



## Police Department

810 East Tenth Street, Suite 100 • Loveland, CO 80537  
(970) 667-2151 • Fax (970) 962-2916 • TDD (970) 663-5144  
[www.cityofloveland.org](http://www.cityofloveland.org)

### **Initial Complaint**

On April 15, 2021, Assist Chief Butler placed Officer Austin Hopp on Administrative Leave due to serious allegations against him involving use of force, conduct unbecoming and failure to provide medical assistance. As a result, Chief Ticer authorized an Internal Affairs investigation into the matter. The investigation is focused on Case 2020-4373 in the arrest of Karen Garner. The Internal Affairs Investigation falls under LPD Policy 5.05 for serious allegations.

The allegations are being investigated under current Loveland Police Department Policies and City of Loveland Administrative Regulations:

#### **Loveland Police Department Policy 11.04 Use of force**

Allegations include:

The unreasonableness of use of force to effect an arrest and failure to provide appropriate medical aid.

#### **Loveland Police Department Policy 11.35 Interaction with Persons Suspected of Suffering from Mental Illness and Emergency Commitments**

Allegations include:

Lack of recognition of a person suffering from mental illness and failure to use general deescalating strategies.

#### **Loveland Police Department Policy 1.03 Ethics**

Allegations include:

Act that brings discredit to the department

#### **Loveland Police Department Policy 3.01 Code of Conduct**

Allegations include:

Professional conduct in violation of the Mission and Values of the Loveland Police Department, and failing to treat persons with respect, courtesy, and professionalism.

#### **City of Loveland Administrative Regulation AR-00012 #24**

Allegations include:

Unsatisfactory work performance, and improper decisions.





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### **Notifications**

On April 15, 2021, Officer Hopp was served notice of the allegations and was placed on administrative leave.

### **Documents**

Hopp Notification  
Body cam recordings  
Jensen Hughes Report  
Notifications to Officer Hopp  
Notifications to CSO Blackett  
Notifications to CSO Jalali  
CIRT Investigation

### **Investigation**

On April 14, 2021, Chief Ticer ordered an internal investigation to be opened against Officer Hopp after reviewing a video where an elderly female officer was hurt during an arrest. Chief Ticer contacted the District Attorney's Office and a CIRT investigation was started on April 19, 2021.

On April 19, 2021, Officer Daria Jalali was placed on administrative leave due to her being involved in a critical incident.

On April 19, 2021, Community Service Officer (CSO) Tyler Blackett was placed on administrative leave due to him being involved in a critical incident.

On April 19, 2021, Master Sergeant Phil Metzler was placed on administrative leave due to him being involved in a critical incident.

A CIRT investigation was initiated with Fort Collins Police Services as lead. The IA investigation was suspended. When the investigation was completed, Officers Hopp and Jalali were charged with criminal charges.



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I was informed by Chief Ticer that the City of Loveland was hiring an outside agency to handle the internal investigation in order to be impartial to the case. I was instructed not to be part of the investigation except to provide documents that would be needed. CSO Blackett, Officer Jalali and Officer Hopp resigned their positions with the Loveland Police Department on April 30, 2021.

Jensen Hughes started their investigation. Jensen Hughes completed their investigation on September 3, 2021. Their investigation was to cover “certain actions of the Loveland Police Department personnel related to the use of force incident involving Karen Garner.” Their investigation only covered officers still employed by LPD.

Ex-CSO Blackett, and Ex-Officers Jalali and Hopp were never interviewed as part of the CIRT or the IA.

### **Executive Summary**

#### Initial Complaint:

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

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

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

At approximately 4:36 p.m., Officer Austin Hopp located the suspected shoplifter, Karen



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

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

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

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

Blackett transported Garner to LCDC.

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



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minutes.

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

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

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

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

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

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

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





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report, “It’s unknown when the shoulder injury was caused due to the length of her struggle against officers as well as her continuously try to escape her restraints in booking.”

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

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

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

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

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

### **Reports**

According to Officer Hopp’s report, he gave Garner several loud, verbal commands to stop. Garner began to violently pull away from him and tried to get away from him. He “placed” her on the ground. When he had her stand to be placed in the car, Garner continued to “violently pulled away.” Officer Hopp wrote in his report that he placed her against his car to “maintain physical control.”

There is nothing in his report about any injury to her shoulder.

In Officer Hopp’s Blue Team report, it was similar to injury report except that he added that the nurse at the jail suspected a shoulder injury. There is no markings in the Blue Team report showing a possible shoulder injury.



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Officer Hopp shows the reason for failure to provide medical treatment by explaining how he offered medical to Garner but she did not accept or ask for medical.

A review of the booking video, shows CSO Blackett, Officers Hopp and Jalali reviewing the body cam on Hopp's phone. According to the booking video, they watched the part of the video where Garner's shoulder "popped." It appears in the booking video that the officers were aware of the injury and did not provide medical attention or reported the injury on reports.

On June 26, 2020, Garner was diagnosed with fracture of the surgical neck of the humerus, a mild anterior displacement of the humeral shaft by UCHHealth. If the injury had been reported or identified sooner, the injury would have qualified for a CIRT notification.

### **Conclusion**

On October 14, 2022, I turned this case investigation summary over to Interim Chief Stewart.



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