 Chamberland can you identify yourself with your ID number and present
58 assignment?

59 Chamberland: Sergeant Darren Chamberland, 301022, currently assigned to District 1
60 Days on the FTO team.

61 Sobieski: Thank you. And Jason you checked the form indicating you wished to
62 have an observer present and signed it? Is that correct?

63 Woodyard: Yes.

64 Sobieski: Um, Sergeant Chamberland do you understand that you are here as an
65 observer and cannot offer advice, counsel or interfere with the interview in
66 any way or you will be ordered to leave?

67 Chamberland: Yes.

68 Sobieski: Do you understand that you are also ordered not to discuss this case with
69 any member of the department or any person you know or should
70 reasonably should know will be interviewed as a witness during the
71 preliminary or formal investigative process while the case is active?

72 Chamberland: Yes.

INTERVIEW WITH NATHAN WOODYARI

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73 Sobieski: Do you understand that y- that materials present in this room during the
74 course of this inve- investigation – or interview – are not available for you
75 to review, peruse or access without the consent of the controlling
76 investigator?

77 Chamberland: Yes.

78 Sobieski: Do you understand that you are not allowed to conduct an inquiry or
79 investigation into the facts and circumstances surrounding this case?

80 Chamberland: Yes.

81 Sobieski: Do you understand that your presence here is a privilege extended to you
82 by the Chief of Police and any violation of these guidelines may result in
83 forfeiture of this privilege?

84 Chamberland: Yes.

85 Sobieski: Are you recording this interview yourself?

86 Chamberland: No.

87 Sobieski: Have you signed this form?

88 Chamberland: Yes.

89 Sobieski: Okay. All right. Okay. Um, so reading the NOI, you understand what the
90 allegation is?

91 Woodyard: Yes.

92 Sobieski: Um, we received information that there may have – maybe a text message
93 or some photographs detecting, uh, possibly some unprofessional conduct
94 by APD members, um, at the Elijah McClain memorial. Um, do you have
95 any information about text message or photographs?

96 Woodyard: Yes.

97 Sobieski: Tell me about that.

98 Woodyard: Um, I did receive a photograph several months ago, uh, with three people
99 at the memorial.

100 Sobieski: Do you remember what month?

101 Woodyard: No.

102 Sobieski: Can you give me a guess?

103 Woodyard: ...September 2019?

104 Sobieski: Okay. And did you recognize where the photo was taken?

105 Woodyard: Yes.

106 Sobieski: How did you recognize that? From the background or the address or...

107 Woodyard: Um, background.

INTERVIEW WITH NATHAN WOODYARI

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108 Sobieski: What was in the background that told you where it occurred?

109 Woodyard: Um, the, uh, wall of 225 – you know how 225 is elevated there, um, that's
110 – I recognized that wall.

111 Sobieski: Okay. And that's on Billings Street?

112 Woodyard: Yes.

113 Sobieski: Do you know the address where that picture was taken?

114 Woodyard: No.

115 Sobieski: Do you what hundred block?

116 Woodyard: Around...

117 Sobieski: (Unintelligible)...

118 Woodyard: ...1900 block.

119 Sobieski: Okay. Uh, picture in daytime, nighttime...

120 Woodyard: Uh, nighttime.

121 Sobieski: Who was in the photo?

122 Woodyard: Um, Jaron Jones, Kyle Dittrich, Erica Marrero.

123 Sobieski: And you worked with all these people?

124 Woodyard: Yes.

125 Sobieski: Or you know of them? You don't have any doubt who was in the photo?
126 Uh, dark, you can't see 'em, you can't tell who they are?

127 Woodyard: It's dark but I'm fairly confident.

128 Sobieski: Okay. Um, who sent the photo to you?

129 Woodyard: I don't remember.

130 Sobieski: Is it still on your phone?

131 Woodyard: I don't believe so, no.

132 Sobieski: Did you delete it or do you recall how it...

133 Woodyard: I...I can't be sure.

134 Sobieski: You just don't think it's on your phone anymore?

135 Woodyard: No, um, I did have a running auto-delete on my phone, uh...

136 Sobieski: Okay.

137 Woodyard: ...until I was given an order to preserve my phone. Uh, in regards to
138 pending litigation in that case.

139 Sobieski: Did you receive the order before or after this photograph?

INTERVIEW WITH NATHAN WOODYARI

Interviewer: Agent Tom Sobieski

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140 Woodyard: After.

141 Sobieski: Okay. Um, what was your phone number?

142 Woodyard: [REDACTED].

143 Sobieski: How did you receive the photo, was it an email or text?

144 Woodyard: ...I think it was a text. I can't be certain.

145 Sobieski: Um, so you don't recall how the – who the text was sent from? Or how

146 that was displayed?

147 Woodyard: I'm fairly certain it was a text, I don't remember exactly who sent it.

148 Sobieski: Okay. Was it a member of the Aurora Police Department?

149 Woodyard: Yes, I believe so.

150 Sobieski: But you don't remember who?

151 Woodyard: No, um, my best guess would be one of those three.

152 Sobieski: Could you tell from the photograph if this was a selfie, one of these three's

153 holding the phone or...

154 Woodyard: I believe so yes.

155 Sobieski: Do you know who was taking the photo?

156 Woodyard: ...no, can't remember.

157 Sobieski: Do you remember what order the people were in, were they all standing

158 together?

159 Woodyard: I think they were all standing together and I believe it was Kyle, Jaron and

160 Erica.

161 Sobieski: Okay.

162 Woodyard: If I had to guess who exactly was taking the photo, either Kyle or Erica.

163 Sobieski: So the phone was close enough that it looked like a selfie?

164 Woodyard: Yes.

165 Sobieski: Were they in uniform?

166 Woodyard: Yes.

167 Sobieski: What part of the uniform can you see?

168 Woodyard: Um...from about chest level here up.

169 Sobieski: Okay. Did it appear they were on duty?

170 Woodyard: ...yes.

171 Sobieski: Do you know what shift they work?

172 Woodyard: Graveyards.

INTERVIEW WITH NATHAN WOODYARD

Interviewer: Agent Tom Sobieski

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173 Sobieski: Are you friends with any of those three?
174 Woodyard: Yes.
175 Sobieski: Have you talked to 'em about the photo?
176 Woodyard: ...not that I remember, no.
177 Sobieski: If a member of the public saw the photo, would they – would that cause
178 them alarm or be upset by it?
179 Woodyard: ...I don't think I can speculate as to what a member of the public would
180 think.
181 Sobieski: How'd it make you feel?
182 Woodyard: Made me feel uncomfortable.
183 Sobieski: Uncomfortable? Was the memorial for Elijah in the background of the
184 photo?
185 Woodyard: ...I believe so, yes.
186 Sobieski: Were they – did it appear to you that they were grieving, or that they were
187 trying to be funny or make fun of it?
188 Woodyard: ...I can't speculate as to what they were thinking.
189 Sobieski: It made you uncomfortable in what – in what way?
190 Woodyard: Um, really the whole incident has made me uncomfortable, so...just being
191 at the memorial and being reminded of that is not something I...wanna
192 remember or think about.
193 Sobieski: But you never confronted those three, why they – why they sent you that
194 photo?
195 Woodyard: ...not that I can remember.
196 Sobieski: Okay. Um, what were they doing in the photo? Do you remember – were
197 they doing anything or – what do you recall?
198 Woodyard: Um, I remember it was the three of them, just all together. Uh...I think
199 Jaron might've had his arms around Kyle.
200 Sobieski: Okay. Laughing or joking or serious or do you remember?
201 Woodyard: ...I don't remember.
202 Sobieski: Okay. Um, did you respond to the text? To reply at all?
203 Woodyard: No, not that I remember.
204 Sobieski: No?
205 Woodyard: No.

INTERVIEW WITH NATHAN WOODYARD

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206 Sobieski: Um, and you don't know if you deleted it or if you – you didn't save it in
207 your photos?

208 Woodyard: No.

209 Sobieski: You just left it on your phone or did you delete it, I'm trying – sorry I
210 forgot...

211 Woodyard: Um, I'm sorry, it was – like I said a long time ago.

212 Sobieski: I understand.

213 Woodyard: ...I might've deleted it, I don't know, like I said it made me uncomfortable.

214 Sobieski: Okay. Did you bring the fact that you received this photo up to any
215 supervisors with the Police Department?

216 Woodyard: I did not.

217 Sobieski: Why not?

218 Woodyard: ...I couldn't say.

219 Sobieski: Okay. Um, did you forward the photo to anybody?

220 Woodyard: No.

221 Sobieski: Did you tell anybody else about the photo?

222 Woodyard: ...no, not that I remember.

223 Cruser: So when you got the photo, right, understand that you said you don't re-
224 you're not sure who sent it, could you tell did it go to multiple people, was
225 it part of text string? Or was it just you?

226 Woodyard: ...That I don't remember, I'm sorry.

227 Cruser: Okay. Um, you were asked about – I know you stated you were
228 uncomfortable by the photo, and you didn't wanna speculate on what
229 somebody else would think about it. So I'm asking you, when you viewed
230 the photo, what did you think? Did you think it was somebody grieving?
231 Or did you think it was more of something in – in bad taste, negative?

232 Woodyard: I didn't think they were grieving.

233 Cruser: Okay. So in your words what did – what did it look like to you?

234 Woodyard: ...Looked like that they had smiles on their face.

235 Cruser: Okay. Was anybody making any gestures? With their hands or anything
236 like that?

237 Woodyard: ...Like I said...they were all next to each other and I remember Jaron had
238 his arms around Kyle. Um, that's all I can remember from it.

239 Sobieski: Have you ever been to the memorial?

240 Woodyard: ...I've driven by it while on duty. But I've not ever stopped there or...

INTERVIEW WITH NATHAN WOODYARD

Interviewer: Agent Tom Sobieski

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241 Sobieski: Okay. We had information that there's a picture of you at the memorial, is
242 that true? You ever taken a picture up there?

243 Woodyard: No.

244 Cruser: Do you think you still have the image on your phone now?

245 Woodyard: No, I don't think so.

246 Cruser: (Unintelligible) be right back. Wanna step out for a second guys? Stretch
247 your legs?

248 Sobieski: Yeah, you guys need a break or anything?

249 Chamberland: Oh that'd be good.

250 Woodyard: Yeah.

251 Chamberland: Okay.

252 Cruser: This'll still be running but (unintelligible)...

253 Chamberland: Yep.

254

255 Interview pauses at 00:15:36

256

257 Cruser: ...get back in. Where – did they go out front?

258

259 Interview resumes at 00:22:00

260

261 Chamberland: I guess (unintelligible).

262 Sobieski: All right, um, did, uh, when you received the photo, was there any text with
263 the photo?

264 Woodyard: No.

265 Sobieski: There was just the – just the photo.

266 Woodyard: Yes.

267 Sobieski: And you didn't reply you said.

268 Woodyard: ...not that I remember.

269 Sobieski: Um, would you be willing to let us look through your phone, or would you
270 look through your phone and see if you can find that image? Do you have
271 your phone with you?

272 Woodyard: I do have my phone here. Um, are you ordering me to...

273 Sobieski: Yes.

INTERVIEW WITH NATHAN WOODYARD

Interviewer: Agent Tom Sobieski

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274 Woodyard: ...hand over my phone? Okay. And I wanna cooperate, I'd be willing to
275 do that.

276 Sobieski: Okay, do you think it's still on your phone?

277 Woodyard: I don't think so, no.

278 Sobieski: Okay. Um, Sarge, do you have anything – any questions you, uh, want me
279 to ask him?

280 Chamberland: Um...no, not that I can think of right now.

281 Sobieski: Okay. Anything else you wanna say about what happened, um, this is
282 kinda your chance to say whatever you wanna say.

283 Woodyard: No.

284 Sobieski: Okay. It's, uh – you have anything?

285 Chamberland: You – did you want him to look through his phone right here?

286 Cruser: No, that's, uh, that's what I actually just gonna ask real quick, while we're
287 still on the record. Do you have the phone on you right now?

288 Woodyard: Uh, it's locked up with my, uh, firearm outside.

289 Cruser: Okay. Um, are you comfortable if we walk out there now, and grab that,
290 and come back in?

291 Woodyard: Sure.

292 Cruser: Okay.

293

294 Interview pauses at 00:23:43

295

296 Chamberland: I got to imagine, even these guys driving down that street makes 'em
297 uncomfortable. You know?

298 Sobieski: Uh, yeah. Yes sir.

299 Cruser: And then I'm gonna – I'll be right back.

300

301 Interview resumes at 00:24:21

302

303 Sobieski: Okay. Is it firin' up?

304 Woodyard: Oh, yeah, I can open it and you got access to it.

305 Sobieski: Okay. What – what's the code to your phone?

306 Woodyard: Uh, [REDACTED].

INTERVIEW WITH NATHAN WOODYARD

Interviewer: Agent Tom Sobieski

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307 Sobieski: So you've looked through your phone, please look through the text strings
308 and see if it's still there or, um...

309 Chamberland: Would you know what phone number it would come from?

310 Woodyard: I do not, no.

311 Chamberland: Okay.

312 Woodyard: No.

313 Chamberland: And then – only because there – it could be like, you know, I was thinkin'
314 it could be like lots of photos right? I mean, who knows, right? Do you
315 guys have the photo to – that he could see which one you guys are like –
316 specifically talking about?

317 Sobieski: No.

318 Chamberland: No.

319 Sobieski: Nope.

320 Chamberland: Do you have a cloud back up by chance or anything?

321 Woodyard: Um...maybe? I'll have to take a look. I'll see if I can log in to my cloud.
322 I'm just checking the individual text messages from...

323 Sobieski: Okay.

324 Woodyard: ...those people and then a group text message that we had amongst our
325 team.

326 Sobieski: Are any of those three in your phone, in your contacts where if – if they
327 sent it to you it'd pop up with their name?

328 Woodyard: Yep, they're in my phone as contacts. Um...

329 Sobieski: So Jaron and Dittrich and Marrero, they're in your contacts, all three?

330 Woodyard: Yes.

331 Sobieski: And then when that photo popped up, you don't remember seein' their
332 name? Who it came from?

333 Woodyard: I can't remember exactly...

334 Sobieski: Okay.

335 Woodyard: ...who it came from, no.

336 Sobieski: Okay.

337 Woodyard: So nothing from the individual conversations with those people.

338 Sobieski: Okay.

339 Woodyard: I'm looking...

340 Chamberland: We're talking back to September.

INTERVIEW WITH NATHAN WOODYARI

Interviewer: Agent Tom Sobieski

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341 Woodyard: Yeah. And just – so I can scroll through all the messages on my phone...

342 Sobieski: Okay.

343 Woodyard: ...but there's also a means to pull up strictly images that have been
344 shared...

345 Sobieski: Okay.

346 Woodyard: ...in a conversation. Um, and I don't think there's dates associated with
347 images, so I don't think I can go... I don't know when these would be –
348 would've been sent.

349 Sobieski: But you don't see the image that's in question?

350 Woodyard: No, I'm checking our group conversation we had as a team, for the
351 past...year...

352 Sobieski: Are they all...

353 Woodyard: ...two years...

354 Sobieski: ...on your team?

355 Woodyard: They were on my team last year.

356 Sobieski: Okay.

357 Woodyard: And now I'm on a... I'm on a different team but we share three of the same
358 nights that we work.

359 Sobieski: Why do you think somebody would send you that photo? Based on what's
360 happened?

361 Woodyard: ...I...

362 Sobieski: To be funny or to be cruel or...

363 Woodyard: I have no idea.

364 Sobieski: Don't know? Okay.

365 Woodyard: ...I don't know what they were thinking. And I don't think it would be
366 right to speculate on it.

367 Sobieski: Okay. What kind of phone do you have?

368 Woodyard: An iPhone.

369 Sobieski: Do you know what number it is?

370 Woodyard: 10R.

371 Sobieski: What service do you have?

372 Woodyard: [REDACTED].

373 Sobieski: Okay.

INTERVIEW WITH NATHAN WOODYARI

Interviewer: Agent Tom Sobieski

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374 Woodyard: No, it's not in the photos from our group chat.

375 Sobieski: Okay.

376 Woodyard: I can check the photos on my phone but I'm almost positive that I didn't
377 save it.

378 Sobieski: By 'didn't save it' you mean deleted it? Or it auto-deleted?

379 Woodyard: Um...

380 Sobieski: Or do you know?

381 Woodyard: So for my phone I would have to manually save a photo from a
382 conversation into my personal photos thing...

383 Sobieski: Gotcha.

384 Woodyard: ...um...

385 Sobieski: Why don't you – you just check your personal photos and see if maybe you
386 stuck it in there.

387 Woodyard: Okay.

388 Chamberland: Can you switch that one to just like dates, and groups, and, uh...

389 Woodyard: Yeah.

390 Chamberland: ...that way you can narrow it down.

391 Woodyard: Um, oh this one has the date at the top so, let me just go up here. Okay.
392 No, from the date of August 17th, 2019 to today's date it's not in my
393 personal photos.

394 Sobieski: Okay.

395 Chamberland: It was what, like 1300 or something, that is said on the bottom maybe?

396 Woodyard: Um, total photos, over the lifetime of the phone, which is, uh...

397 Chamberland: Oh, yeah, yeah...

398 Woodyard: ...four years...

399 Chamberland: Oh, okay.

400 Woodyard: ...it's 1300 photos that I've taken and 80 videos.

401 Chamberland: All right.

402 Cruser: Once, uh, what kind of phone is it?

403 Sobieski: I got all that already.

404 Cruser: Oh you already have it?

405 Sobieski: Yeah.

406 Cruser: Did you have the password?

INTERVIEW WITH NATHAN WOODYARD

Interviewer: Agent Tom Sobieski

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407 Sobieski: I do.
408 Cruser: Okay. Um, so are you – are you willing to turn the phone over to us?
409 Woodyard: Would you be ordering me to turn the phone over?
410 Cruser: Yes, I would...
411 Woodyard: Okay.
412 Cruser: ...be ordering you under 14.1.1, to turn that phone over to us.
413 Woodyard: Okay, well I will cooperate and do that.
414 Cruser: Okay.
415 Sobieski: Do you have any – anything else?
416 Chamberland: Uh, no.
417 Sobieski: It's, uh, 1939, that'll be the end of this interview.
418
419
420
421
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427 Transcribed by Gail Grady

INTERVIEW WITH KYLE DITTRICH

Interviewer: Agent Tom Sobieski

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1 Sobieski: Okay. My name is Tom Sobieski, I'm with the Internal Affairs Bureau.
2 Today's date is June 25th, 2020. Time is 2002. This'll be an interview of
3 Officer Kyle Dittrich?

4 Dittrich: Uh, Dittrich.

5 Sobieski: Dittrich. I'm gonna butcher that probably the whole time man.

6 Dittrich: That's all right.

7 Sobieski: Um, in regards to IAB Case Number 20-25. Officer Dittrich, would you
8 please identify yourself with your ID number and present assignment.

9 Dittrich: Sir my name is Kyle Dittrich, uh, 314456. Currently assigned to Team 29
10 on, uh, D2 graves.

11 Sobieski: Okay.

12 Dittrich: Under Sergeant Hummel.

13 Sobieski: All right, you've signed the Garrity Warning?

14 Dittrich: Yes sir. Uh, this one. Uh, the NOI and the observer form...

15 Cruser: (Unintelligible) the Garrity.

16 Sobieski: All right, hold on a minute. Have you sign the Garrity Warning. Um,
17 you're read and signed the NOI?

18 Dittrich: Yes sir.

19 Sobieski: Okay. I'm gonna sign as the investigator. And you understand that you
20 are the subject of this – this investigation?

21 Dittrich: Yes sir.

22 Sobieski: One of the subjects. Um, are you familiar with the Lawful Order directive?

23 Dittrich: Uh, yes sir.

24 Sobieski: Do you understand that you're being ordered by the Chief of Police to
25 answer my questions completely and truthfully, and if you refuse to answer
26 my questions, or if you answer untruthfully or omit any material facts that
27 you'll be subject to disciplinary action?

28 Dittrich: Yes sir.

29 Sobieski: Do you understand that you are also ordered not to discuss this case with
30 any member of the department, other than the APA or FOP rep or observer
31 while the case is active?

32 Dittrich: Yes sir.

33 Sobieski: And in the event that a APA rep, um, or FOP rep or observer are witnesses,
34 um, you can't discuss the case with them.

35 Dittrich: Yes sir.

INTERVIEW WITH KYLE DITTRICH

Interviewer: Agent Tom Sobieski

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36 Sobieski: Witnesses or subjects. Do you understand the room is monitored with
37 audio and video equipment?

38 Dittrich: Yes sir.

39 Sobieski: Are you recording the interview yourself?

40 Dittrich: No sir.

41 Sobieski: Have you asked your rep to record the interview?

42 Dittrich: No sir.

43 Sobieski: All right, I'll give you a second to read the Garrity form.

44 Gallagher: (Unintelligible).

45 Sobieski: No, no. All right, so you just read and you've signed the Observer for- or
46 the Garrity form?

47 Dittrich: Yes sir.

48 Sobieski: Do you have any questions about it?

49 Dittrich: No sir.

50 Sobieski: I'm gonna sign as the investigator. And there is an observer present for the
51 interview, uh, Aaron Gallagher. Officer Gallagher, could you identify
52 yourself with your ID number and present assignment.

53 Gallagher: Yes sir. Officer Aaron Gallagher, ID number's 314114. Currently
54 assigned to D1 Sector, Neighborhood Policing Unit.

55 Sobieski: Thank you. You have chosen your right to have another member present
56 as an observer during this interview. Do you understand as a result of this
57 choice that IAB cannot guarantee confidentiality of your case details,
58 except for those materials and statements presented to members of this
59 bureau during the course of this investigation?

60 Dittrich: Yes sir.

61 Sobieski: And you have signed and checked the 'wish to have an observer present',
62 is that correct?

63 Dittrich: Yes sir.

64 Sobieski: Officer Gallagher, do you understand that you are here as an observer and
65 cannot offer advice, counsel or interfere with the interview in any way or
66 you will be ordered to leave?

67 Gallagher: Yes sir.

68 Sobieski: Do you understand that you're also ordered not to discuss this case with
69 any member of the department or any person you know or reasonably
70 should know will be interviewed as a witness during the preliminary or
71 formal investigative process while the case is active?

INTERVIEW WITH KYLE DITTRICH

Interviewer: Agent Tom Sobieski

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72 Gallagher: Yes sir.

73 Sobieski: Do you understand that the materials present in this room during the course
74 of this investigation is not available for to – available for you to review,
75 peruse or access without the consent of the controlling investigator?

76 Gallagher: Yes sir.

77 Sobieski: Do you understand that you're not allowed to conduct an inquiry or
78 investigation into the facts and circumstances surrounding this case?

79 Gallagher: Yes sir.

80 Sobieski: Do you understand that your presence here is privilege extended to you by
81 the Chief of Police, and violation of these guidelines may result in
82 forfeiture of this privilege?

83 Gallagher: Yes sir.

84 Sobieski: Are you recording this interview yourself?

85 Gallagher: No sir.

86 Sobieski: Is this your signature at the bottom of the form?

87 Gallagher: Yes sir.

88 Sobieski: I'm gonna sign it as the investigator. All right. So Kyle, um, reading the
89 NOI, um, it's alleged that you – while you were on duty you were involved
90 with other members of the Aurora Police Department in taking a selfie or
91 saf- selfie-type photographs at the memorial for Elijah McC- McClain. So
92 that's the allegation.

93 Dittrich: Yes sir.

94 Sobieski: Did that occur?

95 Dittrich: That did, sir.

96 Sobieski: Tell me about that.

97 Dittrich: Uh, so, uh, sorry. Um...

98 Sobieski: Tissue there if you need it.

99 Dittrich: Okay. So, um, Officer Nathan Woodyard is somebody that I've worked
100 with. He was in my Academy class, really good friend. Um, obviously he
101 was involved in the, uh, altercation with Elijah McClain. Um, we, uh,
102 myself and two other officers were in the area on a call, completely
103 unrelated. After we were done with that call, after we handled it, we were
104 walkin' back to our cars, and I just thought it would be...um, I thought it
105 would be – it would cheer Woody up if we took a selfie. Um, we had, uh,
106 Officer Jaron Jones, who just came back to Team 30, after he was on a
107 suspension, um, and I just wanted to show Officer Woodyard that, you
108 know, we were...together, um, in solidarity thinking of him, and... so I

INTERVIEW WITH KYLE DITTRICH

Interviewer: Agent Tom Sobieski

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109 thought it would be funny if we took a photo there. And, uh, so the – the
110 three of us, we took a photo, um, at the scene and it was just a quick, you
111 know, one photo. Um, we had, uh, Officer Jaron Jones put his arm around
112 my head, kind of in a half-buddy-buddy but also like sort of as a –
113 (unintelligible) to the – the carotid control hold which I realized afterward
114 was in incredibly – to say it was incredibly poor taste is an under- an
115 understatement. Um, and I – I, uh, I sent the photo to, uh, to, uh, Officer
116 Woodyard, hoping that it would, you know, kinda cheer him up and, um, I
117 think his – his response later when I talked to him in person was basically
118 like, ‘Hey that’s not cool, dude’. So, um, I eventually did delete the photo
119 off of my phone so I no longer have it on my phone but that was months
120 and months ago like long before I knew that this – this was coming.

121 Sobieski: Okay.

122 Dittrich: And I...

123 Sobieski: What do you think you took the photo?

124 Dittrich: Um, it would’ve had to have been in September or October or so,
125 sometime.

126 Sobieski: Of 2019?

127 Dittrich: Yes. ‘Cause it was, um, Officer Woodyard was still detailed to the
128 Academy. Um, and that was at the end of August 2019 so maybe in
129 September, I believe?

130 Sobieski: Okay.

131 Dittrich: And I apologize, this is all kinda...

132 Sobieski: That’s...

133 Dittrich: ...hitting me at once.

134 Sobieski: It’s okay. You need to step out or take a break just let me know. Um, were
135 you on duty?

136 Dittrich: Yes sir.

137 Sobieski: And where was the picture taken?

138 Dittrich: Um, I think the 1900 block of North Billings.

139 Sobieski: How many pictures did you take?

140 Dittrich: Uh, just one photo.

141 Sobieski: And it was with your phone?

142 Dittrich: Yes sir.

143 Sobieski: And you took the photo?

144 Dittrich: Yes sir.

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145 Sobieski: What's your phone number?

146 Dittrich: [REDACTED]. And I also don't have the same phone that I had, at the
147 time, um, my phone got destroyed in another use-of-force incident, where
148 we landed on my phone and it wouldn't turn on.

149 Sobieski: Okay.

150 Dittrich: That was – I don't remember when that was – that was a few...

151 Sobieski: Is there any way that photo's stored on the cloud?

152 Dittrich: I don't believe so, I never synced my phone to the cloud or anything like
153 that.

154 Sobieski: Okay.

155 Dittrich: And it wasn't – it wasn't meant for like public dissemination or anything
156 like that, it was just – it was just meant for, you know, for my friend.

157 Sobieski: Okay. Um, you were in the photo...

158 Dittrich: Yes sir.

159 Sobieski: Jaron Jones was in the photo...

160 Dittrich: Yes sir.

161 Sobieski: ...who else?

162 Dittrich: Uh, Erica Marrero.

163 Sobieski: Who all did you forward the photo to?

164 Dittrich: Um, I sent it, uh, we have a group chat, with, uh, the three of us and Officer
165 Woodyard and it's likely that [REDACTED] was also in the – in the group
166 chat. And I likely would have sent it to Jason Rosenblatt as well, um, for
167 the same – same reasons that I sent it to Officer Woodyard.

168 Sobieski: Okay. Um, what time of day was this? When the photo was taken?

169 Dittrich: Uh...it was during graveyard shift, I don't know exactly what time but late.
170 Late, uh, maybe 1 AM or so.

171 Sobieski: How did you all agree to meet up there?

172 Dittrich: We were already on there – we were already there on a call, and it was just
173 sort of a spur of the moment thing as we were walking out to our cars, we
174 saw the candles on the – on the side of the road. So it wasn't like a
175 planned thing, it wasn't like, 'Hey let's all meet up here and do this...'

176 Sobieski: So there was no MDC messages or...

177 Dittrich: No, nothing like that.

178 Sobieski: '...meet up here, do this' you didn't have this pre-planned or anything?

179 Dittrich: No, nothing like that sir.

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180 Sobieski: Okay. So tell me again who's all on the group chat?

181 Dittrich: Um, it's, uh, Nathan Woodyard, myself, Jaron Jones, Erica Marrero, and
182 [REDACTED].

183 Sobieski: And then you – you think you forwarded it also to Rosenblatt?

184 Dittrich: Yes sir. I don't specifically remember but I'm pretty sure that I would
185 have. For the same reason is to try and – to cheer him up 'cause we're – he
186 wasn't in my Academy class but we'd become close since...working
187 together on the road since he was on – he was on our – our FTO that we
188 overlapped with. So we got to – go to know each other a little bit.

189 Sobieski: And, um, were you all in uniform?

190 Dittrich: Yes sir.

191 Sobieski: Could you see that you were a Police Officer in the photo?

192 Dittrich: I believe so sir.

193 Sobieski: Is there anyone else that you sent this photo to that – other than we've
194 mentioned?

195 Dittrich: No sir. 'Cause it wasn't – I mean it wasn't meant for like posting on
196 Facebook or anything like that and...

197 Sobieski: Mm-hm.

198 Dittrich: ...at the time I wasn't – you know, thinking about the conduct unbecoming
199 policy, I was just – you know my friend was hurting and I thought I could
200 – I thought I could do something to cheer him up.

201 Sobieski: How did you figure a picture of – of where Elijah McClain died to be
202 something to cheer anybody up?

203 Dittrich: Um, I know that it's incredibly poor taste, I just – I have a dark sense of
204 humor and I thought that maybe a call back to that incident would be – you
205 know, if we were to show Nathan that we were in – you know in solidarity
206 of him and thinking about him, this would be...something that's
207 referencing him specifically and that – like we – we – you know – we knew
208 why that – why the memorial was there, we knew why Nathan was hurting,
209 and it was kind of to just connect the dots of the two...but I – I – I realized
210 later that it was an in- an incredibly poor taste and... um, I...and deeply
211 regret doing what I did.

212 Sobieski: Case is kind of a big deal right now, isn't it?

213 Dittrich: Yes sir. I had no idea how inflammatory it would be, at this time. And I
214 know that I should have at the time but...I wasn't thinking about any of
215 that.

216 Sobieski: Did you send the photo to Officer Rodema at all?

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217 Dittrich: I don't believe I did, no – I don't think I even have Officer Rodema's
218 phone number.

219 Sobieski: You don't think you did? Let's say the media has that photo right now.
220 What...

221 Dittrich: It would be disastrous sir. Pretty much the worst-case scenario I can think
222 of.

223 Sobieski: Okay.

224 Cruser: When you sent the photo did you send any text message with it?

225 Dittrich: Um, no sir, not that I know of.

226 Cruser: So there was no...

227 Dittrich: No...

228 Cruser: No verbiage or no text itself, just the photo?

229 Dittrich: No sir.

230 Sobieski: When did you talk to Woodyard?

231 Dittrich: Um, I talk to him pretty frequently.

232 Sobieski: About the photo.

233 Dittrich: About the photo? Um, it might've come up at our Christmas Party, that I
234 was talking to him about it.

235 Sobieski: Okay.

236 Dittrich: And then he would've – he – he...

237 Sobieski: Did he reply back when he got the photo?

238 Dittrich: He didn't, no sir.

239 Sobieski: Did Rosenblatt?

240 Dittrich: I don't recall.

241 Sobieski: Did anybody?

242 Dittrich: Um, I don't recall sir.

243 Sobieski: Okay. And your phone's destroyed, it's no longer available, it's gone?

244 Dittrich: Correct, I have my new phone if that helps but...

245 Sobieski: But the photo's not on there obviously right?

246 Dittrich: No sir.

247 Sobieski: And you don't know about the – the cloud, if your text messages are stored
248 on the cloud or not?

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249 Dittrich: Um, when I got my new phone, I had tried to retrieve some text messages,
250 'cause I had some text – uh, texts from a friend who had died, um, and they
251 weren't – sorry...

252 Sobieski: It's okay.

253 Dittrich: ...um, we weren't able to retrieve those messages, so I'm 99 percent sure
254 that there's no backup on the cloud or anything with my text messages.

255 Sobieski: Okay. And you mentioned [REDACTED] is also on your group chat?

256 Dittrich: Yes sir.

257 Sobieski: Did any one of these people you sent this photo to contact any supervisor at
258 the Aurora Police Department?

259 Dittrich: Not that I know of sir.

260 Sobieski: Did you?

261 Dittrich: No sir.

262 Cruser: Just to clarify on the arm around – you said it was your arm around, uh,
263 Jaron Jones' neck?

264 Dittrich: Um, Jaron Jones' arm around me.

265 Cruser: It's Jaron Jones' arm around you and whose idea was that?

266 Dittrich: It was my idea sir.

267 Cruser: And your idea was to show – you said solidarity but also kinda referring to
268 the...

269 Dittrich: Also to...

270 Cruser: ...carotid?

271 Dittrich: Yes sir.

272 Cruser: I'll be right back.

273 Sobieski: Do you guys need to step out at all? We're just gonna be a couple minutes.

274 Dittrich: No sir.

275 Cruser: Okay.

276 Gallagher: You need to (unintelligible) or anything?

277 Dittrich: No.

278 Sobieski: You need a water or anything?

279 Dittrich: Um, no thank you.

280 Sobieski: Okay.

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281 Cruser: All right, we'll be back in a couple minutes. The audio and recording's
282 still running.

283 Gallagher: Yes sir.

284

285 Interview pauses at 00:17:10

286

287 Dittrich: I'd rather just...get the (unintelligible) and just get this over with you
288 know?

289 Gallagher: Is there anything during that interview that you wish they would've asked
290 or you have the opportunity to speak about?

291 Dittrich: No. I guess – that – I guess I'd like to know if the media does have it or if
292 that was rhetorical...

293 Gallagher: Mm-hm.

294 Dittrich: ...question, but I don't – I know they can't discuss stuff like that.

295 Gallagher: Right.

296 Dittrich: But I would assume that if someone in the media had it that it would've
297 been all over the news...

298 Gallagher: Mm-hm.

299 Dittrich: ...first before I even – (unintelligible) hoping that's it's not – there's no
300 walking away from that. I mean, it's still pretty bad. Gross, sorry. I've
301 never been in this position before so...

302

303 Interview resumes at 00:24:17

304

305 Sobieski: All right sorry about that. I just wanted to clarify that the phone you took
306 the photo on...

307 Dittrich: Has been...

308 Sobieski: ...is destroyed and not in your possession, and you have no idea if it's been
309 thrown away or where is it?

310 Dittrich: Uh, we – I had to turn it back in to – to [REDACTED], when I got the new
311 phone.

312 Sobieski: Okay.

313 Dittrich: It wouldn't – it wouldn't turn on or anything, there was no – couldn't
314 access anything from it.

315 Sobieski: What service do you have?

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316 Dittrich: Uh, [REDACTED].

317 Sobieski: And confirm your phone number one more time?

318 Dittrich: [REDACTED].

319 Sobieski: And what's your password on that phone?

320 Dittrich: I don't have a password on – it's not locked or anything.

321 Sobieski: Would you be willing to let us, um, take your phone tonight and just dump
322 it to look for that photograph?

323 Dittrich: Yes sir.

324 Sobieski: I'm sorry I was talking with you.

325 Dittrich: Oh, yes sir.

326 Sobieski: Okay.

327 Cruser: And then just to clarify, to cover, uh, all the bases, as far as the phone goes,
328 I know that you willingly said you're gonna – you know let us look at it,
329 but just so you're aware, under 14.1.1, under Lawful Orders, I am ordering
330 you to give us your phone, to do the download.

331 Dittrich: Yes sir.

332 Cruser: Okay. And I'm sorry, you said this doesn't have a password?

333 Dittrich: Correct, yeah you just – just hit the middle key here or the side button and
334 then just swipe up and...

335 Cruser: Okay.

336 Sobieski: We should be able to get it down tonight.

337 Dittrich: Yes sir.

338 Sobieski: Um, Officer Gallagher anything you want me to ask him?

339 Gallagher: Uh, if you wouldn't mind, sir, if you would just consider asking the
340 questions that I wrote down here.

341 Sobieski: Sure. Yeah. Was it, uh, your intent to make fun or – or make light of the
342 gravity of the – of Elijah McClain's death?

343 Dittrich: No sir. No.

344 Sobieski: While – at the incident...location, um, and in this subsequent sharing of the
345 photo, did you make any negative or dis- disrespectful remarks about
346 Elijah McClain?

347 Dittrich: No sir, we didn't – we didn't say anything, we just said, you know, 'Hey
348 let's take a picture and send it to Woody' and – that was all that we
349 discussed, we didn't talk about the incident or – we didn't – we weren't – it
350 wasn't an attempt to make light of – of the death of anybody or – it was

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351 just to connect the dots with us all being back together and us being there
352 for Woody and why we were there for Woody and why Woody was
353 hurting.

354 Sobieski: Okay.

355 Dittrich: But it wasn't – it wasn't an attempt to be at anybody's expense particularly
356 like – that wasn't the intention.

357 Sobieski: Okay. Anything else (unintelligible)?

358 Cruser: No, the only thing I was gonna ask, the call that you were on...

359 Dittrich: Yes sir.

360 Cruser: ...prior to this photo being taken...

361 Dittrich: Yes sir.

362 Cruser: Do you recall like – I – I realize it was a while ago but...

363 Dittrich: Mm-hm.

364 Cruser: ...what type of call that was or...

365 Dittrich: I don't at all.

366 Cruser: Okay.

367 Dittrich: I mean it was probably like...

368 Sobieski: But you three were on it?

369 Dittrich: ...a domestic or something – yes sir.

370 Sobieski: Okay.

371 Dittrich: It was probably a domestic or something like that.

372 Cruser: Okay.

373 Sobieski: Anything else you'd like to say, this'll be your – your opportunity to – to
374 say whatever you...

375 Dittrich: I'm just crawling on the mercy of – of the department and the Chief and...I
376 don't – I don't know what I'm gonna do without this job. (Unintelligible).
377 I'm – I've always tried to – to do the right thing for the department and I
378 never intended to make the department look bad and it's – I know that
379 that's exactly what I did and I've fallen short of that but – I just – I didn't –
380 I really regret what I did, and I hope that – that – that maybe I can get some
381 leniency or – if there's anything that – I don't know what I'm saying
382 anymore sir. Just – just really sorry for what I did and...that – and
383 obviously I'm here – it's – accept responsibility for what I did and...that's
384 all. Sorry.

385 Sobieski: Okay. It's, uh, 2031, that will be the end of this interview.

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386 Transcribed by Gail Grady

INTERVIEW WITH JARON JONES

Interviewer: Agent Tom Sobieski

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1 Obrecht: You want me to move back over here? Correct?

2 Sobieski: All right. Do you have any questions before we start?

3 Jones: No sir.

4 Sobieski: Okay. I'm Tom Sobieski of the Internal Affairs Bureau, today's date is
5 June 25th, 2020 and the time is 2058 hours. This'll be an interview of
6 Officer Jaron Jones in regard to IAB Case Number 20-25. Officer Jones,
7 would you please identify yourself with your ID number and present
8 assignment?

9 Jones: I'm Jaron Jones. ID number is 314466, and I'm currently assigned to, um,
10 detailed on the Narcotics Team.

11 Sobieski: Thank you. Have you read the Garrity form?

12 Jones: Yes sir.

13 Sobieski: And you signed the form?

14 Jones: Yes sir.

15 Sobieski: Do you have any questions about it?

16 Jones: No sir.

17 Sobieski: I'm gonna sign it as the investigator. And you have read – had a chance to
18 read the NOI?

19 Jones: Yes sir.

20 Sobieski: And you've signed the bottom of that as well?

21 Jones: Yes sir.

22 Sobieski: I'll sign as the investigator. Do you understand you are one of the subjects
23 of this investigation?

24 Jones: Yes sir, I do.

25 Sobieski: Are you familiar with the Lawful Order directive?

26 Jones: Yes sir.

27 Sobieski: Do you understand that you're being ordered by the Chief of Police to
28 answer my questions completely and truthfully, and if you refuse to answer
29 my questions, or if you answer untruthfully or omit any material facts that
30 you will be subject to disciplinary action?

31 Jones: Yes sir.

32 Sobieski: Do you understand that you are also ordered not to discuss this case with
33 any member of the department, other than your APA or FOP rep or an
34 observer while the case is active?

35 Jones: Yes sir.

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36 Sobieski: And if a rep or an observer from either the FOP or APA is involved as a
37 witness or a subject in the case, you can't discuss the case with them either.

38 Jones: I understand sir.

39 Sobieski: Do you understand this room is monitored with audio and video
40 equipment?

41 Jones: Yes sir.

42 Sobieski: Are you recording this interview yourself?

43 Jones: No sir.

44 Sobieski: Have you asked your rep to record this interview?

45 Jones: No sir.

46 Sobieski: Um, your IAB memo has some directives in it, Rights of Members Under
47 Administrative Investigation, Making a False or Untruthful Declaration,
48 and Individual Member Responsibility. I – I think you reviewed those
49 directives right before this interview?

50 Jones: I did sir.

51 Sobieski: Do you have any questions about any of 'em?

52 Jones: I do not sir.

53 Sobieski: Also present in the room is Sergeant Walt Obrecht. Sergeant Obrecht, can
54 you identify yourself with your ID number and present assignment?

55 Obrecht: Yes, Sergeant Walt Obrecht, O-B-R-E-C-H-T. 19970. Currently assigned
56 D2 Patrol.

57 Sobieski: You have chosen to exercise your right to have another member present
58 during – as an observer during this interview. Do you understand as a
59 result of this choice, that IAB cannot guarantee the confidentiality of your
60 case details, except for those materials and statements presented to
61 members of this bureau during the course of this investigation?

62 Jones: Yes sir.

63 Sobieski: And you've signed the observer form indicating you wish to have an
64 observer present?

65 Jones: Yes sir.

66 Sobieski: Sergeant Obrecht, do you understand that you are here as – as an observer
67 and cannot offer advice, counsel or interfere with the interview in any way
68 or you will be ordered to leave?

69 Obrecht: Yes sir.

70 Sobieski: Do you understand that you're also ordered not to discuss this case with
71 any member of the department or any person you know or reasonably

INTERVIEW WITH JARON JONES

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72 should know will be interviewed as a witness during the preliminary or
73 formal investigative process while the case is active?

74 Obrecht: Yes sir.

75 Sobieski: Do you understand that materials present in this room during the course of
76 this interview are not available for you to review, peruse or access without
77 the consent of the controlling investigator?

78 Obrecht: Yes sir.

79 Sobieski: Do you understand that you are not allowed to conduct an inquiry or
80 investigation into the facts surrounding this case?

81 Obrecht: Yes sir.

82 Sobieski: Do you understand that your presence here is a privilege extended to you
83 by the Chief of Police, and violation of these guidelines may result in
84 forfeiture of this privilege?

85 Obrecht: Yes sir.

86 Sobieski: Are you recording this interview yourself?

87 Obrecht: No sir.

88 Sobieski: Have you signed this form?

89 Obrecht: Yes sir.

90 Sobieski: I'm gonna sign as the investigator.

91 Obrecht: May I say something before the interview begins?

92 Sobieski: Yes sir.

93 Obrecht: I've advised, uh, my member to leave his phone on, and on the table, and to
94 shut it off in your presence, so you know it's off.

95 Sobieski: Okay. All right. Is it Jaron?

96 Jones: It is sir.

97 Sobieski: Jaron, um, you read the NOI, correct?

98 Jones: I did sir.

99 Sobieski: You've been, uh, you got notified of your complaint this afternoon, we've
100 been interviewing a whole bunch of people, about an allegation that, um,
101 while you were on duty, you were with some other members of this Police
102 Department and you took a selfie photograph at the memorial of Elijah
103 McClain, up on Billings Street. Did that occur?

104 Jones: It did sir.

105 Sobieski: Tell me about it.

INTERVIEW WITH JARON JONES

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106 Jones: Um, myself and two other officers, uh, were in the area on a call. And
107 observed the memorial, um, and took a photograph in front of it, for the
108 sole purpose to try and cheer up one of the members who were involved in
109 the initial Elijah McClain event.

110 Sobieski: Okay. Do you remember where you were at on a call? Or what the call
111 was?

112 Jones: Uh, to my recol- recollection I do not remember sir.

113 Sobieski: Do you remember the date the picture was taken?

114 Jones: I do not recall sir.

115 Sobieski: Can you give me a – a estimate? A month?

116 Jones: I – I genuinely do not recall sir, um, if I had to take a guess, maybe four
117 months ago.

118 Sobieski: Okay. Was the call on Billings Street itself?

119 Jones: To my recollection it was sir.

120 Sobieski: Whose idea was it to go over and take a selfie?

121 Jones: I do not recall sir.

122 Sobieski: Who was with you?

123 Jones: Uh, Officer Kyle Dittrich and Officer Erica – Erica Marrero.

124 Sobieski: Were all three of you on a call on Billings?

125 Jones: To my recollection we were sir.

126 Sobieski: Do you remember when you decided to go take a selfie, was it something
127 you decided earlier in the night, or was it something that just came up or do
128 you remember?

129 Jones: I – I do not recall sir.

130 Sobieski: Were you on duty?

131 Jones: I was sir.

132 Sobieski: Were you in uniform?

133 Jones: Yes sir.

134 Sobieski: Did you take the picture?

135 Jones: To my recollection it was not me who took the photo.

136 Sobieski: Who took the photo?

137 Jones: To my recollection it was, uh, Officer Dittrich that took the photo.

138 Sobieski: How many photos did he take?

INTERVIEW WITH JARON JONES

Interviewer: Agent Tom Sobieski

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139 Jones: To my recollection he took one photo.
140 Sobieski: Describe to me what everyone was doing in the photo when it was taken.
141 Jones: Um, the memorial was behind us, Officer Dittrich had his, uh, I don't
142 remember which arm but his arm outstretched, um, taking a selfie photo.
143 Erica – Officer Marrero was standing – I believe to our left, and I had my
144 arm around, um, Officer Dittrich's neck.
145 Sobieski: So if I'm looking at the photo, who would be on the left side of the photo?
146 Jones: It's, uh, it's hard for me to – since it's a selfie it's backwards. But I – if it
147 was on...
148 Sobieski: Okay I see what you're saying.
149 Jones: If you're – I believe Officer Dittrich would be on the left side...
150 Sobieski: So you would've probably been in the middle most likely?
151 Jones: I believe so, sir.
152 Sobieski: Describe the – the arm around the neck.
153 Jones: Um, how would you like me to describe it sir?
154 Sobieski: Well, other people have told me you were simulating a carotid. That true?
155 Jones: I believe that to be accurate sir.
156 Sobieski: Okay. Um, did you receive the photo? On your phone?
157 Jones: I believe it was – from my recollection it was sent in a group message, and
158 I – yes I was in that group message.
159 Sobieski: Who was all on the group?
160 Jones: From my recollection it was Officer Woodyard, Officer Dittrich, Officer
161 Marrero, and me.
162 Sobieski: Is the photo still on your phone?
163 Jones: Not that I'm aware of sir.
164 Sobieski: Did you delete it?
165 Jones: I never saved it to my phone.
166 Sobieski: Is the group text still on your phone?
167 Jones: Uh, it was a long time ago so I doubt it sir.
168 Sobieski: Okay. Um, what kind of phone do you have?
169 Jones: I have an iPhone – I believe it's an X sir. XS possibly.
170 Sobieski: XS?
171 Jones: Yes.

INTERVIEW WITH JARON JONES

Interviewer: Agent Tom Sobieski

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172 Sobieski: What's your phone number?
173 Jones: [REDACTED].
174 Sobieski: What's your password?
175 Jones: Uh, [REDACTED] sir.
176 Sobieski: Would you be willing to voluntarily let – voluntarily look at – let us look in
177 your phone for that photograph?
178 Jones: Yes sir.
179 Sobieski: Okay. Is there any – was there any text messages sent with the photo?
180 Jones: To my recollection I don't remember what was said with the photo. Or if...
181 Sobieski: Do you remember if there was any text at all?
182 Jones: Or any response to the photo. I believe there was, but it – to my
183 recollection I don't remember what they were though.
184 Sobieski: Did you send the photo to anyone, did you forward it to anyone?
185 Jones: No sir.
186 Sobieski: Do you know who else has seen the photo?
187 Jones: No sir, I do not.
188 Sobieski: Beside the people that we talked about in the group text?
189 Jones: No sir, I do not.
190 Sobieski: Tell us again why we took this photo.
191 Jones: Not – who I consider to be my best friend in the department, Officer
192 Woodyard, was going through a very difficult time, um, and
193 wholeheartedly, uh, I was having – I was struggling that – with the fact that
194 I couldn't cheer him up. Um, I tried to make light of his situation to try
195 and help cheer him up, um, to try and help him process what he had been
196 through. Um, and I thought the photo would acc- help me accomplish that.
197 Um, that was my sole, uh, reasoning for taking the photo, it had nothing to
198 do with anybody but Officer Woodyard, and my attempts to try and make,
199 uh, his outlook on what took place lighter, in order to help him mentally,
200 um, get in a better space.
201 Sobieski: Let's say the public has this photo right now. What would they think of it?
202 Jones: I – I cannot, uh, say what the public would think of the photo sir...
203 Sobieski: Sure you can, you have an opinion, right?
204 Jones: It – you want my opinion sir?
205 Sobieski: Yeah. I want your opinion.
206 Jones: I believe that they would be, um, appalled by the photo.

INTERVIEW WITH JARON JONES

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207 Sobieski: You guys weren't there grieving Elijah McClain right?

208 Jones: No sir.

209 Cruser: Whose idea was the arm around the neck?

210 Jones: It was mine sir.

211 Cruser: And you were doing that to simulate the carotid.

212 Jones: Yes sir.

213 Cruser: So just to clarify, Dittrich took the photo, and then sent it on the group text
214 to the people that you named.

215 Jones: To my recollection yes sir.

216 Cruser: Okay. You did not forward it to anybody else?

217 Jones: No sir.

218 Cruser: Was there any type of text response to that photo from anybody that you
219 can recall?

220 Jones: I don't recall the content of the text sir but I do remember there being
221 responses.

222 Cruser: Do you remember who responded to that photo?

223 Jones: My recollection – from my recollection Officer Woodyard responded.

224 Cruser: Okay. Do you have any idea what the context of that response would've
225 been?

226 Jones: I genuinely cannot recall sir.

227 Cruser: Okay.

228 Sobieski: Did anyone forward the text to Officer Rodema?

229 Jones: Not that I know of sir.

230 Sobieski: How 'bout Officer Rosenblatt?

231 Jones: Not that I know of sir.

232 Cruser: Was [REDACTED] on that text that you recall?

233 Jones: Now that that's brought to my – or that's brought up, I – I – from my
234 recollection she might've been sir.

235 Cruser: Okay.

236 Jones: It – it would make sense due to the fact that she's on our – ERT.

237 Cruser: So that was kind of your group team text?

238 Jones: Y- yes sir – yes sir.

239 Cruser: Okay.

INTERVIEW WITH JARON JONES

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240 Sobieski: Have you – have you been to the memorial any – any other time other than
241 what we just talked about?

242 Jones: No sir.

243 Sobieski: You ever taken any other photos up there or...

244 Jones: No sir.

245 Sobieski: You aware of anybody else taking any photos up there that will – will be
246 discussed?

247 Jones: No sir, I am not.

248 Sobieski: Okay. All right. We're gonna step out for just a second.

249 Jones: Okay.

250 Sobieski: You guys need a break or...

251 Jones: This phone is still on, but it's (unintelligible).

252 Cruser: Okay, okay.

253 Sobieski: No problem.

254

255 Interview pauses at 00:14:25

256

257 Obrecht: I'm gonna have them ask you a question.

258 Jones: Okay.

259 Obrecht: 'Cause the same as I tell you, always LUA.

260 Jones: Yes sir.

261

262 Interview resumes at 00:16:34

263

264 Cruser: All right. Couple things, um...

265 Sobieski: The Elijah McClain incident happened at the end of August in 2019. Do
266 you know how long after that you would have been involved in the photo?

267 Jones: Um, I genuinely do not sir. From my recollection I – I'd approximate it to
268 maybe four months ago.

269 Sobieski: Okay.

270 Jones: And, um, I – I genuinely do not recall.

271 Sobieski: Okay. Were you involved in the call with Elijah McClain?

272 Jones: I was not sir.

INTERVIEW WITH JARON JONES

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273 Sobieski: You were off duty that night or you just weren't there?

274 Jones: I was off duty that night sir.

275 Sobieski: Oh, okay. And we talked about the phone already...

276 Jones: Yes sir.

277 Sobieski: ...um...

278 Cruser: So – I know you've already given us the password, said we could look
279 through it, so first I'll ask, are you willing to turn the phone over to us to
280 do a phone dump on it?

281 Jones: Um, if I can get it back right – it's my only phone. That is all Sarge.

282 Cruser: Okay. And just – and I also wanna do is some clarifying, it's just for the
283 record, um, either way we – under lawful order 14.1.1, I'm ordering you...

284 Jones: Yes sir.

285 Cruser: ...to give me your phone to download...

286 Jones: Yes sir.

287 Cruser: ...and then, um, we – once this is done we'll talk to you and we'll work on
288 making sure that can happen tonight.

289 Jones: And – and I believe I phrased that wrong – I'm completely willing sir, I
290 just, um, I have no other fo- forms of communication.

291 Cruser: I understand.

292 Sobieski: And just to confirm, it's [REDACTED]?

293 Jones: Yes sir.

294 Sobieski: And then the password's [REDACTED]?

295 Jones: Yes sir.

296 Sobieski: Okay. Walt, do you have anything?

297 Obrecht: Yes sir.

298 Sobieski: Okay.

299 Obrecht: Would you mind asking Officer Jones, when he says to 'cheer up' Officer
300 Woodyard physically or mentally, is that because of the news reports at the
301 time, was it DA response or lack of response, or were there other reasons?

302 Sobieski: Okay. So you mentioned 'cheering up' Officer Woodyard...

303 Jones: Yes sir.

304 Sobieski: ...um, why – did you hear his question?

305 Jones: I did.

INTERVIEW WITH JARON JONES

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306 Sobieski: Go ahead and answer that.

307 Jones: It was a combination of everything. He was – ever since it happened was,
308 um, remorseful, and, um, critical of himself, um, and had trouble with his
309 confidence, um, it was his first critical incident and, um, he didn't know
310 how it was gonna go, and he didn't know the – the process fully or at least
311 didn't understand it – and this is what my interpretation of my
312 conversations with him is, um, he was having trouble with sleeping, um, I
313 tried to talk him into going to see, uh, Nicoletti or Brower's office, um, and
314 he was adamant about it. And he just wasn't – he was a shell of my friend.
315 He was, uh, not himself. And I didn't wanna – I didn't wanna leave him
316 behind. I wanted him to know that I thought he act- he acted like a
317 professional, and, uh, and I wanted to make him feel better. Uh, 'cause I
318 didn't think he was doing a good job on his own. I didn't wanna leave my
319 brother behind.

320 Sobieski: Okay.

321 Jones: And, uh, I – and that's – that was, uh, a judgement I made on – on how I
322 was gonna go about it. Or how I went about it.

323 Sobieski: Okay. Did you have any discussions with Officer Woodyard after the
324 photo?

325 Jones: Uh, other than the text message that – the content of the text message, uh,
326 which I – I don't recall what he said but it – it wasn't that much of a
327 discussion after the text messages. No sir.

328 Sobieski: Okay. Anything else Sarge?

329 Obrecht: No sir, that's fine.

330 Sobieski: Okay, anything else you'd like to say Officer Jones?

331 Jones: I'd like first – firstly like to apologize for my attire, um, I came from a
332 plain-clothes assignment and, uh, soon as I got the information I came
333 straight here. If I had the chance I'd go home and put a suit on and...

334 Sobieski: Okay.

335 Jones: ...and represent myself the way I want to.

336 Sobieski: You were ordered to come right here, right?

337 Jones: Yes sir.

338 Sobieski: Okay.

339 Jones: Um, I'd also like to say that I realize, uh, like you had discussed sir, if the
340 public found out about this how this is perceived. And, uh, I'd just like it
341 to be noted it's not my intention at all to cause harm to any involved
342 parties. My sole intention was to help a brother out. Uh, whether I used
343 correct judgement or not is on me.

INTERVIEW WITH JARON JONES

Interviewer: Agent Tom Sobieski

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344 Sobieski: Okay. All right, it's, uh, 2118. Uh, that ends the interview.

345

346

347 Transcribed by Gail Grady

INTERVIEW WITH [REDACTED]

Interviewer: Agent Tom Sobieski
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1 Sobieski: All right, I'm Tom Sobieski of the Internal Affairs Bureau. Today's date
2 is June 26, 2020 and the time is 13- or 1505. This'll be an interview
3 of [REDACTED]?

4 [REDACTED]: [REDACTED], yeah. There's a lot of letter there.

5 Sobieski: Yeah, well I'm Sobieski so...um, in regards to IAB Case Number 20-25.
6 [REDACTED] would you please identify yourself with your ID number and
7 present assignment.

8 [REDACTED]: Uh, [REDACTED], my ID number is [REDACTED], and I currently
9 work at [REDACTED]

10 Sobieski: Okay. And you've read and signed the Garrity form?

11 [REDACTED]: Yes sir.

12 Sobieski: Do you have any questions about it?

13 [REDACTED]: No sir.

14 Sobieski: I'm gonna sign as the investigator. And you've read and you signed the
15 NOI?

16 [REDACTED]: Yes sir.

17 Sobieski: Okay. And I'll sign that as the Investigator as well.

18 [REDACTED]: I can't breathe.

19 Sobieski: And you're aware that you are one of the subjects of this in- this
20 investigation?

21 [REDACTED]: Yes sir.

22 Sobieski: Are you familiar with the Lawful Order directive?

23 [REDACTED]: Yes sir.

24 Sobieski: Do you understand you're being ordered by the Chief of Police to answer
25 my questions completely and truthfully?

26

27 [REDACTED]: Yes sir.

28 Sobieski: And if you refuse to answer my questions, or if you answer untruthfully or
29 omit any material facts you will be subject to disciplinary action.

30 [REDACTED]: Yes sir.

31 Sobieski: Do you understand that you are also ordered not to discuss this case with
32 any member of the Police Department, other than the APA or FOP rep or
33 observer while the case is active?

34 [REDACTED]: Yes sir.

INTERVIEW WITH

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35 Sobieski: And if a APA rep or FOP rep, APA in this instance, um, if they're involved
36 in the case in any way, you can't discuss the case with them.

37 [REDACTED]: Yes sir.

38 Sobieski: Um, do you understand that this room is monitored by audio and video
39 equipment?

40 [REDACTED]: Yes sir.

41 Sobieski: Are you recording this interview yourself?

42 [REDACTED]: No sir.

43 Sobieski: And you just got your memo when you walked into this building today, did
44 you have a chance to review the directives that are listed on the memo?

45 [REDACTED]: Yes sir.

46 Sobieski: Um, Rights of Members Under Administrative Investigation, Making a
47 False or Untruthful Declaration, and Individual Member Responsibility.

48 [REDACTED]: Yes sir.

49 Sobieski: Do you have any questions about any of those?

50 [REDACTED]: No sir.

51 Sobieski: Um, Judy can you identify yourself with your ID number and present
52 assignment?

53 [REDACTED]: Judy Lutkin, 20780 and D- District 3 PAR Area 26.

54 Sobieski: Thank you. And [REDACTED] you checked that you wish to have an observer
55 present for this interview, is that correct?

56 [REDACTED]: Yes sir.

57 Sobieski: And you've signed the form?

58 [REDACTED]: Yes sir.

59 Sobieski: You have chosen to exercise your right to have another member present as
60 an observer during this interview. Do you understand as a result of this
61 choice that IAB cannot guarantee the confidentiality of your case details,
62 except for those materials and statement presented to members of this
63 Bureau during the course of this investigation?

64 [REDACTED]: Yes sir.

65 Sobieski: Judy, do you understand that are here as an observer, and cannot officer
66 advice, counsel or interfere with the interview in any way or you will be
67 ordered to leave?

68 Lutkin: Yes sir.

INTERVIEW WITH [REDACTED]

Interviewer: Agent Tom Sobieski
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69 Sobieski: Do you understand that you are also ordered not to discuss this case with
70 any member of the department or any person that you know or reasonably
71 should know will be interviewed as a witness during the preliminary or
72 formal investigative process while the case is active?

73 Lutkin: Yes sir.

74 Sobieski: Do you understand that any materials present in this room during the
75 course of this interview are not available for you to review, peruse or
76 access without the consent of the investigator?

77 Lutkin: Yes sir, I do.

78 Sobieski: You understand that you are not allowed to conduct an inquiry or
79 investigation into the facts and circumstances surrounding this case?

80 Lutkin: Yes sir.

81 Sobieski: Do you understand that your presence here is a privilege extended to you
82 by the Chief of Police, and any violation of this – and these guidelines may
83 result in forfeiture of this privilege?

84 Lutkin: Yes sir, I do.

85 Sobieski: Are you recording this interview yourself?

86 Lutkin: No sir, I'm not.

87 Sobieski: Have you signed this form?

88 Lutkin: Yes I have.

89 Sobieski: I'm gonna sign as the investigator. All right, [REDACTED]. Uh, so the – the NOI,
90 um, did you read the NOI?

91 [REDACTED] Yes...

92 Sobieski: And sign it?

93 [REDACTED] Yep.

94 Sobieski: Um, we're gonna talk about a photograph or a – a couple of photographs,
95 um, that you may or may not have received, um, it would've been August,
96 September...

97 [REDACTED] All right.

98 Sobieski: ...of 2019.

99 [REDACTED] Okay.

100 Sobieski: Involving members of this Police Department, um, at the Elijah McClain
101 memorial.

102 [REDACTED] Okay.

103 Sobieski: Up on Billings.

INTERVIEW WITH [REDACTED]

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104 [REDACTED] Okay.

105 Sobieski: Do you recall ever receiving any type of photograph that sounds like that?

106 [REDACTED] No, so – just real quick, before I – I say anything else, I just wanted to
107 make sure that I – outside of talking to Judy I haven't consulted with any
108 other like legal counsel or anything like that, any attorneys, anything like
109 that so I just wanna make sure that I have that on record as well. Um...

110 Sobieski: Okay.

111 [REDACTED] So no, I don't recall receiving anything like that.

112 Sobieski: Okay. Um, where were – what district, um, were you working last August-
113 September-October?

114 [REDACTED] So last August-September I was working still in District 2, but I was on
115 Team 31. Um, Ron Tanguma was my supervisor then.

116 Sobieski: Who else were your team – officers, do you remember?

117 [REDACTED] Uh, yeah, some of my team officers at that time would've been, uh, Kyle
118 Stoeppel, um, shoot who else was on Team 31? Um, (unintelligible), um, I
119 don't know if I said his last name correctly or not, um, who else? Uh,
120 Pearson, Godfrey, um, I honestly don't remember the first names of
121 Pearson, Godfrey, those were the team members that I had.

122 Sobieski: Okay. Were you ever part of a chat group, text group, um, that would've
123 had Dittrich, Jaron Jones, Marrero, and Woodyard?

124 [REDACTED] Uh, I'm currently a part of a chat group that has them on it.

125 Sobieski: Currently.

126 [REDACTED] And I was last year, but I don't believe I was at that time.

127 Sobieski: Okay.

128 [REDACTED] Um, so I had planned to bid Team 30, which is – they're all members of
129 Team 30 with me.

130 Sobieski: Okay.

131 [REDACTED]: Um, and I don't believe I was on the – the group strand until after the bid
132 change or around the – like the bid that we did, so I don't know if it woulda
133 been maybe November-December?

134 Sobieski: Okay.

135 [REDACTED] But I don't remember one-hundred percent either when I was actually a
136 part of the group strand.

137 Sobieski: But you don't think you were on that back...

138 [REDACTED] I don't believe so.

139 Sobieski: Okay. And you don't, uh...

INTERVIEW WITH

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140 [REDACTED] 'Cause I was still on Team 31 then, um, so...

141 Sobieski: (Unintelligible).

142 [REDACTED] ...a little after – probably for two days out of the week, I overlapped with
143 them on Friday-Saturday.

144 Sobieski: Okay.

145 [REDACTED] And we were all still friends, um, and stuff but I don't think I became a
146 part of the Team 30 group chat until around then.

147 Sobieski: Okay. And you – I – you already answered it but you – do – you do not
148 recall getting any photographs that would...

149 [REDACTED] I don't – the hard – the hard part about our group strand's like – like right
150 now for instance, we text all the time. All week long, we send memes, we
151 send all kinds of photos...

152 Sobieski: Mm-hm.

153 [REDACTED] ...back and forth, um, you know, anything from our families to our dogs to
154 like I said just police memes, stuff like that, um, but I don't recall anything
155 like that.

156 Sobieski: Okay. And you weren't involved in taking the photo or...

157 [REDACTED] No.

158 Sobieski: ...being present at the...

159 [REDACTED] No.

160 Sobieski: ...memorial at all?

161 [REDACTED] No.

162 Sobieski: Okay.

163 [REDACTED] I mean I work that beat.

164 Sobieski: Okay.

165 [REDACTED]: Last year I worked Beat [REDACTED]

166 Sobieski: Have you been to the memorial?

167 [REDACTED] I have not been there, I've driven past it, I've been on calls...

168 Sobieski: Okay.

169 [REDACTED] ...in that area. I've – I've worked my call that night...

170 Sobieski: Okay.

171 [REDACTED] ...um, but I haven't stopped to observe it, I haven't stopped – I mean...

172 Sobieski: Okay.

INTERVIEW WITH

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173 [REDACTED] I haven't done anything in regards to that.
174 Sobieski: Okay.
175 [REDACTED] Um, so no, I haven't hung around it, I guess so to speak.
176 Sobieski: Okay.
177 [REDACTED] But that was my beat last...
178 Sobieski: Um...
179 [REDACTED] ...year.
180 Sobieski: ...what was your phone number at that time?
181 [REDACTED] At the time my phone number was still the same as it is now, so it's [REDACTED]
182 [REDACTED].
183 Sobieski: Who do you all remember being on that text string?
184 [REDACTED] Um, so – so the text string that we have is me, um, but this is right now so I
185 – I don't know, like I said I don't think I was a part of then. I...
186 Sobieski: Okay.
187 [REDACTED] The text string that we have now, that we typically reply to is typically me,
188 um, my friend Erica Marrero, my friend Kyle Dittrich, um, my friend
189 Nathan Woodyard, Jaron Jones, that's typically who's in any of our group
190 strings. We've had other things where we've done things for a sergeant,
191 where we have added other members from the team, you know, Austin
192 Runyon is on Team 30.
193 Sobieski: Okay.
194 [REDACTED] Um, and he's been a part of that as well. Um, Jimmy Snapp is a part of
195 Team 30 – he – he's typically on our regular strand as well, I forgot him.
196 But's he's typically on our regular strand as well. Um...
197 Sobieski: Okay. You have anything?
198 Cruser: No, I mean, um, ju- I – just real quick – so were you ever made aware of a
199 photo that was taken, that you're aware of?
200 [REDACTED] Until this incident, no.
201 Cruser: Until this incident.
202 [REDACTED] Until this incident, no.
203 Cruser: Okay. All right. Just give us one minute, two minutes, and we'll be right
204 back.
205
206 Interview pauses at 00:09:27
207 Lutkin: (Unintelligible).

INTERVIEW WITH [REDACTED]

Interviewer: Agent Tom Sobieski

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208 [REDACTED] (Unintelligible). Am I glad.
209 Lutkin: (Unintelligible).
210 [REDACTED] ...full-time my daughter was born. My f- my oldest daughter.
211 Lutkin: Oh, really?
212 [REDACTED] Yeah, that's why I did her birth time, and my younger daughter, her – her
213 middle name is [REDACTED] so I did a rose.
214 Lutkin: Oh, yeah.
215 [REDACTED] (Unintelligible).
216 Lutkin: Both my daughters have, um, (unintelligible)...
217 [REDACTED] Mm-hm.
218 Lutkin: And then, um, one of 'em (unintelligible).
219 [REDACTED] Yes. How are they doin' ?
220 Lutkin: They're doing great, yeah, just burned out, I'm sure. So Melanie was, um,
221 she was a part of that officer getting hit...
222 [REDACTED] Yeah.
223 Lutkin: ...so she – it's so (unintelligible)...
224 [REDACTED] Yeah.
225 Lutkin: ...(unintelligible). Last few days were (unintelligible).
226 [REDACTED] Yeah.
227
228 Interview resumes at 00:10:37
229 Sobieski: When you said that you hadn't heard about the photograph until this
230 incident, did you mean this investigation or did you mean the incident
231 involving Elijah?
232 [REDACTED] No, the investigation, I'm sorry. I should have clarified that.
233 Sobieski: This investigation...
234 [REDACTED] Yeah.
235 Sobieski: ...the investigation - so just recently.
236 [REDACTED] Yeah.
237 Sobieski: You heard about it.
238 [REDACTED] The investigation as far as like Elijah McClain goes I don't...
239 Sobieski: Okay.

INTERVIEW WITH [REDACTED]

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240 [REDACTED] I know what I know in regards to me being there that night, and I see
241 what's in the media and everything that we're going through as a
242 department with it right now, but...

243 Sobieski: Okay.

244 [REDACTED] ...as far as the photograph itself, I hadn't heard anything about it until this
245 investigation.

246 Sobieski: Okay. Do you have anything?

247 Lutkin: I do not sir.

248 Sobieski: Anything else you think's important to add that I haven't asked or that...

249 [REDACTED] I...

250 Sobieski: ...I might now know about?

251 [REDACTED] I don't think so, I mean, like I said it's not something that I can recall or
252 think of so...

253 Sobieski: Okay. It's, uh, 1515, that's the end of this interview.

254

255

256 Transcribed by Gail Grady

INTERVIEW WITH ERICA MARRERO

Interviewer: Agent Tom Sobieski

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1 Sobieski: Okay, all right, I'm Tom Sobieski of the Internal Affairs Bureau. Today's
2 date is June 25th, 2020, the time is 2133. This'll be an interview of Officer
3 Erica Marrero in regard to IAB Case Number 20-25. Officer Marrero, would
4 you identify yourself with your ID number and present assignment?

5 Marrero: Uh, my ID number is 315829. And I'm District 2 graves Patrol Officer.

6 Sobieski: Okay have you signed the Garrity form?

7 Marrero: Uh, th- uh, I have not, I am right now.

8 Sobieski: Do you have any questions about it?

9 Marrero: Uh, no sir.

10 Sobieski: Okay. I'm gonna sign it as the Investigator. Did you read the NOI and sign
11 that?

12 Marrero: Yes.

13 Sobieski: Okay. And you're aware that you are one of the subjects of this investigation?

14 Marrero: Yes sir.

15 Sobieski: Okay, I'm gonna sign the NOI as the investigator. Are you familiar with the
16 Lawful Order directive?

17 Marrero: Yes.

18 Sobieski: Do you understand that you're being ordered by the Chief of Police to answer
19 my questions completely and truthfully, and if you refuse to answer my
20 questions, or if you answer untruthfully or omit any material facts that you
21 will be subject to disciplinary action?

22 Marrero: Yes sir.

23 Sobieski: Do you understand that you are also ordered not to discuss this case with any
24 member of the department other than your APA or FOP rep or observer while
25 the case is active?

26 Marrero: Yes sir.

27 Sobieski: And if an FOP observer or rep is a witness or a subject to the alleged offense
28 you cannot discuss the case with them.

29 Marrero: Yes sir.

30 Sobieski: Do you understand that the room is monitored with audio and video
31 equipment?

32 Marrero: Yes sir.

33 Sobieski: Are you recording this interview yourself?

34 Marrero: No sir.

35 Sobieski: Has your – have – have you asked your repo to record this interview?

INTERVIEW WITH ERICA MARRERO

Interviewer: Agent Tom Sobieski

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36 Marrero: No sir.

37 Sobieski: Um, your memo has some directives on there, Rights of Members Under
38 Administrative Investigation, Making a False or Untruthful Declaration, and
39 Individual Member Responsibility. Did you get a chance to review those...

40 Marrero: Yes.

41 Sobieski: ...before this interview?

42 Marrero: Yes sir.

43 Sobieski: Do you have any questions about any of 'em?

44 Marrero: No sir.

45 Sobieski: Sergeant Benedict can you identify yourself with your name and present
46 assignment?

47 Benedict: Yeah, Sergeant Scott Benedict, uh, currently assigned to Traffic Division as a
48 Crash Investigator, uh, Supervisor.

49 Sobieski: Okay. Officer Marrero, do you wish to have an observer present?

50 Marrero: Uh, yes sir.

51 Sobieski: Okay. Can I get you to check that and sign please?

52 Marrero: Mm-hm.

53 Benedict: You wanna call it 2130?

54 Sobieski: Sure.

55 Marrero: Do I have to fill out this part?

56 Benedict: No, that's for me.

57 Marrero: Oh.

58 Sobieski: You have chosen your right – you've chosen to exercise your right to have
59 another member present as an observer during this interview. Do you
60 understand as a result of this choice, that IAB cannot guarantee confidentiality
61 of your case details except for those materials and statements presented to
62 members of this bureau during the course of this investigation?

63 Marrero: Yes sir.

64 Sobieski: Sergeant Benedict, do you understand that you are here as an observer and
65 cannot offer advice, counsel or interfere with the interview in any way or you
66 will be ordered to leave?

67 Benedict: Yes.

68 Sobieski: You understand that you are also ordered not to discuss this case with any
69 member of the department or any person that you know or reasonably should
70 know will be interviewed as witness during the preliminary formal
71 investigative process while the case is active?

INTERVIEW WITH ERICA MARRERO

Interviewer: Agent Tom Sobieski

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72 Benedict: Yes.

73 Sobieski: Do you understand that – that material or materials present in this room during
74 the course of this interview are not available for you to review, peruse or
75 access without consent of the controlling investigator?

76 Benedict: Yes.

77 Sobieski: Do you understand that you are not allowed to conduct an inquiry or
78 investigation into the facts and circumstances surrounding this case?

79 Benedict: Yes.

80 Sobieski: Do you understand that your presence here is a privilege extended to you by
81 the Chief of Police and that violation of these guidelines may result in
82 forfeiture of this privilege?

83 Benedict: Yes sir.

84 Sobieski: Are you recording this interview yourself?

85 Benedict: No.

86 Sobieski: Did you sign this form?

87 Benedict: Yes.

88 Sobieski: I'm gonna sign it as the investigator. All right. So Erica, the reason we're
89 here is early this afternoon we received a allegation – a complaint – that was
90 received by the Chief's office, that you were involved with some other
91 members of this Police Department, in taking a selfie photograph at the
92 memorial of Elijah McClain.

93 Marrero: Okay.

94 Sobieski: Did that happen?

95 Marrero: Yes sir.

96 Sobieski: Can you tell me about that?

97 Marrero: Um, I remember responding to a call in the area. When we came out, um, it –
98 like as we were coming out we realized the area that we were in, and we were
99 like, 'oh', like 'this is the area where it happened' which Woody had his
100 incident. And so we're like, 'Why don't we take a picture, and we'll send it to
101 him just as like a 'Hey', like 'look where we are', like 'thinking of you' kinda
102 thing.

103 Sobieski: Okay.

104 Marrero: I didn't have any ill intent towards it, I honestly don't even remember any of
105 the conversation that we had.

106 Sobieski: Okay. Um, when did this occur?

107 Marrero: Uh, I don't remember the exact date, it would've been...

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108 Sobieski: The McClain...

109 Marrero: ...shortly after...

110 Sobieski: ...incident occurred late August of 2019, was it shortly after that or this year
111 or...

112 Marrero: It would've been I think shortly after that, 'cause like I – I remember it was so
113 cold outside.

114 Sobieski: Okay.

115 Marrero: So I – I was still wearing my jacket so it had to be shortly after or the
116 beginning of this year. I don't think...

117 Sobieski: Somewhere around...

118 Marrero: Somewhere around then – I – and I don't know if – I don't remember.

119 Sobieski: Okay. You don't remember the year if it was this year or last year?

120 Marrero: I – I'm pretty sure it was last year.

121 Sobieski: Okay, 2019?

122 Marrero: Yes sir.

123 Sobieski: And it was cold?

124 Marrero: Yes.

125 Sobieski: Were you on duty?

126 Marrero: Yes sir.

127 Sobieski: Uh, who was with ya?

128 Marrero: Uh, Officer Dittrich and Officer Jones.

129 Sobieski: Do you remember where the call was you went on? Was it on Billings Street
130 or was it...

131 Marrero: It was...

132 Sobieski: ...somewhere else?

133 Marrero: ...on Billings.

134 Sobieski: Whose idea was it to go take the picture?

135 Marrero: I don't remember, I – I think I m- I might have suggested it. I – I – in – in all
136 honesty I don't remember, 'cause I – I didn't think of it as a – a big thing,
137 'cause I – I guess I didn't mean any ill intent by it so I was just like, 'Oh let's
138 send him like a hey we're thinking of you' kind of thing.

139 Sobieski: Okay. Who – who actually took the picture?

140 Marrero: It was either me or Kyle Dittrich. I can't remember.

141 Sobieski: Okay. Is it on your phone?

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142 Marrero: No.

143 Sobieski: What's your phone number?

144 Marrero: [REDACTED].

145 Sobieski: And you don't remember if you took it or not?

146 Marrero: In all honesty no.

147 Sobieski: You or Dittrich.

148 Marrero: Yes sir.

149 Sobieski: And Officer Jones was in the picture as well?

150 Marrero: Yes sir.

151 Sobieski: Describe the picture to me.

152 Marrero: I remember – I think we took two. One was of like the – uh – the grassy area
153 and the building. And we took it and then I think at that point we were like
154 'Oh he's not gonna recognize where it was' and then we saw the – like the
155 lights of the memorial and so we turned around and we had it like in the far
156 distance, and we took it and I remember – I think it was m- me, and then
157 Dittrich and Jones. And I think I was leaning in like this smiling and then
158 Dittrich – or Jones had his like arm over Kyle like this, and then we were all
159 like all smiling.

160 Sobieski: Okay. Was it – what time of day was this?

161 Marrero: What time of day – it was night, uh, it was probably...

162 Sobieski: You workin' graveyards?

163 Marrero: Yeah, we were working graves.

164 Sobieski: Do you remember what time you took the photo?

165 Marrero: No.

166 Sobieski: Who – who all got the photo?

167 Marrero: Uh, I think it was sent to our group text, so I think it would've been me,
168 Dittrich, Jones, Woody, I think that was the – no, hold on, who else was in it?
169 I don't think Allen was still on it. I think it was just the four of us. I don't
170 know – I don't think [REDACTED] was involved in the d- the chat yet 'cause I don't
171 think she was on our team, 'cause it was last year. I think it was just the four
172 of us.

173 Sobieski: Okay.

174 Marrero: So five including me.

175 Sobieski: And you were in uniform?

176 Marrero: Yes sir.

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177 Sobieski: Could you see your – your uniform in the pictures?

178 Marrero: I believe so.

179 Sobieski: What did you do with the picture?

180 Marrero: Uh, we just sent it to group chat.

181 Sobieski: Um, did Officer Rodema receive the photo?

182 Marrero: Not that I know of.

183 Sobieski: Not from you? How 'bout Rosenblatt?

184 Marrero: No. Not that I know of.

185 Sobieski: Woodyard did? He was on your group chat?

186 Marrero: Yeah he should've been on the group chat, 'cause that's what the purpose of
187 the – the photo was, was to just be like 'Hey we're – we're in the area, we
188 were thinking of you'.

189 Sobieski: Uh, what phone service do – do you have?

190 Marrero: Uh, right now I have Sprint.

191 Sobieski: Was this your number back when this photo was taken?

192 Marrero: Yes.

193 Sobieski: Do you have...

194 Marrero: I...

195 Sobieski: ...do you have the same phone?

196 Marrero: No.

197 Sobieski: Where's your other phone?

198 Marrero: Uh, it's at my house.

199 Sobieski: Would you be willing to get that phone and voluntarily give it to us to
200 download to look at that photo?

201 Marrero: Sure.

202 Sobieski: What kind of phone is that? Is it a...

203 Marrero: Uh, it was a Pixel 3 – I don't even know if it's on it though, 'cause I deleted
204 the photo.

205 Sobieski: Why'd you delete it?

206 Marrero: Just 'cause we deleted it after and then, um, it was in the group chat and so
207 we, um, I started deleting my group chats, all of our – not just my group chats
208 but all my text messages, 'cause my phone didn't have a rolling 30-day delete.
209 Like I think it was four or five months ago I started doing it. Like just
210 constantly deleting mine towards the beginning of every month.

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211 Sobieski: Um, are you aware of anyone else that we haven't discussed that may have
212 seen the photo?

213 Marrero: No. I thought it was just our group chat.

214 Sobieski: Did you – did you send the photo out, you – or – can you remember if you
215 took the photo or not?

216 Marrero: I – in all honesty I – I don't remember, I remember that we took the photo,
217 and then I remember it got sent to our group chat...

218 Sobieski: 'Cause if you took it you would have had to send it out, right?

219 Marrero: Yes. And I just – I don't remember sending it out.

220 Sobieski: Okay. Describe how everyone was in the photo again.

221 Marrero: Uh, the first photo that we took I honestly don't remember, the one that I do
222 remember was the one where I believe I was on this side, and I was leaning in,
223 and then it was Kyle and Jones. And I was leaning in and Jones had his arm
224 like around Woody like this. Like over his shoulder.

225 Sobieski: Okay. Was he just puttin' his arm around him or was it – was he simulating a
226 carotid control hold?

227 Marrero: From my memory it was just like one of the shoulder ones. It wasn't like
228 around the neck or anything.

229 Sobieski: Okay. Um, well say that po- that photo got released to the public today.

230 Marrero: Mm-hm.

231 Sobieski: What do you think the general public would think about that photo?

232 Marrero: In light of everything I don't think it'd be a good thing.

233 Sobieski: How bad do you think it could get?

234 Marrero: With the climate right now pretty bad.

235 Sobieski: You weren't there to, um, grieve for Elijah McClain right?

236 Marrero: No, we were responding for a call for service and then we realized...

237 Sobieski: I mean when you took the photo?

238 Marrero: No.

239 Sobieski: You said you were laughing?

240 Marrero: I was smiling in the photo.

241 Sobieski: Okay.

242 Cruser: So you it's Jones that had his arm around, uh, I'm sorry – Dittrich, correct?

243 Marrero: Jones had his arm around Dittrich.

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244 Cruser: Okay. Did – do you recall hearing that either one of them suggest to each
245 other that they would do that to represent the carotid?

246 Marrero: I remember someone making a joke, like ‘oh maybe we should do the ceratoid
247 in it’. And then I remember seeing a picture and then Jo- or Jones when he
248 had his arm over it didn’t look like it at all.

249 Cruser: So who said ‘let’s do it as a carotid’?

250 Marrero: It was one of the boys, I don’t remember in all honesty.

251 Cruser: Do you recall seeing any text messaging back and forth in relationship to the
252 photo, we realize obviously the photo was sent...

253 Marrero: Mm-hm.

254 Cruser: ...was there any actual text message?

255 Marrero: I – I know we had a conversation back and forth but like I said in all honesty I
256 – I don’t remember it.

257 Cruser: Okay so you don’t remember the context of any of the texts back and forth?

258 Marrero: No sir.

259 Cruser: Okay, after it was sent out, do you recall having a conversation with any of
260 those people involved that you named that it went out to, about that photo or
261 how anybody felt about it?

262 Marrero: I remember having a conversation going that we probably shouldn’t be like
263 sending it to Woody because then Woody got named in the – the lawsuit, and
264 so I think it was at that time and then we deleted the photo.

265 Sobieski: Did you tell any Aurora Police supervisors about the photo?

266 Marrero: Not that I recall.

267 Sobieski: What’s the, uh, passcode on your Pixel 3 at home?

268 Marrero: Uh, it was a – like a – a dotted one so like it – it went like – like this. Like
269 that.

270 Sobieski: So this is the far left...

271 Marrero: Mm-hm.

272 Sobieski: ...and that’s the middle and the far right?

273 Marrero: Mm-hm.

274 Sobieski: So just three rows?

275 Marrero: Yeah so you just go up and down.

276 Sobieski: Okay. I’m gonna step out for just a second. You guys need to take a break or
277 anything?

278 Benedict: You all right?

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279 Marrero: I'm okay.

280 Sobieski: Just give us a couple minutes we'll be back.

281 Marrero: Okay.

282 Cruser: Audio's still running.

283 Marrero: Okay.

284

285 Interview pauses at 00:15:33:02

286

287 Benedict: (Unintelligible).

288 Marrero: I feel bad like I just don't remember any of it. (Unintelligible).

289 Benedict: They aren't comfortable are they?

290 Marrero: No, especially when you have glasses.

291 Benedict: They getting all foggy?

292 Marrero: Yeah. (Unintelligible).

293 Benedict: Hmm? Yeah, easier – he's gonna come up here, uh, (unintelligible).

294 Marrero: Okay.

295 Benedict: So, just keep doin' what you're doing and just keep answering truthfully and
296 honestly and – so he's just steppin' out to confer with...

297 Marrero: Yeah.

298 Benedict: All the guys are watchin' so...

299 Marrero: Mm-hm.

300 Benedict: ...um...

301

302 Interview resumes at 00:20:42:06

303

304 Sobieski: Sorry about that. Um, did – did you say you – you talked to Woodyard?

305 Marrero: I – like in the group conversation or...

306 Sobieski: Yeah, after the photo was sent out or any time afterwards that...

307 Marrero: I...

308 Sobieski: ...have you talked to him about the photo?

309 Marrero: We – yeah after it was discussed 'cause we were talking about how then he
310 ended up getting, you know, everything kinda went downhill with everything
311 that happened. And then, um, they were doing, um, I think it was when he got

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312 named in like the lawsuit? Or when all that went on that we were like, you
313 know, we probably shouldn't have this 'cause people are gonna take it the
314 way that – like we saw it. You know 'cause we didn't mean any ill intent or
315 anything like that but I think that the way people would view it would be the
316 wrong way.

317 Sobieski: Did he tell you how he felt when he received the – the – the photo?

318 Marrero: Mm, not that I remember talking to him about that. I think he was just like, li-
319 or I think it was, uh, I think it was Dittrich that was like, 'Yeah, we probably
320 shouldn't' like, talk about that stuff around him', like in any reference to any
321 of it, just 'cause I know he was pretty upset about everything.

322 Sobieski: Okay. Um, where – where do you live?

323 Marrero: Uh, now?

324 Sobieski: I don't need your address, the – what city?

325 Marrero: Uh, I live in [REDACTED] now.

326 Sobieski: Okay. Um, if we can get you to run home and grab your phone and, uh, some
327 kind of charging cable, with your phone...

328 Marrero: Yes. Okay.

329 Crusier: And then just to clarify with you, and I know you've already said willingly
330 that you would do it, but I – just put it on the record so it's advised that either
331 way under 14.1.1, under Lawful Orders, I'm ordering you to get the phone
332 and bring it...

333 Marrero: Okay.

334 Crusier: ...okay?

335 Sobieski: Um, anything else Sarge?

336 Benedict: (Unintelligible).

337 Crusier: Okay.

338 Sobieski: Um...was what happened and – to Elijah McClain was – was that a tragic
339 situation?

340 Marrero: Of course, I don't know anybody who would want someone to die on this job,
341 like our job as officers aren't out there to go ha- harm people it's to help them.

342 Sobieski: What about to his family, you think that it was a tragedy to his family?

343 Marrero: Of course, lo- I'm a mom, like if I lost my kid I'd be devastated. No matter
344 what the circumstance.

345 Sobieski: Um, then you can see how the public might view that photograph.

346 Marrero: Of course.

347 Sobieski: Um, tell me what you want on the last one, I don't understand that one.

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348 Crusier: Um, just steps taken, uh, for education purposes and public engagement and
349 just kind of the, um, going forward with just kind of common – I guess the,
350 uh, um, the educational purposes on a diverse community and, um, if there's
351 any steps being taken there, that she's taken on herself, to participate in.

352 Sobieski: All right. Since this happened are you taking any – any steps to improve your
353 community engagement?

354 Marrero: I've always strived to be someone that's a good community like officer, you
355 know, I'm – I definitely am one that – like you know when peo- we're on
356 calls and people are hyped up, like I try to talk to people, and sit there and go
357 'Hold on, let me explain everything first' because I tell people – if you're able
358 to talk to someone and explain everything that's going on, a lot of times it
359 takes people from here to down here. And so like I – I think I pride myself in
360 the fact that I can calm a lot of people down in situations, and talk – and have
361 a good, um, open line of communication, you know, to – to help like
362 deescalate calls and – and get on someone's level to where they understand
363 what's going on and why we're involved.

364 Sobieski: Okay. Have – have you been back by the memorial since this photo was
365 taken?

366 Marrero: Uh, I've driven past it for calls. I mean I'm area 13 so I get called over to
367 area 12, we've driven past it, I haven't taken any more photos...

368 Sobieski: Any other photos...

369 Marrero: ...I haven't...

370 Sobieski: ...that – stoppin' there?

371 Marrero: No.

372 Sobieski: Okay.

373 Marrero: I mean I've been to like the apartment complexes, the mobile homes over
374 there...

375 Sobieski: Okay.

376 Marrero: ...I haven't stopped, nothing.

377 Sobieski: All right. Um, anything else? Anything else you'd like to say?

378 Marrero: I never intended for this photo to be something that was offensive to anybody,
379 in all honesty it was just meant to – we were all going through really tough
380 time with everything that happened with Woody, and it was – it was taken just
381 to be like a – like 'Hey we're thinking of you', like, 'Hey we ended up in the
382 same spot, it reminded us of you so we turned around and took the photo'.
383 I've never meant to – to harm anybody in the process.

384 Sobieski: Okay. It's, uh, 2159, that'll be the end of this interview.

385 Transcribed by Gail Grady

3. INVESTIGATOR'S SYNOPSIS

1. Officer Jason Rosenblatt was advised that there was an allegation that he received text messages or photographs around March that depicted unprofessional conduct by members of the Aurora Police Department and failed to notify a supervisor. When asked if that occurred and he said, "Yes sir."

He said he received a photo in a text that was taken at night at the memorial for Elijah McClain. He said he recognized the lights on the west side of Billings Street. Officer Rosenblatt said the photo made him uncomfortable because this incident was so fresh in his mind. He said this keeps being brought up and he just wants it to go away. He said he did not stare at the photo nor did he not know what the intentions were of the officers in the photo.

He said there were three officers in the photo, all were in uniform, as he could see their shirts and badges and it was a selfie, but he could not tell who was taking the picture. He was asked three times who sent him the text and he said he did not know and that he honestly does not remember but he thought it was an officer from this department and the phone number started with 720.

When asked who was in the photo he said, "*Romero I think her name is, a female officer, Kyle Dittrich was in the photo I believe and Jaron Jones.*" He said he thought Romero's first name was "*Alisha.*" He said he thought that was her name. Sergeant Crusier asked Officer Rosenblatt to clarify the names as he seemed a bit unsure about Romero. He said he was sure it was Kyle Dittrich and Jaron Jones and he was "*pretty sure*" about Romero. Sergeant Crusier then opened APPS on the computer in the interview room and pulled up Officer Sara Romero, and he said it was not her. Erica Marrero was then pulled up by Sergeant Crusier and Officer Rosenblatt identified her as who was in the photo, not Romero.

Officer Rosenblatt said he replied to the photo with, "*ha ha.*" He was asked what "ha ha" meant to him and he said, "*People that know me know that I have a nervous laugh and I wanted to give something short and concise and not engage in anyway and just let them know and kind of just be done with it.*" He said if you give a short response you sort of close yourself down in the discussion a little bit and hopefully more stuff like this wouldn't come. He thought that the text was only to him and not a group and said he did not forward the photo to anyone. He said he no longer had the photo stating he was not sure at this time if he deleted manually it or if it auto deleted.

Officer Rosenblatt said he did not tell any of his supervisors about the photo stating, "*I, honestly, I was under a lot of stress from this incident and I just wanted it to go away.*"

2. Officer Nathan Woodyard was advised that there was an allegation that he may have been involved in text messages and a photograph depicting unprofessional conduct by members of the Aurora Police Department at the Elijah McClain memorial and that he failed to notify a supervisor. He was asked if he had any information about these allegations and he said, "Yes."

Officer Woodyard said, *"I did receive a photograph several months ago with three people at the memorial."* He estimated that he received this photo as a text in September of 2019. He said he recognized where the photo was taken as he could see the wall of 225 and knew it was taken on Billings Street around the 1900 block. He said the picture was taken at nighttime. He said he did not remember who sent the text but believed it was a member of the Aurora Police Department and his best guess would be it was one of the three in the picture.

Officer Woodyard was asked who was in the photo and he said, *"um Jaron Jones, Kyle Dittrich and Erica Marrero."* He said he has worked with and knows them all and was confident it was them in the photo. He said he no longer has the photo and couldn't be sure if he deleted it or if it auto deleted but it was no longer on his phone.

He said it appeared the photo was a selfie and they were all standing together and it was Kyle, Jaron then Erica and it had to be either Kyle or Erica who was taking the photo. He said they were all in uniform and could be seen from the chest level up and it appeared they were on-duty. He said they were all standing together and he thought Jaron had his arms around Kyle. He said, *"I didn't think they were grieving"* and it looked like they had smiles on their face.

He said the photo made him feel uncomfortable saying, *"um, really the whole incident has made me feel uncomfortable, so being at the memorial and being reminded of that is not something I wanna remember or think about."*

He said he did not respond to the text or forward it to anyone nor did he remember telling anyone else about it. He was told there was an allegation that there was a picture of him at the memorial and was asked if that was true and he said, "No." He said he has never been to the memorial.

When asked if he told a supervisor at the Aurora Police Department about the photo he said, *"I did not."* He paused for quite a few seconds when asked why not and said, *"I couldn't say."*

3. Officer Kyle Dittrich admitted being on-duty and in uniform while taking a selfie photograph with his cell phone at the roadside memorial for Elijah McClain. He felt the photo was taken in September or October of 2019 at approximately at 1:00 a.m. in the 1900 block of Billings Street. He said this was a spur of the moment decision he made as he was walking back to his car after handling an unrelated call and he saw the candles on the side of the road.

He said Officer Jaron Jones and Officer Erica Marrero were with him. Officer Dittrich said, *"I thought it would be, it would cheer everybody up, if we took a selfie, um, we had uh Officer Jaron Jones who just came back to team 30 after he was on a suspension, um, and I just wanted to show Officer Woodyard that we were together, um, in solidarity thinking of him. So, I thought it would be funny if we took a photo there, and uh the three of us took a photo at the scene. It was just a quick, you know one photo, um, we had Officer Jaron Jones put his arm around my head kind of in a half buddy-buddy but also sort of as homage to the carotid control hold."*

He said, *"I realized afterwards that this was in incredibly, to say it was incredibly poor taste is an understatement."* He said he sent the photo to Officer Woodyard hoping that it would *"cheer him up."* He said he talked to Officer Woodyard later and he said Officer Woodyard's response was, *"hey, that's not cool dude."*

Officer Dittrich said he sent the photo to his friends on a chat group which included himself, Jaron Jones, Erica Marrero, Officer Woodyard and possibly Officer [REDACTED]. Officer Dittrich said that he likely would have sent it to Jason Rosenblatt as well for the same reasons he sent it to Officer Woodyard, *"to cheer him up."* He said if the media got the photo it would be disastrous.

Officer Dittrich voluntarily surrendered his cell phone for the purpose of looking for the photograph and was also given an order by IAB Sergeant Chris Crusier. Two photos were in the images folder. One photo shows Officer Dittrich who is smiling and appears to be holding the phone and taking the picture. Officer Jones has his right arm around Officer Dittrich's neck and Officer Erica Marrero next to Officer Jones smiling. In the background is what appears to be the McClain memorial. The top part of Officer Dittrich's badge is visible in the photo as is a portion of the Aurora Police patch on Officer Jones uniform shirt. The second photo shows Officer Dittrich who appears to be holding the phone and taking the picture. Behind him and to his right is Officer Marrero and behind her and to her left is Officer Jones. All three officers are smiling are in uniform. The background is a grassy area between a sidewalk and a brick building. It appears this photo was taken at 1768 Billings Street where the Elijah McClain incident occurred.

4. Officer Jaron Jones was advised that there was an allegation that while he was on duty, he was with other members of the Aurora Police Department when a selfie photo was taken at the memorial for Alijah McClain on Billings Street. He was asked if that occurred and he said, *"It did sir."*

He said, *"Myself and two other officers were in the area on a call and observed the memorial and took a photograph in front of it for the sole purpose to try to cheer up one of the members that was involved in the initial Elijah McClain event."*

When asked who was with him he said, *"Officer Kyle Dittrich and Officer Erica Marrero."* He said he could not remember if the idea to go take a selfie was something that just came up while they were on the call or if it was something they planned earlier.

Officer Jones said he was on duty and in uniform when the photo was taken but did not remember what the call was or the date the photo was taken and guessed it was four months ago.

He said to his recollection it was Officer Dittrich that took the photo and that one photo was taken. When asked what everyone was doing in the photo, Officer Jones said, *"uh the memorial was behind us, Officer Dittrich had his, uh, I don't remember which arm, but he had his arm outstretched taking a selfie photo. Erica, Officer Marrero was standing, I believe, to our left and I had my arm around Officer Dittrich's neck."* Officer Jones was asked to describe his arm around Officer Dittrich's neck and was asked if he was simulating the Carotid and he said, *"I believe that to be accurate sir."* When asked whose idea the simulated Carotid was Officer Jones said, *"It was mine sir."*

Officer Jones said he received the photo on his phone and said it was sent on a group text which included himself, Officer Woodyard, Officer Dittrich, Officer Marrero and maybe [REDACTED]. He said he never saved the photo to his phone nor did he share it with anyone and did not know if anyone else did. He thought there was some response to the photo from Officer Woodyard but could not remember what that was.

When asked what the public would think about the photo, Jones said in his opinion, *"I believe the public will be, uh, appalled by the photo."* Officer Jones said, *"I realize, um, like you had discussed sir, if the public found out about this and how this is perceived and uh it was not my intention at all to cause harm to any involved parties, my sole intention was to help a brother out, whether I used correct judgment or not is on me."*

5. Officer Erica Marrero was told the reason she was in internal affairs was because a complaint had been received by the chief's office alleging that while she was on duty, she was involved with other members of the Aurora Police Department in taking a selfie photograph at the memorial of Elijah McClain. Officer Marrero was asked if that had happened and she said, "Yes sir."

She remembered responding to a call in the area and when they came out they realized this was where "Woody" had his incident. She could not remember when the photo was taken other than it was cold and in 2019. Officer Marrero said, *"We were like so why don't we take a picture and we will send it to him just like a hey look where we are, like thinking of you kind of thing. I didn't have any ill intent towards it I honestly don't even remember any other conversation that we had."*

Officer Marrero said she was on duty and in uniform when this occurred and she was with Officer Dittrich and Officer Jones. Officer Marrero said she did not remember whose idea it was to take the picture. She said, *"I might have suggested it. I didn't think of it as a big thing because I didn't mean any ill intent by it so I was like let's just send him a hey were thinking of you kind of thing."* When asked who took the picture Officer Marrero said, *"It was either me or Kyle Dittrich, I can't remember."*

When asked to describe the picture Officer Marrero stated, *"I remember, I think we took two, one was of like the grassy area and the building and we took it and then I think at that point we were like oh he is not going to recognize where it was and then we saw like the lights of the memorial and so we turned around and we had it in like the far distant, and we took it and I remember I think it was me and then Dittrich and Jones and I think I was leaning in like this smiling and then Dittrich or Jones had his arm over Kyle like this and we were like all smiling."* She said, *"I remember someone making a joke like oh maybe we should do the Carotid in it and I remember seeing the picture and then Jones and Jones when he had his arm over it didn't look like it at all."* She did not remember who suggested doing the Carotid but said it was one of the boys.

Officer Marrero was asked what would the general public think of the photo and she said, *"In light of everything, I don't think it would be a good thing."*

At the end of the interview Officer Marrero said, *"I never intended for this photo to be something that was offensive to anybody, in all honesty it was just meant to, we were all going through a really tough times with everything that happened with Woody and it was taken to be just like a hey were thinking of you, like, and we ended up in the same spot and it reminded us of you so we turned around and took the photo. I never meant to harm anyone in the process."*

6. Officer [REDACTED] was advised that there were allegations that she may have received photographs involving members of the department at the Elijah McClain memorial on Billings. When asked if that had occurred [REDACTED] said, "No I don't recall receiving anything like that."

[REDACTED] was asked if she was ever part of a chat group/text group that would have contained Officer's Dittrich, Jones, Marrero and Woodyard. She said she currently was part of a chat group containing those officers but was not part of the group back in August or September of 2019. She said those officers were all on team 30 and she did not join that chat group until after she bid that team in November or December.

[REDACTED] said she was on the call the night of the Elijah McClain incident but was not involved in the taking of any photos and has not visited the memorial.

She said she was never made aware of a photo by anyone until this IA investigation.

Date the photos were taken:

A Burglary call for service was located on October 20, 2019 at the Sage Creek Apartments at 1768 Billings Street, #211. The CAD report (2019-359774) shows Officer's Jones, Dittrich and Marrero were dispatched to the call.

Officer Jones, working car 312, cleared the call at 01:35:29 a.m. Officer's Dittrich and Marrero were a two-officer car working car 313. They cleared the call at 01:35:54 a.m.

The location of the Elijah McClain incident was at the Sage Creek Apartments at 1768 Billings Street. It occurred on August 25, 2019.

Officer Kyle Dittrich stated one photo was taken in September or October of 2019 at approximately 1:00 a.m. in the 1900 block of Billings Street at the Elijah McClain memorial. He said it was taken after handling an unrelated call in the area with Officers Jones and Marrero.

Officer Jaron Jones said one photo was taken at the Elijah McClain memorial on Billings Street after he and Officer's Dittrich and Marrero handled a call in that area. He did not remember what the call was or the date the photo was taken and guessed it was four months ago.

Officer Erica Marrero said she remembered two photos being taken with one containing the grassy area and the building in the background and the second containing the memorial. She could not remember when the photo was taken other than it was in 2019 and it was cold. She said the photo was taken after herself, Officer Dittrich and Officer Jones responded to a call in that area.

Cell phone download and searching:

IAB Lieutenant Carlson called all the subject member officers and requested they respond to the IAB to be interviewed in reference to a complaint involving text messages. Lieutenant Carlson requested that they bring the cell phones each had around September of 2019. Lieutenant Carlson emailed each subject member an IAB Memo with the allegation of 14.2.1 Conduct Unbecoming. The subject members were each issued more specific NOI's prior to being interviewed. Each subject member had an Observer and reviewed the Directives stated in the memorandum prior to being interviewed.

All subject officers (except for [REDACTED] who was not requested after saying she did not receive the text/photo) voluntarily surrendered their cell phones for the purpose of downloading and searching for photographs or text related to this allegation.

After Officer Rosenblatt's interview, his Rep., Officer Joe Cornell, requested that a lawful order be given for the surrender of Rosenblatt's cell phone. This request was granted by Lieutenant Carlson and was done on video in the interview room.

For continuity, all subject members were then given lawful orders to surrender their cell phones for searching for the photos by Sergeant Cruser at the end of each interview.

The subject officers all maintained custody of their cell phones and took them individually to Agent Del Matticks at Headquarters and the phones were downloaded. The phones were then returned. Individually labeled thumb drives were supplied by Agent Matticks to Internal Affairs containing the data for each officer's phone.

Officer Dittrich said that he took one photo with the memorial in the background. Officer Jones remembered one photo being taken at the memorial as well.

Officer Marrero thought she might have taken the photos. She remembered two photos being taken with one containing the grassy area and the building in the background and the second containing the memorial lights in the background.

Officer Dittrich's phone images were searched first. The two described photos were located in the images file. There were 2638 images.

One photograph shows Officer Dittrich who is smiling and appears to be holding the phone and taking the picture. Officer Jones has his right arm around Officer Dittrich's neck and Officer Erica Marrero next to Officer Jones smiling. In the background is a street and across the street is a wall which appears to be the McClain memorial. The top part of Officer Dittrich's badge is visible in the photo as is a portion of the Aurora Police patch on Officer Jones uniform shirt.

The details page for the photo taken of the memorial shows it was taken on October 20, 2019 at 01:22:07 a.m. then modified on 10/20/19 at 01:44:18 a.m. (MST).

The second photo shows Officer Dittrich who appears to be holding the phone and taking the picture. Behind him and to his right is Officer Marrero and behind her and to her left is Officer Jones. All three officers are smiling. Officer Dittrich's badge is clearly visible and all three are in uniform. The officers appear to be standing in a grassy area between a sidewalk and a brick building. It appears this photo was taken at or near where the Elijah McClain incident occurred.

The details page for the photo taken of the grassy/building area does not show when it was taken but does show it was modified on 10/20/2019 at 01:42.14 a.m. (MST).

Officer Marrero's phone images were searched next. No photos related to this incident were located.

It was determined since Officer Dittrich and Officer Marrero stated they took the photos their images would be searched first and if the images were located none of the remaining Officer's phone images would be searched.

Since Officer Rosenblatt said he replied with a text after he received the photo his texts were searched. No texts related to this incident were observed.

The allegation against all subject officers is 14.2.1 Conduct Unbecoming.

14.2.1 Conduct Unbecoming

Members will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Unprofessional conduct and irresponsibility will include that which brings the Department into direct disrepute, publicly or amongst its members, reflects direct discredit upon the member, or impairs the operation or efficiency of the Department or member.

4. SPECIFICATIONS OF CHARGES AND FINDINGS

14.2.1 Conduct Unbecoming

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Officer Kyle Dittrich #314456

SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] COLESON
IAB Commander Signature

SUSTAINED
Chief's Review Board Finding

6/30/2020
Date

[Signature]
Deputy Chief Signature

Chief's Review Board Recommendation(s):

TERMINATION

Brady Disclosure – consists of exculpatory or impeaching information and evidence that is material to the guilt or innocence or to the punishment of a defendant.

CRS 24-33.5-114 - required whenever an officer has a sustained finding for a misrepresentation in (1) any testimony or affidavit related to the arrest or prosecution of a person or (2) during the course of any IA.

HB-1119 - created standard for access to records on completed IA investigations. Applies to specific incidents of an officer's on-duty or in-uniform conduct involving contact with the public.

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Officer Jaron Jones #314466

SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

CARLSON
IAB Commander Signature

SUSTAINED
Chief's Review Board Finding

6/30/2020
Date

Deputy Chief Signature

Chief's Review Board Recommendation(s):

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Officer Erica Marrero #315829

SUSTAINED IAB Commander's Recommended Finding 4/30/20 Date

[Signature] IAB Commander Signature

SUSTAINED Chief's Review Board Finding 6/30/2020 Date

[Signature] Deputy Chief Signature

Chief's Review Board Recommendation(s):

TERMINATION

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Officer [Redacted]

UNFOUNDED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] CARLSON
IAB Commander Signature

UNFOUNDED
Chief's Review Board Finding

6/30/2020
Date

[Signature]
Deputy Chief Signature

Chief's Review Board Recommendation(s):

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Officer Jason Rosenblatt #315112

NOT SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] CARLSON
IAB Commander Signature

SUSTAINED
Chief's Review Board Finding

6/30/2020
Date

[Signature]
Deputy Chief Signature

Chief's Review Board Recommendation(s):

TERMINATION

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Officer Nathan Woodyard #314452

NOT SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature]
IAB Commander Signature

NOT SUSTAINED
Chief's Review Board Finding

6/30/2020
Date

[Signature]
Deputy Chief Signature

Chief's Review Board Recommendation(s):

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Officer Kyle Dittrich #314456

SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] CARLSON
IAB Commander Signature

Chief's Review Board Finding

Date

Deputy Chief Signature

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Officer Jaron Jones #314466

SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] CARLSON
IAB Commander Signature

Chief's Review Board Finding

Date

Deputy Chief Signature

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Officer Erica Marrero #315829

SUSTAINED
IAB Commander's Recommended Finding

4/30/20
Date

[Signature]
IAB Commander Signature

Chief's Review Board Finding

Date

Deputy Chief Signature

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Officer [REDACTED]

UNFOUNDED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] CARLSON
IAB Commander Signature

Chief's Review Board Finding

Date

Deputy Chief Signature

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Officer Jason Rosenblatt #315112

NOT SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] CARLSON
IAB Commander Signature

Chief's Review Board Finding

Date

Deputy Chief Signature

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Officer Nathan Woodyard #314452

NOT SUSTAINED
IAB Commander's Recommended Finding

6/30/20
Date

[Signature] COLLISON
IAB Commander Signature

Chief's Review Board Finding

Date

Deputy Chief Signature

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5. SUMMARY OF DISCIPLINE

IAB Case #20-25

Officer Kyle Dittrich #314456
Officer Erica Marrero #315829
Officer Jason Rosenblatt #315112
Officer Nathan Woodyard #314452

No prior discipline
No prior discipline
No prior discipline
No prior discipline

Officer Jaron Jones #311466

<u>Date</u>	<u>Violation</u>	<u>Discipline</u>
12/05/2019	14.1.5 Conformance to Law	Suspension: 160 hours

Officer [REDACTED]

<u>Date</u>	<u>Violation</u>	<u>Discipline</u>
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]



Aurora Police Department



City of Aurora

Office of the Chief of Police
Disciplinary Order

Worth Discovering • AuroraGov.org

Date: December 4, 2019
To: Officer Jaron Jones #314466
From: Paul O'Keefe, Acting Chief of Police
Re: IA Case #19-21

Please be advised that I have reviewed in its entirety IAB Case #19-21. In making my determination, I make the following findings and orders:

1. FINDINGS OF FACT: I adopt as my findings of fact the Summary of Evidence prepared by the Internal Affairs Bureau.
2. DISCIPLINARY ORDER: Taking into account all of the above, it is my determination that you are suspended without pay for 160 hours. The date and time of the suspension shall be in accordance with Addendum "A" attached to this Order.
3. NOTICE OF RIGHT TO APPEAL: You have the RIGHT TO APPEAL this Order within ten (10) business days from the service of the order to file an appeal of the disciplinary order in writing with the Civil Service Commission as is more fully set out in the Home Rule Charter of the City of Aurora.

By Order of:


Paul O'Keefe
Acting Chief of Police

PFO/djc

APPROVED AS TO FORM:


Office of the City Attorney


12/5/2019
Date

Received by this Office of the City Manager on 5 DECEMBER, 2019, at 3 o'clock p.m.

ORDER:

Approved X, Disapproved _____, Modified as follows:

On 5 DECEMBER, 2019, at 6 o'clock p.m.


Jason Batchelor
Deputy City Manager

ACKNOWLEDGMENT OF SERVICE

I, Jaron Jones, hereby certify that I received a true and correct copy of the above Disciplinary Order on the 10 day of December, 2019, at 1500 a.m./p.m.


(Signature)

CERTIFICATE OF PERSONAL SERVICE

The undersigned hereby certifies that on the 10 day of December, 2019, I hand delivered a true and correct copy of the above Disciplinary Order to Jaron Jones.


Signature of Person Affecting Service

ADDENDUM "A"

It is agreed that Officer Jones will serve the 160-hour suspension as noted below:

Officer Jones will serve 120 hours as outlined below and the remaining 40 hours will be held in abeyance for two (2) years from the date of this order and will be imposed for any sustained violation resulting in discipline greater than a Written Reprimand.

<i>December 14, 2019</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>December 18, 2019</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>December 28, 2019</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 4, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 11, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 18, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 24, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>January 25, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 1, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 8, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 12, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>
<i>February 22, 2020</i>	<i>2200-0800</i>	<i>10 Hours</i>

TOTAL HOURS: 160 Hours

SUSPENSION LEAVE WITHOUT PAY

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Jaron Jones #314466

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On May 5, 2019, you were off-duty and driving your personal vehicle when you were stopped by an Adams County Sheriff's Deputy for squealing your tires at an intersection after leaving the Grizzly Rose bar at 5450 N Valley Highway in unincorporated Adams County. After noticing signs of intoxication, the Deputy subsequently arrested you for DUI. You did not submit to a breath or blood test as required by the Colorado Express Consent Law. You were charged with DUI and Speed Exhibition. Your DOR hearing was dismissed due to the deputy failing to appear for the hearing. You subsequently pled guilty to Driving While Ability Impaired on August 12, 2019. The charges of DUI and Speed Exhibition were dismissed by the court. You admitted during your Internal Affairs interview that you had consumed an unknown amount of alcohol prior to driving that night.

The Chief's Review Board has recommended to the Chief of Police a finding of **SUSTAINED** for violation of Aurora Police Department Directive:

14.1.5 Conformance to Law.

The Chief's Review Board recommended a finding of **NOT SUSTAINED** for the allegation that you violated Aurora Police Department Directive:

14.2.1 Conduct Unbecoming.

You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.

CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer Kyle Dittrich #314456
IAB CASE #20-25

I acknowledge receipt of true and correct copies of:

1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:

1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
4. To submit a written statement to the Chief of Police or designee within three (3) business days after the pre-disciplinary hearing. I may submit the written statement whether or not I made an oral statement.
5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
6. To appeal the Disciplinary Order to the Civil Service Commission within ten (10) business days from service of the Order on me, provided I follow the requirements set forth in Sec. 3-16(8)(e) of the City Charter, as amended November 6, 1987, for such appeal.
7. To a review by an Independent Review Board, as defined in APD Directive 10.11 Independent Review Board. The IRB panel will provide a recommendation of disciplinary action to the Chief of Police, which will be used for consideration in determining final discipline.
8. You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.



Member Signature

Date

6/30/20

Time

11:35


Witnessed By

CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer Erica Marrero #315829
IAB CASE #20-25

I acknowledge receipt of true and correct copies of:

1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:

1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
4. To submit a written statement to the Chief of Police or designee within three (3) business days after the pre-disciplinary hearing. I may submit the written statement whether or not I made an oral statement.
5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
6. To appeal the Disciplinary Order to the Civil Service Commission within ten (10) business days from service of the Order on me, provided I follow the requirements set forth in Sec. 3-16(8)(e) of the City Charter, as amended November 6, 1987, for such appeal.
7. To a review by an Independent Review Board, as defined in APD Directive 10.11 Independent Review Board. The IRB panel will provide a recommendation of disciplinary action to the Chief of Police, which will be used for consideration in determining final discipline.
8. You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.



Member Signature

June 30, 2020

Date

11:18

Time



Witnessed By

CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer Jason Rosenblatt #315112
IAB CASE #20-25

I acknowledge receipt of true and correct copies of:

1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:

1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
4. To submit a written statement to the Chief of Police or designee within three (3) business days after the pre-disciplinary hearing. I may submit the written statement whether or not I made an oral statement.
5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
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7. To a review by an Independent Review Board, as defined in APD Directive 10.11 Independent Review Board. The IRB panel will provide a recommendation of disciplinary action to the Chief of Police, which will be used for consideration in determining final discipline.
8. You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.



Member Signature

Date

06/30/20

Time

11:48


Witnessed By

CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer Jaron Jones #314466

IAB CASE #20-25

I acknowledge receipt of true and correct copies of:

1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:

1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
4. To submit a written statement to the Chief of Police or designee within three (3) business days after the pre-disciplinary hearing. I may submit the written statement whether or not I made an oral statement.
5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
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7. To a review by an Independent Review Board, as defined in APD Directive 10.11 Independent Review Board. The IRB panel will provide a recommendation of disciplinary action to the Chief of Police, which will be used for consideration in determining final discipline.
8. You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.

Member Signature

Date

Time

Witnessed By

CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer _____

IAB CASE #20-25

I acknowledge receipt of true and correct copies of:

1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:

1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
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5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
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7. To a review by an Independent Review Board, as defined in APD Directive 10.11 Independent Review Board. The IRB panel will provide a recommendation of disciplinary action to the Chief of Police, which will be used for consideration in determining final discipline.
8. You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.

Member Signature

Date

Time

Witnessed By

CIVIL SERVICE ACKNOWLEDGMENT

(APPLIES ONLY IF DISCIPLINE EXCEEDS WRITTEN REPRIMAND)

Officer Nathan Woodyard #314452
IAB CASE #20-25

I acknowledge receipt of true and correct copies of:

1. The Specification of Charges against me.
2. The Summary of Evidence supporting those charges.
3. The summary of my disciplinary history.

I further acknowledge that I have been given an opportunity to review those documents and am familiar with them.

I realize I have the following rights:

1. To a pre-disciplinary hearing with the Chief of Police or designee.
2. To make a statement in response to the charges at the pre-disciplinary hearing.
3. To have this statement transcribed and included in the file.
4. To submit a written statement to the Chief of Police or designee within three (3) business days after the pre-disciplinary hearing. I may submit the written statement whether or not I made an oral statement.
5. To an automatic review by the City Manager or designee who may approve, modify, or disapprove the terms of the Order if it involves a monetary impact greater than one-third (1/3) of my monthly salary.
6. To appeal the Disciplinary Order to the Civil Service Commission within ten (10) business days from service of the Order on me, provided I follow the requirements set forth in Sec. 3-16(8)(e) of the City Charter, as amended November 6, 1987, for such appeal.
7. To a review by an Independent Review Board, as defined in APD Directive 10.11 Independent Review Board. The IRB panel will provide a recommendation of disciplinary action to the Chief of Police, which will be used for consideration in determining final discipline.
8. You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.

Member Signature

Date

Time

Witnessed By

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Jason Rosenblatt #315112

MEMBER OF THE AURORA CIVIL
SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

YOU HAVE THREE (3) DAYS FROM THE DATE OF THE PRE-DISCIPLINARY HEARING TO REQUEST AN IRB.

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Jaron Jones #314466

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

YOU HAVE THREE (3) DAYS FROM THE DATE OF THE PRE-DISCIPLINARY HEARING TO REQUEST AN IRB.

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Erica Marrero #315829

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

YOU HAVE THREE (3) DAYS FROM THE DATE OF THE PRE-DISCIPLINARY HEARING TO REQUEST AN IRB.

8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Kyle Dittrich #314456

MEMBER OF THE AURORA CIVIL
SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows:

On October 20, 2019, Officers Kyle Dittrich, Erica Marrero, and Jaron Jones were on-duty and had just completed a call for service in the 1700 block of N. Billings St. These members were involved in the taking of a selfie photograph at the memorial for Elijah McClain. The photo was taken by Officer Dittrich. All three officers are in the picture and Officer Jones is putting his arm around the neck of Officer Dittrich.

This photo was then shared by Officer Dittrich separately via text message to two officers. One officer received and had no response to the photo. Officer Jason Rosenblatt responded with "HaHa." It was believed that a third officer may have received the photo, but the investigation revealed this officer had no involvement in the incident.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

14.2.1 Conduct Unbecoming

YOU HAVE THREE (3) DAYS FROM THE DATE OF THE PRE-DISCIPLINARY HEARING TO REQUEST AN IRB.



Office of the Chief of Police
Memorandum
CONFIDENTIAL

Date: June 30, 2020
To: Officer Nathan Woodyard #314452
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

You are hereby notified that the investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board is as follows:

14.2.1 Conduct Unbecoming
Finding: **Not Sustained**

Because you were not sustained on any alleged violation of directive, this investigation is concluded and is considered closed.

Should you have any questions, please contact the Chief's Office at 303-739-6016.



**Office of the Chief of Police
Memorandum**

CONFIDENTIAL

Date: June 30, 2020

To: Officer [REDACTED]

From: Deputy Chief Harry Glidden


Re: IA Case #20-25

You are hereby notified that the investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board is as follows:

14.2.1 Conduct Unbecoming
Finding: **Unfounded**

Because you were not sustained on any alleged violation of directive, this investigation is concluded and is considered closed.

Should you have any questions, please contact the Chief's Office at 303-739-6016.

OK




**Office of the Chief of Police
Memorandum**

CONFIDENTIAL

Date: June 30, 2020
To: Officer Kyle Dittrich #314456
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

14.2.1 Conduct Unbecoming
Finding: **Sustained**

The Chief's Review Board has recommended **termination** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for June 30, 2020. The Pre-Disciplinary Hearing will take place in the Chief's Office.

Next Steps

- An Independent Review Board (IRB) **IS NOT** required in this case.
 - If an IRB is *not* required, the member may make a written request for an IRB at the Pre-Disciplinary Hearing or within three (3) business days after the Pre-Disciplinary Hearing.
 - The process for the IRB is governed by Directive 10.11.
- Notwithstanding whether an IRB is convened or not, the member may submit a written statement to the Chief within three (3) business days after the Pre-Disciplinary Hearing.
- At the expiration of the three (3) business day period, or after the conclusion of any IRB convened, the Chief may impose discipline pursuant to the City Charter. Depending on the level of discipline, the City Manager or his designee may be required to approve the Discipline Order.
- The Chief (or designee) will conduct a Final Disciplinary Meeting with the member and any other person the Chief (or designee) requires to be at the Final Disciplinary Meeting. At that meeting, the member will be given a copy of the written Discipline Order or, if no discipline is to be imposed, will be informed of the Chief's decision.
- Fines, suspensions, reimbursements, demotions or dismissals arising from disciplinary action are subject to appeal as stated in Directive 10.5. Written Reprimands are not appealable.
- You are encouraged to review Directives 10.02, 10.05, 10.11, and Charter 3-16(8).

****Please note, DM 10.2.16 prohibits the involved members from being armed during all disciplinary hearings with the Chief of Police or designee. Members should either come to the meeting unarmed or be prepared to turn over all weapons for safe-keeping during the meeting.**

Should you have any questions, please contact the Chief's Office at 303-739-6016.



Office of the Chief of Police Memorandum

CONFIDENTIAL

Date: June 30, 2020
To: Officer Erica Marrero #315829
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

14.2.1 Conduct Unbecoming
Finding: **Sustained**

The Chief's Review Board has recommended **termination** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for June 30, 2020. The Pre-Disciplinary Hearing will take place in the Chief's Office.

Next Steps

- An Independent Review Board (IRB) **IS NOT** required in this case.
 - If an IRB is *not* required, the member may make a written request for an IRB at the Pre-Disciplinary Hearing or within three (3) business days after the Pre-Disciplinary Hearing.
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- You are encouraged to review Directives 10.02, 10.05, 10.11, and Charter 3-16(8).

****Please note, DM 10.2.16 prohibits the involved members from being armed during all disciplinary hearings with the Chief of Police or designee. Members should either come to the meeting unarmed or be prepared to turn over all weapons for safe-keeping during the meeting.**

Should you have any questions, please contact the Chief's Office at 303-739-6016.



Office of the Chief of Police Memorandum

CONFIDENTIAL

Date: June 30, 2020
To: Officer Jason Rosenblatt #315112
From: Deputy Chief Harry Glidden
Re: IA Case #20-25

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

14.2.1 Conduct Unbecoming
Finding: **Sustained**

The Chief's Review Board has recommended **termination** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for June 30, 2020. The Pre-Disciplinary Hearing will take place in the Chief's Office.

Next Steps

- An Independent Review Board (IRB) **IS NOT** required in this case.
 - If an IRB is *not* required, the member may make a written request for an IRB at the Pre-Disciplinary Hearing or within three (3) business days after the Pre-Disciplinary Hearing.
 - The process for the IRB is governed by Directive 10.11.
- Notwithstanding whether an IRB is convened or not, the member may submit a written statement to the Chief within three (3) business days after the Pre-Disciplinary Hearing.
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- Fines, suspensions, reimbursements, demotions or dismissals arising from disciplinary action are subject to appeal as stated in Directive 10.5. Written Reprimands are not appealable.
- You are encouraged to review Directives 10.02, 10.05, 10.11, and Charter 3-16(8).

****Please note, DM 10.2.16 prohibits the involved members from being armed during all disciplinary hearings with the Chief of Police or designee. Members should either come to the meeting unarmed or be prepared to turn over all weapons for safe-keeping during the meeting.**

Should you have any questions, please contact the Chief's Office at 303-739-6016.

Marrero Letter of Defense

IA 20-25

Chiefs Review Board,

First, I want to state unequivocally that I accept full responsibility for my actions in this case. My actions were unprofessional and have tarnished the profession I love, the department and the community in which I so proudly serve. This letter is not a defense of what I did, but rather an attempt for me to give you on the CRB some context as to why I made the poor decision I made.

Having said that I would like to take a moment to explain what happened on the night in question. That night myself and other Officers responded to a call for service in the area which Elijah McClain's memorial and incident were at. Upon clearing the call and beginning to leave the area we noticed the area we were in. Due to a dear friend and teammate being involved in the incident the area, the memorial made us think of him. Knowing the mental and physical toll the incident was taking on him we wanted to send him a picture telling him we were thinking of him. For me, being in this area just made me miss him more, which is why I took part in the photo.

The first picture was taken in a grassy area which you could not tell where we were at. We thought a picture sent without anything recognizable about the area would be pointless and it was decided to take another picture with an area which was more recognizable so he could understand what prompted us to send him the "We were thinking of you" picture. I know from an outside perspective the photo is something which people may find as disrespectful, but I want you to know in no way, shape, or form was that the intention of it. I know the gesture in the picture appears to be in disrespect toward Elijah but, for myself, that was not the intent of the photo being taken and it was merely that "We were thinking of you." Having said that, I realize in hindsight that the photographs that were sent are in poor taste and that they can impact the public's perception of law enforcement and the trust they have in us negatively. For that I cannot begin to apologize enough.

As a police officer I take pride in serving my community. For me this is more than a job. It's a passion. Prior to this I worked in special education and while I enjoyed that work immensely, I truly feel that this is my calling. I feel like this passion has shown in my work ethic, in my reputation within the department and in how I go about interacting with the public. I'm ashamed of my part in this incident and I take full responsibility in my involvement in it.

I would ask that you consider the work I have done for the department and the community over the last two years when considering appropriate punishment. I've assisted in the Broken Heart Operation, OP-Jon, and apprehended two violent suspects (one who had just committed a drive by shooting and one who feloniously menaced a citizen in Aurora) not to mention the daily calls for service during which I had countless contacts with the community where I have utilized my de-escalation

abilities to great effect; to include a recent interaction with a subject who was in mental crisis after being involved in recent protests in Denver. I was able to talk to and de-escalate the situation to get him the help he needed. I would just ask that the board look at the hard work and effort I've put into my career with the Department when considering appropriate punishment.

Respectfully,

Officer Erica Marrero

A handwritten signature in black ink, appearing to be 'Erica Marrero', written in a cursive style.

MEMORANDUM



To: Chiefs Review Board, through Lt. Carlson

From: Officer Kyle Dittrich 314456

Subject: IAB Case 20-25

Date: 06/29/2020

Dear Chief's Review Board,

In September of last year, I saw my friend hurting and wanted to cheer him up for a brief moment. I regret my actions during this incident, but mostly I regret the hurt I brought about by doing what I did. If I could change things, I never would have taken that photo. I realized only too late that what I was doing was wrong, and could not have imagined the impact that photo could have today. The world of law enforcement has changed significantly since the death of George Floyd in Minneapolis.

I have been with the Aurora Police Department for just over three and a half years. In that time, I have garnered positive performance evaluations and received a handful of commendations, all of which I am sure you have already reviewed in my file. The real barometer of my performance is that I have always done my very best to serve my community and make Aurora safer every day. I can assure you the incident in question was the exception, not the norm.

I have been forthcoming and cooperated fully during this investigation because I believe part of the reform the world needs right now is officers who will admit to their wrongdoing and acknowledge the error of their ways when they are called out. I take full responsibility for this event, and I am falling on my metaphorical sword asking for the chance to be part of that reform. I promise that if given the opportunity, I will spend the rest of my career making up for this mistake.

Respectfully,
Kyle Dittrich

A handwritten signature in cursive script that reads "Kyle Dittrich". The signature is written in black ink and is positioned below the typed name.



Aurora Police Department



City of Aurora

**Office of the Chief of Police
Memorandum**

Worth Discovering • AuroraGov.org

Date: July 3, 2020
To: File
From: Vanessa Wilson, Interim Chief of Police
Re: IAB Case #20-25

Discipline arising from IAB Case #20-25 was not imposed due to the resignation of Officer Jaron Jones, effective June 30, 2020. Had he not resigned, and based on the information in the file, I would have upheld the Chief's Review Board recommendation of Sustained findings.

Vanessa Wilson
Interim Chief of Police

07-03-20

Date

MEMORANDUM

TO: Interim Chief Vanessa Wilson

FROM: Officer Jaron Jones

SUBJECT: Letter of Resignation

Dear Interim Chief Wilson,

I have made the difficult decision to resign my position as an Officer with the Aurora Police Department, for personal reasons, effective June 30th 2020.

It has been an honor and privilege to work alongside the men and women of the Aurora Police Department. I am proud of the work we have done and value and appreciate the opportunity to serve this community.

Respectfully,

Jaron Jones



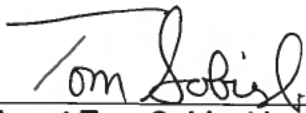
06/30/2020

0800

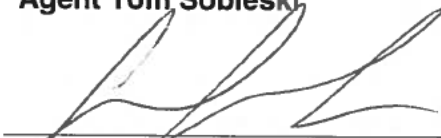
Signatures only, no recommendations

IAB #20-25
Officer Kyle Dittrich #314456
Officer Jaron Jones #314466
Officer Erica Marrero #315829
Officer [REDACTED]
Officer Jason Rosenblatt #315112
Officer Nathan Woodyard #314452


IAB INVESTIGATOR


Agent Tom Sobieski 6/30/20
Date

IAB DEPUTY COMMANDER


Lieutenant Cassidee Carlson 6/30/20
Date

IAB COMMANDER

 (FOR MARCUS DUDLEY) 6/30/20
Commander Marcus Dudley Date

LEGAL ADVISOR

Nancy Rodgers Date

DISTRICT 2 COMMANDER

Commander Jim Puscian Date

OPERATIONS DIVISION CHIEF

Division Chief Darin Parker Date

DEPUTY CHIEF OF POLICE

Deputy Chief Harry Glidden Date

CHIEF OF POLICE

Interim Chief Vanessa Wilson Date