

STATE OF COLORADO }
COUNTY OF BOULDER }

Walk-Through Authorized ___
DA _____

DISTRICT / COUNTY COURT, BOULDER COUNTY, COLORADO

Criminal Action Number

WARRANT FOR ARREST UPON AFFIDAVIT

BEFORE THE HONORABLE. Andrew R. Macdonald

THE PEOPLE OF THE STATE OF COLORADO

TO: ANY PERSON AUTHORIZED BY LAW TO EXECUTE ARREST WARRANTS:

YOU ARE HEREBY COMMANDED TO ARREST THE PERSON OF
Christopher Andrew MECCA

DOB: 071369

HAIR: Brown

HEIGHT: 6'-01"

EYES: Blue

WEIGHT: 220

RACE/SEX: White/Male

SOCIAL SECURITY NUMBER: [REDACTED]

DL# / STATE: [REDACTED]

SID:

OFFENSE DATE: September 23, 2020

Associated Vehicle: Make: Model: Color: Year:

License Number: State: Year: VIN:

AND TAKE THE PERSON ABOVE-NAMED WITHOUT UNNECESSARY DELAY BEFORE THE NEAREST JUDGE OF A COURT OF RECORD; TO BE ADVISED THAT THE PERSON IS BEING HELD FOR THE ALLEGED COMMISSION OF THE FOLLOWING CRIME(S), TO-WIT:

COUNT 1	18-3-204 (1) (a) Assault in the Third Degree	1 Count	(M-1)
COUNT 2	18-8-404 (1) (c) First Degree Official Misconduct	1 Count	(M-2)

THAT THIS WARRANT FOR ARREST IS ISSUED UPON AFFIDAVIT SWORN TO OR AFFIRMED BEFORE THIS COURT AND RELATING FACTS SUFFICIENT TO ESTABLISH PROBABLE CAUSE THAT THE ABOVE-NAMED OFFENSE HAS BEEN COMMITTED AND PROBABLE CAUSE THAT THE PERSON NAMED IN THIS WARRANT COMMITTED THAT OFFENSE.

BAIL IS SET AT \$1,000 PR Bond Authorized _____ WITH CONDITION(S) _____

DATE. October 9, 2020

BY THE COURT: 
JUDGE

Enforcement agency case number: 20-4264

Detective: Detective Steven G. Ainsworth

BOULDER COUNTY SHERIFF'S OFFICE

RETURN

I hereby certify that I have duly executed this warrant on this _____ day of _____, 20_____.

by _____ as I am therein commanded.

SHERIFF FEES:

SHERIFF

Service \$ _____
Mileage \$ _____
Return \$ _____

By _____
Deputy Sheriff

Affidavit for Arrest Warrant

The affiant is Detective Steven G. Ainsworth, a duly commissioned officer of the Boulder County Sheriff's Office. The affiant, being duly deposed and states:

On Thursday, 092420, at approximately, 1030 hours, I was contacted by BCSO Detective Sergeant Brian Lindsey, a duly commissioned officer of the Boulder County Sheriff's Office, regarding a possible assault which had occurred at the Boulder County Jail, 3200 Airport Road, County of Boulder, State of Colorado, on 092320 at approximately 0020 hours.

He briefed me on the incident and then we went to the BCSO detective conference room and met with BCSO Commander Jason Oehlkers and BCSO Detective Connor Pontiakos, both duly commissioned officers of the Boulder County Sheriff's Office.

We reviewed body worn camera videos as well as the jail garage security camera videos of the event. The videos depicted two marked Longmont police cars parked in the garage. The two Longmont police cars were seen in the sallyport of the jail and we were told they had called ahead to advise jail booking staff that the male suspect they were bringing to the jail was going to be uncooperative. The suspect, identified as Travis Cole, DOB/092288, had been arrested by the Longmont Police Department for domestic violence and assault at the Lamplighter Motel.

Jail deputies approached the male on the right side rear seat of the front Longmont police car and asked if he was going to be cooperative; Cole's response was largely unintelligible, but his seatbelt was unbuckled by one of the deputies, he stepped out of the vehicle and was advised to step over to the pad on the sallyport wall and face it, which he did. He was then asked if there was anything in his pockets which are going to poke or hurt the deputy and he told the deputy "*Maybe, maybe not. figure it out*". Cole stood there for a moment and then began to collapse, sagging to his knees in a passive resistant posture. Two deputies then carried Cole over to a restraint chair which had been staged as a precaution, which I subsequently learned is standard in such situations.

Cole was then placed into the restraint chair and ankle straps were applied, a lap belt was applied and Cole was telling the deputies "*We had this talk*" and he was just testing them to see how they would act toward him. He told them "*Take your fuckin' hands off me.*" Ultimately, I counted 8 BCSO Jail deputies dealing with Cole at one point. Additionally, three male jail nurses were seen standing in the background behind the restraint chair, and the 2 Longmont officers off to the side. At one point, one of the Longmont officers was bent over at the waist facing Cole and apparently saying something to him, however, there is no audio on the jail surveillance video. I later learned from watching other body worn camera videos that he was trying to get Cole to cooperate with the deputies.

Cole was restrained in the chair at the ankles and at the waist, but the handcuffs were still on behind him, so the deputies then had him lean forward, pushing him further forward so that they could access the handcuffs and take them off. He began screaming again and yelling expletives as the deputies were trying to unhandcuff him and finally, the left handcuff was undone, and that arm was strapped to the left arm of the restraint chair. The right handcuff was also removed, and that arm strapped to the right arm of the restraint chair. He then yelled *"Put the mask on me bitch!"* and started spitting, struggling with the deputies who were trying to restrain him. The spit was somewhat deflected by a deputy who placed their gloved hand in front of his mouth, but not on it, to catch anything that was expectorated from Cole's mouth. Almost immediately, a spit sock was produced and pulled over Cole's head, however, he bit the spit sock as it went over his face and the deputy could not pull it down past his mouth. A second spit sock was applied almost immediately and it appeared that the first one was able to be pulled from his mouth at that time.

The shoulder straps were then applied and as this was happening, Cole continued to scream at the deputies, saying *"Let's go! Lets' go! Let's go"* expletives, and challenging them to fight. At that point, BCSO Jail Sgt. Chris Mecca says *"Let's go? You wanna go? You wanna go? We can go. (if) You wanna go"* and was seen at Cole's left front, then he placed a Taser, with the cartridge removed, on Cole's left thigh. From my training and experience, I know that, when the cartridge is removed, the Taser will no longer fire two probes, but there are two electrical contacts on the front of the Taser, between which an electrical current is passed, like a stun gun, functioning as a pain compliance tool called a "Drive Stun".

A drive stun was then apparently applied by Sgt. Mecca to the left leg of Cole, who yelled *"Whooooa!!! HAHA!!!! Do it again, do it again"* Then *"Let's go!"*. Sgt. Mecca is heard to say *"Chump"* and Cole laughed saying *"Bitches"*, then *"Whew! You think that TASER hurt me? Did you see me buck? See me move?"* Mecca then said *"Yeah I saw you move"* to which Cole replied *"Just stood here and take it"* and Mecca said *"Yeah I saw you buck"*. Cole replied *"Be honest"* and Mecca replied *"You didn't do shit"* and then the two start a back and forth with Cole saying *"Come check me out"* and Mecca repeating *"You ain't nothing, you ain't nothing"*. Cole said *"Come to the cell with me"* and Mecca said *"Yeah, I'll go to the cell with you. You ain't nothing"* and each saying they weren't afraid of the other. This continued while Cole was wheeled into booking and into Holding D.

8 BCSO Deputies; **Mecca, Metcalf, Howlan, Finkbiner, Domanico, McDaniel, Long and Fundaro**, were identified as being present, along with three BCSO Jail Nurses and two Longmont Police officers; **Davis and Guerrero**.

Detective Pontiakos and I split up assignments to interview everyone who was present during the incident; I ultimately interviewed BCSO Sergeant David Nagle, BCSO Deputies Sean Metcalf and Ammie Howlan, Longmont Pd Officer Jeff Davis, and BCSO Jail Nurse Oscar Palomino. Detective Pontiakos interviewed BCSO Deputies Jeremy McDaniel, John Finkbiner, Clayton Domanico, Joel Fundaro, and James Long, BCSO Nurse Michael Butler, and Longmont Police Officer James Guerrero. Additionally, I interviewed Travis Cole and Detective Pontiakos interviewed Longmont Police Sergeant Augie Bernal.

My first interview was with BCSO Sgt. Dave Nagle and began at 1215 hrs. Sgt. Nagle said that, while he was not present during the incident, he had seen the body camera video, because Sgt. Mecca had showed it to him and asked him "how he thought it looked". Mecca expressed the opinion that it looked better than punching Cole; his reasoning for using any type of force was because the shoulder straps were not completely secured. Nagle said that he told Mecca that how he described it in his report would be important, but that the timing of the event was terrible. Nagle said since the Taser drive stun has been taken away from them by policy, they are still trying to figure out how to deal with these types of situations. I asked how Sgt. Mecca's demeanor was, and he said he seemed to be normal, but acknowledged that he knew there would be repercussions.

Nagle told me that he had dealt with Mr. Cole later that morning, explaining that, as a matter of policy, deputies, check on the person in a restraint chair very frequently and a supervisor is required to check on them every 2 hours. He said the first time he contacted Cole he was in the chair in holding and Nagle asked him if he was ready to be cooperative and he said that Cole was not cooperative. At the time, approximately 2 hours later, he asked if he was going to spit and he again became uncooperative but said he had to go to the bathroom. He said they let him out of the restraint chair and at that time, Nagle saw that Cole still had his belt on and asked him to give his belt up. Cole refused, clenched up his fists, bladed his stance and said "Let's go". Nagle decided that it was not worth the fight over a belt, so he stepped out of holding D and locked it.

In interviewing Deputies Metcalf and Howlan, neither knew Sgt. Mecca had used a Taser on Cole at the time, and Howlan said she only knew about it when there was a debrief on the event a short time later, in which Sgt. Mecca said he had applied a "touch tase" to Cole because he was still able to buck forward as his shoulders were not secured yet.

On 092520, at about 1140 hours, I found that Travis Cole had been arrested on 092420 in Weld County. I called the Weld County Jail and found he was still in custody there, having been arrested for a Violation of Restraining Order. I arranged for a phone interview with him. After telling him I was calling after reviewing some body worn camera recordings and concerned about the event where he was placed in the restraint chair, he agreed to speak with me about the incident in the jail.

He began by telling me about his arrest in Longmont for domestic violence. When he arrived at the jail, they asked him if he was going to comply, and he replied *"If your staff respects me or, like, if you don't treat me like an asshole"*. He said he got out of the car, complied, and walked over to the wall. About "eight deputies" surrounded him, so he dropped down to his knees and they strapped him down in a chair.

He described being strapped in the chair and an officer holding a Taser to his left leg and applying it for about fourteen, fifteen seconds, then corrected himself and said, *"No maybe about like ten seconds"*. He said he told the deputy *"You see how I took it?"*, to which he said the deputy replied *"You didn't take shit you little bitch or some shit like that, I don't really recall"*. Cole said he told the deputy *"that's your job, you talking to an inmate like this and I haven't treated you with any disrespect"*.

Cole said he was glad it was on camera because what happened wasn't right. I asked if he wanted the deputy charged and he said he did, because what happened wasn't right. He said *"I hate to do it to him but that was wrong. It really was. I was in that chair strapped down"*. I gave him my phone number and asked him to call me when he was released so I could speak to him again on a phone that was a clearer connection.

On 092920, I returned to work and was given a Longmont PD "In House Incident Report" from BCSO Detective Connor Pontiakos, which he had obtained from Longmont Police Sgt. Garrett Boden. I reviewed the report, which was written by Longmont Police Sgt. Auggie Bernal, and which documented his involvement in this event. He said on 092320, he was contacted by Longmont Police officers James Guerrero and Jeff Davis, who reported a concern they had with regard to when they arrived with an arrestee, Travis Cole, at the Boulder County Jail.

The officers reported that, while at the jail, Cole became uncooperative and was placed in the restraint chair, where he continued to be verbally antagonistic toward the jail officers. He

continued that the sergeant supervising the officers removed the cartridge from his Taser, placed the Taser on Cole's left leg and activated it, in what is known as a "drive stun". He then replaced the cartridge and reholstered the Taser. When the officers arrived back at the Longmont Police Department, they reported the incident to Sgt. Bernal, because they did not understand why Cole had been Tased and were uneasy that it had occurred. They asked Sgt. Bernal what their responsibility was to report the incident under the newly enacted SB 217.

Sgt. Bernal said he viewed the officers' BWC video and said it was difficult to observe what Cole's behavior was because he was surrounded by deputies trying to secure him in the chair, but he said the video *"Clearly shows Sergeant Mecca Tasing Cole...."*. Sgt. Bernal said he called the Boulder County Jail and spoke with Sgt. Mecca, because Sgt. Bernal was not clear on what BCSO Jail policies were regarding such events and wanted some context or insight as to why Cole was Tased. He described what his officers had related to him and said Sgt. Mecca told him that Cole was stiff and not cooperating with efforts to put him in the chair. Additionally, he tried spitting on deputies, tried to bite a deputy, and tried pinching a deputy's arm, so he Tased Cole in the leg. Mecca went on to say that he "Already ran the incident by his Commander and the Legal Adviser". The call was ended at that time.

On 100120, at approximately 0715 hours, I interviewed Longmont PD Officer Jeff Davis by phone. He described to me what had occurred during this incident and said he did not know Cole had been Tased by Sgt. Mecca, but heard Cole yell something about being Tased and Davis thought to himself "Did he just Tase him?" He said neither he nor Officer James Guerreo knew Cole had been Tased while in the chair, until Cole shouted about it. They informed their supervisor, Sgt. Bernal about it as soon as they returned to Longmont.

At 0730 hours, I spoke with BCSO Jail Nurse Oscar Palomino, who recounted the events on 092320 to me, saying he did not know Sgt. Mecca had Tased Cole, because he did not see or hear it, but had been informed that if there is good contact, there is no arcing sound.

I spoke with Detective Pontiakos and reviewed the reports of the interviews he had with officers who were present to try to determine if any of them saw or knew that Sgt. Mecca had Tased Mr. Cole and learned the following:

Deputy McDaniel knew that a Taser had been used on Cole, but did not know in what time frame, as he did not hear the Taser activate, but did see "the front end light up", indicating the arcing of the Taser. McDaniel, during the debrief, remembered Sgt. Mecca saying that the Taser was used as a source of compliance and McDaniel agreed with that during this chairing. McDaniel thought Sgt. Mecca was justified in using the Taser in this instance and believed Sgt. Mecca used the Taser with good intentions and for their safety.

Deputy John Finkbiner was informed about the drive stun during a debrief about the incident later in shift. He did not hear the taser during the incident at all.

Deputy Clayton Domanico learned later that Sgt. Mecca tased Mr. Cole during the chairing process. Clayton did not hear the taser being discharged during the chairing process. He learned about the tasing during the debrief after the incident.

Deputy Joel Fundaro did not know about a Taser being used until after the chairing was complete. Thinking about the incident after he found out the Taser was used, he believed it happened after Mr. Cole began thrashing his body, but he is not sure. He remembers Mr. Cole saying to Sgt. Mecca something to the effect of "that taser didn't do shit". Fundaro was unclear if Mr. Cole was talking about when he was arrested or if he was Tased in the jail. He learned about the Tasing when there was a debrief about the incident when a deputy asked Sergeant Mecca if he Tased Mr. Cole. Sergeant Mecca said that he did Tase him, he knew it was against policy and apologized to the team because he let his emotions get the best of him. Sergeant Mecca also apologized for "talking shit" during the chairing as well.

Deputy James Long was at the head of the chair, controlling Cole's head with a hypoglossal hold and was the deputy who placed his hand in front of Cole's mouth when he began spitting at the other deputies. He remembered hearing the taser cycling but not a cartridge firing. And approximated about 3 seconds the taser was activated.

Long said there was a debrief later in shift about the incident, for feedback on the chairing, and he remembered his teammates cautioned him about his hand placement near an arrestee's mouth. Sergeant Mecca talked about using the taser on Mr. Cole and said something to the effect of *"I challenge command staff to come and do what we did without using the taser."*

Longmont Police Officer James Guerrero said, when Cole was in the chair and mostly secured, Guerrero began to walk towards the gun lockers in the garage to download his gear. As he turned and walked away, he heard Mr. Cole scream again. Officer Guerrero thought that was weird and looked over and saw a laser from a taser on Mr. Cole's knee and saw the Sergeant put a cartridge back on the taser. After the Tasing, he heard Mr. Cole say something to effect of *"That taser didn't do shit to me"*.

The affiant believes that sufficient probable cause has been shown that the offenses of Assault in the Third Degree, contrary to **CRS 18-3-204 (1) (a)** and Official Misconduct, contrary to **CRS**

18-8-404 (1)(c) were committed on September 23, 2020 at approximately 12:20 AM at 3200 Airport Road, County of Boulder, State of Colorado. The affiant further believes the aforementioned offenses were committed by Christopher Andrew Mecca DOB/071369. Mecca is described as a white male, 6'01" tall, 220 pounds with brown hair and blue eyes.

The affiant therefore requests the court issue a warrant for the arrest of Mecca at this time.

Sworn by telephone /s/ Steve Ainsworth

AFFIANT

Sworn to and subscribed before me this 9 day of October, 2020, Boulder of Boulder, State of Colorado.

Andrew R. Marshall

JUDGE