CONFIDENTIAL

Colorado Department of Corrections
Office of the Inspector General

Case #: CR 2014001887
Investigator: WOLD, ALEX
CDOC Inspector General Offense Report

Title: ASSAULT
ON INMATE

From 09/10/2014 10:20 :

Location: Centennial Correctional Facility (E US Highway 50 Evans Blvd, CANON CITY 81212)

Connecting Case(s): PS2014001893

Case Synopsis
On 09/11/2014 @ 08:35 hours this Investigator 'Alex Wold' received a telephone call from Centennial Correctional Facility (CCF) / Colorado State Penitentiary (CSP) Warden Travis Trani in which he requested a review of a use of force (UOF) on an offender at CCF. Warden Trani advised me that he had observed the UOF video and it was the worst case of excessive force he had seen in his career. Warden Trani indicated that the UOF involved a Officer Anthony Martinez on 09/10/14 at CCF in which an offender was injured requiring stitches to his head. Warden Trani indicated he was going to put the officer out on leave pending investigation and review by the Office of Inspector General's (OIG). Warden Trani indicated he would have Major Frank Ortiz bring the reports and video of the incident to the OIG office for my review.

On 09/25/14 this Investigator along with UOF Expert for the OIG Investigator Richard Wren viewed the SPRITE video of incident and read the reports surrounding the incident. We agreed and determined the UOF was excessive and a criminal assault on offender Shawn Lovett #145050 by Officer Anthony Martinez causing injury to the offender a criminal investigation was initiated.

Investigators Assigned

Lead Investigator: WOLD, ALEX (601)  
Supp. Investigator:

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### CDOC Inspector General Offense Report

**Involved Person(s)**

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**Investigators Assigned**

- Lead Investigator: **WOLD, ALEX (601)**
- Supp. Investigator: (500)
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**CDOC Inspector General Offense Report**

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### Investigators Assigned

**Lead Investigator:** WOLD, ALEX (601)  
**Supp. Investigator:** (500)
Case Investigation Predication:

On 09/11/2014 @ 08:35 hours this Investigator 'Alex Wold' received a telephone call from Centennial Correctional Facility (CCF)/Colorado State Penitentiary (CSP) Warden Travis Trani in which he requested a review of a use of force (UOF) on an offender at CCF. Warden Trani advised me that he had observed the UOF video and it was the worst case of excessive force he had seen in his career. Warden Trani indicated that the UOF involved a Officer Anthony Martinez on 09/10/14 at CCF in which an offender was injured requiring stitches to his head. Warden Trani indicated he was going to put the officer out on leave pending investigation and review by the Office of Inspector General's (OIG). Warden Trani indicated he would have Major Frank Ortiz bring the reports and video of the incident to the OIG office for my review.

On 09/25/14 this Investigator along with UOF Expert for the OIG, Investigator Richard Wren, viewed the SPRITE video of incident and read the reports surrounding the incident. We agreed and determined the UOF was excessive and a criminal assault on offender Shawn Lovett # 145050 by Officer Anthony Martinez causing injury to the offender a criminal investigation was initiated.

Upon viewing the CCF SPRITE video it's apparent that during the course of the incident offender Lovett was being prepared for escort to another location by officers Anthony Martinez and Officer Shannon Proud in the CCF Intake area. Offender Lovett is brought out of the cell in which he was in first by having his hands restrained with handcuffs behind his back while still in the cell by Officer Martinez. Offender Lovett is brought from the cell placed against the wall door frame by Officer Martinez and leg restraints (leg irons) are applied by Officer Martinez, first to the right leg it's secured. Then Martinez is seen placing the leg restraints on offender Lovett's left leg by having Lovett pickup his left leg. The leg restraint are applied to the left leg, Lovett continues to hold his leg/foot up while Martinez is appearing to be in the process of double locking the left leg restraint (which is confirmed in the officer's reports). Then suddenly it's seen that Officer Martinez grabs the leg restraints by the chain that runs between the two leg cuffs. Martinez then violently jerks the leg iron's chain upward to Martinez's chest area and outward jerking offender Lovett completely off his feet. Then Officer Martinez is seen tossing Shawn Lovett head first to the cement floor and off to Martinez's right side. Lovett comes to rest face down flat on the floor. During this time offender Lovett appears to be compliant with the officer directives, lifting his leg and making no aggressive moves. Lovett is seen standing with his head facing the wall away from Officer Martinez at the time he is still holding his left leg up while Martinez is attempting to double lock the leg cuff. When offender Lovett was thrown to the floor he was fully restrained hands cuffed behind his back and the leg irons applied to both legs he was defenseless with no means to catch himself.

Note: The SPRITE video of this UOF incident is attached within this file within G-Drive Exhibit: Twenty Two in G-Drive folder.

A second CCF video that Sergeant Sandy Valentine took with a handheld video camera was shot after Lovett was thrown to the floor by Officer Martinez. Sergeant Valentine was inside the Intake Office and heard the commotion and responded to area with a hand held video camera and started to video record the incide
Supplement

nt after the take down. Sergeant Valentine's recording shows offender Lovett lying face down on the cement floor with Officer Martinez on his back and Officer Proud at his waist and upper leg area. Offender Lovett is heard moaning and he does not appear to be fully conscious at this time, he is bleeding profusely from head injuries. This video documents the injuries to offender Lovett's forehead two cuts gashes to the left side of Lovett's head above his left eye brow area. Sergeant Valentine asks did he kick you guys. Apparently Officer Proud could be heard to say he tried to kick him (Martinez). Sergeant Valentine is heard yelling commands at Lovett of stop fighting, Lovett stop resisting (as her UOF training would have told her to do). However Lovett appears to be incapable of responding, he was not being aggressively resistant toward the officers. Lovett's movements appears to be spontaneous, reflex reaction- responses; twitching of the legs and hands caused by his injury not intentional movement. At one point Officer Proud is heard telling Lovett stop resisting and slaps at Lovett's hands at another point. Lovett's hands are restrained with his hands pointing outward from each other with very limited movement not a threat. Officer Proud is seen in this video removing the leg irons from Lovett's legs and tossing the leg irons a side.

Note: Sergeant Valentine's video recording are attached within case file in G-drive as Exhibit: Twenty two in the G-Drive folder.

This Investigator found that due to the violent nature of the take down with the fact that offender Shawn Lovett was defenseless, unable to protect himself or catch himself when being thrown to the floor. There is probable cause to believe that offender Lovett could have sustained serious bodily injury. Offender Lovett is seen landing on his head on the cement floor sustaining serious cuts to his head. There was substantial risk that offender Shawn Lovett could have sustained life threatening injuries in the form of a broken neck or a closed head injury. Officer Anthony Martinez's used the leg iron's chain attached to offender's legs as a "weapon" to pull offender Shawn Lovett off his feet. Officer Martinez knowingly and recklessly with malicious negligence did cause serious injury to offender Shawn Lovett. Officer Martinez's conduct violated a number of of CDOC and CCF policies and procedures regarding Use of Force and escorting of offenders.

Investigation:

This Investigator in comparing the officer's official incident reports with the videos found inconsistent discrepancies which discredit the officer's statements as to what had occurred during this incident.

Note: The CCF UOF incident reports dated 09/10/2014 are attached within this case file in Exhibit One.

Review of Officers written incident reports:

Upon reviewing Officer Anthony Martinez's report # 746744 of 09/10/2014 concerning the UOF with offender Shawn Lovett, Officer Martinez wrote;

"I told Lovett to keep his left leg up so that I could double lock the leg restraints. Lovett aggressively kicked back towards me striking my right hand/wrist. I gained control of Lovett left ankle, and placed him on the ground in an attempt to gain compliance. Once on the ground the offender continued to grab my arm/hands. I immediately moved towards his head as he continued to grab me and kick officer Proud. " Martinez ended his report by stat

Investigators Assigned

Lead Investigator: WOLD, ALEX (601)  Supp. Investigator: (500)
ing he received injury to his right hand. I am not seeking medical attention at this time.

Upon viewing the SPRITE video captured at the time of the incident; this investigator never observed that offender Lovett after picking up his left leg/foot put it down prior to be thrown to the ground. There was no evidence seen that Lovett aggressively kicked at Officer Martinez with his left leg/foot prior to being thrown to the ground by Martinez. It would be noted that Officer Martinez did not just place Lovett on the ground. It is seen that Martinez is grabbing the leg iron chain not Lovett's left leg as stated in the report, to take him down. The video shows that offender Lovett did not kick at Martinez and Martinez's right hand is observed away from left foot not where it could have been kicked. Then Martinez is observed with both hands yanking the leg iron chain violently upwards and to his right side pulling Lovett completely off his feet. Both leg iron shackles were attached to both legs at the time. Offender Lovett is pulled violently upwards high enough that when he comes down it's head first in to the floor. Martinez contends that after being placed on the ground that Lovett continued to grab at his arms and hands this is not observed on the video. Martinez wrote Lovett continued to grab me and kick Officer Proud, this statement is not verified by the SPRITE video evidence either.

Officer Martinez ended his report by writing that he received an injury to his right hand/wrist during the incident; a first report of injury was completed. I'm not seeking medical attention at this time. It would be noted that Warden Travis Trani reported that Anthony Martinez did not seek or make a workmen's comp claim and go to CCOM for medical attention until after being told by Warden Trani he was being place on administrative leave on September 11th.

This Investigator found probable cause to believe that Officer Anthony Martinez made a false police report concerning this incident and by documenting a official CDOC CCF report that alleged he was assaulted by offender Shawn Lovett. These allegations initiated and caused offender Shawn Lovett to have disciplinary sanctions taken against him by CDOC CCF through administrative actions. During the incident Anthony Martinez violated the Staff Code of Conduct and CDOC UOF policies and procedures. It would be noted that Officer Anthony Martinez filed a false workmen's comp claim for injury sustained through this incident due to the fact that his injury may have been caused by his own misconduct and actions.

**Note:** Copies of Officer Anthony Martinez's workman's comp claim and medical release are attached within this case file in **Exhibit Seven and Eight**.

Upon reviewing Officer Shannon Proud's incident report regarding the UOF on 09/10/2014 it was found that he wrote: "Offender Lovett's body language was animated by jerking his head and cussing at myself and Officer Martinez. Offender Lovett was taken to the ground by Officer Martinez. Once on the ground offender Lovett was increasingly agitated and began to kick his legs. I restrained offender Lovett's legs in an attempt to gain control while giving verbal directions to stop resisting. At this point I noticed the right leg restraint would not close and lock up so I applied a new set of leg restraints."

In reviewing the video is does not appear that Lovett he is very animated jerking his head. Instead it is seen that he stands with his head against the wall door frame with minimal head or body movement while Officer Martinez applied the leg restraints. Officer Proud states offender
Supplement

Lovett was taken down to the ground by Martinez and does not indicate how this actually occurred. Officer Proud related that Lovett became increasingly agitated once on the ground kicking his legs. The video shows that Lovett is laying face down moaning pretty much incapacitated. His movement are more of a spontaneous reflex movement of his legs and not intentional nor is aggressive kicking seen.

Comparing Officer Shannon Proud's report to the SPRITE video would indicate that Officer Proud's report of this incident does not fit with the video evidence. Officer Shannon Proud's credibility is questionable. It appears that he attempted to minimize the events of the situation or report the actual events when he writes; Offender Lovett was taken to the ground by Officer Martinez. Officer Shannon Proud fails to report this incident as an excessive use of force by Officer Anthony Martinez as required by CRS 18-8-803 and CDOC Code of Conduct 1450-1.

Upon reviewing the report written by Sergeant Sandy Valentine it appears that she was in the Intake Office on the phone when she heard the commotion and came out of the office. She then writes "I came out of the office and saw Officer Martinez and Officer Proud trying to gain compliance with offender Lovett #145050 on the intake floor. Offender Lovett was kicking Officer Proud while he applied the leg restraints and tried to grab Officer Martinez while in restraints."

The video shot by Sergeant Valentine with a handheld camera does not verify what she had written. There is no video evidence of offender Lovett kicking Officer Proud or trying to grab Officer Martinez as her report states. It would be noted that Sergeant Valentine did not witness Martinez taking Lovett to the ground only what happen after the fact.

It would be noted that Shift Commander Capt. Ronald Ortiz wrote a report as well but, he only summarizes what it written in the reports of the previously mentioned Sergeant and officer's reports. Capt. Ortiz was not present when the UOF occurred. However, he did note that Anthony Martinez did not seek medical attention but, a first report of injury was made.

**Investigation report continues in Supplement Two within this report.**
Supplement

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<td>Supplement Two Interviews victim and witnesses.</td>
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**Interview Victim Shawn Lovett #145050:**

**Date:** 09/26/2014  **Time:** 11:00 AM  
**Location:** CCF Administrative area.

**Investigators Alex Wold and Investigator Danny Lake.**

On 09/26/14 @ 11:00 AM, this Investigator along with Investigator Danny Lake conducted an interview with the victim in this case offender Shawn Lovett #145050 at CCF. I identified myself and Investigator Lake as being Investigators from the Inspector General's Office and that I wanted to talk to him about a incident that occurred on 09/10/2014 in the CCF intake area. I advised Lovett that he was being viewed as a victim of an assault that had occurred on that day. I asked if he would be willing to speak with us about what had happened to him. I also asked if he would be willing to testify in court should the case be accepted by the District Attorney’s Office. Offender Lovett at this time indicated he would speak to us and said he wanted to press charges. I advised him that I would be recording our conversation and he voiced no objection to the recording. The following is a brief non-verbatim, may not be chronological but a factual summary of his statements to us. For full details of the conversation please listen to the audio recording within this case file as **Exhibit: Two.**

Lovett said he didn't recall anything after the officer told him to lift his left leg up to double lock the leg irons.

Lovett stated that he had been in the observation cell in the intake area on a Mental Health watch due to his own request to be placed on Mental Health watch. He had been having issues coping with the situations in life the loss of a brother that were going on. He had been in over night on a Mental Health hold and he talked to a Mental Health Lady that morning and it was agreed that he would be taken off the Mental Health watch so he was waiting in the cell to be taken back to his regular pod.

Lovett advised us that he has had a history of run ins with Officer Proud where they have exchanged words between them but, nothing physical or threatening had occurred. While waiting to be brought out he seen Proud take his snack from a desk and walk off with it. Lovett said he yelled at Proud and asked what he was doing with his snack. Proud didn’t respond back to him and kept walking away. This made him angry so he started kicking the cell door and yelling because Proud had ignored him. Lovett stated that he calmed down when the Mental Health lady spoke to him and calmed him down.

Lovett stated that when two officers came to cell to take him out of the cell the officers had smirks on their faces and he suspected they were up to something. Lovett claimed he told the two officers that he was on high security level and needed three officers and someone with camera while being escorted. They told him if he wanted to go they needed to do it now.

Lovett stated that he (Officer Martinez) handcuffed him through the tray slot in the door before bringing him out. Lovett said that Proud was standing by the computer said something to him and he told Proud don’t talk to me. The last thing he remembered after that was waking up in medical. Lovett said he and Officer Proud were not on good terms so they have verbal exchanges.

Lovett said he didn't know what had happened, he didn't do anything to provoke him. He remembered the

**Investigators Assigned**

| Lead Investigator: WOLD, ALEX (601) | Supp. Investigator: (500) |

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officer putting the handcuffs on bringing him out of the cell. The officer had put on one leg shackle on one leg then he remembers nothing about what happened after that.

Lovett indicated that he was brought out of the cell he was faced to the wall and he was leaning against the wall. The officer put the shackle on his right leg then the left leg. Officer Martinez told him he had to double lock it to keep his foot up. Lovett said he wasn't resisting and, didn't pull away from the officer. Lovett said if I had done anything wrong, provoked it or done anything to warrant it then he might have deserved it. I didn't do anything wrong.

Lovett advised that he woke up in medical he was bleeding from his head with a big knot on his forehead. He had problems with his vision and it's still blurry messed up. Lovett said he had not had issues with his vision before this incident.

Lovett admitted to having assaulted officers before spitting on them for which he caught a street charge and he had pinched another officer once getting a assault case. If he had done like that then he would have deserved it.

Investigator Lake asked Lovett if he had called the officers Mother Fuckers and told them if the cuffs were off you would get them. Lovett denied that he had said that.

Interview ended at 11:35 AM.

Note: Report continued in Supplement Three:
On 09/29/2014 @ 10:21 AM this Investigator Alex Wold along with Investigator Danny Lake conducted an interview with Sergeant (Sgt.) Sandy Valentine at CCF. I first advised Sergeant Valentine that we were investigating a UOF incident that had occurred on 09/10/2014 which involved offender Lovett #14050 and officers Anthony Martinez and Shannon Proud. I advised the Sergeant we had viewed the videos including the one she had filmed and read the incident reports and wanted her to tell us in her own words what occurred on that day. I advised Sergeant Valentine that I was going to audio record our conversation and she voice no objection. Sergeant Valentine said she was aware of the incident with offender Lovett on that day but she had not seen how it started that day. She was in the Intake Office and heard a commotion out in Intake and came out. The following are brief summaries of Sergeant Valentine’s statement to investigators, they are not verbatim and may not be chronological but are factual. Please listen to the recorded interview for full details attached within this case file as Exhibit Four.

Sgt. Valentine said at the time it started she was in the Intake Office on the phone talking to Shift Commander Captain Ortiz about moving offender Lovett from the observation cell where he had been on a mental health watch back to his cell. She heard a commotion and knew something was going on in Intake area outside the office. She dropped the phone went outside and round the corner and observed Officer Martinez and Proud wrestling with Lovett on the ground. So she grabbed a camera and started to film what was going on.

Sgt. Valentine indicated that she observed Lovett at the time kicking Proud moving his legs back and forth. Proud was trying to put leg restraints back on him and he was moving his feet. Officer Proud gave her a broken pair of leg restraints and she gave him another pair to put on him. Sgt. valentine had no idea what happened to the broken leg restraints that day.

Sgt. Valentine stated that Lovett was handcuffed behind his back was trying to grab what ever he could with the cuffs on. They were holding him (Lovett) down when she seen a pool of blood coming out from under Lovett’s head. Officer Proud asked for First Responders and First Responders and ERT Team responded to Intake to help.

Sgt. Valentine as she was filming the incident she told them (officers) to get off of Lovett to roll him over to his side or sit him up. They put him in a wheel chair and took him to medical.

Sgt. Valentine verified that she did not see what had occurred prior to her coming out of the Intake office.

This Investigator explained to Sgt. Valentine that I and Investigator Lake had seen the SPRITE Video and video she had taken and I told her what our estimation/perception of events that occurred from the video were. I told her that it was observed that offender Lovett was lying on the ground moaning does not appear to be conscious at the time. Our view of videos was that Lovett was not violently thrashing around nor did we see him trying to grab anyone.
Sgt. Valentine responded by saying you didn't oh, I did, I did I saw him grab at something I can't say what his. He might

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have just been moving his hands. All I can do is write what I saw. I know he was putting up a fight with his feet Proud couldn't get him under control. I saw him move his feet several times.

I asked was the movement intentional or because he may have been injured? Sgt. Valentine responded I don't know when an offender is hurting or not I only know what I saw. I knew he wasn't cooperating.

Sgt. Valentine allowed that she had not seen the videos to include the one she took of the incident.

I asked could Lovett's movements been due to the fact he was injured? Sgt. Valentine, I can't tell you that it's possible I only know what I saw. I didn't see him thrashing around but, he resisted his feet being cuffed. Sgt. Valentine did state she didn't think the Lovett's movement was violent.

Sgt. Valentine confirmed that leg restraints taken off of Lovett by Proud and replaced were broken. She didn't know what had happened to them after the incident.

Sgt. Valentine advised she didn't know if a three person escort was required for Lovett she didn't think so. At the time she didn't see that Lovett was being a threat. She has known Lovett for some time and has dealt with him before. He has acted out on frequent basis in the past. She wasn't aware if he had been acting out that day prior to this incident.

Sgt. Valentine was asked if Lovett's had his lunch there that day. She stated she was not sure but, she thought they were going to give him his lunch it was there and we gave it to him later.

Sgt. Valentine was asked if her report was factual as written. She stated yes that it was.

Interview ended at 10:37 AM.
Interviews Officer Witnesses:

Officer Shannon Proud.

Date: 0/926/14 Time: 11:50 AM.

Location: CCF Training Room Office.

Investigators: Alex Wold & Investigator Danny Lake.

On 09/26/2014 @ 11:50 AM this Investigator 'Alex Wold' along with Investigator Danny Lake conducted an interview with CCF Officer Shannon Proud in the CCF the Training Room Office. I first identified myself and Investigator Lake to Officer Proud as Investigators with the Inspector General's Office. I advised Proud that this concerned a criminal investigation surrounding a Use of Force (UOF) incident on September 10, 2014 at CCF at around 10:20 involving offender Lovett, himself and Officer Anthony Martinez. Officer Proud acknowledged that he remembered the incident and he knew who Officer Martinez was and who offender Lovett was he had dealt with Lovett before then. I advised Proud that he was being interviewed as witness concerning this incident and I would like for him to tell us in his own words what happened. I advised him that I had read the reports on the incident and had viewed the video clips of the incident. I advised Proud that I would be audio recording our conversation and Officer Proud voiced no objection to this. Officer Proud then made the following statement to us: The following is a brief summary of his statements not intended to be verbatim, or may not be in chronological order but all are factual statements. For full details of this conversation please listen to Exhibit: Three: audio recording of interview of 09/26/14 within this case file.

Officer Proud was in the CCF Intake area and offender Lovett was coming off a Mental Health watch and Officer Proud along with Officer Martinez were removing Lovett from the observation cell to return him to his cell house. Lovett was agitated at the time and didn't want to be taken off Mental Health watch. Officer Martinez was helping to escort Lovett back to his Cell House.

Proud indicated that they passed Lovett his clothing, had him get dressed and directed him to cuff up through the door tray slot. Proud explained the process; that the offender is handcuffed prior to coming out behind his back through the cell door tray slot. Lovett at this time was being compliant with directives they opened the door he was told to backed out of the cell and he did so. At this time Lovett had on his shower shoes. Martinez asked Lovett to raise his right leg to put the leg restraints applied to his right leg. Lovett was running his mouth; told them you guys are lucky I have these cuffs on or I'd fuck you, I'd kick your ass you're lucky I am restrained.

Proud allowed that when they are in the process of putting leg restraints on an offender we have hands on them. My attention was focused on the offender's head and upper shoulder area. I was watching Lovett's facial area because he was agitated. Lovett was moving and jerking his head around back and forth. Next thing I knew he (Lovett) was on the ground. Officer Proud did not remember prior to Lovett going down that Officer Martinez giving any verbal commands to quiet down or saying anything to Lovett.

Officer Proud stated that once on ground is when the verbal commands started. Stop resisting, stop resisting. At that time he went to Lovett's legs to control them. One of the cuffs was on the right leg but, the left leg had malfunctioned and wouldn't lock. So he took them off and slid them aside. Proud said he applied
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the leg restraints he had to Lovett's legs to secure his legs. Proud claimed that Lovett at the time was kicking, trying to grab with his hands anything he could grab. Proud said once they had him controlled they rolled Lovett on to his side put him in a sitting position to wait for First Responders to get there. Once First Responders arrived a towel was placed on Lovett's head because he was bleeding. The First Responders took over and took Lovett to Medical.

This Investigator then reminded Officer Proud that this is a criminal investigation. I have viewed the videos and there are discrepancies between what videos showed and what he had just told us happened. I told Proud the video shows; Martinez jerked the leg iron chains up jerking his (Lovett's) feet off the floor from under him, causing him to go head first in to the cement floor. The video does not show the offender trashering around, he is not resisting he is lying there moaning. Proud's response oh you must have been looking at a different angle. Proud was asked do you see a problem with that going into court with defense attorneys? I told Proud it's apparent that he is not moving lying there moaning, he's not thrashing or kicking. He could have been killed the way that take down took place. I told Proud now you didn't do that, you're standing off to the side. Proud responds let me clarify something most of my attention was focused on his (Lovett's) head and shoulder area.

I asked Proud you didn't have physical contact with him (Lovett) when the take down occurred. Proud stated I believe I had one hand on his arm. I asked did you have a firm grip on him where you could have prevented him from going down? Proud replied no.

I asked Proud did Martinez tell you he was taking him down to the floor? Proud said no.

I told Proud I am not accusing you of anything but, the video does not match what's written in the reports. There is no struggling, no kicking, no grabbing or any appearance of Lovett resisting. My question is did you see Lovett kick Martinez? Proud replied, I can't say I did or I didn't.

Proud was asked to demonstrate how Lovett was placed against the wall when the restraints were being applied. Proud said that Lovett was against the wall leaning forward toward the wall. As the restraints were being put on he was asked to stand on one leg while restraint was put on which is not easy. Proud was asked, the restraint were being put on the right leg first then the left leg then it happened (take down). Proud replied correct.

Proud was asked did you hear Martinez say stop it, stop resisting? Proud said I can't remember him saying stop or what verbal commands that might have been given prior to him going to the floor. Once we were on the floor Sergeant Valentine came out started video recording and she was giving commands to him and directing us what to do.

Proud didn't think that offender Lovett was a level four offender one needing three staff and camera during escorts.

Proud said he was assigned to Intake that day, had had that assignment in the past, he has experienced and had dealt with these types of situations numerous times pretty much on a daily bases.

Proud indicated he has had PPCT (Pressure Point Control Technique) training that CDOC requires for it's officers. When asked if the take down was that proper PPCT technique. Proud stated no, it was poor technique on both of our parts. Proud said at the time we were only interested in controlling the offender.

Proud was asked. Is jerking the leg iron chain jerking an offender off his feet, is that proper process? Proud

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replied no, it isn't. When asked if this could have been done differently? Proud stated yes, sir. Your past training and experience tells you that? Proud, yes sir.

Proud denied ever having any other physical altercations with offender Lovett or UOF incidents only verbal exchanges.

Proud confirmed that his written report was true factual as written as it happened. Stated he had nothing to add to his statement. He was told if he recalled something else he could contact this investigator.

Interview ended @ 12:17 PM.

Statement Vs Video comparison:

This Investigator found discrepancies between Officer Shannon Proud's statements and in his written report of this incident, that were contrary to what videos show had occurred as follows:

During the interview Officer Proud allowed that offender Lovett was agitated being hostile making threats towards the officers. He described Lovett had being animated jerking his head around back and forth yelling. The video reflects that offender is being complaint with directives, there is very little rapid or animated movement of his head or upper body during the process of applying the restraints.

Officer Proud indicated he had hands on Lovett due to him be agitated to control him while Officer Martinez put the leg restraints on Lovett. The video clearly shows that Officer Proud did not have hands on, he is observed standing off to the right side holding offender's snack sack with his guard down.

Officer Proud claimed he did not see offender Lovett kick Officer Martinez as his attention was focused the upper body and facial area of the offender. This was due to offender being agitated so he wasn't watching what Officer Martinez was doing. Therefore, he was taken off guard when Officer Martinez took Lovett to the floor. In the video it's apparent that Officer Proud is positioned off to one side looking directly at Officer Martinez and offender Lovett. He should have had a full clear view of the whole incident. It's very questionable he didn't see a kick or that there was no kick by Lovett at Martinez.

Officer Proud claimed that once on the floor that offender Lovett was thrashing his legs kicking and was resisting the officers and Lovett was grabbing at him and Martinez. The video shows that Lovett is pretty much incapacitated lying on the floor face down, moaning there is no deliberate kicking going on. Nor does Lovett have the ability to have grabbed anyone effectively to cause harm to the officers as his hands are cuffed behind his back the entire time.

Officer Proud claimed that once offender Lovett was under control they rolled him on to his side and sat him up until First Responders arrived. The videos evidence clearly shows this did not happen the officers, Martinez and Proud, were on top of Lovett's upper body and on his upper legs holding him down.

When confronted about the discrepancies between his report and statement verse the video by Investigators. Officer Proud said you must have had a poor video angle. Though given an opportunity to make corrections or additions to his statement Proud declined.

The video evidence clearly shows that Officer Shannon Proud in fact witnessed a violent excessive Use of Force which caused injury to offender Lovett by Officer Anthony Martinez. Yet he failed to report this Excessive Use Of Force in his written report of 09/10/2014 and he failed to report the misconduct when interviewed by Investigators on 09/26/2014. Officer Proud's report and verbal statement would h
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ave you believe; that Officer Martinez simply had taken Lovett to the ground which very much minimizes the true violence of the take down due to the offenders alleged hostile conduct. Officer Shannon Proud failed to report the excessive use of force as required by state statute and also required by CDOC policy 1450-1 code of conduct.

This Investigator believes there to be probable cause to believe that Officer Shannon Proud either deliberate or through omission committed violations of CRS 18-8-802 (1)(a) Duty to report use of force by peace officer; by not reporting a excessive use of force with injury by another officer. Officer Shannon Proud also violated CRS 18-8-11 (1)(c) by submitting a materially false statement within a official CDOC CCF incident report and during a official criminal case interview with Investigators. Officer Shannon Proud also violated CRS 18-8-404 1st Degree Official Misconduct by failing to follow CDOC Administrative Regulations (AR) policy and procedure AR1450-1 IV. (B) (JJ) which required reporting of employee misconduct excessive use of force by DOC employees.

Second Interview Shannon proud 10/24/14 @ 09:55 Hours:

On 10/24/2014 @ 09:55 AM this Investigator along with Investigator Danny Lake at the request of Officer Shannon Proud through Warden Travis Trani returned to CCF to meet with him and conduct a second interview concerning this case. The interview was held in CCF Associate Warden's office and Officer Proud requested to come to the office to meet with us. I explained to Proud that we were there to interview him at his request to be allowed to clarify somethings with his prior statements. Officer Proud acknowledged that to be true that he had given it some thought and there were some things he wanted to clarify. I advised him that was fine but, prior to proceeding I would audio record our conversation for the record which he voiced no objections. The following are brief summaries of Officer Shannon's statements of 10/24/2014 for full details of conversation please listen to audio recording attached to this case file within Exhibit: Nineteen.

Officer Proud stated he didn’t want to change his original report or make a false report but, after seeing the video after our first interview there were some clarifications he would like to make. He indicated in his report he had written that offender became increasingly agitated once he was on ground. He advised he should have written this earlier in the report, that he had become agitated prior to going to the ground not after. Proud allowed that once Lovett was on ground he was mostly incapacitated lying there moaning. But he didn’t want to change his report or falsify it. Other than that fact there was nothing else he would change in the report. But there was one other mistake he made in his report it was not the right leg that was un-cuffed it was the left leg cuff that had malfunctioned.

Officer Proud conceded that after seeing video that he did not have hands on offender Lovett at the time he was taken down. Saying I was standing back he was already cuffed behind his back and I was more concerned that he might spit on me. I did ask if he wanted his snack taken with him to his cell.

Officer Proud denied that he had seen offender Lovett kick Officer Martinez stating his attention was focused on his upper body not what was going on down lower. Proud claimed he didn’t see what happened prior to the take down.

Officer Proud confirmed that Sgt. Valentine came out after the fact they were already on the ground. He r

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ecalled hearing her commands to roll him over and to sit him up.

When asked if Lovett was incapacitated while on the ground. Proud stated yeah I could hear him moaning my back was to him and could feel him reaching out. Proud admitted that Lovett was not kicking like kicking a football. But was moving his legs at the time with one malfunctioning left leg cuff being off.

When asked if there was anything else with his report he wanted to clarify or change or add. Proud said no there was nothing else.

Interview was ended at 10:10 AM.
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Interview Suspect:

Suspect: Officer Anthony Martinez dob: 05/04/76.

Date: 09/29/14. Time: 13:42 PM.

Location: OIG CID Interview room.

Investigators: Alex Wold and Investigator Richard Wren.

On 09/29/2014 this Investigator ‘Alex Wold’ along with Investigator Richard Wren conducted an interview with suspect in this case CCF Officer Anthony Martinez. Officer Martinez was requested to report to OIG CID Office located at 121 Main Street Canon City, Colorado for an interview. Upon Mr. Martinez’s arrival I escorted him to the interview room and explained to him that I wanted talk to him regarding the Use of Force (UOF) incident of 09/10/14 involving offender Lovett at CCF. I advised him that our conversation would be audio recorded and he knew that would be okay. I then turned on the digital recorder to record our conversation from that point on. The following is a brief summary of our conversation. The following summaries of statements is not meant to be verbatim, may not be in chronological order, but are factual. The audio recording is preserved within this case file within the G-drive as Exhibit: Five please listen to the audio recording for full details of the conversation. I would note that when Anthony Martinez came in he wore a wrist brace on his right hand/arm.

I (Wold) first advised Officer Anthony Martinez of the nature of the investigation and as to why I wanted to talk to him at this time. I advised him that concerned a UOF that had happened on 09/10/2014 @ 10:20 AM at the Centennial Correctional Facility involving offender Lovett. I advised him that this was a criminal case concerning the assault on an inmate and that he was the subject of the investigation. I told him that this is not a Professional Standards case but a criminal case involving a UOF it’s a criminal case that will be could be given to District Attorney’s Office for review and there is a potential that criminal charges could be brought against you depending how the investigation goes of course. I advised Martinez that at this time you are free to leave you do not have to talk with us. It would not be a detrimental one way or the other if you opt not to talk to us this is the time to say so. You should be aware that this is a criminal investigation anything you say could be used against you in court. Anthony Martinez responded: Okay, I understand let’s get this done so I can get back to work.

I told Martinez the reason you are here to day is that we have viewed the UOF video from that day and this gives us an opportunity for us to get your side of the story, so you can explain what occurred on that day okay.

I asked do you remember the incident? Martinez stated yes, I remember.

I asked do you know who offender Lovett is? Martinez said yes, that’s the offender I had the occurrence with that day. I don’t know him but, that is the offender we were going to take back to his Unit that day.

I then requested that Martinez tell us in his own words what had happened that day.

Martinez stated that Sergeant (Sgt.) Valentine had told them that the offender was off of Mental Health watch and was ready to be returned to the unit. When I first got there the offender was in his cell being mouthy. I don’t normally work in Intake but, was sent over to help from my unit. I used my communications skills I use in my Living Unit in dealing with offenders to try to calm him down. I told him to take it easy chil

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I out we are going to take you back to the Unit. I then cuffed his hands then the door was open he came out was being mouthy again making threats- you guys are lucky I am handcuffed or. I told him just relax we're going to take you back to your unit.

I (Martinez) told him to turn around and I started to put the cuffs on the right leg first. Martinez then explained that Lovett was already handcuffed behind the back I had handcuffed him behind the back. I handcuffed him through tray slot while still in the cell. After I put wrist restraints on I signaled for the cell door to be opened. He came out turned around leaned against the wall so the leg restraints could be put on. I asked him to raise his right leg first I applied the cuff and asked him to raise his left leg I applied that cuff. I told him to keep his left leg up so I could double lock them when he kicked my hand. I reacted by grabbing his foot and pulling it to get him down to the ground as fast as we can.

This Investigator asked who else was present at this time? Martinez indicated that his partner was Officer Proud.

Where was he at? Martinez said I don't know where he was at the time, I was focused on his legs. I was bent over applying the restraints this is when an officer is at the most vulnerable point. I didn't know where Proud was at. Normally he would be at the side of the offender, hopefully not watching me put leg restraints on but, watching the offender. Because I am focused on putting the leg restraints on I am not listening to Proud or hearing what's being said. I am at the offender's legs within two to five inches away from my body at the point most vulnerable to be in. Martinez acknowledged that Proud should have been there within arms reach of the offender to protect him (Martinez). But if an offender is going to do something he (Proud) couldn't stop it. Like in my situation he couldn't stop the offender from kicking.

Martinez confirmed that he first cuffed the right leg and then the left, that the leg irons had been applied to both legs. He was starting to double lock them prior to the kick. After the strike to my hand I grabbed his foot pulled him to the ground, once on the ground we were able to control him and hold him down. We didn't apply any unnecessary excessive use of force or any unnecessary blows to him. I tried to give him a mandibular angle (PPCT term) because he was still trying to kick Officer Proud and he was trying to grab my arms. I tried to apply a pressure point with my right hand behind his ear. But he turned his head when I tried to grab his head to apply it. Then First Responders arrived we let him up and they took over and took him to medical.

I (Wold) told Martinez you have seen the video yourself right (Martinez, yes). Well, we watched the videos too. We have some issues with what transpired in the video and that is with the method in which the offender Lovett was taken down. Martinez replied okay. You say you grabbed his foot then he was taken down. You grabbed the chain and jerked his legs out from under him, he goes to ground head first. Martinez says okay. Officer Proud was not hands on with the offender but, he was standing off to the side. He came in after you were on the ground to control the legs. Proud replaced the leg irons because they were malfunctioning. Martinez stated they were not defective when I put them on they went on. Wood questioned could they have been damaged when you grabbed the chain and jerked him up. Martinez, I don't know if they were damaged or not.

This Investigator then confronted Martinez with the facts, a lot of force was applied.
when you used the chain and jerked up, you pulled him up off his feet waist high to you then he went head first to the ground. He was lying there moaning, it doesn't appear he is violently physically kicking, he is just moving he is not violently using physical force against you or Officer Proud. He's lying there moaning. The video footage verses what you have told us is telling us it's not creditable, that's not what happened. You Mr. Martinez, used violent physical force to take him down to the ground. Martinez replied, I understand but, if you look at the training we are given I've been with the department ten (10) years. Every PPCT class I've been in emphasizes getting that offender to the ground every signal movement.

I (Wold) questioned Martinez, in all that training you had, is there anything at all that says its okay to grab that chain and pull their legs out from under them then they go head first in to ground? PPCT tells you, you have to control them to the ground does it not? Martinez's response But, we have to get them to ground as fast as we can. Wold inserts but without injury. Martinez. I was already injured in this process and I was reacting. I was trying--had to get him to the ground. It was a reaction everyone reacts differently. If I had stepped back after being struck then I realized what had happened then is I took him to ground I would have been retaliating taking him to ground. That would have been a lot worse that would be I retaliated. I was protecting my partner I did my job.

I (Wold) told Martinez the perception is you were pissed off grabbed the chain because he just hurt you. Martinez replied I had no reason to be it was just a reaction move.

I (Wold) told Martinez there is nothing in PPCT that says this is an acceptable process procedure to control a person. They are restrained vulnerable in taking them to ground you must protect their head prevent them from harming them-self. Martinez states you have to protect yourself and your partner first also.

Martinez was asked he is restrained with the leg irons on how far can he kick? Martinez stated you are within two to five inches of him. Can I give you an example, at the time you just react to what happened. He has leverage when he against the wall, he can still use the chain against us while he's against the wall. I am injured, I am no good to my partner. I am unable to maneuver to get him to comply or get him against the wall to wait for First Responders if my hand is not functioning. So we get him to the ground to take his leverage away. Then we are able to control the situation. I thought we did control him didn't do anything excessive.

This Investigator 'Wold' confronts Martinez with The way he was taken to the ground could have very well broken his neck even killed him this is not a situation when that level of force could be constituted as being proper is it? Martinez replied you are talking about perceptions, your talking about one's perceptions. Wold told him the perception is the guy's head went in to the concrete floor you can't argue that. Martinez says no, I can't argue that at all.

I (Wold) then asked Martinez after seeing the video looking at it do you still think that was the proper way to take him to the ground? Martinez answers; I wasn't thinking about that at the time. My thinking let's stabilize him, hold him until help gets there. We helped put him in the chair. It's not like we did it out of anger or anything like that. I had no reason to be angry at the offender. I never had dealt with him before in my DOC career.

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> This Investigator then confronted Martinez with: Okay you were just kicked in hand you are injured to extent you say he did. It don't take much to figure out that guy hurt me then have a reaction a angry reaction. To the extent in which this happened a volatile reaction, a violent reaction in taking him to the ground. Question: Do you understand where I am coming from? Martinez replied I understand where you are coming from. I told Martinez that there is a difference between reacting going off and getting mad because he just hurt you. Versus you are mad because of his attitude toward you to begin with. Martinez said I didn't have an attitude with him I have never dealt with him before. I tried to use my communications skills to get him to relax.

Investigator Wold questioned as to why Lovett was agitated to begin with? Martinez related I don't know why, Proud asked him if he wanted his snack. Then Lovett got mouthy with him told Proud fuck you get away from me. I told him (ovett) to relax you are going back to your cell and he said your lucky I am cuffed. I told him just relax. Martinez indicated his only contact with Lovett was in the Intake he had no other interaction with Lovett, no prior issues or history with him.

Martinez advised that once he started to put restraints on Lovett his focus was on applying the leg restraints. I don't remember hearing anything being said at time he kicked me.

Martinez told us that he had made a first report of accident that day but didn't go to C-Com until the next day when he was put off on AL (administrative leave). Martinez claimed that; I have a fracture in my hand because of the kick. I was just reacting to protect myself and my partner. Officer Proud asked me what happened I told him. Proud said oh I understand now. Martinez denied he had been trying to get stories straight and denied discussing the incident with anyone else since the incident.

Investigator Wren confirmed the events as; the process at the time was to first handcuff Lovett behind the back palms out back to back thumbs up? Martinez said yes. After being brought out of his cell what did he do. Martinez said he made threats you mother fuckers are lucky, I told him to relax and lean against the wall. Wren asked how far from the wall was he? Martinez replied I don't know if he was leaning against the wall. Wren asked did you double lock the restraints? Martinez said no. Wren asked how long is the chain? Martinez allowed about sixteen (16) inches. Wren asked were they tight or was lack in chain. Martinez said there was enough lack to be able to strike my hand. Wren asked when you asked him to let you double lock them his foot was still up? Martinez, I told him to leave it up. I was going to double lock them when I reached for my keys with m left hand on my duty belt, my right hand (injured hand) was dangling in front of me. I told him to hold on until I got it double locked when he struck my hand.

Wren: Once he kicked you what was your immediate reaction? Martinez: I grabbed his foot, if I grabbed the chain then I grabbed the chain I thought the foot. Wren asked how long have you been doing this? Martinez ten (10) years two (2) months. How many use of force incidents have you been involved with? Quite a bit, maybe a handful, a number. I don't know. Wren asked where does this rank with the other UOF incidents you been involved with as far as severity. Up there with the worst ones or moderate. Martinez. Are you asking did stress me out, it didn't. Martinez said he struck me hard enough to fracture a bone in my hand that part hurt.

Wold asked is it possible the injury could h

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Have been caused by jerking the chain up? Martinez replied no, the doctor told me that was caused by force impact it was not by grabbing. The chain was not wrapped around my hand there were no chain marks. Martinez was asked if he would sign a medical release and he said yes, and he allowed he was going to see a specialist on the 17th.

Wren asked how many UOF incidents were you involved in numbers wise? Martinez said twelve (12) and I have been assaulted four (4) times once where another offender struck me. Martinez added in that the PPCT training is more of a guideline but, everyone reacts differently. I thought I'd grabbed his foot you guys seen I grabbed the chain I grabbed the chain. I had another UOF where my hand was hurt to.

Interview ended at 14:35 hours.

A second recording was made at 14:38 hours:

In this recording Investigator Wren advised Martinez in Wold's presence of what was on a medical waiver form he was going to be asked to sign. Wren read the medical release form to Martinez explained it's a release for medical records concerning your injury of his right hand on 09/10/2014 and any medical follow up related to it. Wren requested that Martinez sign and date the form which Martinez stated he understood and signed the release form.

Note: the audio recording for medical advisement is attached to case file within the G-drive as Exhibit: Six. The signed medical waiver is attached to this case file as Exhibit: Seven.
Training records:

On September 30th, 2014 Investigator Alex Wold requested the training records for Anthony Martinez employee #12344 from the Colorado Department of Corrections Training Academy through Captain Matthew McLean. Captain Mclean sent me Martinez's training records from date of hire 08/01/2004 through 09/30/2014. The records reflect that Anthony Martinez has been through the full three (3) day Pressure Point Control Technique (PPCT) arrest control class plus restraints/transport class in August 2004 on 17-20th of that month. Martinez subsequently has taken Ten (10) PPCF refresher courses, along with Three (3) Use Of Force (UOF) classes between August 2004 through September 9/2014.

Note: Copies of Anthony Martinez's training records are attached to this case file within Exhibit:15.

On December 15th, 2014 this Investigator 'Alex Wold' contacted Investigator Greg Kirkland the recognized PPCT expert and trainer for the Inspector General's Office. I inquired as to whether in his opinion the take down by Officer Anthony Martinez was a recognized PPCT technique. I explained to him that Officer Martinez had taken an fully restrained offender, with his hands behind the back, leg irons applied to the legs, to the ground by grasping the leg iron's chain between the legs. Then Martinez jerked the leg iron chain upwards shoulder high, taking the offender off his feet allowing him to hit the ground head first. I advised Kirkland that Martinez had said from his training with the department; he was taught to take an offender to the ground as fast as he can by any means possible. Investigator Kirkland confirmed he is considered an expert for court purposes on the utilization of PPCT control techniques. That the take down as I explained the incident to him would not be a proper technique trained to in a PPCT course.

El Paso Sheriff's Office Research and Development:

On 10/27/2014 @ 10:00 hours this Investigator 'Alex Wold' along with Investigator Danny Lake met with El Paso County Sheriff's Office Research and Development Technician Neil Lobeda at EPSO located at 27 East Vermijo Colorado Springs Colorado. I provided Mr. Lobeda with the CCF SPRITE digital video recorded UOF incident involving officer Martinez and offender Lovett from 09/10/2014. I inquired as to whether he had the ability to take the video recording on the CD and enhance it by blowing the picture up and zooming in closer to the subjects. Mr. Lobeda down loaded the original video to his computer used another video program to enhance the video to make it bigger and with ability to zoom in on the activity on video. Mr. Lobeda played the enhanced video for Investigator Lake and I, it was blown up and zoomed in closer to the subjects not as clear the original.

The enhanced video clearly shows that offender Lovett is complaint with directives; as he is brought out of his cell his hands secured behind his back with restraints on, he turns toward the wall appears to lean in to the wall by the door. Officer Martinez then can be seen bending over applying the right leg restraint to right leg, then he moves to the left leg applies the left restraint to the left leg. Martinez can be seen reaching towards his duty belt area with his left hand. While offender Lovett keeps his left foot up with the shoe bottom of his foot clearly raised up toward the camera. As Martinez is reaching for his belt area his right hand is hanging in front of him between him and the offender.
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Still has his left foot raised up. This is when Officer Martinez claims that Lovett kicked his right hand causing injury to his hand this alleged kick can not be seen on the video.

During this time prior to being taken down Lovett's left foot clearly remains raised up and the white bottom of the left shoe can be seen. Then Martinez is seen grasping the restraints chains with both hands and in an explosive upward jerk motion, while pushing up his upper body up with his own legs, he pulls the chain upward until it's shoulder high to his torso. This causes offender Lovett's legs to go out from under him going behind him sending him head first in to the floor with out any means to catch himself or break his fall to the ground due to the fact his hands are behind his back secured in restraints. As Officer Martinez reaches his full momentum upward, he is fully standing up his hands are stretched above his head he tosses Lovett to the side. At this point Martinez's right hand pulls free from the chain and can be seen flying off. The entire take down is violently explosive movement on Officer Martinez's part and through out the offender is helpless unable to resist in anyway.

I would also note that Mr Lobeda was also able to find a second camera angle looking out of the observation cell door (the cell from which Lovett was brought out of) in which the incident could be seen as well.

I noted that Officer Shannon Proud is standing to the left side two to three feet with something in his hands. It's clear that he is paying full attention to what Officer Martinez and offender Lovett are doing. Proud can clearly be seen looking directly at Martinez and Lovett. He was in a position where he would have seen the entire take down or any kick by Lovett that might have taken place. In his oral statements he denied seeing Martinez taking Lovett to the ground or seeing Lovett kick anything and wrote in his report Lovett was taken to the ground by Martinez.

Mr. Lobeda copied the enhanced video in which the action is slowed down and the subjects are zoomed onto a CD he provided it to Investigator Wold. I marked the CD CR14-1887 as Enhanced copy UOF A Martinez 09/10/2014 10:00 AM EPSO. This Video is attached to this case file within the G-drive as Exhibit: Twenty-One.

Additional Exhibits attached to case file:

Exhibit : Eight, Sixteen, Twenty four . Copies of Anthony Martinez's workmen's comp claim and CCOM treatment for 09/10/14 UOF incident and follow up medical reports. Initially Martinez was diagnosed with potential broken bones in his right hand final report reflects MRI shows there were no fractures of his right hand as first reported.


Exhibit: Ten Offender Lovett's CDOC profile and criminal history.

Exhibit: Eleven Investigator Danny Lake's pictures of offender Lovett's injuries and pictures of Lovett with full restraints on and of shower shoes he was wearing. All pictures are within G-drive of case file.

Exhibit: Twelve Previous UOF reports/incidents in which Officer Anthony Martinez was involved showing prior history.

Exhibit: Thirteen Major Matt Winden's report explaining as to why he referred the incident reports for a Use of Force Review on 09/10/14.

Exhibit: Fourteen Memo from Associate Warden Sean Foster to CCF Custody and control giving directions as to how

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offender Lovett #145050 should be escorted dated 07/17/2014.

Exhibit: Seventeen Incident report from Officer Charles Price in which he reports Anthony Martinez told him the offender kicked him yesterday dated 09/11/14.

Exhibit: Eighteen Doctor Richard Hodge written incident report dated 26 Sept 2014 concerning treatment given to offender Lovett on 09/10/14 and reporting injuries observed by Hodge on 09/10/14.

Exhibit: Twenty Copy Offender Lovett's medical records treatment of injury from 09/10/14.

Exhibit: Twenty Three Copy of Lovett's medical release dated 09/25/14.

Exhibit: Twenty Four Copies of Anthony Martinez's Comp Doctor's medical treatment reports for 09/10/14 injury. Final report shows MRI shows no fractures to Martinez right hand.

Exhibit: Twenty Five Copies of Eye Doctor's report concerning Lovett # 145050 eye examination of 11/26/14.

Exhibit: twenty Six Copy CDOC AR1450-1 code of conduct.

Investigative Summary:

Concerning Officer Anthony R. Martinez:

At this time there is probable cause to believe that on September 10, 2014 @ 10:20 AM Centennial Correctional Facility (CCF) Officer Anthony R. Martinez committed second degree assault on offender Shawn Lovett DOC# 145050 in the CCF Intake area located within County of Fremont Colorado. By utilizing the chain attached to leg restraints applied to Lovett's legs as a deadly weapon, to forcefully pull a defenseless fully restrained offender Shawn Lovett off his feet which caused Lovett to land head first on a concert floor causing injury to Lovett's head and face area wounds requiring stitches. Officer Anthony Martinez's actions behavior in using a violent Use of Force against offender Lovett did recklessly cause bodily injury to another (Lovett) by means of a deadly weapon. His actions, involved a substantial risk of death, a substantial risk serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any organ of the body, or breaks, fractures, or burns of the second or third degree. Violating CRS 18-3-203 (1) (d).

Officer Anthony R.Martinez violated CRS 18-8-404 (1) (a)Official Misconduct by violating CDOC Administrative Policy AR1450-1 code of conduct an official adopted rule or regulation related to his office. As a public servant Martinez caused malicious harm to another. Specifically violating 1450-1 code of conduct sections IV. B Excessive Physical use of Force of an offender is prohibited. IV X. Employees shall not falsify any document nor willingly depart from the truth Martinez filed a false incident report and made false statements to investigators during an interview.

Anthony R. Martinez violated CRS 18-8-111 (b) by making a false police report of a crime assault on an officer to Law Enforcement Authorities by, making a materially false statements in a written incident report on 09/10/2014 against offender Shawn Lovett. Then during interview with CDOC OIG Investigators on 09/29/2014.

Concerning: Officer Shannon R. Proud:

This Investigator believes there to be probable cause to believe that Officer Shannon Proud either deliberate or through omission committed violations of CRS 18- 8-802 (1)(a) Duty to report use of force by peace officer; by not reporting a excessive use
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of force with injury by another officer. Officer Shannon Proud also violated CRS 18-8-11 (1)(c) by submitting a materially false statement within a official CDOC CCF incident report and during a official criminal case interview with Investigators. Officer Shannon Proud also violated CRS 18-8-404 1st Degree Official misconduct by failing to follow CDOC Administrative Regulations (AR )policy and procedure AR1450-1 IV. (B) (JJ) which required reporting of employee misconduct excessive use of force by DOC employees.

Investigative report Completed by: Chief Investigator Alex Wold date: 12/15/2014.

Investigators Assigned

Lead Investigator: WOLD, ALEX (601) Supp. Investigator: (500)
<table>
<thead>
<tr>
<th>Exhibit(s)</th>
<th>Description</th>
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<td>Exhibit One:</td>
<td>CCF UOF Reports.</td>
<td>CR14001887 Exh One CCF OUF rpt Lovett 09102014.pdf</td>
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<td>Exhibit Two:</td>
<td>Recording Interview Lovett 145050.</td>
<td>CR14001887 Exh Two Interview Lovett 092614 CCF.WMA</td>
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<td>Exhibit Four:</td>
<td>Recording interview Sgt Valentine.</td>
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<td>Exhibit Seven:</td>
<td>A Martinez Medical Records Release waiver.</td>
<td>CR14001887 Exh Seven A Martinez medical release 0</td>
<td>2014-10-20 14:30:19</td>
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<td>Exhibit Ten:</td>
<td>Lovett criminal history CDOC information.</td>
<td>CR140001887 Exh Ten Lovett DOC info and crim hist.</td>
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<td>Exhibit Eleven:</td>
<td>Pictures of Lovett 145050 see photos in G drive photo folder</td>
<td>CR14001887 Exh 12 UOF 021213.pdf</td>
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<td>Exhibit Twelve:</td>
<td>UOF reports 02122013 CO Martinez.</td>
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<td>Exhibit Thirteen:</td>
<td>Ma Matt Winden rpt.</td>
<td>CR14001887 Exh 14 AW Foster memo ref Lovett.pdf</td>
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<td>Exhibit Fifteen:</td>
<td>Training Records A Martinez.</td>
<td>CR14001887 Exh 16 prior UOF workmens comp claims.</td>
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<td>Exhibit Seventeen:</td>
<td>Charles Price.</td>
<td>CR14001887 Exh 18 Dr R Hodge rpt 09262014.pdf</td>
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<td>Exhibit Eighteen:</td>
<td>Dr R Hodge report 092614.</td>
<td>CR14001887 Exh 19 Invt Proud S 102414.WMA</td>
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<td>Exhibit Twenty:</td>
<td>Lovett Medical records.</td>
<td>CR14001887 Exh 21 Lovett Medical records.pdf</td>
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<td>Exhibit Twenty Two:</td>
<td>CCF videos 09/10/14 G-Drive folder.</td>
<td>CR14001887 Exh 23 CCF videos 09/10/14 G-Drive folder.</td>
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Exhibit: Twenty Three Lovett medical consent.
Exhibit Twenty four: Martinez follow up medical reports.
Exhibit Twenty five: Lovett Eye Dr Rpt.
Exhibit: Twenty Six AR1450-1 Code of Conduct.

Investigators Assigned
Lead Investigator: WOLD, ALEX (601)
page: 28
# Offense(s) | IBR# | STATUTE | VIOLATION DESCRIPTION | F/M | A/C | LOCATION |
--- | --- | --- | --- | --- | --- | --- |
001 | 13A | 18-3-203 | Assault in the Second Degree (nonfam-stgarm) | | | Jail/Prison/Penitentiary |
002 | 90Z | 18-8-404 | 1st Degree Official Misconduct | | | Jail/Prison/Penitentiary |
003 | 90Z | 18-8-111 | False Reporting | | | Jail/Prison/Penitentiary |

**Investigators Assigned**

Lead Investigator: WOLD, ALEX (601)  
Supp. Investigator: (500)