

Police Department

810 East Tenth Street, Suite 100 • Loveland, CO 80537
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Intradepartmental Memorandum

To: Bryan Bartnes, Professional Standards Sergeant
From: Eric Stewart, Interim Police Chief
Ref: Internal Affairs 2022-06 Findings
Date: October 18, 2022

The purpose of this memorandum is to provide my findings concerning Internal Affairs (IA) investigation #2021-03, which involved Officer Austin Hopp, Officer Daria Jalali, and Community Service Officer Tyler Blackett;

Officer Hopp Findings:

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Hopp violated LPD Policy 11.04 is **SUSTAINED**.

LPD Policy 11.04 states in part:

Department officers are authorized to exercise the use of force in an objectively reasonable manner, and in a way that does not violate civil rights guaranteed by our Constitution and applicable law to control a situation, effect an arrest, overcome resistance to arrest, or defend and protect themselves or others from harm...

Unreasonable use of force may subject the Department and the City to liability and may also subject the officer to personal civil or criminal liability.

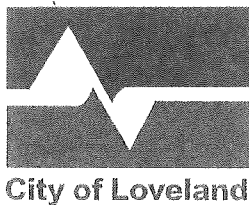
Officer Hopp's use of force against Karen Garner during her arrest was unreasonable and excessive. I must note Officer Hopp resigned from the Loveland Police Department and faced criminal charges concerning this incident. Officer Hopp pled guilty to second-degree assault in Larimer County Court and received a five-year prison sentence and three years parole for his actions.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Hopp violated LPD Policy 11.35 is **SUSTAINED**.



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LPD Policy 11.35 states in part:

Department members are not expected to act as mental health clinicians, make diagnoses, or provide medical or psychiatric advice, but they should be aware of commonly encountered behaviors associated with mental disorders.... When encountering a person exhibiting signs or symptoms that may indicate the person is suffering from a mental illness, enforcement personnel should attempt to establish a sincere relationship with the individual, while maintaining the safety and security of all persons involved throughout the encounter.

Officer Hopp failed to recognize signs and symptoms Ms. Garner demonstrated that indicated Ms. Garner may be suffering from neurocognitive disorders such as delirium, dementia, or Alzheimer's disease. Additionally, Officer Hopp made no attempt to establish a sincere relationship with Ms. Garner, while maintaining the safety and security of all persons, including Ms. Garner, throughout the encounter.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Hopp violated LPD Policy 1.03 is **SUSTAINED**.

LPD Policy 1.03 states in part:

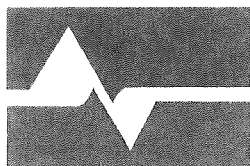
A sworn employee will never use unnecessary force or violence and will use only such force in the discharge of duty as is reasonable and appropriate in each circumstance. Force should be used only when negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every law enforcement employee will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.... Employees will not engage in acts that bring discredit to the Department nor will any employee condone such acts by other individuals. Employees of the Department are held to a higher standard by the citizens we serve.

Officer Hopp used unnecessary, unreasonable, and inappropriate force against Ms. Garner. It is clear Officer Hopp knew Ms. Garner sustained a shoulder injury as evidenced by the LPD booking area video, which captured Officer Hopp showing his body-worn camera (BWC) video to Officer Jalali and CSO Blackett (in the booking area) and pointing out on the BWC video the point where there was an audible sound, i.e., a "pop" of Ms. Garner's shoulder. I must note that



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Officer Hopp failed to report and properly document the use of force in his Blue Team report and in his offense report.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Hopp violated LPD Policy 3.01 is **SUSTAINED**.

LPD Policy 3.01 states in part:

Department employees will not engage or participate in any conduct that could reflect negatively on the Department, result in unfavorable criticism of the employee or the Department.... Employees will not depart from the truth in connection with any official duties, except as necessary to perform an undercover assignment or while conducting a criminal investigation.

Officer Hopp's conduct and actions reflected negatively on the Department and resulted in unfavorable criticism of the Department. Additionally, Officer Hopp departed from the truth when he failed to properly document (i.e., omitted from the Blue Team and offense report) the use of force against Ms. Garner.

After reviewing documents contained within the IA and LPD Policies, and City Administrative Regulations (AR), I find the allegation that Officer Hopp violated Loveland AR-00012 #24 (unsatisfactory work performance and improper decisions) is **SUSTAINED**.

Officer Hopp's actions demonstrate unsatisfactory work performance and improper decision making.

Officer Jalali Findings:

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Jalali violated LPD Policy 11.04 is **SUSTAINED**.

LPD Policy 11.04 states in part:

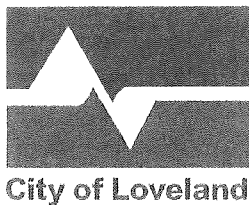
Department officers are authorized to exercise the use of force in an objectively reasonable manner, and in a way that does not violate civil rights guaranteed by our Constitution and applicable law to control a situation, effect an arrest, overcome resistance to arrest, or defend and protect themselves or others from harm...

Unreasonable use of force may subject the Department and the City to liability and may also subject the officer to personal civil or criminal liability.... Officers who witness a



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use of physical force, from any law enforcement member, which exceeds the degree of physical force permitted pursuant to CRS § 18-1-707 or CRS § 18-1-704 must notify any sworn supervisor as soon as reasonably possible and complete a report.... Officers have an affirmative duty under the law to intervene, regardless of the chain of command, if they witness any law enforcement member using excessive force.

Officer Hopp's and Officer Jalali's use of force against Karen Garner during her arrest was unreasonable and excessive. Additionally, Officer Jalali failed to report the use of force. I must note Officer Jalali resigned from the Loveland Police Department and faced criminal charges concerning this incident. Officer Jalali pled guilty in Larimer County Court to failure to intervene in the use of excessive force and received a 45-day jail sentence and three years of probation for her actions.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Jalali violated LPD Policy 11.35 is **SUSTAINED**.

LPD Policy 11.35 states in part:

Department members are not expected to act as mental health clinicians, make diagnoses, or provide medical or psychiatric advice, but they should be aware of commonly encountered behaviors associated with mental disorders.... When encountering a person exhibiting signs or symptoms that may indicate the person is suffering from a mental illness, enforcement personnel should attempt to establish a sincere relationship with the individual, while maintaining the safety and security of all persons involved throughout the encounter.

Officer Jalali, upon arriving to Officer Hopp's location and assisting Officer Hopp with the arrest of Ms. Garner, failed to recognize signs and symptoms Ms. Garner demonstrated that indicated Ms. Garner may be suffering from neurocognitive disorders such as delirium, dementia, or Alzheimer's disease. Additionally, Officer Jalali made no attempt to establish a sincere relationship with the Ms. Garner, while maintaining the safety and security of all persons, including Ms. Garner, involved throughout the encounter.

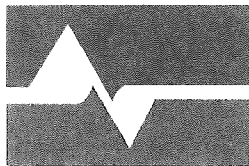
After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Jalali violated LPD Policy 1.03 is **SUSTAINED**.

LPD Policy 1.03 states in part:



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A sworn employee will never use unnecessary force or violence and will use only such force in the discharge of duty as is reasonable and appropriate in each circumstance. Force should be used only when negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every law enforcement employee will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.... Employees will not engage in acts that bring discredit to the Department nor will any employee condone such acts by other individuals. Employees of the Department are held to a higher standard by the citizens we serve.

Officer Jalali, in assisting Officer Hopp, used unnecessary, unreasonable, and inappropriate force against Ms. Garner. It is clear Officer Jalali knew Ms. Garner sustained a shoulder injury as evidenced by the LPD booking area video, which captured Officer Hopp showing his BWC video to Officer Jalali and CSO Blackett (in the booking area) and pointing out on the BWC video the point where there was an audible sound, i.e., a “pop” of Ms. Garner’s shoulder. I must note that Officer Jalali failed properly document the use of force in a Blue Team report and in her supplemental offense report.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that Officer Jalali violated LPD Policy 3.01 is **SUSTAINED**.

LPD Policy 3.01 states in part:

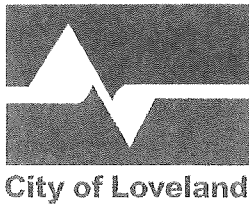
Department employees will not engage or participate in any conduct that could reflect negatively on the Department, result in unfavorable criticism of the employee or the Department.... Employees will not depart from the truth in connection with any official duties, except as necessary to perform an undercover assignment or while conducting a criminal investigation.

Officer Jalali’s conduct and actions reflected negatively on the Department and resulted in unfavorable criticism of the Department. Additionally, Officer Jalali departed from the truth when she failed to properly document the use of force (i.e., failed to report the use force to a supervisor and omitted the use of force documenting Ms. Garner’s shoulder injury in Officer Jalali’s supplemental offense report) against Ms. Garner.



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After reviewing documents contained within the IA and LPD Policies, and City Administrative Regulations (AR), I find the allegation that Officer Jalali violated Loveland AR-00012 #24 (unsatisfactory work performance and improper decisions) is **SUSTAINED**.

Officer Jalali's actions demonstrate unsatisfactory work performance and improper decision making.

Community Service Officer (CSO) Tyler Blackett findings:

After reviewing documents contained within the IA and LPD Policies, I find the allegation that CSO Blackett violated LPD Policy 11.04 is **SUSTAINED**.

LPD Policy 11.04 states in part:

Any time a person has visible injuries or complains of being injured as a result of force used against him/her by an officer, the officer must take appropriate actions to provide medical care for the injured person. The provisions may include first aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility.... Officers who witness a use of physical force, from any law enforcement member, which exceeds the degree of physical force permitted pursuant to CRS § 18-1-707 or CRS § 18-1-704 must notify any sworn supervisor as soon as reasonably possible and complete a report.... Officers have an affirmative duty under the law to intervene, regardless of the chain of command, if they witness any law enforcement member using excessive force.

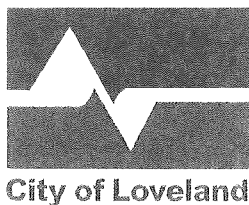
CSO Blackett did not participate in and was not present during the use of force against Ms. Garner. That stated, CSO Blackett was present in the LPD detention facility/booking area when Ms. Garner complained of shoulder pain 13 times. Additionally, it is clear CSO Blackett knew Ms. Garner sustained a shoulder injury as evidenced by the LPD booking area video, which captured Officer Hopp showing his BWC video to Officer Jalali and CSO Blackett (in the booking area) and pointing out on the BWC the point where there was an audible sound, i.e., a "pop" of Ms. Garner's shoulder. CSO Blackett, seeing Officer Hopp's BWC video and hearing Ms. Garner complain of shoulder pain, failed to provide medical care to Ms. Garner. I must note CSO Blackett resigned from the Loveland Police Department after this incident.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that CSO Blackett violated LPD Policy 11.35 is **SUSTAINED**.



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LPD Policy 11.35 states in part:

Department members are not expected to act as mental health clinicians, make diagnoses, or provide medical or psychiatric advice, but they should be aware of commonly encountered behaviors associated with mental disorders.... When encountering a person exhibiting signs or symptoms that may indicate the person is suffering from a mental illness, enforcement personnel should attempt to establish a sincere relationship with the individual, while maintaining the safety and security of all persons involved throughout the encounter.

CSO Blackett failed to recognize signs and symptoms Ms. Garner demonstrated that indicated Ms. Garner may be suffering from neurocognitive disorders, such as delirium, dementia, or Alzheimer's disease.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that CSO Blackett violated LPD Policy 1.03 is **SUSTAINED**.

LPD Policy 1.03 states in part:

This department's mission is the safety and protection of the citizens it serves. The public expects professional and courteous service. The image employees present, both during working hours and nonworking hours, serves as a tool for the public to measure the level of professionalism of the Department. Employees will not engage in acts that bring discredit to the Department nor will any employee condone such acts by other individuals. Employees of the Department are held to a higher standard by the citizens we serve.

CSO Blackett's failure to render aid to Ms. Garner, failure to report Ms. Garner's numerous complaints of pain to a supervisor, and CSO Blackett's failure to recognize Ms. Garner may be suffering from neurocognitive disorders demonstrate a violation of this policy.

After reviewing documents contained within the IA and LPD Policies, I find the allegation that CSO Blackett violated LPD Policy 3.01 is **SUSTAINED**.

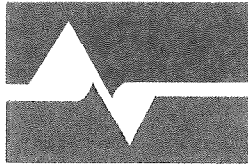
LPD Policy 3.01 states in part:

Department employees will not engage or participate in any conduct that could reflect negatively on the Department, result in unfavorable criticism of the employee or the Department.... Department employees will conduct themselves in accordance with the



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Department Mission and Values and in a manner that fosters collaboration and cooperation among employees of this agency in their dealings with one another, other agencies and the public showing respect, courtesy, and professionalism.

CSO Blackett's conduct and actions reflected negatively on the Department and resulted in unfavorable criticism of the Department.

After reviewing documents contained within the IA and LPD Policies, and City Administrative Regulations (AR), I find the allegation that CSO Blackett violated Loveland AR-00012 #24 (unsatisfactory work performance and improper decisions) is **SUSTAINED**.

CSO Blackett's actions demonstrate unsatisfactory work performance and improper decision making.

Discipline Recommendations:

As previously stated, Officer Hopp, Officer Jalali, and CSO Blackett resigned from the Department prior to the completion of this IA investigation. As such, the department cannot impose discipline. I must again note that Officer Hopp and Officer Jalali faced criminal charges and pled guilty. I opine, had Officers Hopp and Jalali, and CSO Blackett not resigned, they would have faced termination.



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