



Boulder County Sheriff's Office

Case Number: 21-06301 .001

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property							
Property Description: USB thumb drive containing Axiom Portable case for MRM2 and MRM3							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By: Berman, Sophie 535			
Relationship To Evidence:							
Property Description: Forensic images of Items MRM2 and MRM3 - stored on BCCFL NAS							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							

Cloud Photos	
Cloud Photos Berman 535	



Boulder County Sheriff's Office

Case Number: 21-06301 .001

Nature of Call :

Narrative	
Narrative Type Supplemental Report	Deputy Name Berman, Sophie 535
Narrative	
Supplemental Report	
Case Report: 21-6301	
Investigator: Detective Sophie Berman	
Date of Report: March 1, 2022	
<p>On February 28, 2022 I, Boulder County Computer Forensics Lab (BCCFL) Detective Sophie Berman, received a request from Boulder County Sheriff's Office Detective Katie Tkach regarding this investigation. Detective Tkach was requesting that several items seized from a search warrant be forensically examined and analyzed, specifically Item #MRM2 (Kodak digital camera) and Item #MRM3 (3 USB thumb drives). I removed these items from BCSO Property and Evidence section and brought them into the BCCFL for further examination.</p> <p>I opened the sealed package to Item #MRM3 and observed it contained three separate USB thumb drives. I labeled each thumb drive Item MRM3.1 (black/silver generic 4 GB), Item MRM3.2 (Black/silver generic 4 GB), and Item MRM3.3 (orange/white Lexar 16 GB). I also opened the sealed package to Item #MRM2 and observed a blue Kodak digital camera inside a black case. Contained in this digital camera was a micro SD card (SanDisk 64 GB) which I removed and labeled Item MRM2.1.</p> <p>Each USB thumb drive and SD card were plugged into a verified write blocker. I used FTK Imager to create a forensic image (E01 file) from each device. The forensic images were labeled "MRM2.1", "MRM3.1 Thumb Drive", "MRM3.2 Thumb Drive", "MRM3.3 Thumb Drive" and were placed onto the BCCFL NAS. I placed working copies onto my forensic machine and used Magnet Axion Process / Examine to parse the forensic images.</p> <p>I then created a Portable Case containing the parsed data from all four forensic images. This was placed onto a USB thumb drive and submitted into BCSO Property and Evidence as Item 160.</p> <p>I conducted a hasty analysis of the parsed content contained on these devices and observed non-pertinent material such as documents, family photos, etc. I did not locate any information related to the Marshall Fire.</p> <p>Recommended case status: OPEN</p>	

Deputy		
Involvement Type Reporting	Deputy Berman, Sophie 535	Date 03/01/22
Involvement Type Approving	Deputy Pelletier, Jeffrey 519	Date 03/17/22

Boulder County Sheriffs Office



5600 Flatiron Pkwy Boulder, CO 80301

3034413600

Case #:21-06301

Incident #: 21-06301.002

Event

Case Status:

Open

Witness Data (2)

GOULD, CHANOWK

Race: White
Ethnicity: Non-Hispanic
DOB: [REDACTED]
Age: 8
Hair Color: Brown
Eye Color: Brown
Address: [REDACTED]
City: [REDACTED]
State: Colorado
Zip Code: [REDACTED]
County: BOCO
Primary Phone Number: [REDACTED]
Address: [REDACTED]
Country: [REDACTED]

GOULD, DEREK RANDALL

Race: White
Ethnicity: Non-Hispanic
DOB: [REDACTED]
Age: 44
Sex: Male
Address: [REDACTED]
City: [REDACTED]
State: Colorado
Zip Code: [REDACTED]
County: BOCO
Primary Phone Number: [REDACTED]
Operator License Number/OLN: [REDACTED]
Operator License State/OLS: Colorado
SSN: [REDACTED]
Address: [REDACTED]
Country: [REDACTED]

Data (2)

Race:

Boulder County Sheriffs Office

5600 Flatiron Pkwy Boulder, CO 80301

3034413600



Case #:21-06301

Incident #: 21-06301.002

Offenses (1)

INFORMATION ONLY REPORT

Class:

Vehicle (0)

Serial Number:

Property Value:

Owner City:

Property (1)

CD Containing Forensic Interview Chanowk Gould and Associated Paperwork

Quantity: 1.0000

Property Value:

Hold Reason: Evidence

Where Property Found:

Drug (0)

Quantity:

Gun (0)

Quantity:

Gun Action:

Property Value:

Where Property Found:

Narrative (1)

Luevano, Jose 543

03/17/2022

On 03/14/2022 at approximately 1230 hours, Boulder County District Investigator Kristin Weisbach and I responded to 2617 Iris Hollow place, Boulder, Colorado to assist with a forensic interview of Chanowk Gould. I met with Forensic Interviewer Katie Ashburner.

At approximately 1255 hours, Derek Gould and Emily Gould arrived with Chanowk.

The following is a summary of the forensic interview of Chanowk conducted by Katie.

Katie confirmed Chanowk knew the difference between the truth and lie.

Chanowk spoke about going to school and learning about math, languages and spelling.

Chanowk was aware that he was there to talk about the fire. Chanowk saw smoke the day of the fire.

Boulder County Sheriffs Office

5600 Flatiron Pkwy Boulder, CO 80301

3034413600



Case #:21-06301

Incident #: 21-06301.002

One of the girls told his dad there was a fire and they should leave. Someone else told them to evacuate. There family left and went to a hotel.

Chanowk was at school the day of the fire. School was held in the training room. The day of the fire Chanowk saw dust. Chanowk looked closer and saw smoke. Chanowk confirmed he was with all the kids in the training class. Chanowk remembers it was windy and one of his brothers possibly Mallock told them the wind was 100 mph. Chanowk remembers the teacher talking about the wind. Chanowk saw clouds of smoke coming from the Mesa. He saw one house on fire and believed it was the Lovington house. He also saw fire on the trail. This was all observed from the window. Chanowk was told about the fire by a girl, unknown name. Chanowk remembers a brother named Eli saying we should leave. They went to the sprout house. Once there a brother identified as Ethan told them to evacuate as the fire was getting bad. His family left and went to a hotel.

Chanowk remembers seeing a fire truck while he was in class stopped on the Mesa spraying water on the fire.

Chanowk was asked about controlled burns. Chanowk made it clear they burn logs to stay warm at there house and the sprout house. The outside fires and manages by the brothers. Chanowk talked about a fire pit on the Mesa. Chanowk was asked if people talk about how the fire started and he replied "no".

Chanowk was asked if people spoke on the property. Chanowk replied they don't smoke on the property and they only use lighters for fires. His dad usually uses the lighters and he is only allowed to light candles when his dad says.

Chanowk was asked what was on the Mesa. He replied a garden, shed, fence and machines. In the shed tools are kept in the shed. Chanowk only goes to the shed when he is sent there. Grown ups don't go there, only the brothers to plant seeds and read.

Chanowk was told about todays interview by his father Derek. Chanowk is going back to school after the interview is completed.

Chanowk was asked if there is anything, he is not supposed to tell the interviewer and he replied "yes".

The interview was completed. I was provided a copy of the forensic interview along with the paperwork. I placed into evidence as item 21-06301.003.

Narrative Type:

Supplemental Report

Deputy (1)

Reporting Officer:

Luevano, Jose (543)

03/17/2022 14:02:00

Assignment:

DET



Boulder County Sheriff's Office

Case Number: 21-06301 .003

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name REED		First Name AMIDAH		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Female	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown	Eye Color Blue
Age 13		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name REED		First Name BESORAH		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .003

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Female	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown		Eye Color Blue	
Age 11		Transient		Mediation Status					
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							
Person Involvement Type: Witness									
Last Name REED		First Name MITHKAH		Middle Name		Suffix	DOB [REDACTED]		
Address		Building	Apartment	City		State		Zip Code	
County		Country							
Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Female	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color Brown		Eye Color Green	
Age 8		Transient		Mediation Status					
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									



Boulder County Sheriff's Office

Case Number: 21-06301 .003

Nature of Call :

Relationship To Offender	
Scars Marks Tattoos Location	Scars Marks Tattoos Description

Property

Property Description: 3 Blue Sky Bridge Interviews of Reed Children.

Property Status (NIBRS)			Article Type	
Quantity 3.0000	Make	Model	Serial	Color
Bank Name			Account Number	
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number
Hold Reason Evidence				
Where Property Found			Collected By:	
Relationship To Evidence:				

Body Worn Camera / Dash Camera

Body Worn Camera Yes	Dash Camera No
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Narrative

Narrative Type Supplemental Report	Deputy Name Yaffe, Samuel 537
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Narrative

Case # 21-06301

Detective S. Yaffe, # 537

On 03/14/22, I attended the blue-sky bridge interviews for Amidah Reed (13), Besorah Reed (11), and Mithkah Reed (8). When I arrived, I observed from the observation room and watched while each child was interviewed by Forensic Interviewer, K. Ashburner. Prior to the interviews, I supplied Ashburner with some questions that my colleague, Det. Tkach was hoping to have asked and/or reviewed. The children were then interviewed in the following order, a synopsis for each interview will be completed.

Amidah Reed, 13 years of age, Interview began at 0905 hours.

Amidah was asked to describe the day of the fire event that took place on 12/30/2021. Amidah awoke to hearing and seeing how windy it was at the property. She ate breakfast and helped get her younger brothers ready for the day. She and her younger sisters began school at the main house after breakfast. When asked if anyone was at the property that was not usually there, she stated that they did have some guest staying. When asked who they were, she stated there were family visiting one of the "single brothers." She stated, specifically "Lev's daughter, possibly named Megan Joy". Lev's daughter and her family, meaning her husband, and two children were said to have been on the property during the fire. Amidah mentioned Lev & Tevor's home having been one of the homes that were destroyed from the fire.

I'll confirm these names with Det. Tkach and the structures damaged at the property belonging to the 12 Tribes community.



Boulder County Sheriff's Office

Case Number: 21-06301 .003

Nature of Call :

Amidah described seeing what looked like smoke and shortly after, she saw "Eli" run to the home and told everyone inside the school to evacuate as it was not safe in the house. Eli was a neighbor who had alerted them of the fire. She continued to state how the wind was very loud and they could see through the windows a lot of smoke, and dust was blowing around through the windows. She and her siblings were then put into vehicles and driven to their deli business in Boulder.

Due to the amount of fire damage, she and her family stayed at another property in Manitou Springs, CO just outside of Colorado Springs, CO. When she was asked about if she saw anyone burning trash or items on the property before the fire, she stated she did not. She stated quickly, she did not help with anything fire related and did not know if anyone worked on any fires at the property. These answers seemed to come quicker and Amidah seemed uneasy by this line of questioning. I could see from her body-language that she was more tensed and not as relaxed to the other questions.

Besorah Reed, 11 years of age, Interview began at 1005 hours.

Besorah was asked to describe the day of the fire event that took place on 12/30/2021.

She too described seeing and hearing how extreme the wind was. She stated too that she first learned of the fire when the neighbor, Eli told them to leave the main house. Her account was quite similar to Amidah's account. They were both in the main house doing schooling, when alerted by Eli to evacuate. She stated Eli told them that it was not safe and they needed to leave the property.

When asked if she had any memory of any other fires at the house, she too quickly said "no". When asked if she remembered anyone burning trash or anything on the property being burnt, she continued to answer quickly "I don't know."

Mithkah Reed, 8 years of age, Interview began at 1054 hours.

Mithkah was asked to describe the day of the fire event that took place on 12/30/2021.

She stated that the day of the fire she saw a man named "Nazer" and another man, forgot his name, run up to the main house they were doing home-schooling in, and yelled for them to leave. The men said it was not safe and told them to evacuate. When she walked outside, she could see that the small guest house that "Lev & Tevor" lived in, was on fire. She saw Lev fighting the fire with a shovel.

When the interview was finished, I walked into the waiting room and met Reed, his wife, Stacey Breanne Reed, [REDACTED] and their three daughters. I thanked each child and the parents for agreeing to the interview. Reed asked if we still wanted to interview his wife. I told him that I would confirm with my colleague, Detective Tkach, but yes, if she had not been interviewed, I would appreciate speaking with her. I supplied him with my business card along with my contact numbers.

Regarding the concerns surrounding the actions of a few people on different events, Reed asked that I ask for some extra patrols throughout all times of the day/night. Understandably, the children specifically feared the potential of retaliation against their community as they saw an increase in threatening behaviors.

At the request of Reed, I asked our patrol to please conduct extra patrols at the property to help deter this type of behavior from happening. Reed also confirmed that "Lev's" legal name was Ronald Cooke. Many of the members of the community have Hebrew names they prefer to go by.

I then queried Reed to see if I could identify the family's previous addresses to help further the investigation. These two addresses were found to be possible addresses in Kansas and Missouri ([REDACTED]).

The three interview CD's for each child were placed into P&E, along with copies of the intake forms that were given to me by Ashburner.



Boulder County Sheriff's Office

Case Number: 21-06301 .003

Nature of Call :

End of report.

Recommended Case Status: Open

Deputy		
Involement Type Reporting	Deputy Yaffe, Samuel 537	Date 03/17/22
Involement Type Approving	Deputy Leak, Clay 520	Date 03/18/22



Boulder County Sheriff's Office

Case Number: 21-06301 .004

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name MORGAN		First Name AIYELET		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country Usa (United States Of America)					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Female	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color Brown	Eye Color
Age 11		Transient		Mediation Status			
Primary Phone		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name MORGAN		First Name HEHOMEN		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country Usa (United States Of America)					



Boulder County Sheriff's Office

Case Number: 21-06301 .004

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Male	Race White	Ethnicity Non-Hispanic		Height		Weight		Hair Color Brown	Eye Color
Age 17		Transient		Mediation Status					
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							

Property

Property Description: Blue Sky Bridge interview Hehoman Morgan

Property Status (NIBRS) None			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color
Bank Name			Account Number	
Property Value \$	Recovered Value \$		Recovered Date 03/15/22	Owner Applied Number
Hold Reason Evidence				
Where Property Found Blue Sky Bridge			Collected By: Tkach, Katie 548	
Relationship To Evidence:				

Property Description: Blue Sky Bridge Interview Aiyelet Morgan

Property Status (NIBRS) None			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color
Bank Name			Account Number	
Property Value \$	Recovered Value \$		Recovered Date 03/15/22	Owner Applied Number
Hold Reason Evidence				



Boulder County Sheriff's Office

Case Number: 21-06301 .004

Nature of Call :

Where Property Found BSB	Collected By: Tkach, Katie 548
Relationship To Evidence:	

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative	
<p>On 3/15/22 I, Detective Tkach, attended two interviews at Blue Sky Bridge.</p> <p>The first interview was with Matthew Morgan's son Hehomen Morgan (██████████). The forensic interviewer was Katie Ashburner. The interview began at 0900 hours. FI Ashburner began the interview asking Hehomen what the difference between the truth and a lie. He responded that it was hard to explain. FI Ashburner asked him what he did for fun and what he did that day before coming to the interview.</p> <p>She then asked him why he was there today. He responded "To talk about the fire". FI Ashburner asked him about the day of the fire. He said that he woke up and went with his dad to Monument to work a job. His dad installs septic tanks. While they were working, someone from Twelve Tribes called his dad and said one of the houses was on fire. They got into his dad's truck and drove back to Boulder. When they arrived, not much fire was left on the property. He saw Steve Orloff in one of the front-end loaders, just sitting in the cab. Hehomen and his dad went down to the Marshall neighborhood below them to try to knock down some flames and help people in the neighborhood.</p> <p>FI Ashburner asked Hehomen about the day of the controlled burn. He believed they had it close to where they had some old beehives on the property. He remembered it was raining that day, and they had a hose nearby. In order to burn anything, community members had to ask Jonathan, Matthew, or Derek.</p> <p>The interview ended at 0935 hours.</p> <p>At 0936 hours, Aiyelet Morgan (██████████) began her interview. She was asked the difference between the truth and a lie. She responded that the truth is what actually happened, and a lie is made up. She promised to tell the truth. When asked about the day of the fire, she said that she went to class in the two-story building on the property and was working on her subjects. She and the other kids saw smoke outside the window. She walked over to the "Sprout house" along with the other kids where they waited. Eventually, they were taken to the deli in Boulder. She mentioned that it was "super windy and scary" outside. When they walked to the Sprout house, she could see fire over on the Marshall Mesa Open Space.</p> <p>The interview ended at 1004 hours. A copy of the recorded interview will be placed in evidence.</p>	

Deputy

Involvement Type Reporting	Deputy Tkach, Katie 548	Date 03/17/22
Involvement Type Approving	Deputy Leak, Clay 520	Date 03/18/22



Boulder County Sheriff's Office

Case Number: 21-06301 .005

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name MEANS		First Name JERRY		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color	Eye Color
Age		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone [REDACTED]		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address [REDACTED]		Building	Apartment	P.O. Box	City [REDACTED]		
State CO		Zip Code [REDACTED]		County [REDACTED]	Country Usa (United States Of America)		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: Thumb drives				
Property Status (NIBRS) None			Article Type Memory Module/Flash Drive	
Quantity 2.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .005

Nature of Call :

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number 21-9972
Hold Reason Evidence			
Where Property Found		Collected By: Tkach, Katie 548	
Relationship To Evidence:			

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative On 3/15/22, I received two thumb drives from Adams County Fire Investigator Jerry Means. They contained a copy of his report, photos he took, and photos of the Marshall Fire that were dropped off at his station. I entered both thumb drives into evidence.	

Deputy

Involment Type Reporting	Deputy Tkach, Katie 548	Date 03/18/22
Involment Type Approving	Deputy Leak, Clay 520	Date 03/18/22

Boulder County Sheriffs Office



5600 Flatiron Pkwy Boulder, CO 80301

3034413600

Case #:21-06301

Incident #: 21-06301.006

Event

Exceptional Clearance: Not Applicable/None Of The Above

Narrative (1)

Berman, Sophie 535

03/22/2022

Please note that in my previous supplemental report, I had been assigned Item 160 for an evidence Item containing a USB thumb drive of Axiom Portable Cases. After technical difficulties dealing with the new report writing system, Atlas, this Item number proved incorrect. The real Item number is Item #1, which is labeled as 1 USB thumb drive containing Magnet Axiom Portable Case for MRM2 and MRM3.

This concludes my supplemental report.

Narrative Type: Supplemental Report

Deputy (2)

Reporting Officer:	Berman, Sophie (535)	03/22/2022 16:21:00
Assignment:	DET	
Approving Officer:	Leak, Clay (520)	03/23/2022 08:14:47
Assignment:	DET	



Boulder County Sheriff's Office

Case Number: 21-06301 .007

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above	Exceptional Clearance Date			

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
<p>Narrative</p> <p>On 3/25/22 at 0900 hours I, Detective Tkach, met with Xcel at the Marshall Mesa Trailhead for the removal of a section of powerlines for evidence. Also in attendance was Detective Jose Luevano, DA Ryan Day, Jensen Hughes Senior Fire Investigator Michael Davis, USFS Special Agent Aaron Henrichs, Xcel Energy Claims Service Manager M.J. Ferris, Stan Garnett, Sarah Boder, two other experts on behalf of Xcel, and various Xcel linemen.</p> <p>Over the course of the next four hours, Xcel coordinated the removal of the powerlines. The power lines were first de-energized and grounded. Manager Ferris used a bucket truck to go up to the lines, along with another lineman. He took numerous pictures of the lines. They were then measured, taped, and cut. An 8ft section of all three phase lines was removed near pole MP2, 4ft on either side North and South of the pole. The lines, along with the crossbar, were lowered to the ground and placed on a tarp. Investigator Davis, Detective Luevano, and the two experts on behalf of Xcel took photos of the lines. Investigator Davis then wrapped the lines in shrink wrap to protect them, and placed them in his truck.</p> <p>Manager Ferris requested that Detective Luevano and I take a cigarette he had found on the ground the previous week, for evidence. He pointed out a cigarette located at approximately 39 degrees 57'6"N, 105 degrees 13'57"W. Detective Luevano took pictures of the cigarette. Using a measuring tape, Agent Henrichs and I determined the cigarette to be 3in East of the barbed wire fence. The fence was 30ft from the white fog line. Using latex gloves, I collected the cigarette and placed it in a paper bag. Detective Luevano later placed it in Property and Evidence.</p> <p>It should be noted that I had observed two Xcel workers smoking by the edge of the road during the removal of the lines. I had also observed Xcel workers smoking in the same location when we were there on 1/28/22 to examine the lines with Manager Ferris.</p> <p>Recommended Case Status: Open.</p>	

Deputy	
Deputy Tkach, Katie 548	Date 03/25/22
Deputy Pontiakos, Connor 532	Date 03/28/22



Boulder County Sheriff's Office

Case Number: 21-06301 .008

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property							
Property Description: Photos of Xcel Energy lines taken down and collected							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$	Recovered Value \$		Recovered Date		Owner Applied Number		
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							
Property Description: Cigarette Butt found near the fence by Xcel Lines							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$	Recovered Value \$		Recovered Date		Owner Applied Number		
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .008

Nature of Call :

Narrative		
Narrative Type Supplemental Report	Deputy Name Luevano, Jose 543	
Narrative		
<p>On March 25, 2022, Detective Katie Tkach and I met with Xcel Energy employees, Investigators, Attorney's and Contractor's to take down Xcel Energy lines. All the individuals involved signed in on an Xcel Energy sheet and provided business cards. This list will be e-mailed to all involved.</p> <p>We observed three Xcel Energy lines to be cut and placed on the street by Xcel Energy employees. The three lines were photographed and examined by investigators. I took photos of my observations. I observed dark colored spots on the west line. The lines were packaged and collected by the investigator Mike for evidence.</p> <p>I collected a piece of the line that was next to the Xcel Energy pole. It was turned over to investigator Mike.</p> <p>Xcel energy employees pointed out a cigarette butt on the floor by the fence. I photographed it and it was collected by Detective Tkach. Once the evidence was collected and packaged, we left the scene.</p> <p>I placed the following items into evidence:</p> <p>Item 21-06301.166 Photos of Xcel Energy lines taken down and collected</p> <p>Item 21-06301.167 Cigarette Butt found near the fence by Xcel lines</p>		
Deputy		
Involment Type Reporting	Deputy Luevano, Jose 543	Date 03/25/22
Involment Type Approving	Deputy Leak, Clay 520	Date 03/30/22



Boulder County Sheriff's Office

Case Number: 21-06301 .009

Nature of Call :

Event							
Incident Start Date/Time		Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence	
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name		Case Status Open		Exceptional Clearance Not Applicable/None Of The Above		Exceptional Clearance Date	

Property					
Property Description: SD card with game camera footage of Marshall Mesa Trailhead					
Property Status (NIBRS)			Article Type Memory Module/Flash Drive		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					

Property Description: SD card with game camera footage of Marshall Mesa Trailhead					
Property Status (NIBRS)			Article Type Memory Module/Flash Drive		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					

Property Description: SD card with game camera footage of Marshall Mesa Trailhead					
Property Status (NIBRS)			Article Type Memory Module/Flash Drive		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	



Boulder County Sheriff's Office

Case Number: 21-06301 .009

Nature of Call :

Hold Reason Evidence	
Where Property Found	Collected By:
Relationship To Evidence:	

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative On 3/29/22 I, Detective Tkach, removed the three game cameras that had been previously installed at the Marshall Mesa Trailhead. I removed the SD cards and submitted them into Property and Evidence. Recommended Case Status: Open.	

Deputy

Involvement Type Reporting	Deputy Tkach, Katie 548	Date 03/29/22
Involvement Type Approving	Deputy Leak, Clay 520	Date 03/30/22

Boulder County Sheriffs Office

5600 Flatiron Pkwy Boulder, CO 80301

3034413600



Case #:21-06301

Incident #: 21-06301.010

Event

Exceptional Clearance:

Not Applicable/None Of The Above

Narrative (1)

Tosaka, Maximilian 538

03/30/2022

On 03/30/2022, Commander Oehlkers and Sergeant Pontiakos advised that Mark Bickler, the owner of Shell gas station at 1805 South Foothills Parkway, was going to the meeting with the media about the Marshall Fire.

Bickler stated that he had the video evidence of the Marshall Fire. Commander Oehlkers requested that I speak with Bickler to see if he would release his store videos or he had another video that we did not know about.

Upon the phone contact, I advised Bickler that I was informed that he would release his videos to the public. I asked Bickler if he had other videos that we didn't know about or he was going to release his store videos, and he claimed that we broke his DVR boxes. Bickler stated that he had canceled the meeting. I asked Bickler if he had other videos we didn't know about, and he did not answer. I asked Bickler if he was referring to his store videos, and he only said that he had canceled the meeting.

I asked Bickler how he could have his store videos if he claimed that we broke his DVR boxes during downloading. He did not answer my questions. Instead, he asked how we reviewed the videos. I advised that we could not access the DVR boxes, but we cloned entire drives. Bickler wanted those cloned drives, and I advised him that those drives were the Sheriff's office properties and in the evidence. Bickler stated that he would like Detective Berman's contact information. I advised him that she had called him in the past, so he should have her number on his caller history. Bickler demanded that I text him her contact information, and I advised him that he could contact her through the Sheriff's Office general contact number. This telephone contact was concluded.

No further.

Narrative Type:

Supplemental Report

Deputy (2)

Reporting Officer:	Tosaka, Maximilian (538)	03/30/2022 09:46:00
Assignment:	DET	
Approving Officer:	Pontiakos, Connor (532)	04/11/2022 11:19:55
Assignment:	DET	



Boulder County Sheriff's Office

Case Number: 21-06301 .011

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name TOPAKAS		First Name ALEXANDER		Middle Name GEORGE		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country Usa (United States Of America)					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 59		Transient					
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: Witness statement from Alex Topakas				
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .011

Nature of Call :

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number
Hold Reason Evidence			
Where Property Found		Collected By:	
Relationship To Evidence:			

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative <p>On 3/30/22 I, Detective Tkach, was forwarded an email from the City of Boulder Fire Department about a possible tip regarding the Marshall Fire. The person reporting the tip was Alex Topakas a [REDACTED]. I called and left a message for Alex.</p> <p>On 3/31/22, Alex left a voicemail on my office phone detailing his observations on the day of the Marshall Fire. He stated at 11:40am, he was in the area of Louisville and observed smoke West of Superior. He observed the smoke from the fire going "straight up". Therefore, he believed that the coal mines burning underground could not have started the fire because the wind wasn't blowing at that time.</p> <p>I burned the voicemail recording of Alex's statement onto a CD and entered it into evidence.</p> <p>Recommended Case Status: Open.</p>	

Deputy

Involvement Type Reporting	Deputy Tkach, Katie 548	Date 04/01/22
Involvement Type Approving	Deputy Leak, Clay 520	Date 04/01/22



Boulder County Sheriff's Office

Case Number: 21-06301 .012

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name MYERS		First Name TONYA		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country Usa (United States Of America)					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Female	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 47	Transient			Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name MARTINEZ		First Name JOSETT		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .012

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City		
State		Zip Code		County		Country				
Sex Female	Race	Ethnicity		Height		Weight		Hair Color		Eye Color
Age 46		Transient		Mediation Status						
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email				
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number		
FBI Number		SID Number				SSN				
Employer Name				Employer Phone		Employer Email				
Occupation Address		Building		Apartment		P.O. Box		City		
State		Zip Code		County		Country				
School Name										
Relationship To Offender										
Scars Marks Tattoos Location		Scars Marks Tattoos Description								

Cloud Photos

Cloud Photos
Do not Enter

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

On 4/1/22 I, Detective Tkach, received a Marshall Fire tip from the general email box of the Boulder County Sheriff's Office.

I spoke with the reporting party, Tonya Myers, by phone. She said that on the day of the fire, she and her wife, Josett Martinez, were driving Southbound from Boulder on Hwy 93. At 11:10am, they observed smoke coming from a property located on the Northeast corner of Hwy 93 and Eldorado Springs Dr. Tonya is familiar with burn barrel fires, and thought it was similar to that. She did not see flames, only a column of smoke rising up from somewhere near the shed that's on the property. She could not specify where the smoke was coming from in relation to the shed, and she did not actually see a burn barrel.

While at the intersection, she saw a fire truck and a firefighter directing traffic. She believed he was directing traffic away from a line that had fallen near the intersection. She assumed he knew about the smoke since he was right there. She and her wife continued to drive South and didn't learn about the fire until that night.

Nothing further.

Recommended Case Status: Open.



Boulder County Sheriff's Office

Case Number: 21-06301 .012

Nature of Call :

Deputy		
Involement Type Reporting	Deputy Tkach, Katie 548	Date 04/01/22
Involement Type Approving	Deputy Leak, Clay 520	Date 04/01/22



Boulder County Sheriff's Office

Case Number: 21-06301 .013

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property					
Property Description: Pole Camera video from 2/17/22-2/21/22					
Property Status (NIBRS)			Article Type Memory Module/Flash Drive		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative On 4/1/22 I, Detective Tkach, submitted recorded video footage from the pole camera at Marshall Mesa Trailhead into evidence. The video is from the dates 2/17/22 - 2/21/22. Recommended Case Status: Open.	

Deputy		
Involment Type Reporting	Deputy Tkach, Katie 548	Date 04/01/22
Involment Type Approving	Deputy Leak, Clay 520	Date 04/01/22



Boulder County Sheriff's Office

Case Number: 21-06301 .014

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property					
Property Description: Video from Edward Harrell					
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					

Cloud Photos
Cloud Photos Do not Enter

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative The following is timeline for the events of the Marshall Fire Investigation: 12/30/21 Day of the Marshall Fire. 12/31/21 A search warrant for the Twelve Tribes Community property was signed and executed. This search warrant was for the following items: 1. Indicia of Occupancy 2. Soil samples 3. Burn barrels, fire pits, anything used to start a fire 4. Accelerant Detection dog search of the property 5. Possible ignition sources such as matches, torches, etc.	



Boulder County Sheriff's Office

Case Number: 21-06301 .014

Nature of Call :

6. Common flammable household products that could be used as an accelerant.
7. All material evidence to be developed by a thorough scene investigation of the premises, including but not limited to still and video photography, measurements, diagrams and other commonly used crime scene processing or documentation methods.

This warrant did not include a search of the multiple residences located on the property.

1/1/22

A search warrant for the Twelve Tribes Community property was executed. This was a search of the interior of the residences for the following items:

- Indicia of occupancy, ownership, or use.
- Common flammable products that could be used as an accelerant or ignition source to start or maintain a fire.
- Cell phones, computers, and electronics on the property.
- All material evidence to be developed by a thorough scene investigation of the premises, including but not limited to still and video photography, measurements, diagrams, DNA collection, fingerprint collection, and other commonly used crime scene processing or documentation methods.

1/5/22

A search warrant was served to Xcel Energy for the following information:

- Scada data, Automated Meter Reading (AMR), or data from any other system that would capture service interruptions, line breaks, or faults for the area north of 5300 Marshall Road (roughly 39°57'26.3"N 105°13'53.4"W) and south of the Marshall mesa around the "Community ditch" (or about 39°56'43.6"N 105°14'10.7"W), and the immediate area near 5300 Marshall Road and the Eldorado park and ride, between the dates of April 1, 2021 to December 31, 2021
- Records for any maintenance, service, repair work, or installation on any of the lines on Hwy 93, for the area north of 5300 Marshall Road (roughly 39°57'26.3"N 105°13'53.4"W) and south of the Marshall mesa around the "Community ditch" (or about 39°56'43.6"N 105°14'10.7"W), and the immediate area near 5300 Marshall Road and the Eldorado park and ride, between the dates of April 1, 2021 to December 31, 2021
- Records of any call logs or digital reports of interruptions of service from April 1, 2021 to December 31, 2021 for the area of Eldorado Springs, addresses in the 1800 block of S. Foothills Hwy, residences on Marshall Road west of Cherryvale, and the Sans Souci Community.

1/7/22

Detectives met with members of the Division of Reclamation of Mining and Safety at the Marshall Mesa Trailhead and conducted a walkthrough of the area to examine coal seams.

Detectives also met with Xcel at the trailhead. An employee of Xcel used a bucket truck to take pictures of powerlines in the area of the trailhead at the request of USFS Special Agents.

1/13/22

Xcel Energy responded to the warrant served to them on 1/5/22. Their response included:

An event log from 08:05 hours on 12/30/21 to 17:22 hours on 12/31.

Emails

Relay Data

J4076 trips detail report with odometer_20220106_153102J4803 trips detail report 2021.12.30K4004 trips detail report 2021.12.30Marshall Fire radio traffic 12.30.2021 (audio file)Recloser dataSCADA data 2021.12.30 to 2021.12.31System map

1/20/22

A search warrant was served to Xcel Energy for the following information:

- Documents or other records containing the name of every Xcel Energy employee who worked in Boulder County, Colorado, between December 30, 2021 and January 1, 2022.
- For each employee identified in response to Paragraph 1, above, documents or other records indicating the hours the employee worked, the location(s) in which the employee worked, and the title and/or role of the employee.
- A list of all Xcel Energy field vehicles-including, but not limited to, bucket trucks, repair vehicles, cars or other vehicles belonging to Xcel Energy, and cars or vehicles operated by employees on official business-that were driven or



Boulder County Sheriff's Office

Case Number: 21-06301 .014

Nature of Call :

- otherwise placed into operation between December 30, 2021 and January 1, 2022 in Boulder County, Colorado.
- For each vehicle identified in response to Paragraph 3, above, documents or other records that show the location(s) of those trucks between December 30, 2021 and January 1, 2022. This would include, but not be limited to, GPS data, call logs, service logs, mileage reports, or other indicators of where the vehicles traveled between December 30, 2021 and January 1, 2022.
- For each vehicle identified in response to Paragraph 3, above, a list of the employees (including contractors, subcontractors, or independent contractors) who operated or rode in the vehicle. Documents produced in response to this request should contain information that would allow the reader to tie operators/riders to a specific vehicle, where applicable.
- For December 30, 2021 to January 1, 2022, all service logs, reports, or other documents relating to repair and/or maintenance work performed by Xcel Energy (or any contractors, subcontractors, or independent contractors retained by Xcel Energy) within 1 mile of either side of Colorado Highway 93, a state highway that runs predominantly north-south, between the border of Jefferson County, Colorado and Boulder County, Colorado, on the south, and the intersection of Colorado Highway 93 and South Boulder Road, on the north.
- All emails, text messages, "Slack" messages, or other electronic communications between Xcel Energy employees relating to the Marshall Fire and/or the cause of the Marshall Fire and/or the origin of the Marshall Fire, on or between December 30, 2021 and January 1, 2022.
- All memoranda, reports, assessments, or other such documents created by Xcel Energy employees (or contractors) and relating to the Marshall Fire.
- A map of Xcel transmission systems located within 2 miles of either side of the Colorado Highway 93 corridor, between the northern border of Jefferson County and Colorado Highway 7. This map should include, but not be limited to, all power lines, transformers, reclosers, and other transmission equipment within 2 miles the Marshall Mesa Trailhead in Boulder County, Colorado.
- Specific SCADA data for "Breaker 1161" between December 30, 2021 and January 1, 2022. Information produced in response to this request should indicate what phase is open and closed on breaker 1161.
- SCADA data related to reclosers located on Xcel power lines within 1 mile of the Marshall Mesa Trailhead, for all times on and between December 30, 2021 and January 1, 2022.

1/28/22

Engineer Paul Way was brought in by BCSO to the investigation to inspect the powerlines near the Marshall Mesa Trailhead. Xcel assisted by de-energizing the lines and allowing Way to examine the lines from an Xcel bucket truck.

1/31/22

A search warrant was served on Xcel Energy to seize the following item:

- Eight feet of each phase line that runs above the crossbar of pole number MP2 (GPS: 39 degrees 57'4" N, 105 degrees 13'60"W), with the eight feet comprising four feet to the north of the crossbar and four feet to the south of the crossbar.**

2/17/22

The search warrant served on Xcel Energy on 1/31/22 was renewed.

3/4/22

Xcel Energy initiated a meeting via Zoom with DA Day, USFS Special Agents Lunders and Henrichs, Engineer Paul Way, and me. Representatives from Xcel showed multiple videos from the day of the fire. One video showed embers from the fire blowing at Costco in Superior. Another video showed one of Michael Zoltowski's videos that he's taken of the Marshall Mesa Trailhead. Investigators had previously received this video from Zoltowski. A third video was apparently taken by Edward Harrell. His video showed powerlines slap at the intersection of Hwy 93 and Eldorado Springs Dr, creating an electrical arc. It also showed the area of the Marshall Mesa Trailhead, which was not burning at the time.

I had not seen the video taken by Harrell before this meeting. I found the video on YouTube, but found it was heavily edited and cut with many different videos that Harrell had apparently taken that day. I attempted to find contact information for Harrell. I found a possible phone number and left a message, but never received a call back. I was also unable to find an accurate address for Harrell. I used a screen recording extension on Google Chrome to place the video on a DVD and entered it into Property & Evidence.

Harrell's video of powerlines slapping and arching at the intersection of HWY 93 and Eldorado Springs Dr is consistent with witness statements in 22DA1Supp 49 (Marshall Fire Tip BCSO 2021-0058) as well as 22DA1Supp 09 (Marshall Fire Tip BCSO 2021-0012).



Boulder County Sheriff's Office

Case Number: 21-06301 .014

Nature of Call :

3/9/22

Xcel Energy cancelled the removal of the powerlines due to weather/safety reasons.

3/16/22

BCSO received the draft report from Tetra Tech's findings involving the coal mines near the Marshall Mesa Trailhead.

3/18/22

Xcel Energy cancelled the removal of the powerlines due to Union work rules.

3/25/22

Xcel Energy assisted investigators in the removal of the powerlines requested in the search warrant from 1/31/22.

Recommended Case Status: Open.

Deputy

Involvement Type Reporting	Deputy Tkach, Katie 548	Date 04/07/22
Involvement Type Approving	Deputy Oehlkers, Jason 506	Date 04/08/22



Boulder County Sheriff's Office

Case Number: 21-06301 .015

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Involved							
Last Name GRAVES		First Name JEFF		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex	Race	Ethnicity	Height	Weight	Hair Color	Eye Color	
Age		Transient					
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name Colorado Division of Mining and Reclamation			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Involved							
Last Name MCKINNEY		First Name SETH		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .015

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City		
State		Zip Code		County		Country				
Sex	Race	Ethnicity		Height		Weight		Hair Color		Eye Color
Age		Transient								
Primary Phone		Secondary Phone		Other Phone		Email				
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number		
FBI Number		SID Number				SSN				
Employer Name				Employer Phone		Employer Email				
Boulder County Sheriff's Office										
Occupation Address		Building		Apartment		P.O. Box		City		
State		Zip Code		County		Country				
School Name										
Relationship To Offender										
Scars Marks Tattoos Location		Scars Marks Tattoos Description								
Person Involvement Type: Involved										
Last Name		First Name		Middle Name		Suffix		DOB		
HAVERFIELD		CARRIE		L				#Error		
Address		Building		Apartment		City		State		Zip Code
						Boulder				
County		Country								
Alternate Address		Building		Apartment		P.O. Box		City		
State		Zip Code		County		Country				
Sex	Race	Ethnicity		Height		Weight		Hair Color		Eye Color
Age		Transient								
Primary Phone		Secondary Phone		Other Phone		Email				
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number		
FBI Number		SID Number				SSN				
Employer Name				Employer Phone		Employer Email				
BOULDER COUNTY SHERIFF'S OFFICE										
Occupation Address		Building		Apartment		P.O. Box		City		
5600 Flatirons Parkway								Boulder		
State		Zip Code		County		Country				
CO		80301								
School Name										



Boulder County Sheriff's Office

Case Number: 21-06301 .015

Nature of Call :

Relationship To Offender	
Scars Marks Tattoos Location	Scars Marks Tattoos Description

Property				
Property Description: Police/Fire radio traffic from 0930-1330 12/30/21				
Property Status (NIBRS)			Article Type	
			Audio/Laser Compact Disc (Cd)/Dvd	
Quantity	Make	Model	Serial	Color
1.0000				
Bank Name			Account Number	
Property Value	Recovered Value		Recovered Date	Owner Applied Number
\$	\$			
Hold Reason				
Evidence				
Where Property Found			Collected By:	
Relationship To Evidence:				
Property Description: CAD Incidents at Twelve Tribes Community				
Property Status (NIBRS)			Article Type	
			Audio/Laser Compact Disc (Cd)/Dvd	
Quantity	Make	Model	Serial	Color
1.0000				
Bank Name			Account Number	
Property Value	Recovered Value		Recovered Date	Owner Applied Number
\$	\$			
Hold Reason				
Evidence				
Where Property Found			Collected By:	
			Tkach, Katie 548	
Relationship To Evidence:				

Cloud Photos
Cloud Photos
Do not Enter



Boulder County Sheriff's Office

Case Number: 21-06301 .015

Nature of Call :

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative <p>On 4/1/22 I, Detective Tkach, received the recorded radio traffic from 12/30/21 0930-1330 hours on both the law and fire BCSO channels. I put the recordings onto a CD and entered it into evidence.</p> <p>I requested and received copies of all CAD incidents in which the Twelve Tribes community called in a controlled burn, or a passerby reported a fire on the Twelve Tribes property before the Marshall Fire. I reviewed those incidents and found nearly all of them to be a person named "Joe" calling from the Twelve Tribes community to advise they were doing a controlled burn that day. One CAD incident from 12/24/21 was also found, called in by a passerby at HWY 93/Eldorado Springs Dr, reporting Matthew Morgan's slash pile that day. I put the CAD incidents on a CD and entered it into evidence.</p> <p>I spoke with Seth McKinney, the Boulder County Sheriff's Office Fire Management Officer about conditions on the day of the fire and advisories the county had issued that day. He stated that on the day of the Marshall Fire, a "High Wind Watch" was issued from the National Weather Service. The environmental thresholds were not met for a 'Red Flag Warning'. County Ordinance 2014-1 states that anytime the NWS issues a Red Flag Warning/Fire Weather Watch/High Wind Warning or Watch, the entire County goes into temporary Level 2 Fire Restrictions.</p> <p>Agricultural burns are exempt from many of the regulations and processes, but slash pile burns are not. A slash pile is made up of vegetative material that has been concentrated by manual or mechanical means into a pile measuring no more than 6' wide by 6' tall. An agricultural burn is the open burning of ground cover vegetation for the purpose of preparing the soil for crop production and livestock grazing, for the clearing of irrigation ditches and fence lines, and for controlling noxious weeds for "Commercial Agricultural Operations. County Ordinance 2014-1 states that people are required to notify the sheriff's office for controlled burns. Boulder County provides the website https://www.bouldercounty.org/safety/fire/burn-definitions/#slash as a resource for the public.</p> <p>No advisory or Red Flag warning was issued on 12/24/21, the day of Matthew Morgan's slash pile burn. There was a Red Flag Warning issued on 12/22/21.</p> <p>I asked Boulder County Sheriff's Office Communications Specialist Carrie Haverfield about the advisements the county issued on the day of the Marshall Fire. At 7:03am, the Boulder County Sheriff's Office posted a High Wind Warning on its Twitter page. It stated "HIGH WIND WARNING is in effect today, Thursday. No open burning is allowed in Boulder County. West winds 25 to 40 mph, gusts up to 80 mph. Damaging winds will blow down trees and power lines, use caution if outside. Travel will be difficult especially in high profile vehicles". This was retweeted by the Boulder Office of Emergency Management. This advisement was also shared on Facebook by both BCSO and Boulder OEM.</p> <p>On 4/5/22, wind conditions were similar to those of the day of the fire. Winds were 30-40mph with gusts of up to 80mph. Jeff Graves, Director of the Colorado Division of Reclamation, Mining and Safety provided graphs of temperature data from the Marshall mine showing data from March-April, as well as from 4/5/22. The data showed little temperature change in any of the boreholes over the entire period, nor does there appear to be any response to windy conditions. These graphs were placed in the case file.</p> <p>Recommended Case Status: Open.</p>	

Deputy

Involment Type Reporting	Deputy Tkach, Katie 548	Date 04/07/22
Involment Type Approving	Deputy Oehlkers, Jason 506	Date 04/08/22



Boulder County Sheriff's Office

Case Number: 21-06301 .016

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property							
Property Description: External HD with Pole Cam video from 02/26/22-3/25/22							
Property Status (NIBRS)				Article Type Removable Disk Drives-Not Flash/Thumb			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							
Property Description: Thumb Drive with Pole Cam video from 02/22/22-02/25/22							
Property Status (NIBRS)				Article Type Memory Module/Flash Drive			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							

Cloud Photos	
Cloud Photos Do not Enter	



Boulder County Sheriff's Office

Case Number: 21-06301 .016

Nature of Call :

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

On 4/22/22 I, Detective Tkach, received an external hard drive and thumb drive containing video from the pole cam that had been set up at Marshall Mesa Trailhead from Detective Woodard. I submitted the items to BCSO Property & Evidence.

Recommended Case Status: Open.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
04/22/22

Involvement Type
Approving

Deputy
Leak, Clay 520

Date
04/22/22

Boulder County Sheriffs Office

5600 Flatiron Pkwy Boulder, CO 80301

3034413600



Case #:21-06301

Incident #: 21-06301.017

Event

Case Status: Open
Exceptional Clearance: Not Applicable/None Of The Above

BWC/Dash Camera (1)

Do not Enter

Body Worn Camera: No

Cloud Photos (1)

Do not Enter

Cloud Photos: No

Narrative (1)

Oehlkers, Jason 506

04/27/2022

Supplemental Report

21-6301

On April 26, 2022, I received an email from David Haines, who works for Boulder County Community Planning & Permitting. I had previously requested the final list of damaged and destroyed houses associated with the Marshall Fire. Haines sent me an excel document with 1,257 entries documenting the destroyed and damaged homes that the damage assessment teams had cataloged after the fire was extinguished and preliminary searches were conducted by investigators in the days following the fire.

This document along with three PDF maps were placed into the case file by records personnel. The PDF maps were created at my request and depict the west side of the fire near the suspected points of origin and the homes damaged and destroyed in the area.

End of report

J. Oehlkers

Narrative Type: Supplemental Report

Deputy (2)

Reporting Officer: Oehlkers, Jason (506) 04/27/2022 00:00:00
Assignment: DET
Approving Officer: Oehlkers, Jason (506) 04/27/2022 15:01:53
Assignment: DET



Boulder County Sheriff's Office

Case Number: 21-06301 .018

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos Do not Enter

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative On 5/11/22, I, Detective Tkach, was asked by DA Day to take pictures of the lashing wires collected from the Marshall Mesa Trailhead and send the pictures to Engineer Paul Way. I checked out item #JY6 from BCSO Property & Evidence. While wearing latex gloves, I opened the packaging and removed the wires. I took numerous pictures, then placed the wires back in the packaging and sealed it. I returned it to P&E and had a link for the pictures sent to Engineer Way. I uploaded the pictures to the Motorola Vault via the CaptureApp. Recommended Case Status: Open.	

Deputy		
Involment Type Reporting	Deputy Tkach, Katie 548	Date 05/11/22
Involment Type Approving	Deputy Pelletier, Jeffrey 519	Date 05/12/22



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Parent/Guardian							
Last Name DUNLAP		First Name CHAD		Middle Name MICHAEL		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
County BOCO		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color Brown	Eye Color
Age 46		Transient			Mediation Status		
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name DUNLAP		First Name RUHAMAH		Middle Name		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
County		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City				
State		Zip Code		County		Country						
Sex Female	Race		Ethnicity		Height		Weight		Hair Color		Eye Color	
Age 6		Transient				Mediation Status						
Primary Phone		Secondary Phone			Other Phone			Email				
Operator License State/OLS		Operator License Number/OLN			Misc ID Type		Misc ID State		Misc ID Number			
FBI Number			SID Number				SSN					
Employer Name					Employer Phone			Employer Email				
Occupation Address		Building		Apartment		P.O. Box		City				
State		Zip Code		County		Country						
School Name												
Relationship To Offender												
Scars Marks Tattoos Location		Scars Marks Tattoos Description										
Person Involvement Type: Witness												
Last Name DUNLAP		First Name TE'ALA			Middle Name			Suffix		DOB [REDACTED]		
Address [REDACTED]		Building		Apartment		City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]		
County		Country										
Alternate Address		Building		Apartment		P.O. Box		City				
State		Zip Code		County		Country						
Sex Female	Race White		Ethnicity Non-Hispanic		Height		Weight		Hair Color		Eye Color	
Age 4		Transient				Mediation Status						
Primary Phone		Secondary Phone			Other Phone			Email				
Operator License State/OLS		Operator License Number/OLN			Misc ID Type		Misc ID State		Misc ID Number			
FBI Number			SID Number				SSN					
Employer Name					Employer Phone			Employer Email				
Occupation Address		Building		Apartment		P.O. Box		City				
State		Zip Code		County		Country						
School Name												



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

Relationship To Offender									
Scars Marks Tattoos Location			Scars Marks Tattoos Description						
Person Involvement Type: Witness									
Last Name DUNLAP			First Name SARAH		Middle Name		Suffix	DOB [REDACTED]	
Address [REDACTED]		Building	Apartment	City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]	
County		Country							
Alternate Address			Building	Apartment	P.O. Box		City		
State		Zip Code		County		Country			
Sex Female	Race White		Ethnicity Non-Hispanic		Height	Weight	Hair Color		Eye Color
Age 2		Transient			Mediation Status				
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address			Building	Apartment	P.O. Box		City		
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location			Scars Marks Tattoos Description						
Person Involvement Type: Parent/Guardian									
Last Name DUNLAP			First Name NATALIE		Middle Name		Suffix	DOB [REDACTED]	
Address [REDACTED]		Building	Apartment	City [REDACTED]		State [REDACTED]		Zip Code [REDACTED]	
County		Country							
Alternate Address			Building	Apartment	P.O. Box		City		
State		Zip Code		County		Country			
Sex Female	Race White		Ethnicity Non-Hispanic		Height	Weight	Hair Color		Eye Color
Age 30		Transient			Mediation Status				
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email			



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number			SID Number			SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							
Person Involvement Type: Witness									
Last Name DUNLAP		First Name NUHVEYAH		Middle Name		Suffix		DOB [REDACTED]	
Address [REDACTED]		Building		Apartment		City [REDACTED]		State [REDACTED] Zip Code [REDACTED]	
Country		Country							
Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Female	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color Brown		Eye Color	
Age 10		Transient			Mediation Status				
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number			SID Number			SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							
Person Involvement Type: Witness									
Last Name DUNLAP		First Name NADAB		Middle Name		Suffix		DOB [REDACTED]	
Address [REDACTED]		Building		Apartment		City [REDACTED]		State [REDACTED] Zip Code [REDACTED]	



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

County		Country									
Alternate Address		Building		Apartment		P.O. Box		City			
State		Zip Code		County		Country					
Sex Male	Race White	Ethnicity Non-Hispanic		Height		Weight		Hair Color Brown		Eye Color	
Age 8		Transient			Mediation Status						
Primary Phone		Secondary Phone		Other Phone			Email				
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number			
FBI Number		SID Number				SSN					
Employer Name				Employer Phone			Employer Email				
Occupation Address		Building		Apartment		P.O. Box		City			
State		Zip Code		County		Country					
School Name											
Relationship To Offender											
Scars Marks Tattoos Location		Scars Marks Tattoos Description									

Property

Property Description: Nadab Dunlap Interview

Property Status (NIBRS)				Article Type Audio/Laser Compact Disc (Cd)/Dvd			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							

Property Description: Nuhveyah Dunlap interview

Property Status (NIBRS)				Article Type Audio/Laser Compact Disc (Cd)/Dvd			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

Hold Reason Evidence				
Where Property Found			Collected By:	
Relationship To Evidence:				
Property Description: Drawings from Dunlap BSB interviews				
Property Status (NIBRS)			Article Type	
Quantity 1.0000	Make	Model	Serial	Color
Bank Name			Account Number	
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number
Hold Reason Evidence				
Where Property Found			Collected By:	
Relationship To Evidence:				

Body Worn Camera / Dash Camera

Body Worn Camera Yes	Dash Camera No
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Cloud Photos

Cloud Photos Do not Enter

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative <p>On 5/12/22 at 0900 hours, I, Detective Tkach, attended two interviews at Blue Sky Bridge. Chad and Natalie Dunlap brought their children to Blue Sky Bridge from where they are currently staying at the Twelve Tribes community at 1130 Lay Ave in Warsaw, MO. Only two of their children were interviewed, as they believed the others were too young.</p> <p>The first interview was with their daughter, Nuveyah Dunlap (REDACTED). The forensic interviewer was Katie Ashburner. The interview began at 0921 hours. FI Ashburner began the interview asking Nuveyah what she did for fun. She then asked her the difference between a truth and a lie. Nuveyah said that she didn't know, but she was able to give an example. FI Ashburner then asked her describe her morning before coming to the interview, detail by detail.</p> <p>FI Ashburner then asked Nuveyah what she came to speak with her about today. Nuveyah said it was about the fire. FI Ashburner asked her to describe her day on the day of the fire.</p> <p>Nuveyah said that she was in the main house, upstairs in her room. She was sleeping in bed by the door, and her mom let her sleep in that day. She could hear the door rattling, and could tell it was windy outside. She got up and got ready for training and her mom made her breakfast. At one point, she saw plastic or metal flying off the roof because of the wind. Nuveyah went to the training room in the Gathering House. Soon after, she saw Nazar and the neighbor's son arrive in a vehicle. They parked in front of the Gathering House and ran up to the Mesa. Then she saw fire trucks. She heard another teacher say that there was a fire.</p>	



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

Nuveyah could smell smoke, and she started crying. The neighbor's son came to the building and told them to leave. Nuveyah remembered feeling scared. She could see flames moving toward the Brother's House. They left the Gathering House and went to the Cabin. Two windows blew out of that building, so they moved to the Sprout House. Nuveyah saw the Brother's House catch fire. She recalled that the trailhead area was not on fire at this time. They then loaded into a vehicle and were taken to the Deli in Boulder.

FI Ashburner asked Nuveyah if she'd heard anything about how the fire might've started. Nuveyah said she heard that a bird on a pole started the fire. She also heard that a man named Philip, who had stayed on the property, might've used the shed as a wind blocker to smoke cigarettes. She also heard that the compost pile may have started the fire. She also heard the adults talking about sparks flying around all over the county that day because of the wind. Nuveyah drew a picture of the flames coming down the Mesa toward the brother's house.

FI Ashburner asked Nuveyah about past fires on the property. She said that sometimes they would burn "sticks and stuff" up on the Mesa. The grownups were usually in charge of the fires, but sometimes she got to help. Nuveyah's interview ended around 1005 hours.

The second interview was with Nadab Dunlap [REDACTED] and started at 1009 hours. FI Ashburner asked Nadab the difference between a truth and a lie. Nadab said that the truth is what really happened, and a lie is when you just make up something. FI Ashburner asked what he was there to talk about today. Nadab said he didn't know.

FI Ashburner asked him to talk to her about the fire. Nadab said that on that day he remembered getting up and getting dressed. He heard the windows rattling and knew it was windy. He made himself some scrambled eggs for breakfast. He went to training. Soon after, his neighbor's son came and told them they had to get out. They went to the cabin, then to another house. After awhile, they went to the Deli in Boulder.

Nadab remembered seeing flames on the Mesa near the garden. He believed all the men were up on the Mesa during the fire trying to put it out.

FI Ashburner asked Nadab what he'd heard the adults saying about the fire. He said that Philip had talked about the Brother's House before he left, and that people saw drugs in the shed. He'd also heard that the neighbor had seen the garden on fire first, then the shed.

FI Ashburner asked him about other times there were fires on the property. Nadab said he has burned stuff on the property when he was with his dad. They'd burn stuff in a pit that was up on the Mesa. When asked about the size of the pit, he described it as being up to his chest. He indicated how wide it was using the interview room. It appeared that he indicated a width of about 3ft.

FI Ashburner asked Nadab to draw the location of the pit compared to the shed. Nadab drew a picture, which will be included in the case file.

[REDACTED]

[REDACTED]

[REDACTED]

The interview ended at 1052 hours.



Boulder County Sheriff's Office

Case Number: 21-06301 .019

Nature of Call :

I spoke briefly with Chad and Natalie to get index information of their family. They provided a house phone number for the community in Missouri.

The interviews were recorded and will be entered into BCSO Property and Evidence.

Recommended Case Status: Open.

Deputy		
Involement Type Reporting	Deputy Tkach, Katie 548	Date 05/18/22
Involement Type Approving	Deputy Pelletier, Jeffrey 519	Date 05/19/22



Boulder County Sheriff's Office

Case Number: 21-06301 .020

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property					
Property Description: Pictures of Marshall Mesa trailhead from Kirk Schmitt					
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By: Tkach, Katie 548		
Relationship To Evidence:					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos Do not Enter



Boulder County Sheriff's Office

Case Number: 21-06301 .020

Nature of Call :

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

On 5/31/22, I, Detective Tkach, requested and received a report from Mountain View Fire detailing their response to the controlled burn at the Twelve Tribes Community on 12/24/21. The report is very brief, but mentions that the homeowner said he was burning railroad ties. It also states that the homeowner had a front end loader and a water source established for control measures. This report will be added to the case file.

On this date, I also requested and received pictures from Fire Investigator/Wildfire Specialist Kirk Schmitt. Kirk had taken the pictures on the morning of 12/31/21, and said he'd arrived in the area of the Marshall Mesa Trailhead around 10:00am that morning. His pictures confirm that the East phase line was still disconnected from pole MP2 on the morning of 12/31/21. Kirk also confirmed that he was the one that had labeled the poles as MP2, MP3, etc for photo/GPS and LIDAR purposes. These photos will be burned onto a CD and entered into evidence.

Recommended Case Status: Open.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
05/31/22

Involvement Type
Approving

Deputy
Leak, Clay 520

Date
05/31/22



Boulder County Sheriff's Office

Case Number: 21-06301 .021

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name BOERKIRCHER		First Name GABRIELLE		Middle Name RAE		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Female	Race White	Ethnicity		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown	Eye Color Brown
Age 33		Transient			Mediation Status		
Primary Phone [REDACTED]		Secondary Phone [REDACTED]		Other Phone		Email [REDACTED]	
Operator License State/OLS CO		Operator License Number/OLN [REDACTED]		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN [REDACTED]		
Employer Name ERIE POLICE DEPARTMENT			Employer Phone		Employer Email		
Occupation Address 1000 TELLEEN AVE		Building	Apartment	P.O. Box	City Erie		
State CO		Zip Code 80516		County BOCO	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .021

Nature of Call :

Cloud Photos

Cloud Photos
Do not Enter

Narrative

Narrative Type
Supplemental Report

Deputy Name
Galloway, Lee 545

Narrative

Case #22-06301
Detective Lee Galloway #545

On June 7, 2022 I was requested to follow-up with a Boulder OEM post made by "Gabi" on or about December 31, 2021. The subject of the post was regarding, "Update on Cause of Fire". I was informed the entirety of the post consisted of the following information:

"Initial reports of the fire were from residents who claimed to have seen downed power lines in or near the ignition area. Xcel Energy has been a very responsive and invaluable partner. At this point, they have inspected all of their lines within the ignition area and found no downed power lines. They did find some compromised communication lines that may have been misidentified as power lines. Typically, communication lines (telephone, cable, Internet, etc.) Would not be the cause of the fire. The full investigation is still ongoing, and we will share more updates as they become available."

I contacted Gabi by telephone to discuss what she recalled about making the post and where the information was initially obtained from. I spoke with Gabi via telephone, and she identified herself to me as Gabi Boerkircher, DOB [REDACTED]. It should be noted Gabi's legal name is Gabrielle Rae Borkircher. I first read out loud the post to Gabi to jog her memory. Gabi verbally indicated she recalled the making the post. I asked where the specific information was obtained which made up the body of the post. Gabi said a meeting was held just before which included members of the Boulder County Sheriff's Office, communications representative from Xcel Energy, among others. Gabi also indicated she was one member of the Communications Team which was tasked with compiling information and pushing it out to the public. Gabi was unable to recall who exactly she was working with when the post was sent to the public.

I asked Gabi if she could expand on the phrasing, "Xcel Energy has been a very responsive and invaluable partner." Gabi said that she had prior experiences where communications personnel from specific companies did not attend large scale events such as the fire. Gabi said it was impressive that Xcel Energy actually sent personnel to the OEM for collaboration and the sharing of information.

I thanked Gabi for speaking with me and we ended our phone call.

L. Galloway 545
Recommended Case Status: OPEN

Deputy

Involvement Type
Reporting

Deputy
Galloway, Lee 545

Date
06/07/22

Involvement Type
Approving

Deputy
Pontiakos, Connor 532

Date
06/08/22



Boulder County Sheriff's Office

Case Number: 21-06301 .022

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date		

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .022

Nature of Call :

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative	
Case #21-6301 supplemental report J. Oehlkers, 506	
<p>I was assigned several follow-up items for this investigation. One of those follow-up items was regarding a Tweet sent by the Boulder OEM on December 31, 2021. The Tweet said:</p> <p>"Update on Cause of Fire: Initial reports were of downed powerlines. @XcelEnergyCO has been very responsive and invaluable partner & after inspection found no downed powerlines in ignition area. Full investigation is ongoing, more:"</p> <p>I contacted the Office of Emergency Management Director Mike Chard regarding this Tweet. I asked Chard if he knew the source of this information and he told me he did not. Chard recontacted me shortly after this conversation and said he checked situational reports as well as other written material and he was unable to determine the source of this information however he said that the information likely could have come from some type of meeting held in the Emergency Operation Center where regular updates are given by representatives during activations.</p> <p>After this I contacted the Sheriff's Office Public Information Officer, Carrie Haverfield, regarding this case. Haverfield said she believed the tweets came from Gabi Rae who is currently a PIO working for the Town of Erie. Ultimately Detective Galloway contacted Rae regarding this Tweet, please see his supplemental report for more information.</p> <p>I was also tasked with determining when security was placed at the Marshall Mesa Trailhead. I contacted the Sheriff's Office Extra Duty Coordinator, Carla Weinheimer, who I know was involved with the staff planning at the Marshall Fire. I learned the initial request came from acting Commander Jeff Pelletier on January 7, at approximately 7:11 pm. Weinheimer said she believes the position at the Trailhead was staffed on the following day. Weinheimer said the position was released on February 18.</p> <p>My BWC was not activated during this portion of the investigation as it was not required to be activated. This concludes my involvement at this time.</p> <p>Recommended case status is open.</p> <p>End of Report</p>	

Deputy		
Involvement Type Reporting	Deputy Oehlkers, Jason 506	Date 06/15/22
Involvement Type Approving	Deputy Leak, Clay 520	Date 06/28/22



Boulder County Sheriff's Office

Case Number: 21-06301 .023

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name Reppe		First Name Chuck		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name Golden Organics			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .023

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 6/2/22, Jonathon Reed of the Twelve Tribes Community in Boulder. left a voicemail message for me. He'd spoken with a delivery truck driver who'd told him that he'd seen powerlines arching in the area on the day of the fire. Reed wanted me to contact the delivery truck driver. I asked Reed for the driver's information.

On 6/9/22, Reed sent me a phone number for "Chuck" from Golden Organics. I called Chuck and left a message. Chuck Reppe called back that evening and left me a voicemail message. On 6/16/22 and 6/23/22, I called Reppe again with no answer.

On 6/16/22, I emailed a written request to Chris Warren for the pictures he'd taken in the area of the Marshall Mesa Trailhead on 12/31/21. I uploaded a copy of the letter to the case file. On 6/20/22, I received an email from Warren stating he was working with EFI to send the photos to me, but they were having technical issues. As of 7/1/22, I have not received the photos.

Nothing further.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
07/01/22

Involvement Type
Approving

Deputy
Leak, Clay 520

Date
07/01/22



Boulder County Sheriff's Office

Case Number: 21-06301 .024

Nature of Call : Arson

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name WRIGHT		First Name JOHN		Middle Name WESLEY		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City	State CO	Zip Code [REDACTED]	
County BOCO		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Gray Or Partially Gray	Eye Color Blue
Age 52		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS CO		Operator License Number/OLN [REDACTED]		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN [REDACTED]		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: SD of digital photographs of powerlines and area at Sans Souci				
Property Status (NIBRS)			Article Type	
Quantity 1.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .024

Nature of Call : Arson

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number
Hold Reason Evidence			
Where Property Found		Collected By:	
Relationship To Evidence:			

Body Worn Camera / Dash Camera

Body Worn Camera Yes	Dash Camera No
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Cloud Photos

Cloud Photos

Narrative

Narrative Type Supplemental Report	Deputy Name Yaffe, Samuel 537
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Narrative

Case # 21-06301

Detective S. Yaffe, # 537

On 07/11/22, I was asked by Detective Commander Oehlkers to follow up with a phone call that came into our office, reference a possible lead to this case. The message was sent from a "Johnny Wright" [REDACTED], e-mail of [REDACTED] that stated the following;

-Beginning-

I am trying to get in touch with Jason Oehlkers, regarding the Marshall Fire.

I am a witness to what actually started the Fire. Please have Mr. Oehlkers contact me.

Johnny wright

[REDACTED]

[REDACTED]

-End-

I queried Wright, and found that he resident in close proximity to the fire at [REDACTED]. I contacted Wright and introduced myself to him, he stated that he had already shared these findings with someone from the DA's Office, he could not remember who. He stated that he had a good idea of what started to fire after he heard about the lawsuit against Xcel. In short, Wright stated that during 12/30/21, he was walking his dog when the winds knocked down a branch from a dead tree. The branch then fell onto the powerlines just to the south of his complex that he lived at.

The branch then knocked the powerlines down to the ground, Wright did not see any spark and/or flames. However, the wind was travelling so fast that he highly suspected that the downed powerline could have travelled through the field and then started the fire at the shed at the 12 Tribes property. Wright stated he would be willing to show me where the



Boulder County Sheriff's Office

Case Number: 21-06301 .024

Nature of Call : Arson

powerlines were located it, in relationship to the shed. Wright mentioned that the damaged lines were repaired by an Xcel crew approximately 7-10 days after the fire on 12/30/21.

He thought it was odd that Xcel was choosing to repair the powerline during non daylight times, approximately 1800 hours. When asked about any evidence he may have taken during this time, he stated that he had not taken any photographs of the damaged powerline. He thought he heard that someone in the complex had taken some pictures of the damaged powerline before it was replaced/repared by Xcel.

I'd imagine if the repair was done by Xcel, there would be documentation of that, specific to the repair, and confirming the location. Wright stated that he would be willing to meet with me in person to show me the location of the damaged powerline during the windstorm on 12/30/21. I then met Wright at the property at approximately 1600 hours. I activated my body worn camera and later completed the necessary demographic recording.

The powerline pole that Wright stated was replaced after the fire, was identified by Pole Inventory # A0929034.

I then took the following coordinates to the locations that Wright wanted to share:

Approximate location of replaced powerline pole #A0929034: (39.956782, -105.233772)

Approximate location of downed lines (located in field southeast from replaced pole: (39.956124, -105.232551)

It should be noted that utilizing "Google Earth" I measured the distance from the approximate site location where Wright stated seeing the downed lines in the field to the dirt road entrance to the "12 Tribes" property, that distance was approximately 466 feet (slightly southeast).

Wright stated that this was just a theory and that because the wind was moving southeast, he thought perhaps, the fire started from the Sans Souchi property, and could have moved to the 12 Tribes property. Once Wright saw the power lines come down over the mailboxes, he drove up near the gas station and saw the shed on the 12 Tribes property was already on fire. He then went back to the complex and saw the downed power lines in the field. Again, he did not see any sparks and/or any flames throughout that day at the complex. He thought it was too hard to see, due to the high velocity of the wind.

I will share this information with my colleague, Detective Tkach to see if this information had already been established. To my knowledge, no records and/or information suggested that there were any spot fires coming from the Sans Souchi Complex. I then cleared and supplied Wright with my business card.

The SD card was placed into P&E:

Item # 182: SD card of digital photographs taken at Sans Souchi Complex.

End of report.

Recommended Case Status: Open

Deputy

Involement Type Reporting	Deputy Yaffe, Samuel 537	Date 07/13/22
Involement Type Approving	Deputy Leak, Clay 520	Date 07/13/22



Boulder County Sheriff's Office

Case Number: 21-06301 .025

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative Case #21-6301 Supplemental report J Oehlkers, 506 I reviewed the documentation for this incident, and I discovered the case file was missing several documents. I retrieved the incidents action plans generated by the incident management team for the following dates: December 31, 2021 January 1, 2022 January 2, 2022 January 3, 2022 January 4, 2022 January 5, 2022 January 6, 2022 January 7, 2022 It appears the December 31, 2021, incident action plan was generated by the local type III team and the other incident action plans were generated by the type I team. I was unable to locate any other incidents action plans. I also obtained information from Sheriff's Computer Support Specialist Mike Sandell regarding entries into WebEOC. This information was entered by people working various emergency support function positions in the emergency operation center. This included 124 documents which included specific entries into various EOC logs, damage assessment logs, delegations of	



Boulder County Sheriff's Office

Case Number: 21-06301 .025

Nature of Call :

authority, health and safety information, mass care information, and other documents.

In addition to this, I obtained the delegation of authority documents signed by County and city officials which delegated certain decision making and operational authorities to the incident management teams who managed the incidents.

All of the above mentioned items were placed into the case file by Boulder County Sheriff's Office records personnel section.

I spoke with Office of Disaster Management Director Mike Chard on several occasions regarding this incident. We specifically spoke about the tweets mentioned in previous supplemental reports about Xcel Energy lines and our partnership with them. Director Chard reminded me that immediately following the fire there was a large snowstorm moving into the area. There were a significant amount of homes that did not have power or gas services and there was concern for people's safety due to the lack of heat and electricity. Because of this turning these utilities back on was a priority for the Sheriff's Office and incident management teams.

I recall from working the events that Xcel Energy employees had to go door-to-door in some neighborhoods to reignite the pilot lights which had been extinguished when the gas supply was turned off.

Director Chard told me that Xcel had surged resources into the Boulder County area from around the nation and they had done this in a very quick manner to ensure that homes and people could have their power back on. This was done over the New Year's holiday weekend.

Director Chard did not have a specific recollection of who at Xcel suggested that no powerlines were down however I was speaking with Boulder County Sheriff Joe Pelle about this, and he had a recollection that there was a regional vice president or executive from Xcel who had mentioned that Xcel did not have any power lines down in the area. Sheriff Pelle did not know this person's name off the top of his head but suggested the executive was possibly a female and the statement was made at a televised media conference.

This concludes my involvement into the investigation at this time.

Deputy

Involvement Type Reporting	Deputy Oehlkers, Jason 506	Date 08/05/22
Involvement Type Approving	Deputy Leak, Clay 520	Date 08/05/22



Boulder County Sheriff's Office

Case Number: 21-06301 .026

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved						
Person Involvement Type: Witness						
Last Name FERRIS		First Name MICHAEL		Middle Name	Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code
County		Country				
Alternate Address		Building	Apartment	P.O. Box	City	
State		Zip Code		County	Country	
Sex	Race	Ethnicity	Height	Weight	Hair Color	Eye Color
Age		Transient		Mediation Status		
Primary Phone [REDACTED]		Secondary Phone		Other Phone [REDACTED]	Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type	Misc ID State	Misc ID Number
FBI Number		SID Number			SSN	
Employer Name Xcel Energy			Employer Phone		Employer Email	
Occupation Address		Building	Apartment	P.O. Box	City	
State		Zip Code		County	Country	
School Name						
Relationship To Offender						
Scars Marks Tattoos Location		Scars Marks Tattoos Description				
Person Involvement Type: Witness						
Last Name TOWNSEND		First Name MATTHEW		Middle Name	Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code
County		Country				



Boulder County Sheriff's Office

Case Number: 21-06301 .026

Nature of Call :

Alternate Address		Building	Apartment	P.O. Box	City	
State		Zip Code		County	Country	
Sex	Race	Ethnicity	Height	Weight	Hair Color	Eye Color
Age	Transient		Mediation Status			
Primary Phone		Secondary Phone	Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN	Misc ID Type	Misc ID State	Misc ID Number	
FBI Number		SID Number		SSN		
Employer Name Xcel Energy			Employer Phone		Employer Email	
Occupation Address		Building	Apartment	P.O. Box	City	
State		Zip Code		County	Country	
School Name						
Relationship To Offender						
Scars Marks Tattoos Location		Scars Marks Tattoos Description				

Body Worn Camera / Dash Camera

Body Worn Camera
Yes

Dash Camera
No

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 7/1/22 at approximately 0900 hours, Detective Harrison and I interviewed Xcel Claims Services Manager Mike Ferris and his trainee, Matthew Townsend, at the Brownstein Hyatt Farber Schreck law office in Denver, CO. Boulder County DA Ryan Day and Xcel's legal counsel were also present.

Interview with Mike Ferris

The following is a summary of Ferris' interview. A transcript will be added to the case file.



Boulder County Sheriff's Office

Case Number: 21-06301 .026

Nature of Call :

Ferris works as a Senior Manager in the Claims Services Department. In this position, he oversees the claims department and manages a team of investigators for the legal department. On the day of the Marshall Fire, Ferris became aware of the incident because his wife had the TV on. He saw that the media referred to a downed line. He called in to Xcel and asked them about if there were any indications about the system being compromised. Xcel told him they'd had reports of outages, but not of lines being down.

Xcel provided him with the service center manager's contact information. Ferris called the service center manager, who told him that there may have been a lineman in the area where the fire may have started. That lineman was Ryan Gomes. Ferris called Gomes sometime after 1pm on December 30th. Gomes told him he was in the area of Highway 93 and Highway 170. By the time he arrived, the fire had already passed through the area. Ferris did not know why Gomes had been in that area.

Ferris went out to the area to see if there was a downed power line and to see if there was any indication of Xcel's equipment being in the condition that was reported by the media. Nobody told Ferris to go out there, but he did notify his general counsel of the general circumstances. Ferris estimated he arrived around 4:30pm on the 30th and photographed the area. He didn't think he stayed more than an hour.

He returned the following morning around 8am with a second investigator and his general counsel. While there, he took additional photographs. The Boulder County Emergency map had indicated two potential ignition area designated by a red triangle on that map. So Ferris wanted to make sure he photographed Xcel's facilities and equipment, and get general photographs of the discoloration of the burn area. He started at Highway 93 and 170, took some preliminary photographs there, went up to the second area which was Marshall road and Cherryvale, photographed those facilities, then went back to Highway 93 and took a couple of preliminary photos, then back to 93 and 170 and documented that span from 170 running South along Highway 93 on the East side of the road. He wrapped up taking pictures of the area North of 170 and 93.

I asked Ferris what specific equipment he took pictures of. He said there was nothing specific, that he was looking at generalities: the lines, poles, and equipment attached to the poles which, in this case, could be fuses and a transformer.

I asked Ferris if he noticed anything on the 31st about the lines that he hadn't noticed on the 30th. He said that, with the daylight, he could use more time to be more thorough in his documentation. He made a mental note of the neutral conductor that had detached from one of the utility poles. The East phase appeared to have detached from one of the cross arm insulators and was resting on the push pole for the utility pole in that location. Then, moving North, there was a single line to the transformer that was disconnected and taped. There was something taped onto the neutral conductor. He didn't know what that was. It appeared to be held in place with electrical tape.

I asked him if the tape at the end of the wire on the transformer was odd to him. He said it was not odd to him, it was just something he noted. That style of transformer is common on the system and provides 120/240 volt system depending on how it's configured. The fact that it was disconnected was indicative it wasn't likely 240 volts were coming off the transformer. It indicated to him that the hot line coming off the transformer was disconnected and that if the end was taped, it wasn't being used.

I asked Ferris what he thought about the East phase being off the insulator on the pole that was two poles South of the recloser, and if that was typical. Ferris said they're typically affixed to the insulator. It got his attention because he was documenting all the facilities and this was not tied down to the insulator. He didn't immediately have concern over the safety of that position because it was resting against the push pole, but it was something to make note of.



Nature of Call :

I asked Ferris if the phase line being off the insulator could have been a problem, especially with the high winds with setting off sparks, possibly causing a fire. Ferris said he was not at liberty to speculate on that. I asked if he saw any damage to that phase line when he went up to investigate it. He said he did not specifically focus on that East phase because he was documenting the general conditions of the facilities. I asked him if he noticed damage when he went up later to do an inspection. Ferris said that he did not.

Ferris recalled taking photos of the phase line. He didn't note any discoloration on the push pole. He saw nothing of interest on the East phase line. He did note discolorations and things of interest on the center phase, which he documented with photographs. I asked what he saw on the center phase and West phase. He said he saw discoloration and metal deposits. I asked what that meant to him. He responded that it didn't mean anything, that he was taking pictures of data points, and each of those data points is like a picture of a puzzle, and each puzzle piece will eventually form a larger picture. Ferris said that he doesn't draw any conclusions or make inferences in the course of data collection, he just makes a note of it. I asked Ferris who eventually puts that all together. Ferris said that is determined by his legal counsel. I asked if Xcel uses any experts such as electrical engineers, he said they do.

I asked if, in the days following the 31st, the phase line that was off of the pole was repaired. Ferris clarified that it was the East phase, and said that it was repaired. The neutral was also reattached to the pole. I asked Ferris why Xcel performed those repairs. Ferris said that he couldn't answer that, that it would have been an operational decision. I asked who I should talk to about that, Ferris responded someone from operations.

Ferris clarified that he didn't know why that decision was made. DA Day asked Ferris if there are ever situations in which claims will overrule operations and tell them not to repair something in order to leave equipment in the same status that it was at that time. Ferris responded yes. DA Day asked when investigations would tell operations "You may not repair this, it needs to remain status quo". Ferris responded yes. DA Day clarified that he was asking when that would happen. Ferris said that that decision was made above his level. DA Day asked if Ferris told anyone in operations to leave the East phase disconnect. Ferris said that he believed he did, but didn't recall who he spoke to or how that played out. DA Day asked when he would've told someone in operations. Ferris said sometime after the 31st, but didn't know the date.

DA Day asked if Ferris had ever told operations not to repair something and they did it anyway. Ferris said he couldn't recall specifically, but it may have. Ferris said that it has happened in the past, and that this is not the first instance of that. After taking a break, the interview continued. I asked Ferris why he had not wanted the line repaired at that time. Ferris said he "We wanted to leave the scene as intact as we could, so that everybody could inspect it equally".

I asked Ferris what happens when a phase line hits another phase line. He responded that he wasn't clear on what I was asking him. I clarified the question. Ferris said "My understanding of our system is that, um...the system may have responded to ensure that...I, I think it depends on how long they were in contact, um...we have protective devices in place...that would register something like that, and I think if it's a prolonged event, um, it would de-energize the system to protect it." I asked Ferris what else could happen. He said, "So...if you just have, uh, something contact the line for a brief interval, and then self-clear, uh, that would be noted, I think, on the line somewhere. Uh, you would see some, something on the line to indicate that, um, but you may not if it's a brief interval. So, in this case, uh, that section of line is protected and that would have registered somewhere along the system. Uh, if the contact was for a longer, longer period of time, then I could see the system, uh, de-energizing to ensure that, uh, someone needs to come out and find out what's wrong with the system". DA Day and Ferris went into



Boulder County Sheriff's Office

Case Number: 21-06301 .026

Nature of Call :

greater detail about what a recloser should do in the event something touches a phase line, as well as what defines a "downed line". See the transcript for that part of the interview.

I asked Ferris what would have happened when that line hit other lines, would there have been sparks or an arc? Ferris didn't think anyone could definitively answer that. There's potential for that to happen, but sparks and arcs are two different things. I asked him to explain. Ferris said "You could have one and not the other. An arc is an illuminous discharge between a medium, like air, and you could have an arcing event between two conductors, uh, without a dislodge of metal, which is what a spark equates to. And uh, you could have both".

I asked Ferris if he collected any evidence from the area on the 30th or 31st, or any subsequent times he went to the area. He said that there was some debris from around the transformer pole that's been preserved, the conductors and the cross arm, some hard wire South of there and some washers. Ferris also collected a section of neutral conductor when repairs were made, as well as some additional wire from the transformer pole. I asked Ferris about the debris underneath the transformer. Ferris said it was some wire and some discolored material. I asked Ferris to define what a downed powerline is. He was unable to do so.

Interview of Matthew Townsend

Townsend's interview was very short due to him being a new employee at the time of the fire. Townsend confirmed that he was with Ferris and Xcel's legal counsel at the scene the day after the fire. Townsend said that he followed Ferris around and took some pictures, but didn't remember what he took pictures of. Townsend's interview was concluded after a few minutes.

BWC video is available of the interviews.

Nothing further.

Deputy

Involment Type Reporting	Deputy Tkach, Katie 548	Date 08/12/22
Involment Type Approving	Deputy Pontiakos, Connor 532	Date 09/29/22



Boulder County Sheriff's Office

Case Number: 21-06301 .028

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Caton, Jeffrey 579
<p>Narrative</p> <p>On August 11, 2022, I was asked to listen to the Xcel radio transmissions from the day of the Marshall Fire. There are different dispatch centers the linemen call into. Boulder dispatch and Central switch. I listened to all of the 2 1/2 hour of transmissions. There are no consistent time stamps given throughout the transmissions. The transmissions do not represent all of the time, it starts around 1000 hours and ends in the afternoon. There is only 2 1/2 hours of recording, so I think they took out the dead space between transmissions. The following is a representation of the transmissions and are paraphrased (the time stamps are from the audio and not the actual time):</p> <p>30:34: (Dispatch) Transmission events that effect Boulder terminal, Boulder hydro and Sunshine about 3 times now and Eldorado.</p> <p>53:00: (Central switch maybe around 1040 hours?) 3 TNR's this morning on the Eldorado 1611. Got a report of lines down, Marshall and Eldorado. Couple of singles. I'll put on your screen. When you can, head that way ASAP.</p> <p>57:50: (Central switch, Diana)</p> <p>Jeff- is Eldorado locked out.</p> <p>Diana- I don't believe it is, but it is gonna, this is the 4th time, it just went again. TNR reports of Marshall and Eldorado of lines down.</p> <p>Jeff- is it at the corner of Marshall and Eldorado.</p> <p>Diana- that was the info given to by the Fire Department.</p> <p>1:04:04:</p> <p>(Central switch) We have a few [valley?] trips so maybe this is what they are talking about. This is off of Eldorado Springs Dr. 49 Eldorado Springs Dr. I'll send this your way.</p>	



Boulder County Sheriff's Office

Case Number: 21-06301 .028

Nature of Call :

Jeff- I think I found it, it's phone, can you see if you can get ahold of them. It's low hanging in the road.

Central switch- Jeff what's the location be, do you have a better location than they had?

Jeff- Yeah, so it is, it's gonna be basically Eldorado and I think Hwy 36. Here we have a fire here too. Give me a few minutes, there's other things going on here. Do need the phone guys here.

1:11:19:

(Dispatch) Hey Jeff, sorry I stepped away and I didn't have your radio on, can I help with Eldorado.

Jeff- Eldorado to be honest with you, Scott, it's line slap and I don't, it's as hard as the wind blowing. It's sustained at 45 to 48 MPH up here. I don't think there's anything we can do about that, there is a grass fire going on up there, but I don't believe it has anything to do with us. So I was going to head to Sunshine, sounds like it's locked out.

1:34:25: (Dispatch) Hey Jason, can you head over to towards Eldorado sub that re-closure on Eldorado Springs Dr. and Marshall Dr. We need to get that open. Got a number 346 over 902. Jason responds by repeating the numbers.

1:40:02:

803 (Jason?) Hey that re-closure your talking to the fire guys is going to be a little downstream looks like it's Eldorado 1161B. I think the only other protection is the breaker. You good with just opening it?

Dispatch- Yeah, if you want to go ahead and open that.

Jason- I do have a breaker getting on it reclosing in case something happens.

Dispatch- you can open the re-closure and I'll get back to you.

Jason- They're right underneath it spraying pretty heavy here, so I just want to open the breaker so it work for the fire guys.

Dispatch- Works fine for me, go ahead and open it and call it. Standby a sec Jason. 803 Jason, do you want me to open the 1161 at Eldorado then?

Jason- Yeah, if you could open it fire guys would appreciate it.

Dispatch- Sorry, I thought you were talking about the re-closure and I'll tell you when it's open and let's lock and load. 1161 at Eldorado is open with lots of load at 1243 hours.

Jason- Fire Department been informed we'll see when we can bring it back until they battle this thing.

The rest of the recording is talking about other locations and doesn't reference Eldorado.

End of Report

Deputy

**Involment Type
Reporting**

Deputy
Caton, Jeffrey 579

Date
08/12/22

**Involment Type
Approving**

Deputy
Leak, Clay 520

Date
08/12/22



Boulder County Sheriff's Office

Case Number: 21-06301 .029

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name CULLEY		First Name TRAVIS		Middle Name HUGH		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County		Country	
Sex Male	Race	Ethnicity	Height	Weight	Hair Color	Eye Color	
Age 49		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County		Country	
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .029

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report
Detective Tkach, #548

Tip from Travis Hugh Culley

On 8/17/22, I received a tip forwarded from BCSO Public Information and Community Outreach Specialist Carrie Haverfield. Travis Hugh Culley had posted comments on the BCSO Twitter page about the Marshall Fire. Culley's posts involved a theory that the fire was the result of oxidized plutonium from Rocky Flats. Haverfield told Culley that she would pass his message along to detectives. Culley thanked her and provided his phone number. I did not contact Culley.

Screenshots of his Twitter posts have been added to this case file.

Nothing further.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
08/17/22

Involvement Type
Approving

Deputy
Pontiakos, Connor 532

Date
09/29/22



Boulder County Sheriff's Office

Case Number: 21-06301 .030

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 8/16/22, I reviewed Deputy Caton's supplemental report #28. It should be noted that the recordings that Deputy Caton listened to were evidence item KAT27, file "Marshal Fire Radio Traffic 12.30.21" sent to me from Xcel in response to a search warrant that was served to them. I asked the BCSO Records Division to forward a copy of supplemental report #28 to Engineer Paul Way for his review. They did so on 8/17/22. Nothing further.	

Deputy		
Involment Type Reporting	Deputy Tkach, Katie 548	Date 08/26/22
Involment Type Approving	Deputy Pontiakos, Connor 532	Date 09/29/22



Boulder County Sheriff's Office

Case Number: 21-06301 .031

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name PRIM		First Name TYLER		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex	Race	Ethnicity	Height	Weight	Hair Color	Eye Color	
Age		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name Mountain View Fire			Employer Phone		Employer Email		
Occupation Address 7700 BASELINE RD		Building	Apartment	P.O. Box	City BOULDER COUNTY		
State CO		Zip Code 80303		County BOCO	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name O'CONNELL		First Name BEN		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .031

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex	Race	Ethnicity		Height		Weight		Hair Color	Eye Color
Age		Transient			Mediation Status				
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name Mountain View Fire				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
7700 BASELINE RD								BOULDER COUNTY	
State		Zip Code		County		Country			
CO		80303		BOCO					
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							
Person Involvement Type: Witness									
Last Name		First Name		Middle Name		Suffix		DOB	
SHEPPARD		RYAN						#Error	
Address		Building		Apartment		City		State	
								Zip Code	
County		Country							
Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex	Race	Ethnicity		Height		Weight		Hair Color	Eye Color
Age		Transient			Mediation Status				
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name Mountain View Fire				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
7700 BASELINE RD								BOULDER COUNTY	
State		Zip Code		County		Country			
CO		80303		BOCO					
School Name									



Boulder County Sheriff's Office

Case Number: 21-06301 .031

Nature of Call :

Relationship To Offender	
Scars Marks Tattoos Location	Scars Marks Tattoos Description

Body Worn Camera / Dash Camera

Body Worn Camera No	Dash Camera No
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Cloud Photos

Cloud Photos

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
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Narrative

Supplemental Report Detective Tkach, #548

On 8/26/22, I spoke with Mountain View Firefighters Ben O'Connell, Tyler Prim, and Ryan Sheppard separately by phone regarding their response to the fire at the Twelve Tribes Community on 12/24/21.

Ben told me that he remembered responding. When he arrived, he saw a couple of the residents on scene and the fire. He remembered it was raining that day. He did not speak with the residents himself as he stayed by the truck, but said that Tyler Prim had. He did not get close enough to the fire to see what they were burning. He said that Tyler Prim was the "First Officer" and was the ranking firefighter on scene.

I later spoke with Tyler by phone. He remembered responding to that call and also recalled that it was raining. The fire had been in a large dirt clearing with a water source (pool) and excavation equipment present. I asked what Tyler saw burning in the fire. He believed it was something that resembled fence posts. I asked him if it was railroad ties, as that was what was listed in his report. He said that it could have been. I asked Tyler if he knew that railroad ties were considered trash under the county burn ordinance and trash burns were not allowed. He said he did not.

Tyler recalled seeing a deputy arrive toward the end of their contact. I asked if he'd relayed to the deputy the contents of the fire. He said that he didn't. I asked if the people burning the trash had told him how they were going to put it out. He said they didn't. I confirmed with Tyler that they hadn't told him that they'd put water on it or use the equipment to put dirt on it or scrape it. He said that they hadn't. Based on the fact that it was raining, there was nothing around the burn pile, and that there was a water source available, Tyler was not concerned about the fire.

Finally, I spoke with Ryan Sheppard. He remembered responding to the fire that day. He recalled that it was raining. He thought that a burn ban was in effect West of Highway 93, but not East of it, where the property is located. He had gone up to the residents with Tyler and spoken with them and had gone up to examine fire as well. He recalled seeing dimensional lumber being burned and referred to it as a slash pile. He could not remember if they had a water source, but did remember that they had heavy equipment there. He did not remember the residents telling him how they planned to put the fire out. However, based on the rain, Ryan wasn't concerned.

Ryan also remembered the deputy arriving at the end of the contact. I asked Ryan if anyone had told the deputy about the contents of the fire, and he said they had not. I asked if he believed burning slash was allowed, and he said he did. I ended my interview with Ryan.

The Boulder County Burn Permit brochure (<https://assets.bouldercounty.gov/wp-content/uploads/2017/02/burn-permit-brochure.pdf>) states that lumber (even if unpainted and untreated) cannot be burned in Boulder County with or without a permit. However, this brochure was published in March of 2022.



Boulder County Sheriff's Office

Case Number: 21-06301 .031

Nature of Call :

Boulder County Ordinance 2014-1 states the following:

"III: PERMIT AND NOTICE SYSTEM AND PENALTIES

A. No person shall commence open burning without a permit. Any person who initiates open burning requiring a permit in an unincorporated area of Boulder County without having first obtained an Open Burning Permit commits a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars (\$50.00) for the first violation, two hundred fifty dollars (\$250.00) for the second violation, and one thousand (\$1,000.00) for each 4 subsequent violation, and for each violation shall pay the penalties and surcharges identified in § 30-15-402, C.R.S. The Board authorizes any arresting law enforcement officer to use the penalty assessment procedure provided in § 16-2-201, C.R.S. for any such violation. Agricultural burning is exempt from this requirement.

B. Open burning and agricultural burning requires prior notification to the Fire Management Program of the Boulder County Sheriffs Office. Any person who initiates open burning or agricultural burning in unincorporated Boulder County without having first notified Boulder Sheriffs Communications of the intent to initiate such a fire, commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00) for the first violation, two hundred fifty dollars (\$250.00) for the second violation, and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. §30-15-402. The Board authorizes any arresting law enforcement officer to use the penalty assessment procedure provided in §16-2-201, C.R.S. for any such violation."

The ordinance defines "Slash" as: "Woody material less than six inches in diameter consisting of limbs, branches, and stems that are free of dirt. "Slash" does not include tree stumps, roots, or any other material".

I contacted BCSO Fire Management Operations Specialist Kerry Webster for clarification on both the local and state open burn regulations. He provided the following resources:

"<https://drive.google.com/file/d/1Tfp6DkCtZXEQivpD5pwqEZTqO97Xk5Ed/view>" - **This is a flyer created by the Colorado Department of Public Health and Environment.**

"<https://casetext.com/regulation/colorado-administrative-code/departments-1000-department-of-public-health-and-environment/division-1001-air-quality-control-commission/rule-5-ccr-1001-11-regulation-number-9-open-burning-prescribed-fire-and-permitting/section-5-ccr-1001-11-iv-general-open-burning-permit>" and

"<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=1085>" - **Code of Colorado Regulations and definitions.**

In our interviews with Twelve Tribes member, Matthew Morgan, he admitted that he was burning branches, railroad ties, and leftover material from bee hives. He had not obtained a permit for an open burn, nor had he notified the Boulder County Sheriff's Office of the burn.

From their interviews, it would appear that the firefighters who responded to the Twelve Tribes property on 12/24/21, after the fire was reported by a passerby, were unaware of the Boulder County Fire Ordinance and state open burning regulations. They did not realize that Morgan was not allowed to burn railroad ties and leftover beehive materials. Morgan didn't tell firefighters how he planned to extinguish the fire, and firefighters didn't ask. Due to the rainy weather that day, they were not concerned about the fire getting out of control. They did not advise the deputy, who later arrived on scene, of the contents of the fire.

Nothing further.

Deputy

Involment Type Reporting	Deputy Tkach, Katie 548	Date 09/09/22
Involment Type Approving	Deputy Leak, Clay 520	Date 09/13/22



JOE PELLE
Sheriff

Boulder County Sheriff's Office

Case Number: 21-06301 .031

Nature of Call :



Boulder County Sheriff's Office

Case Number: 21-06301 .032

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name WARREN		First Name CHRIS		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name EFI Global			Employer Phone		Employer Email		
Occupation Address 3030 S Tejon St		Building	Apartment	P.O. Box	City Englewood		
State CO		Zip Code 80110		County	Country Usa (United States Of America)		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: Pictures from Chris Warren				
Property Status (NIBRS)			Article Type Memory Module/Flash Drive	
Quantity 1.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .032

Nature of Call :

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number
Hold Reason Evidence			
Where Property Found		Collected By: Tkach, Katie 548	
Relationship To Evidence:			

Body Worn Camera / Dash Camera

Body Worn Camera No	Dash Camera No
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Cloud Photos

Cloud Photos

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
---------------------------------------	---------------------------------

Narrative

**Supplemental Report
Detective Tkach, #548**

On 9/15/22, I received photos from EFI Global, Inc. Fire Investigator Chris Warren had taken the photos in the area of Hwy 93/Eldorado Springs dr on 12/31/21, 1/3/22, 1/9/22, 1/11/22, 1/12/22, and 1/13/22. Areas included the Marshall Mesa Trailhead, the town of Marshall, and the Twelve Tribes property. I downloaded the photos onto a thumb drive and entered them into BCSO Property & Evidence. I also advised USFS Investigators Henrichs and Lunders of the photos.

Nothing further.

Deputy

Involement Type Reporting	Deputy Tkach, Katie 548	Date 09/16/22
Involement Type Approving	Deputy Pontiakos, Connor 532	Date 09/29/22



Boulder County Sheriff's Office

Case Number: 21-06301 .033

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Caton, Jeffrey 579
Narrative <p>On September 20, 2022, I was asked by Commander Oehlkers to review several BWC videos to see if there were any inconsistencies whether the firefighters had told Matthew to put water and dirt on the fire pit.</p> <p>I reviewed BWC footage from Detective Merriam from January 4, 2022 from supplement #35. He does ask one of the firefighters that were on scene on December 24, 2021 what he told Matthew to do with the fire. Watching the video, I can not hear the firefighters response because the wind noise covered the firefighters response. In Detective Merriam's report, it states Matthew was told it was OK to cover the fire pit with dirt and there was no mention of putting water on it.</p> <p>I reviewed BWC footage from Detective Tkach from February 25, 2022. In the video, Detective Tkach is speaking to Matthew. Matthew tells her "no water was put on it." There was also no fuel used to start the fire pit on December 24, 2021.</p> <p>I also reviewed BWC footage from Detective Berman from January 1, 2022 with Matthew. Matthew states he lit the fire on December 24, 2021 with a bic lighter and didn't use any other fuel sources.</p> <p>End of report</p>	

Deputy		
Involment Type Reporting	Deputy Caton, Jeffrey 579	Date 09/20/22
Involment Type Approving	Deputy Leak, Clay 520	Date 09/21/22



JOE PELLE
Sheriff

Boulder County Sheriff's Office

Case Number: 21-06301.033

Nature of Call :



Boulder County Sheriff's Office

Case Number: 21-06301 .034

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property							
Property Description: External Hard Drive containing Tips and Timeline of Marshall Fire events							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By: Tkach, Katie 548			
Relationship To Evidence:							

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 9/28/22, I consulted with USFS Agents Lunders and Henrichs, and Boulder County Fire Management Officer McKinney via email on the following questions: 1) Could you describe what you believe is the proper way to extinguish a fire? Agent Lunders: [This is] subjective as there are many types of fires: Campfires, Wildfires, Structure Fire, Controlled burns (USFS, BLM, State	



Boulder County Sheriff's Office

Case Number: 21-06301 .034

Nature of Call :

Forestry) etc. In terms of a traditional campfire ideally one would allow the wood to burn completely to ash, pour water onto the fire (drown all embers) typically pour water until hissing sounds stops, stir dirt or sand in the embers with a shove to bury/smother the fire, with a shovel scrape any remaining sticks or logs to remove any embers (make sure no embers are exposed and still smoldering, continue adding water, dirt or sand and stirring with a shovel until all material is cool.

FMO McKinney:

I would say the best way to ensure a fire is extinguished is to thoroughly go through the area of the fire and check for existing heat. Most commonly, we (as firefighters) use the back of our un-gloved hands to get close to the ground and feel for heat. But an individual can also 'smell' for heat/smoke/combustion, visibly see white ash – a common indicator of areas that could still be burning, look for gnats that like to cluster over areas of heat, or even using handheld devices to assist with location, such as; handheld thermal imagers, audible heats sensors, etc. Even more effectively, as an individual is checking for heat, they should be stirring the ground and ash with a handtool (shovel, Pulaski, etc.) while also using water to mix in to the area.

2) What makes you believe this is the correct way to extinguish a fire?

Agent Lunders: Best practices taught to employees and public by USFS. Numerous "Smokey Bear" publications/advertisements have promoted these practices for decades. Boy Scouts and Girl Scouts teach similar practices.

3) Is it documented anywhere that these are best practices or would this be from your experience and training?

Agent Lunders provided the following links that are available to the public regarding how to properly extinguish a fire:

*<https://protect-us.mimecast.com/s/VRndCIYkMVioMJw9HG-OU8?domain=smokeybear.com/>
<https://protect-us.mimecast.com/s/ZCzmCM8K5mf5Jw9wswtjhv?domain=gcc02.safelinks.protection.outlook.com>
<https://protect-us.mimecast.com/s/MVnACNkK5ntN6O9Of4syLx?domain=gcc02.safelinks.protection.outlook.com>
<https://protect-us.mimecast.com/s/Nv74COYX5oiAO7w7ckBYbk?domain=gcc02.safelinks.protection.outlook.com>*

Agent Henrichs added the following link regarding the study of fire sciences:

https://protect-us.mimecast.com/s/R5nACo2n69UXwg1nC1H_-S?domain=fs.usda.gov

FMO McKinney: I imagine this is documented in places, but most of this knowledge comes from basic firefighter training and hands-on experience that's passed along to others.

4) Would it be different for a fire up in the mountains or in an open field?

Agent Lunders: [There is] no difference for a fire in the mountains or the plains. Questions that were not asked [were], "how do I select an area to build a fire, how to prepare the area, and how to build a fire".

FMO McKinney: I think its important to recognize both the area that fire is burning in AND the fuels that were being burned. Larger fuels (tree trunks, limbs, etc) will take a lot longer to burn down than say grass and fine fuels. Additionally, if you are burning in a forested area that has a duff layer (organic material from tree litter - pine-needles and leaves, small twigs and branches) then the fire could smolder in that organic material for extended periods of time if one does not thoroughly go through the area/material for heat.

5) And how do you typically see people attempt to extinguish fires in reality?

Agent Lunders:

My personal and professional observations are: most people allow the fire to burn to small embers and ash, dump what water they have available onto the embers. Less people stir sand and dirt into the fire, and or bury it. Most of fires I am referencing are constructed in commercial fire rings in developed campgrounds, backyards, and or woodland fire pits that have been constructed in forested/camp type settings that have been used over the years. I do not monitor permitted burns on private lands. (Although I have seen several as a result of being called to conduct origin and cause investigations). I would defer to State Wildland Fire personnel and or local, county, VFD personnel that issue permits for these types of burns.



Boulder County Sheriff's Office

Case Number: 21-06301 .034

Nature of Call :

FMO McKinney:

Smokey Bear teaches folks to douse and stir their campfires, and generally that's what most people do, and are successful.

I asked FMO McKinney how he typically sees people extinguish slash piles.

FMO McKinney:

Pile Burns through the Open Burn Program are supposed to occur with 5' of snow around them (to prevent spread) – but I think this RARELY happens these days. They are also supposed to be staffed or monitored for the duration of the event. More commonly, I think when folks burn their slash piles, they typically monitor them until the heat burns out of them. Some people are good about stirring them or spraying water like I mentioned below, but its not uncommon for piles to be hot 3-4 days after they have been lit. ...this is also how pile burns turn into escaped wildfires, i.e. New Mexico this year. But not many folks in the mountains have the ability to stretch hose or get water to where their pile burn was, hence burning in the snow or before a storm moves in and simply waiting them out.

On 9/29/22, I entered an external hard drive containing tips and a timeline of events during the Marshall Fire into BCSO Property & Evidence.

Recommended Case Status: Open.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
09/29/22

Involvement Type
Approving

Deputy
Pontiakos, Connor 532

Date
09/29/22



Boulder County Sheriff's Office

Case Number: 21-06301 .035

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence	
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date

Persons Involved							
Person Involvement Type: Witness							
Last Name GARNETT		First Name STAN		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex	Race	Ethnicity	Height	Weight	Hair Color	Eye Color	
Age		Transient		Mediation Status			
Primary Phone		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name Brownstein Hyatt Farber Schreck, LLP			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name LEWIS-MOLOCK		First Name YVETTE		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .035

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex	Race	Ethnicity		Height		Weight		Hair Color	Eye Color
Age		Transient		Mediation Status					
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							

Property

Property Description: **Productions from Xcel**

Property Status (NIBRS)			Article Type Memory Module/Flash Drive	
Quantity 1.0000	Make	Model	Serial	Color
Bank Name			Account Number	
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number
Hold Reason Evidence				
Where Property Found			Collected By: Tkach, Katie 548	
Relationship To Evidence:				

Body Worn Camera / Dash Camera

Body Worn Camera Yes	Dash Camera No
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Cloud Photos

Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .035

Nature of Call :

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative	
Supplemental Report Detective Tkach, #548.	
<p>On 10/11/22 at 1000 hours, I attended a presentation given by legal representation for Xcel at the Boulder County Combined Court, 1777 6th st in Boulder. Also in attendance were BCSO Detective Commander Jason Oehlkers, USFS Agents Travis Lunders and Aaron Henrichs, Paul Way, and Boulder County District Attorneys Ryan Day and Michael Dougherty. The audio from the presentation was recorded on my BWC. I was also provided with a paper copy of the presentation, which I later uploaded to this case file.</p> <p>Also on this date, I received a flash drive from DA Day containing all productions received by him from Xcel. I entered the flash drive into BCSO Property & Evidence.</p> <p>Recommended Case Status: Open.</p>	

Deputy		
Involvement Type Reporting	Deputy Tkach, Katie 548	Date 10/12/22
Involvement Type Approving	Deputy Pontiakos, Connor 532	Date 10/12/22

Outside Agency Index	
Outside Agency Index USFS Agent Lunders	
BWC No	
Outside Agency Index USFS Agent Henrichs	
BWC No	



Boulder County Sheriff's Office

Case Number: 21-06301 .036

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence				
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County	
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 8/12/22, I created a "Detective Narrative Only" report. However, I realized that I needed to list two witnesses in the interview with Xcel and needed to create a "Detective Crime Report Supp" instead. I deleted the "Detective Narrative Only" report and wrote my report under in a "Detective Crime Report Supp". This is the reason that supplemental report 27 appears missing. Nothing further.	

Deputy		
Involment Type Reporting	Deputy Tkach, Katie 548	Date 10/12/22
Involment Type Approving	Deputy Pontiakos, Connor 532	Date 10/12/22



Boulder County Sheriff's Office

Case Number: 21-06301 .037

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative On October 11, 2022, I attended a meeting at the Boulder County Criminal Justice Center with Detective Katie Tkach, several fire investigators, members of the District Attorney's Office, a person from Xcel Energy, and representatives from a law firm Xcel has retained. The meeting was called at the request of Xcel Energy so they could present mitigating information. The meeting was recorded using my body worn camera. Detective Tkach will summarize the meeting in a supplemental report. End of Report J. Oehlkers	

Deputy		
Involvement Type Reporting	Deputy Oehlkers, Jason 506	Date 10/12/22
Involvement Type Approving	Deputy Pontiakos, Connor 532	Date 10/12/22



Boulder County Sheriff's Office

Case Number: 21-06301 .038

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 10/18/22, a meeting was held to review the Executive Summary of this case and attempt to anticipate any questions that might be asked by the public when the results of this investigation are released. On 10/26/22, Detective Commander assigned me the following questions to address: What are the specifics about the phone calls received regarding downed powerlines - time, location, description? The 911 phones calls recorded on the day of the fire were previously entered into evidence. The timeline that I created also notes that a caller reported a powerline lying across Hwy 93 near Eldorado Springs Dr on 12/30/21 at 10:10am. This was later determined to be a communications line that had broken. It is believed to be the same communications line that can be seen in pictures and video dangling into a tree that is on the Southeast corner of the intersection. To my knowledge, no callers reported the actual powerline in question, near pole MP2. What is the training and experience of the medic that responded to the controlled burn on 12/24/21? Did he say that putting dirt on the fire was enough? Did firefighters give residents a verbal warning about obtaining a permit? The medic on scene was Ben O'Connell. He stated that he stayed with the truck and did not speak with the residents. Tyler Prim (First Officer) and Ryan Sheppard (Engineer) spoke with the Twelve Tribe residents. Tyler Prim has 10 years of firefighting experience. To become a First Officer, he had to obtain State Fire Officer and State Fire Instructor certifications, along with passing a three month training program. Tyler could not recall whether the residents brought up putting dirt on the fire to extinguish it, or if the firefighters did. He did not mention anything about a burn permit to them, but did tell them to call Boulder County dispatch about controlled burns in the future.	



Boulder County Sheriff's Office

Case Number: 21-06301 .038

Nature of Call :

How did the residents of Twelve Tribes start the controlled burn on 12/24/21? Was there any violation in how they started the fire?

From supplemental report #25 – Berman's interview of Matthew Morgan on 1/1/22:

"Morgan wanted to give more detail about the controlled fire he had on Christmas Eve, December 24, 2021. He said the topic had been weighing on his mind and he just wanted to make sure we knew about it. He assumed we did know since the fire department and Sheriff's Office had responded to the burn that day and had given him a verbal warning about obtaining a permit next time. Morgan explained he planned to extinguish the fire by dumping dirt on top and the fire department approved this method. He noted there was a pile of trash (old fences, scrap wood, etc.) that needed burning so it was decided that he would do it on December 24 around noon because the weather conditions were good for a burn with moisture in the air, no wind, etc. The fire was started in a one foot indentation in the ground and was located west of a shed and north of the fuel tanks. He drew on a printed aerial map the location of this fire pit. He said the fire continued for several hours as they burned the trash and at approximately 5pm the fire had died down to hot coals and he covered the hole with dirt to suffocate it. He predicted the mound was about 1 foot tall afterwards and he never saw the pile smoking at any time after that."

From supplemental report #194 – Tkach's interview of Matthew Morgan on 2/25/22:

"During the interview, I asked Morgan to again describe what he'd burned on Christmas Eve. He said that he'd burned brush, miscellaneous lumber, six by six garden timber, and two pallets. He said he did not burn any trash, treated wood, or railroad ties. He didn't use any accelerants to start the fire, and described lighting it with a lighter and possibly some cardboard, but he wasn't sure about that."

He monitored the fire while it burned, working in the area of the burn with another community member named "Ben" and "Ben's" son. Morgan started the controlled burn around 3:00-3:30pm. Around 5:00pm, he extinguished it by burying it with dirt. He did not put any water on it. During the following week, he did not see any smoke or smoldering from the pile while he was in the area. He couldn't remember specifically checking on the pile, but repeated that he didn't notice anything that would indicate it was still burning."

I asked Morgan if he'd moved any part of the pile somewhere else, or if he'd taken dirt from the pile. He said he hadn't. I asked Morgan if he could think of anything else that could've started the fire on the Twelve Tribes property on the day of the Marshall Fire. He said that there was no gas or electricity in the shed, and that there was a chip pile and manure pile near the shed. He also stated that "the idea of that [controlled burn] being a contributor never entered my mind until after the fire."

There does not appear to be any violation in the method that the controlled burn was ignited on 12/24/21. I have been unable to find any regulation that states how a controlled burn is required to be ignited.

What exactly did the deputy who responded to the controlled burn on 12/24/21 do and say?

This question can be answered by reviewing Deputy Scrudder's report #57. There doesn't appear to be any Body Worn Camera video available of the contact. I checked with Deputy Scrudder that there was no video, and he confirmed that he did not activate his BWC because he cleared from the call so quickly.

Below is an excerpt from his report:

"As I approached the location of the reported fire, I observed light gray smoke emanating from the NE corner of Eldorado Springs Drive and Highway 93. I turned onto Highway 93 and headed northbound until I reached the driveway of 5921 Eldorado Springs Rd. I observed a Mountain View Fire and Rescue brush engine already on scene. As I entered the driveway of 5327 Eldorado Springs Drive, dispatch advised fire said the scene was okay and they would be clearing shortly and that I could cancel. I notified dispatch that I copied the information and that I was arrival and clear."

I continued up the gravel driveway to the northwest corner of the property and met with the crew from the Mountain View Fire and Rescue engine. Members of the crew expressed the fire was a controlled burn on private property and that however large, they felt okay letting the individuals burn on the property. As I approached the property initially, I was greeted by a white male in his mid to late 20s accompanied by a young white female in her teens. The male asked what I was doing on the property. I informed him I was meeting with the fire crew to discuss the flames. The young girl was visibly upset and crying, I asked her if she was okay, to which she nodded and continued crying. I asked if she would like a sticker or patch from the Boulder County Sheriff's Office. She nodded and I provided her with a Boulder County Sheriff's Office Junior



Boulder County Sheriff's Office

Case Number: 21-06301 .038

Nature of Call :

Deputy patch. I assured her that I was just here to make sure everybody was okay and that myself and the fire crews didn't mean to scare her. The male party thanked me for providing her with a patch and said something to the effect of "She's just scared because of all the people and the sirens."

After speaking with the Mountain View Fire and Rescue crew, I told them I would clear out unless they needed anything else. They informed me they did not need any further assistance from the Sheriff's Office. As I turned around to walk back to my patrol vehicle, a Boulder Open Space and Mountain Parks law enforcement ranger was pulling into the driveway. I spoke with him briefly and told him what fire had told me about it being a controlled burn on private property and that some concern was shown about the size of the fire and the residents were warned to monitor it. Thanked him for coming out to assist and all emergency services personnel left the address."

Were there any fuel tanks near the controlled burn? If so, were there any signs of leaks? Is there any violation if there were fuel tanks nearby?

There were two white fuel tanks, and one brown (rust colored) fuel tank on the property approximately 10ft from where controlled burn is believed to have been. Fire Investigator Jerry Means states that he "*observed no physical evidence that the fuel tanks contributed to the fire*" in his report.

In Agent Lunders' reports, he states "*Soil staining from petroleum-based fluids was observed in the general origin area likely due to the presence of fuel tanks, heavy equipment, and dump trucks and trailers in the area. Incendiary can be excluded as a possible cause.*"

I asked BCSO Fire Management Officer Seth McKinney if he knew of any laws or regulations that would prohibit fuel tanks being in close proximity to a controlled burn. He did not believe any regulations would apply.

Recommended Case Status: Open.

Deputy

Involvement Type Reporting	Deputy Tkach, Katie 548	Date 10/26/22
Involvement Type Approving	Deputy Pontiakos, Connor 532	Date 10/27/22



Boulder County Sheriff's Office

Case Number: 21-06301 .039

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative <p>On October 26, 2022, I received information on the Burn Permits issued from Boulder County, Fire Management Officer Seth McKinney sent this information to me. This information contained a burn permit which I requested to see what type of language was included in the permit. The permit listed the permit number, who it was issued to, address, burn type, and expiration date. It also lists conditions including a statement that "Due to air quality regulations you are NOT allowed to burn from November 1st – February 28th", burn times included two hours after sunrise and two hours before sunset. There is also a statement that's no covers not required that the maximum speed is 10 mph. The permit also indicates that burning is not allowed on air-quality action days, high wind warning or watch days, red flag warnings, fire weather watch days and during fire bands.</p> <p>The second page of the permits includes a burn checklist including the following:</p> <p>PILE CONSTRUCTION</p> <p><input type="checkbox"/> Pile is Situated on Bare Ground or Sparse Grass.</p> <p><input type="checkbox"/> All branches in my pile are less than 6" in diameter.</p> <p><input type="checkbox"/> My pile is not built under overhead utilities.</p> <p><input type="checkbox"/> I am not burning a building or structure.</p> <p><input type="checkbox"/> I have confirmed there is no reasonable alternative for disposing of this material.</p> <p><input type="checkbox"/> There is a 6"12"wide trench dug down to mineral soil around my entire pile.</p> <p><input type="checkbox"/> The fuels I intend to burn are: Clean and Dry</p> <p>NOTHING IN MY BURN PILE IS:</p>	



Boulder County Sheriff's Office

Case Number: 21-06301 .039

Nature of Call :

- ☐ Trash or garbage
- ☐ Hazardous material
- ☐ A leaf pile or lawn clippings
- ☐ All or part of an animal carcass
- ☐ Pinecones (except incidental to pine slash)
- ☐ Food waste
- ☐ Stumps
- ☐ Tree trunks (larger than 6" diameter)

SITE CHARACTERISTICS:

- ☐ The smoke from my pile will not significantly affect any nearby buildings.
- ☐ The smoke from my pile will not obstruct visibility on a road.
- ☐ There is nothing within 30' of my pile in any direction that I don't want to burn, including: Structures, Overhead power lines, Vehicles, Other slash piles, Trees, Roads.

ONE WEEK PRIOR:

- ☐ I have read the Guide to Burning in its entirety.
- ☐ I have obtained a burn permit from Boulder County.
- ☐ I have obtained a smoke permit from CDPHE/APCD. *(Required if burning 50 or more piles, greater than 10 acres of grass, or greater than 5 acres of other vegetation.)
- ☐ The project description on my permit is accurate.
- ☐ I have obtained any permits required by my local fire protection agency (if applicable).

DAY OF BURN

- ☐ I have notified BOULDER COUNTY COMMUNICATIONS at (303) 441-4444
- ☐ I have confirmed there are no burn bans in effect today.
- ☐ I have confirmed today is not an Air Quality Action Day.
- ☐ I have confirmed there is no Red Flag Warning or Watch in effect.
- ☐ I have confirmed there is no High Wind Warning or Watch in effect.
- ☐ It's 2 hours after sunrise.
- ☐ I can easily complete and extinguish burn 2 hours before sunset.
- ☐ I don't have anywhere else I need to be today.
- ☐ I have a propane torch, fusees, or a 3:1 diesel to unleaded mix to ignite my pile.
- ☐ I have a reliable, adequate, and immediately available water source for suppression.
- ☐ I am wearing cotton or Nomex clothing, leather gloves, and eye protection. I have no loose fitting clothing items (scarves,



Boulder County Sheriff's Office

Case Number: 21-06301 .039

Nature of Call :

etc.) that may ignite accidentally. I am not wearing ANYTHING that is nylon or polyester, including my underclothes and socks.

- ☐ I have notified CDPHE/APCD *(Required if burning 50 or more piles, greater than 10 acres of grass, or greater than 5 acres of other vegetation.)
- ☐ I have a plan if my burn escapes.

DURING IGNITION:

- ☐ Discontinue burn if smoke sensitive areas listed on your application become affected by your smoke.
- ☐ Monitor smoke from burn, ensure it is lifting and dispersing, and not settling or remaining stagnant in the area.

I noted that there is no information regarding what to do once the burn has been concluded, including checking the area on a regular basis for hotspots. There is also nothing on the permit regarding extinguishing the fire.

McKinney also provided me with an Excel document that reportedly lists all of the burn permits issued in the past. It appears that the first burn permit on this document was issued on July 26, 2012, and the last was issued on October 1, 2022. There are a total of 2594 issued permits documented during this time period. There additionally two other burn permits which are pending.

Of the listed permits there a total of 51 which were denied by the Sheriff's office fire management section. 30 permits were denied by the air quality status section, and one denied by a fire protection agency. While reviewing the data I did note that some permits appear to have conflicting approvals, including a denied by the air-quality status and approved by the fire management office or vice versa.

October 18, 2022, I spoke with Boulder County Sheriff's Office Commander Randy Wilber about this investigation and that he noted that there were rumors circulating in the fire community that indicated that the Mountain View Fire Department had responded to the 12 Tribes property the day prior to the Marshall Fire starting, December 30, 2021. Commander Wilber told me that he did not know the source of this rumor and during a later conversation indicated that it would be nearly impossible to determine the source as he had heard this from numerous individuals within at least the past several months.

On October 25, 2022, I spoke with Commander Randy Wilber again as well as McKinney and another Sheriff's Office employee, Kerry Webster, who works for the Fire Management Office. We discussed this rumor amongst the four of us and McKinney confirm that he had heard from multiple sources that the fire department was at the 12 Tribes property on December 29th and at one point indicated that CAD would be a source of information to confirm this rumor. I explained to McKinney that Mountain View Fire had been to the scene on December 24, 2021, but not on December 29th. McKinney told me that this may have been the source of the rumor and as the rumor circulated the date range may have changed.

I spoke with Stephanie Harp, the administrative assistance at the Boulder County Sheriff's Office Dispatch Center. Theis dispatch center dispatches calls for service for the Mountain View Fire Department in Boulder County and she provided me with all of the CAD reports for the 12 Tribes properties at 5325 and -5327 Eldorado Springs Dr. Deputy Caton later evaluated this information and completed a supplemental report.

I asked Harp if it was possible that the fire department stopped by the 12 Tribes property, calling the stop out through dispatch, and there not being a CAD record of this. Harp said that had this occurred there would be a CAD entry, assuming dispatch was notified.

I spoke with Deputy Chief Jeff Webb from the Mountain View Fire Department regarding the rumor that a fire engine was at the 12 Tribes property on December 29th or sometime after the call on the 24th and he said he checked their records and was not aware of any response after the 24th however he told me he would speak to the fire fighters working during that time period and recontact me with that information as well as provide me with a point of contact for that engine so investigators could speak directly to the firefighter.

A copy of the burn permit which was sent to me was included with this report as was the Excel document.

End of report



Boulder County Sheriff's Office

Case Number: 21-06301 .039

Nature of Call :

Deputy		
Involement Type Reporting	Deputy Oehlkers, Jason 506	Date 10/27/22
Involement Type Approving	Deputy Pontiakos, Connor 532	Date 10/27/22



Boulder County Sheriff's Office

Case Number: 21-06301 .040

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property							
Property Description: Center Phase Conductor from atop pole MP2 Jensen Hughes 002							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							
Property Description: Cross Member with east and west phase conductors attached to pole MP2 Jensen Hughes 001							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							
Property Description: East phase wire with Insulation Material Base of Pole MP2 Jensen Hughes 1.01 and 003							
Property Status (NIBRS)				Article Type			
Quantity 1.0000	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	



Boulder County Sheriff's Office

Case Number: 21-06301 .040

Nature of Call :

Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					
Property Description: Lashing east phase Jensen Hughes # 1.0101					
Property Status (NIBRS)			Article Type		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					
Property Description: Pole bolts Jensen Hughes 1.0104					
Property Status (NIBRS)			Article Type		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					
Property Description: Cross arm bolts Jensen Hughes 1.0102					
Property Status (NIBRS)			Article Type		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By:		
Relationship To Evidence:					



Boulder County Sheriff's Office

Case Number: 21-06301 .040

Nature of Call :

Body Worn Camera / Dash Camera

Body Worn Camera
No

Dash Camera
No

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Caton, Jeffrey 579

Narrative

On November 1, 2022, I was asked to pick up items from Jensen Hughes in Englewood CO. I did pick up the items and they were placed into property and evidence at the Boulder County Sheriff's Office.

End of Report

Deputy

Involment Type
Reporting

Deputy
Caton, Jeffrey 579

Date
11/01/22

Involment Type
Approving

Deputy
Pontiakos, Connor 532

Date
11/01/22



Boulder County Sheriff's Office

Case Number: 21-06301 .041

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name CHURCH		First Name JONATHAN		Middle Name RAYMOND		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BOCO		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race White	Ethnicity		Height	Weight	Hair Color	Eye Color
Age 60		Transient			Mediation Status		
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN [REDACTED]		
Employer Name McDonald Pelz Global			Employer Phone		Employer Email		
Occupation Address 1803 S FOOTHILLS HWY		Building	Apartment P	P.O. Box	City UNINCORPORATED		
State CO		Zip Code 80305		County BOCO	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: Pictures from Jonathan Church				
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .041

Nature of Call :

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number
Hold Reason Evidence			
Where Property Found		Collected By: Tkach, Katie 548	
Relationship To Evidence:			

Body Worn Camera / Dash Camera

Body Worn Camera Yes	Dash Camera No
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Cloud Photos

Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .041

Nature of Call :

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 10/14/22, I spoke with Jonathon Church () by phone. Church had previously sent Xcel two pictures he had taken with his phone of the fire starting at the Marshall Mesa Trailhead on 12/30/21. Xcel had shown these pictures in their presentation to us a few days before. One picture showed the fire just starting. Xcel believed this picture was taken at 1220 hours. This picture appeared to be taken through a window, as the reflection of a male (presumably Church) can be seen. Xcel believed the second picture was taken at 1226 hours. It shows a large area of the trailhead burned and smoking. Flames can be seen further to the North of where the smoke started in the first picture.

Church told me that he had never spoken with Xcel or any law enforcement, but had spoke with private investigators who had come by his office. I asked Church what he'd witnessed the day of the fire. He said that he had come upstairs to his office which is located on S. Foothills Hwy near Marshall Mesa Trailhead. He'd been looking at the fire damage farther North, but noticed a small fire starting to the South near the tree line. I asked if he'd seen anyone parked near that area when that fire started. He said he saw a utility truck, which he assumed was Xcel, parked near the intersection of S Foothills Hwy and Eldorado Springs Drive working on the light. However, he did not see anyone farther South where the smoke started near the tree line.

I asked Church if he'd stop by BCSO HQ next week so that I could look at the exif data on the pictures to confirm the time. He agreed and told me he'd set up a time next week as he was currently in Geneva.

On 11/1/22, I met with Church at BCSO HQ. He showed me seven pictures on his phone that he'd taken of the Marshall Mesa TH area on the day of the fire. I recognized two of the pictures from Xcel's presentation. The exif data confirmed the times of 12:20pm and 12:26pm for the two pictures in Xcel's presentation. I also noted that the current time on Church's phone was accurate.

With Church's permission, I airdropped the pictures to my work cell phone, then took pictures of the exif data via the CaptureApp. The pictures will be submitted to BCSO Property & Evidence. Church also mentioned that he and his coworker, Ian, had been the only people on his floor taking pictures of the fire. A private investigator from an insurance company had previously spoken with him and had even brought out forensic investigators to take measurements from his perspective of the fire. Church told me he'd give his coworker my contact information.

Recommended Case Status: Open.

Deputy

Involment Type
Reporting

Deputy
Tkach, Katie 548

Date
11/01/22

Involment Type
Approving

Deputy
Leak, Clay 520

Date
11/02/22



Boulder County Sheriff's Office

Case Number: 21-06301 .042

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name WEBB		First Name JEFFREY		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex	Race White	Ethnicity	Height	Weight	Hair Color	Eye Color	
Age		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone [REDACTED]		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name Mountain View Fire Rescue			Employer Phone [REDACTED]		Employer Email [REDACTED]		
Occupation Address 3561 STAGECOACH RD N		Building	Apartment	P.O. Box	City WELD		
State CO		Zip Code 80504		County WELD	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .042

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Oehlkers, Jason 506

Narrative

21-06301

J. Oehlkers, 506

During a meeting with members of the Sheriff's Office and District Attorney's Office, I learned there was a rumor floating around the local fire community that members of the Mountain View Fire Department had stopped by the 12 Tribes location the day before the Marshall fire started, December 30, 2021.

I contacted Stephanie Harp from the Boulder County Sheriff's Office Communication Center and asked her for records associated with the 12 Tribes address during the weeks leading up to the fire. Harp was only able to locate a response on December 24. I asked if a fire department were to call out a stop at a location if there would be a record in the CAD system what, regardless of a 911 call, and she said there would be. This indicates that if a fire truck stopped by the location between December 24 and 30 they did not call out the stop as there was no CAD record.

I also spoke with Seth McKinney and Kerry Webster from the Sheriff's Office who were familiar with the rumor, and they said that it may not have been the day before but could have been weeks before the fire started and they told me they heard there was a CAD entry associated with the fire department stopping by the address.

After this I spoke with Jeff Webb, an officer for the Mountain View Fire Department, and asked if he had any records associated with a fire engine stopping by the 12 Tribes property with the exception of December 24. He told me that he did not. I explained to him the rumor I heard and he said he would check with the engine crews. On November 7, 2022, Webb told me that he had spoken with each of the engine crews that worked between December 24 and December 30, and the crews reported they did not stop at the 12 Tribes property.

Based on all this information it appears that the only time the Mountain View Fire Department responded to the address on the dates between December 24 and December 30 were the 24th and 30th.

Case status remains open.

Deputy

Involvement Type
Reporting

Deputy
Oehlkers, Jason 506

Date
11/11/22

Involvement Type
Approving

Deputy
Pontiakos, Connor 532

Date
11/13/22



Boulder County Sheriff's Office

Case Number: 21-06301 .043

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 Interview of firefighter Tyler Prim On 11/10/22 at approximately 1030 hours, I interviewed firefighter Tyler Prim who had responded to the Twelve Tribes property on Christmas Eve 2021 for a report of a controlled burn. The following is a summary of the interview. The interview was recorded on my BWC and can be reviewed for the exact details. I asked Prim what happened that day. He said that they went en route because there were flames visible from Hwy 93. When they came out on Hwy 93, they could see the fire on top of the hill at the Twelve Tribes compound. He thought the flames were about 4-5ft high. It was in the middle of a dirt lot and there were people tending to it. From his memory, they were burning fence posts. He believed it had been going on for awhile because they were now pretty charred. He believed that the bulk of flames that he saw were from leaf litter and branches because by the time they left, the flames were low and almost out. It was a drizzly day and the residents confirmed their water supply. There was a front end loader sitting there as well. From his perspective, they had more than what most people have during a controlled burn. As far as he was aware, there was not a burn ban in effect that day. I clarified with Prim the locations of each firefighter on scene and there jobs. He stated that he was the first officer, O'Connell was a medic, and Sheppard was the Engineer. He believed Sheppard stayed with the engine and O'Connell was standing somewhere behind him. He thought O'Connell may have spoken with one of the residents, but Prim had his back turned while speaking with the deputy who showed up. I recalled reading in Prim's report that he wrote the residents had been burning railroad ties. I asked Prim if the railroad ties had been something he saw in the fire, or if the residents had told him they were burning them. Prim said he recalled seeing something that resembled railroad ties, but not them specifically. He felt that they had to have told him because he had put it	



Boulder County Sheriff's Office

Case Number: 21-06301 .043

Nature of Call :

specifically in his report.

I asked Prim if the residents had told him how they were going to extinguish the fire. He responded, "No". I asked him if there had been any conversation about putting dirt on the fire. He said he couldn't recall. I asked if he recalled if the residents had ever told him they were going to put dirt on the fire. Prim responded "No".

I asked Prim how far he had been from the fire. He estimated 12-15ft and recalled that there was one resident who was continuing to tend to the fire while they were talking to another resident. Prim estimated they were on scene for about 10 minutes. I asked him if he saw any indications of what they had used to light the fire, such as accelerants. He said "No".

I asked Prim if there was anything that I hadn't asked about that would indicate how the residents intended to extinguish the fire that day. Prim said no. He felt that it's kind of implied now, with the push with Smokey [the Bear], to smother with water and mix with dirt, but that's more specific to campfires. Prim mentioned that the fire department serves different counties so it can be difficult to keep track of what areas have burn bans in effect. This seemed like a routine call: the fire was in a flat dirt area, it seemed pretty safe, it was a rainy day, the fire was burning down while they were there, and it seemed like a low hazard scenario.

I asked Prim if he remembered a fuel tank being on scene. He did. I asked him if the fuel tank caused him any concern with being too close to the fire. He said it didn't. I asked if the residents had made any mention about someone monitoring the fire the rest of the day. He couldn't recall.

At the end of the interview, Prim and I discussed what's allowed in a controlled burn and what isn't. I confirmed from his previous phone interview that it sounded like, at the time, he didn't know what was allowed in a controlled burn. He said that since that conversation, he's done some research and learned that railroad ties are a "No-no". He said that it's not something that they're trained on, and in retrospect, could have been trained better.

Interview of firefighter Ben O'Connell

On 12/2/22 at approximately 0730 hours, I interviewed firefighter Ben O'Connell who had responded to the Twelve Tribes property on Christmas Eve 2021 for a report of a controlled burn. The following is a summary of the interview. The interview was recorded on my BWC and can be reviewed for the exact details.

O'Connell said that acting officer, Tyler Prim, had spoken with the resident on scene. O'Connell remembered one resident being there. There was a fuel tank near the pit that they were burning. Prim had said something to the effect of "Is that empty?", to which the resident said "Yeah, it's empty." Prim had told him to call into dispatch so that firefighters wouldn't get called again when they were burning.

I clarified with O'Connell where he was standing. He believed he was back by the fire engine, but had taken a couple steps toward Prim so he was close enough to hear the conversation. He didn't remember if he was closer than Sheppard. He estimated he was 15-20ft from the burn pile, but not close enough to see what they were burning. He estimated the pile to be about the size of the coffee table in the interview room (which is approximately 1.5ft high and 2x3ft wide). He believed the fire had been smoldering and didn't recall any big flames coming off of it.

O'Connell didn't believe he said anything to the resident. I asked him if there was any mention about dirt being placed on the pile. He said there wasn't. I asked him if he couldn't recall, or if he specifically remembered that there was nothing said about dirt being placed on the pile. O'Connell clarified that he didn't hear anything said about dirt being placed on the pile.

I provided O'Connell with a copy of Detective Merriam's report from his interview on 1/4/22 to read. I had highlighted the paragraph in which Detective Merriam had written:

"I asked Medic O'Connell what he believed started the fire, he said that he believed it somehow started from the slash pile that was there from Christmas Eve, 2021. Medic O'Connell told me he responded to the fire on Christmas Eve along with Engineer Sheppard and a different Lieutenant. Medic O'Connell said the fire was not too large and appeared to be just burning slash. Medic O'Connell said there may have been some pallets or other pieces of wood but nothing that stood out to him as being dangerous. Engineer Sheppard said he saw larger posts in there which he described as railroad ties, however he does not know if they were actually creosote railroad ties or just possibly some other type of large treated lumber for outdoor use. Medic O'Connell told me that before they left on Christmas Eve he had told the person tending the fire, which we know to be Matthew, that if the fire was completely covered with dirt it should be safe. Mountain View fire never returned after speaking with Matthew about the fire to see how he attempted to cover it and put it out."



Boulder County Sheriff's Office

Case Number: 21-06301 .043

Nature of Call :

After reading the paragraph, O'Connell said "I'm fairly confident I never said this". He later clarified, "I'm confident I never said that". O'Connell explained that the only thing he could think of was that there had been discussion about the residents moving dirt around the property on the day of the Marshall Fire. O'Connell remembered there being speculation about the residents dumping dirt on the fire as a way of extinguishing it on the day of the Marshall Fire. However, O'Connell didn't advise anyone to put dirt on the fire, he didn't think he spoke to anyone (residents) that day at all, and he didn't tell the detective that he said that.

At the end of the interview, I asked O'Connell if there was anything that he thinks I should know about his response on Christmas Eve that would be important to the investigation. O'Connell responded, "Not that I can think of".

Recommended Case Status: Open.

Deputy

Involvement Type Reporting	Deputy Tkach, Katie 548	Date 12/02/22
Involvement Type Approving	Deputy Leak, Clay 520	Date 12/02/22



Boulder County Sheriff's Office

Case Number: 21-06301 .044

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Property					
Property Description: Dashcam video from CSP Trooper Liska					
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd		
Quantity 1.0000	Make	Model	Serial	Color	
Bank Name			Account Number		
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number	
Hold Reason Evidence					
Where Property Found			Collected By: Tkach, Katie 548		
Relationship To Evidence:					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .044

Nature of Call :

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 12/7/22, Sgt. Leak gave me a CD that Colorado State Patrol had given him reference the Marshall Fire. On 12/9/22, I reviewed the video, which appeared to be dashcam footage from 12/30/21 from CSP Trooper Scott Liska. There were multiple short videos which showed the trooper responding to different areas of the fire throughout the day.

One video of note was ID #325892 started on 12/30/22 at 11:15:07am. It showed Trooper Liska turning South onto Hwy 93 from Eldorado Springs dr. A firetruck can be seen on the East side of the intersection, approximately where I know the communications line had been dangling. An Xcel truck can be seen proceeding through the intersection toward the firetruck.

The trooper proceeds to drive Southbound on Hwy 93, passing the Marshall Mesa Trailhead area. The phase line on pole MP2 can be seen hanging low, disconnected from the cross arm as the trooper passes it. I could not see any flames or smoke in the area East of MP2 at that time.

I placed the CD in BCSO Property & Evidence.

Recommended Case Status: Open.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
12/09/22

Involvement Type
Approving

Deputy
Leak, Clay 520

Date
12/09/22



Boulder County Sheriff's Office

Case Number: 21-06301 .045

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name NESLUND		First Name CAROL		Middle Name		Suffix	DOB #Error
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Female	Race	Ethnicity	Height	Weight	Hair Color	Eye Color	
Age		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: Picture from Carol Neslund				
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .045

Nature of Call :

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number
Hold Reason Evidence			
Where Property Found		Collected By: Tkach, Katie 548	
Relationship To Evidence:			

Body Worn Camera / Dash Camera

Body Worn Camera No	Dash Camera No
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Cloud Photos

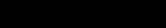
Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .045

Nature of Call :

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 12/20/22, I received the following tip via email from Carol Neslund: <i>With the recent one year anniversary coverage of the fire I realized this photo might be helpful.</i> <i>It was taken at 11:34am from the Fowler Trailhead facing east northeast.</i> <i>We started our run at 11:02am, and we have no memory of a fire being visible.</i> <i>We turned around approximately 19 min later because of the wind. I was blown into a tree as we neared the trailhead and when I got up, I saw the smoke plume. It was another few minutes back to the TH.</i> <i>When we arrived at the TH, I snapped this photo.</i> <i>When we left to return home, at the intersection of El Dorado Springs road and Hwy 93, we saw the shed near the NE corner engulfed in flames.</i> <i>One other note, we went past that same intersection on our way to the TH. There was no fire at that time.</i> <i>Since we left the TH at 11:02 according to our running watches, it stands to reason that there was no fire at 10:45ish when we would have turned off Hwy 93 to head west to the trailhead.</i> <i>Please let me know if you have other questions.</i> <i>Carol Neslund</i>  Carol included one picture with her email. It showed smoke in the area of Hwy 93/Eldorado Springs dr. I saved the image onto a CD and entered it into BCSO Property & Evidence. Recommended Case Status: Open.	

Deputy		
Involvement Type Reporting	Deputy Tkach, Katie 548	Date 12/20/22
Involvement Type Approving	Deputy Pontiakos, Connor 532	Date 12/20/22



Boulder County Sheriff's Office

Case Number: 21-06301 .046

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name WHITE		First Name DANIELLE		Middle Name		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Female	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 54		Transient			Mediation Status		
Primary Phone		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .046

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 12/12/22, I was forwarded the following email that was sent to the Boulder County Sheriff's Office on 12/10/22 from Danielle White:

I would like to give you some information into the investigation of the marshal fire.

Important

My kids family owed the property at [REDACTED].

I have to tell you a gentlemen by the name of Daniel Hartley and an Englewood city cop who is an epa agent from Minnesota are involved in this. If you email me back I'll explain. I have evidence that you should be interested in. I have past this information on to attorneys and good officers of the law.

Danielle white

On 12/12/22, I emailed Danielle and asked her to send me her statement. She responded with the following:

Yes. I will tell you first I contacted the CBI also about the gentleman I mentioned in the first email I sent to. Daniel Hartley

I am extremely busy this week so I want to talk to Anne. At [REDACTED]. They also had an other lady contact me where I am sure they can share that conversation too.

Now Daniel Hartley and his father are under investigation for several things. I have talked to Arapahoe county Internal affairs, I have called the governor and several attorneys, another agency. Please follow Thur and I will as well.

Thank you

*Respectfully
Danielle white*

I will tell you I will testify and people are committing other crimes to my family and friends to shut me up. I am stronger than that.

Also please contact the chief I email at the Englewood police department because it is possible a city office Douglas Nichols is involved who came from Minnesota from the epa department.

As of 12/20/22, I have not received Danielle's statement.

Recommended Case Status: Open.

Deputy

Involment Type
Reporting

Deputy
Tkach, Katie 548

Date
12/20/22



Boulder County Sheriff's Office

Case Number: 21-06301 .046

Nature of Call :

Involement Type Approving	Deputy Oehlkers, Jason 506	Date 12/30/22
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Boulder County Sheriff's Office

Case Number: 21-06301 .047

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name MASSENGALE		First Name BRIAN		Middle Name	Suffix	DOB [REDACTED]	
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County BRMCO		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 58		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Property				
Property Description: Pictures from Brian Massengale				
Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color



Boulder County Sheriff's Office

Case Number: 21-06301 .047

Nature of Call :

Bank Name		Account Number	
Property Value \$	Recovered Value \$	Recovered Date	Owner Applied Number
Hold Reason Evidence			
Where Property Found		Collected By: Tkach, Katie 548	
Relationship To Evidence:			

Body Worn Camera / Dash Camera

Body Worn Camera No	Dash Camera No
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Cloud Photos

Cloud Photos

Narrative

Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
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Narrative

Supplemental Report Detective Tkach, #548

On 12/19/22, I was forwarded a tip from Boulder County DA Investigator McNally. I called and left a message for Brian Massengale, who had told Investigator McNally that he wanted to share photos he had of the Marshall Fire. I called and left a message for him. The same day, Brian sent me the following email:

*Detective Katie,
These two photos were taken from my backyard at 1112 Ridgeview Cir. Broomfield, looking west directly at NREL wind turbine research facility. They were both taken at 10:52 AM and potentially show the beginning stages of the Marshall fire.*

Fill free to contact me if you need additional information.

- Brian

Sent from my iPhone

Brian included two pictures, which do appear to be taken from the Broomfield area. The pictures show a large amount of smoke or dust blowing South from what appears to be the area of Marshall. I saved the pictures to a CD and placed it in BCSO Property & Evidence.

Recommended Case Status: Open.

Deputy

Involement Type Reporting	Deputy Tkach, Katie 548	Date 12/20/22
Involement Type Approving	Deputy Oehlkers, Jason 506	Date 12/30/22



JOE PELLE
Sheriff

Boulder County Sheriff's Office

Case Number: 21-06301 .047

Nature of Call :



Boulder County Sheriff's Office

Case Number: 21-06301 .048

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name GOSSARD		First Name JOHN		Middle Name	Suffix	DOB [REDACTED]	
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 80		Transient		Mediation Status			
Primary Phone		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .048

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report
Detective Tkach, #548

On 12/27/22, I received an email from John Gossard stating his observations on the day of the Marshall Fire. He stated in his email that he'd previously reported it to BCSO, however, I could not find his name among the tips already logged. He described seeing a column of smoke near Cherryvale road around 11:00-11:30am. I uploaded his statement, which included a map, to the case file.

Nothing further.

Deputy

Involment Type
Reporting

Deputy
Tkach, Katie 548

Date
12/27/22

Involment Type
Approving

Deputy
Oehlkers, Jason 506

Date
12/30/22



Boulder County Sheriff's Office

Case Number: 21-06301 .049

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name BROWN		First Name STEVE		Middle Name		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 62		Transient		Mediation Status			
Primary Phone		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .049

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 12/29/22, I received the following tip which was forwarded to me from the BCSO email account:

*From: Steve B [REDACTED]
Sent: Wednesday, December 28, 2022 10:20 PM
To: Boulder County Sheriff's Office <BCSO@bouldercounty.org>
Subject: [EXTERNAL] Email from the Sheriff's Office Website*

In listening to the reasons for the Marshall fire. Please don't rule out the strong possibility of the communications lines "galloping" and slapping Xcel power lines causing a spark to hit the ground in multiple locations. There were service outages reported and immediate response to restore the communications service due to lines down. There may not have been Xcel power lines that were on the ground, but there may have been other communications that sparked and fell to the ground either sparking or extremely hot enough to cause a fire, there are measures that could have been taken to minimize the galloping from the communications lines, but these were not present. I am a communications line construction veteran (possible expert) and have seen these scenarios multiple times.

Recommended Case Status: Open.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
12/29/22

Involvement Type
Approving

Deputy
Oehlkers, Jason 506

Date
12/30/22



Boulder County Sheriff's Office

Case Number: 21-06301 .050

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name SCHRODER		First Name RON		Middle Name		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 67		Transient		Mediation Status			
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .050

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report Detective Tkach, #548

On 1/3/23, I was told that a male named Ron Schroder had left a voicemail at the Superior Substation on 12/30/22 reference a tip about the Marshall Fire. I called Ron, who told me that he'd been driving Northbound on Hwy 93 from Hwy 128 the day of the fire. He wasn't sure of the time, but guessed it was around 11:30am. There was no fire in the area at the time. As he was driving down the hill approaching Eldorado Springs Dr, he noticed the powerlines on the East side of the road "jumping like a jump rope". When he stopped at the traffic light, he heard a loud noise that sounded like a wind tunnel. He believed it came from the line that was hanging down into the road on the East side of the intersection.

I asked Ron if the lines he'd seen jumping between Eldorado Springs Dr and Hwy 128 had hit each other, or been sparking or arcing. He clarified that he'd only seen them jumping "like a jump rope" in the wind. He only noticed a large plume of smoke from a distance later on when he was traveling back South on 96th st.

Recommended Case Status: Open.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
01/03/23

Involvement Type
Approving

Deputy
Leak, Clay 520

Date
01/03/23



Boulder County Sheriff's Office

Case Number: 21-06301 .051

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative Case #21-06301 Commander J. Oehlkers, #506 On Friday, January 20, 2023, arrangements had been made to interview several Xcel Energy employees at a law firm office located at 1434 Spruce Street in the City and County of Boulder, State of Colorado. Present during these interviews were myself, Detective Katie Tkach who took the lead interview role, Deputy District Attorney Ryan Day, Attorney Stan Garnett, who was representing Xcel Energy, and two Xcel Energy attorneys whose names I do not recall. It should be noted that the interviews were recorded on Detective Tkach's body-worn camera as well as my body-worn camera and the recordings were uploaded to the Motorola evidence platform. The following is only a summary of the conversations. The first employee interviewed was named Jeff Matti. Matti stated that he has been working for Xcel for approximately 17 years and he is a troubleman lineman. Matti said that he was working December 30, 2021, the day the Marshall Fire started. Matti said that his typical day includes responding to requests for help that can range from anything from flickering lights to much more serious problems. Matti said that he took a four-year apprenticeship to get to his current position and on occasion takes refresher courses to continue his education. Matti said that he believes he started working at 6:00 a.m. on December 30, 2021, and recalls it was windy day. Matti said that he was called to the area of Highway 93 and Marshall for the report of a downed line. He said that he did not see the	



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downed wire initially and looked a little bit more. After not seeing it, he drove to the substation in the Eldorado Springs area and continued looking as he drove to the substation and then back to the intersection of Highway 93 and Marshall. When he returned to the intersection, he said that he saw a fire truck stopped on the east side of the road and that it was stopped underneath a low hanging phone line. He said the line was not down but was hanging low. Matti said that he drove up to the fire department and asked if the line is what they were looking for, and shortly after this he said that he saw them leave and they responded to the fire that Matti described as behind the "Seven" Tribes area. Matti said that he waited in the area to see if the fire department would need any help with energizing lines in the area or un-energizing them. He said that he pulled into a parking lot and talked to the fire department personnel and said he recalled one firefighter saying that they were going to be losing the fire very soon.

Matti said that after this he went to monitor or repair other items. Matti said that he believed that he was in the area between 10:00 and 11:00 a.m. but said that he was not sure if this is accurate.

At one point he said that he had parked in a parking lot, and he said that this was the lot near Highway 93 and Eldorado Springs.

Matti also said that before he left the area the fire was growing but it had not yet crossed the road.

Matti said that on December 31, 2021, he was working in the mountainous areas. He did respond back to the area of Highway 93 and Eldorado Springs after the sun had set on the 31st. He said that the fire department wanted the [communication] lines cleared and as he was driving through the intersection, he said that he caught the phone line with his truck and removed it. He said that he believed that the phone line must have continued to sag lower as his truck is shorter than the fire engine and the fire engine did not hit the line earlier in the day.

Matti said that to clear the line he cut the line down with other Xcel employees, one named Dustin and someone else with him (Dustin).

Matti said that he checked the fuse behind the Twelve Tribes property, and it was closed. He described this area as near the parking lot previously described as the intersection of Highway 93 and Eldorado Springs and east of it. Matti said that he was there for 30 to 60 minutes.

Matti was asked to describe the difference between a troubleman and journeyman, and he said that a troubleman such as Dustin, responds to emergency requests. This could be things such as fires or car accidents where an electrical pole is involved. A journeyman is someone who builds lines and maintains them, and he said that if he cannot fix a problem then he would call a journeyman to repair it.

Matti was asked several questions and he said that he initially responded to the area from the Cherryvale Road area, and he said that he did not go south of the intersection of Eldorado Springs and Highway 93 on December 30th. He then said that he was primarily in the mountains the next two days and that he drove through the area three days later to work in the area of Highway 72.

The next person that was interviewed was named Ryan Gomes. Gomes said that he is a journeyman lineman and has worked for Xcel for 6 years, which included a four-year apprenticeship which he concluded in April of 2022.

Gomes said that he was working on December 30, 2021, and that he was an apprentice lineman at the time of the fire. He said that he was in the last stage of his apprenticeship and that he was working by himself. He said that his day started at approximately 7:00 a.m. and that it was known that it was going to be windy that day so many of the Xcel crews were on standby for emergency work only.

Gomes said that he had an errand to run in Wheatridge, so he drove down there, and then later got a report of a spruce tree



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that had fallen on a line possibly near a school in the south Boulder area. While working on this, he saw a smoke plume to the south and saw that it was growing larger. Gomes said that another customer came by and asked for help at an address that was approximately one-half mile south of where he and other crew members were working. He ultimately responded to this area and saw that the customer was concerned about a low-hanging phone line and Gomes said that he did not see that it was a significant concern.

At this time the smoke plume from the Marshall Fire was growing bigger and Gomes said that his wife and kids were in Arvada, and he was concerned about them and noted that his wife may not pay attention to the news. Gomes said that he wanted to know what was going on, so after leaving the customer's house, at an unknown time, he drove south on Broadway/Highway 93.

Near the area of Eldorado Springs and Highway 93, Gomes saw what he described as chaos. He saw a shack burning, fire vehicles in the area, and heavy equipment in the area. He also described that there were a lot of looky-loos who were driving by with their phones out.

Gomes passed through the light and on his left as he was traveling southbound he noticed a neutral and a phase line were hanging low, or floating. He said that the phase line was the furthest east of the lines. Gomes said that he did not get a really good look at this as he was driving by but wanted to turn around. He found a driveway or some area to turn around and after driving northbound on Highway 93, he pulled over to the shoulder facing north and south of the intersection of Highway 93 and Eldorado Springs. He said that he was assessing the situation and trying to figure out how he could help.

Gomes said that he tried to call his manager; however, the manager, Trevor Conklin, did not answer. Gomes said that he ultimately texted his manager and said something to the lines of there was a floating line where he was at that could have possibly have started the fire. Gomes was not exactly sure what his text message said. He was later asked if he had his phone and he said that it was in his car and that the message came in on his personal phone.

Gomes said that he saw the neutral line and phase line on the opposite side of the pole and then did not believe that the two lines could touch each other.

At some point the driver's side mirror on Gomes' truck snapped off because of the high winds. At this point in the interview it was approximately 10:15 a.m., and Stan Garnett, who had recently learned of the text message which Gomes had received, said that he believed that the text message said something along the lines of *I think our lines may have started this fire east of Eldo just for your SA*. He was later asked about the initials SA, and he said that that was an abbreviation for situational awareness.

Gomes stayed in the area for just a short time and then left traveling south on Highway 93.

Gomes said that he worked in Eldorado Springs on that day to repair outages, specifically in the area between the Eldorado Springs sub and into the Town or City of Eldorado Springs. He said that day was at least 16 hours and possibly longer.

Gomes returned the following day and worked with Mike Ferris, someone named Greg, and several others who were other investigators.

He told me that they started working in the area of Marshall and Cherryvale Road, and that he had Ferris in his bucket on his truck. He said that he was told not to touch anything and may have also said that Ferris did not touch anything. His sole job for this time was to assist Ferris.

Gomes said that he did other work in the area of the fire which included trying to switch around underground lines to get power onto homes so that the pipes would not freeze in the cold weather. He said that this was on the eastern side of the fire.



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Gomes was asked if he knew anything about a no-work order which had been in place, and he said that he had no recollection of this. Gomes said again that he did not touch anything while working with Ferris and that he believed that Ferris was taking photographs.

Gomes was asked why he believed the lines caused the fire and he said that when he was initially driving by he did not get a good look at them as he was on the opposite side of the road. He believed that he was doing the right thing in sharing information with his boss so that the right people could get to the area. Gomes said several times that he was new and did not have a lot of experience and that he was not looking at the line very closely when he drove by. Gomes said that he did not see any marks on the wire which would be an indication that the wires had touched.

Gomes was asked if he had any experience working the area and he said that he had set a pole further south of the trailhead area and provided a description of the area and based on this description it appears it is possibly near Highway 93 and the Boulder/Jefferson County line.

Gomes was asked if he called anybody to report the issues which he had seen and he said that he did not know. Gomes said that he was not asked much about the incident by anybody from Xcel.

Gomes said that he does not recall if his supervisor texted him back or called him back after he sent the text about the Xcel line possibly being a cause of the fire.

He does remember that he spoke with his boss later about poles being down on Eldorado Springs and the need to coordinate with contract workers to make repairs.

It was asked how Mike Ferris knew about the downed power lines in the area and Gomes said that he had no idea.

Gomes was asked if he was aware that the Sheriff's Office had issued a search warrant asking for text messages and he said that he was not.

Gomes was asked what he was thinking about when he sent the text message to his supervisor, and he said that he was driving by and not looking at the lines very closely and was more focused on turning around and not getting hit. Gomes said that he ultimately came to a conclusion that the two lines could not touch, and this could not have started the fire. He said that he reached this conclusion on his own. He said that the two lines could not touch because there was a telephone pole between the lines.

Gomes was asked if the two lines could have touched if the low-hanging line could have gone over the pole and he said that that was not possible.

Gomes did say that Ferris was in the bucket with him as Ferris was not authorized to work in buckets. He said this in regard to when they were looking at the low-hanging pole. Gomes said that he did not see any evidence of arcing or damaged wires.

Gomes said that he had never inspected these lines before.

Gomes said that he could not recall the first time he had talked to someone about the text messages which he had sent.

He said that he had never told anyone at Xcel that he had sent the text message to his supervisor and that no one at Xcel had ever asked about the message. Gomes said that there was not a lot of time to chat with other employees about his observations as they were very busy trying to repair the electrical system. Gomes said that he told Stan Garnett about the



Boulder County Sheriff's Office

Case Number: 21-06301 .051

Nature of Call :

text message which he had sent to his supervisor last week. He was initially very uncertain on when he sent the text message.

Gomes said that in his position he is a lineman and if they saw something wrong that they would not hide this observation to protect the company.

Gomes said he was not aware of his coworkers speculating on the cause of the fire.

Gomes said that he does not believe that there were any emails sent on his work email about the fire and he does not recall receiving any. He seemed to indicate that he did not send a lot of emails.

Gomes said that he does not recall discussions with Trevor Conklin about the cause of the fire.

The next person interviewed is Dustin Lesner.

Lesner is a troubleman lineman with 17 years of experience with Xcel.

He was working on December 30, 2021, and began his shift at approximately 8:00 a.m. He described crazy winds and issues with trees in the Boulder area on that day.

He recalls approximately three feeder lockups which typically affect thousands of customers and also responded to storm related outages.

Lesner said that the first time he was near Highway 93 and Eldorado Springs it was dark outside when he went to clear some possible lines down near Marshall.

He said that he worked a 16-hour shift and that he was not in the area on December 31, 2021.

He did say that he repaired lines in the area of Highway 93 and Marshall, possibly on January 1, 2022. It was asked why they were repaired, and he said that he was in a morning meeting on December 31st and told that there was an investigation and to stay away from Highway 93 and Eldorado Springs. On the 1st, he was told that the investigation was complete by somebody from management. He said that he could not recall who as there were people in the office that he did not normally work with. He said that the person told him this could have been Trevor Conklin, Jay Portias, or Coral Breidenbach. He elaborated and said that there were both electrical and gas supervisors and employees from other areas working out of the building. He also said that Supervisor Portias typically worked in the Greeley/Fort Collins area. He said one of these four to five supervisors said that the investigation was over. He does not recall seeing an email indicating that the investigation was over. This conversation occurred at the Xcel Energy location off of 63rd Street north of Arapahoe Road.

He drove into the trailhead area to access the lines and was let into the area by somebody from law enforcement. The purpose of the repair was to re-energize the lines. He also noted that it is very important to check the lines before re-energizing. He said that there was another crew in the area that was possibly from the Denver area. During our conversation, he mentioned that this crew had been working in the area and this crew possibly repaired the downed neutral line but had left earlier because there was a person, who they later determined to be the owner of the gas station at Highway 93 and Eldorado Springs, there harassing them. The crew from Denver apparently did not want to be near that person because of that person's actions.

During our conversation, Lesner said that the phone line and neutral line had popped off. The floater line apparently had a tie that broke, allowing a phase line to come over and rest on the push pole, which is a pole set at an angle to support the vertical pole.

Lesner said that he looked over the wire and did not notice anything wrong and there was no burned grass directly below the pole. He said that he put the wire on his bucket and lifted it up to reattach it to the pole. He did not see any scorch marks on the line and also recalls looking at the other lines and not seeing any damage.

Lesner said that there were no ties or wires on the ground and that when he was doing the repair he threw the scrap ties which he had removed from the line into the bed of his truck. He said it is possible that they could have come out of the bed of his truck. He said that he did not see lashing wires on the ground.

There was another Xcel employee named Jason Diekmann present with him as well as somebody possibly named Greg Renzrow who was working off of Highway 93 on the same issue. Lesner said it is possible that the sheriff's investigators could have found tie wire. He also noted that the poles were put up approximately five years ago.



Boulder County Sheriff's Office

Case Number: 21-06301 .051

Nature of Call :

The phase line was reattached to the pole. Lesner also said that if he had found anything suspect then he would not have re-emerged three and asked that the line be re-energized.

He said that he has no recollection of a work order or a repair order for the floating line, and he said that these are typically on computer, but he believed that this day they were being dispatched via radio. He further described this as a chaotic time as there were lots of things going on and people and Xcel employees from other areas.

I asked Lesner to talk about the difference between a lashing and a tie wire, as I did not know the difference. He told me that a lashing is used for a phone or cable line and used to secure the phone or cable to a steel cable that runs between two poles. These lashings support the phone and cable line.

Tie wires can come off and they are used to attach phase lines to telephone poles. He said in this instance a hand tie was used instead of a preformed tie. Lesner had previously talked about the investigation area and being excluded from that area. I asked him if this investigation area and his exclusion from it was a result of a directive from Xcel Energy or law enforcement or fire personnel. He told me that he believed that the decision for Xcel to remain out of this area was put in place by law enforcement and fire department personnel, not Xcel personnel.

After this we spoke with Coral Breidenbach. Breidenbach is the director of construction operations in the Denver metro area and has 13 years' experience with Xcel. She said that she was not working on December 30, 2021, but was called in after the fire started. She went to the Boulder Service Center off of 63rd Street.

She said that there were over six managers working in the area and their job was to handle issues to facilitate repairs.

She knew that Ferris had been in the area and that Ferris had reached out to all of the directors and said not to work in the area of the Marshall Fire ignition area.

Breidenbach recalled on the third day that there was a trailer park in the area that did not have power. Someone asked to get the power to the trailer park turned on because of the cold temperatures which were occurring or were predicted to occur. She recalls Tom Kennedy calling her and asked if he could fix the floater in the area to re-energize the lines so that the trailer park could have power. Breidenbach said that she assumed that it would be okay to work in an area that was unburned or undamaged. Kennedy said that the floater which needed repair was two spans from the burn area or something similar to that. She described a span as the space between two electrical poles. Breidenbach said that she ultimately gave Kennedy the authority to repair the lines so that the power could be turned back on.

Tom Kennedy is a foreman for a Denver area Xcel crew.

Breidenbach said that a person named Iffie Jennings was possibly in the Emergency Operation Center at this time.

Breidenbach said that the first time she was made aware of the floater was when Kennedy called her.

This concluded our interviews.

After the interviews there was a discussion involving the three members of the Sheriff's Office and District Attorney's Office, as well as the attorneys representing Xcel.

Recommended Case Status: Open

End of Report



Boulder County Sheriff's Office

Case Number: 21-06301 .051

Nature of Call :

Deputy		
Involement Type Reporting	Deputy Oehlkers, Jason 506	Date 01/24/23
Involement Type Approving	Deputy Pontiakos, Connor 532	Date 01/24/23



Boulder County Sheriff's Office

Case Number: 21-06301 .052

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name GOMES		First Name RYAN		Middle Name SCOTT		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County WELD		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race White	Ethnicity Unknown		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown	Eye Color Brown
Age 35		Transient			Mediation Status		
Primary Phone		Secondary Phone		Other Phone		Email	
Operator License State/OLS CO		Operator License Number/OLN [REDACTED]		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN [REDACTED]		
Employer Name XCEL			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name MATTI		First Name JEFFERY		Middle Name DUANE		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .052

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Male	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown		Eye Color Hazel	
Age 50		Transient		Mediation Status					
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS CO		Operator License Number/OLN [REDACTED]		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN [REDACTED]			
Employer Name XCEL				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							
Person Involvement Type: Witness									
Last Name LESNER		First Name DUSTIN		Middle Name		Suffix	DOB [REDACTED]		
Address		Building	Apartment	City		State		Zip Code	
County		Country							
Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Male	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color Gray Or Partially Gray		Eye Color	
Age 48		Transient		Mediation Status					
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name XCEL				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			



Boulder County Sheriff's Office

Case Number: 21-06301 .052

Nature of Call :

School Name									
Relationship To Offender									
Scars Marks Tattoos Location			Scars Marks Tattoos Description						
Person Involvement Type: Witness									
Last Name BREIDENBACH			First Name CORAL		Middle Name MARIE			Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO			Zip Code [REDACTED]	
Country		Country							
Alternate Address			Building	Apartment	P.O. Box		City		
State			Zip Code		County		Country		
Sex Female	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Blonde Or Strawberry		Eye Color Blue	
Age 39		Transient			Mediation Status				
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS CO		Operator License Number/OLN [REDACTED]		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN [REDACTED]			
Employer Name XCEL				Employer Phone		Employer Email			
Occupation Address			Building	Apartment	P.O. Box		City		
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location			Scars Marks Tattoos Description						

Body Worn Camera / Dash Camera

Body Worn Camera
Yes

Dash Camera
No

Cloud Photos

Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .052

Nature of Call :

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 1/20/23, I interviewed Xcel employees Ryan Gomes, Jeffery Matti, Dustin Lesner, and Coral Breidenbach. See Commander Oehlker's report for the details of those interviews. Nothing further.	

Deputy		
Involvement Type Reporting	Deputy Tkach, Katie 548	Date 01/25/23
Involvement Type Approving	Deputy Pelletier, Jeffrey 519	Date 01/25/23



Boulder County Sheriff's Office

Case Number: 21-06301 .053

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time			Reported Date/Time		Domestic Violence	
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status		Exceptional Clearance			Exceptional Clearance Date	

Property							
Property Description: CBI FIRE DEBRIS PACKET #1							
Property Status (NIBRS)				Article Type			
Quantity	Make	Model	Serial		Color		
Bank Name				Account Number			
Property Value \$		Recovered Value \$		Recovered Date		Owner Applied Number	
Hold Reason Evidence							
Where Property Found				Collected By:			
Relationship To Evidence:							



Boulder County Sheriff's Office

Case Number: 21-06301 .054

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name CONKLIN		First Name TREVOR		Middle Name W		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown	Eye Color
Age 42		Transient			Mediation Status		
Primary Phone		Secondary Phone		Other Phone		Email [REDACTED]	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name XCEL			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name KENNEDY		First Name THOMAS		Middle Name		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .054

Nature of Call :

Alternate Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
Sex Male	Race White	Ethnicity Non-Hispanic		Height [REDACTED]	Weight [REDACTED]	Hair Color Brown		Eye Color	
Age 51		Transient		Mediation Status					
Primary Phone		Secondary Phone		Other Phone		Email			
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State		Misc ID Number	
FBI Number		SID Number				SSN			
Employer Name XCEL				Employer Phone		Employer Email			
Occupation Address		Building		Apartment		P.O. Box		City	
State		Zip Code		County		Country			
School Name									
Relationship To Offender									
Scars Marks Tattoos Location		Scars Marks Tattoos Description							

Body Worn Camera / Dash Camera

Body Worn Camera
Yes

Dash Camera
No

Cloud Photos

Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .054

Nature of Call :

Narrative		
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548	
Narrative Supplemental Report Detective Tkach, #548 On 2/10/23 at 0900 hours, I conducted interviews of Xcel employees Tom Kennedy [REDACTED], Trevor Conklin [REDACTED], and Mike Ferris, at the Brownstein, Hyatt, Farber, and Schreck law office in Boulder. In attendance were Detective Commander Jason Oehlkers, District Attorney Michael Dougherty, Attorney Stan Garnett, Attorney Yvette Lewismolock, and the rest the Xcel legal counsel. The interviews lasted until approximately 1100 hours and were recorded on my BWC. See Detective Commander Oehlkers' report for the details of the interviews. During his interview, Kennedy had referenced and drawn on a map of the area of Hwy 93 and Eldorado Springs Dr. I will upload that document to this case file. Nothing further.		
Deputy		
Involvement Type Reporting	Deputy Tkach, Katie 548	Date 02/10/23
Involvement Type Approving	Deputy Leak, Clay 520	Date 02/10/23



Boulder County Sheriff's Office

Case Number: 21-06301 .055

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status		Exceptional Clearance			Exceptional Clearance Date	

Offense		
Counts		
Offense INFORMATION ONLY REPORT		
Class	Felony/Misdemeanor	
Offender Suspected of Using	Premise Type	Attempted/Completed
Bias Motivation		

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative	
Case #21-6301	
Commander J. Oehlkers, #506	
<p>On February 10, 2023, we conducted additional interviews with Xcel employees at the Brownstein office in the City of Boulder, which is located near the intersection of 14th and Spruce. Present during these interviews were myself, Detective Tkach, and District Attorney Michael Dougherty. Attorney Stanley Garnett was also present as were several other Xcel employee attorneys.</p> <p>All of the interviews were recorded using my body-worn camera as well as Detective Tkach's body-worn camera. The following is a summary of these interviews.</p>	



Nature of Call :

The first interview we conducted began at approximately 0856 hours and we interviewed Tom Kennedy.

Kennedy said that he works for Xcel and he has worked there for 22 years. He is currently a lineman/cableman and prior to this he had been a foreman. He said that he typically works in the Denver metro area and was not in Boulder the day that the fire started. His first day in the area was on December 31st, and he was in Boulder to work on wind damage. He also conducted wind damage work on the 1st of January 2022. This involved responding to outages and repairing them as best as he could.

He told me that at some time he received a telephone call from Coral Breidenbach. Breidenbach called him and asked Kennedy to go to the fire area to make some repairs. He learned that they were not to make repairs to areas marked with caution or crime scene tape. He did note that the northeast corner of the intersection of Highway 93 and Eldorado Springs had area with caution tape around it.

He said that he worked in this area on the first day that he worked in the fire area and recalled Coral said that the burn area was clear. While working in the area, Breidenbach gave two switch numbers which were south of Eldorado Springs and a reclosure number.

Kennedy was shown a map which had been provided to investigators on February 8, 2023. After this, he was given another map without any documentation on it and began making notes and circling the reclosure and switch areas on this map. Detective Tkach retained this map. The locations that he circled were approximate due to the scale of the map and lack of some landmarks.

Kennedy said that his objective was to get power back on for the gas station and some of the homes in the area. He did recall a floater in the area that needed to be repaired. He said that he recalled that someone from Xcel was driving into work and noticed the floater and made others aware of it. When Kennedy was in the area he saw a primary line and a neutral line which were both floating, and his crew repaired the neutral line in order to make sure that it was safe. They had planned on repairing the primary line as well; however, there was apparently a customer in the area who was harassing his crew.

Kennedy explained that his crew was repairing the floater, which was south of the intersection, and he was near the intersection talking to someone else, possibly a law enforcement officer. This crew had noted that there was somebody who was harassing them and that they did not feel comfortable. Because of this, they completed the repair on the neutral line and left. He also said that there was another crew that he noted in the area that had also started working on repairs. The foreman of this crew was named Dustin. Kennedy explained that it is not wise to have two individual crews working in the same area as you would not want someone to charge or un-charge a line without everybody being aware of it.

Kennedy said that he did not have any knowledge of what was occurring in the area of Highway 93 and Eldorado Springs prior to this and added that normally they cannot work in an area of a fire until after the area is released by members of the fire department.

He said that normally these closures are communicated by the management of Xcel.

Kennedy was asked how he was dispatched or received work orders and he said in situations similar to this the orders come



Nature of Call :

in via cell phone.

He recalled having a conversation with Coral Breidenbach in the morning and said that they could only work in areas that did not have caution tape around them. He was asked what time he started working and he said that he guessed around 9:00 a.m. At this point we needed to clarify the date and it was confirmed that the date Kennedy and his crew were working in the area of Highway 93 and Eldorado Springs was on January 2, 2022. He said that this was his first day working in the fire area.

We asked about the location of the floater line, and he said that he could not be specific but recalled that it was north of the end of the guardrail as you were traveling northbound on Highway 93 south of Eldorado Springs. I asked if the repairs were made from the street or the field area, and he said that the neutral floater line was repaired from the west side or the street area.

Kennedy said that Coral had told them to take pictures of the repairs before and after the repairs were done and they typically do not fill out reports in situations like this. Kennedy later said that any repairs made in the burn area required before and after photographs. He did say that this was different than other fires he had worked, and he did not know why.

He described his crew as being in a find and fix mode, referring to finding problems with electrical lines and repairing them.

He also said that the only caution tape he had seen was around the Twelve Tribes home or property. He also noted that there was snow on the ground at this time.

Kennedy was asked about any conversations after he made the repair about what possibly caused the fire and he said that there was not. He said that the neutral line would not cause a fire. He was asked if the primary line could have caused a fire, specifically the line which had come off of the arm. He said that it was on the east side line, and it was floating below the arm. He said that he did not believe that could have caused the fire because there is nothing metal for the line to come into contact with and cause a spark.

Kennedy said that he did not see anything in the area that could be the cause of a fire. He also noted that his crew did not report any damage to the neutral line.

Kennedy said that the floating primary and neutral line were one span apart. From previous conversations, a span refers to the distance between two poles.

Kennedy said that this was a storm or mutual aid type response and that there is less documentation than normal in situations like this because the objective is to find and repair damage to get power back on to people. Kennedy said that he believed that when he first started working in the area there were 10,000 customers without power.

The next interview was of Trevor Conklin. Conklin said that he is an operations manager employed by Xcel and has been in this position for more than a year. Conklin said that his job is to manage field assets, and this includes linemen and troublemen.



Nature of Call :

Conklin was working on December 30, 2021, and recalls getting a text from Ryan Gomes. He said that the text said something along the lines of "Our equipment may have started the fire." After Conklin received this text, he contacted Mike Ferris with this concern so that his team (Ferris') could take over the investigation.

Conklin said that he did not follow up with Ryan regarding Ryan's text to him and does not recall any other written or verbal communication about the text.

We began asking about information where Xcel employees were not allowed to work per a request from Mike Ferris. Conklin said that Ferris had given specific spots on the map to stay away from.

Conklin was shown a map and email dated February 8, 2023, from Xcel. The map (which was initially emailed to some Xcel employees during the fire response) had areas circled on it that included the intersection of Cherryvale Road and Marshall and Eldorado Springs and Highway 93. He believes that this is the area that Ferris wanted them to stay out of.

He did say that Xcel asked for any and all communication during the fire and that he had provided the text message to Xcel. He was asked when he gave this, and he said that it was within a couple months after the fire that he was asked and gave this text message to them.

I asked later about Ryan Gomes and his competency as Gomes had not yet completed a full certification. Gomes was near the end of his certification and Conklin indicated that Gomes seemed to be doing well, however, needed to complete repairs in the presence of a certified person or the repairs needed to be inspected by certified individuals.

We went on with our interview and Conklin said that the protocol in an event such as this (referring to Gomes' text) is to contact the claims investigator. He said that he probably called Ferris, but he is not certain. When asked where he was, he said that he was likely in the Service Center off of 63rd Street when this happened (referring to the 30th of December).

When asked about the reason for the stop work order from Ferris, Conklin did not know. He said that his job is to respond to emergencies and fix them, as well as help with safety issues.

Conklin was shown the map and confirmed that Ferris had said there were two areas not to work in. There was also an email or some type of communication that said that if there were to be work in those areas then that he should talk to Ferris about it.

Conklin said that at the time the focus of Xcel was to restore power to those who had lost it. Conklin also said they had sent an email to people to make sure that they knew of the areas to avoid.

Conklin said that he eventually knew that the areas were cleared for crews to work in; however, says that he does not know when. When asked how this decision is made or communicated, he said that it is typically through a phone call and possibly could have involved Ferris.



Nature of Call :

Conklin confirmed that Xcel employees have daily briefings and during these briefings they talk about the closures. Closures can be put into place by the fire department or law enforcement, as well as Xcel.

Conklin said that he did recall conversations about the floaters and thinks that Ferris did some investigations about floating lines, but there were no operational conversations.

Conklin also said that he did not have any conversations with Ferris regarding the cause of the fire. He said that he used his personal phone when he texted with Ryan Gomes.

Mike Ferris was interviewed after this. Mike Ferris said that he was working on December 30th. He said at approximately 1:00 p.m. he became aware of the fire via some media source and possibly had heard that it was caused by a downed line.

He called the Operations Center and spoke with a person named Mark Newby who was the director. He asked Mark if he had knowledge of any downed power lines and Mark said that he did not.

After this, Ferris called the Service Center and spoke with Conklin who referred him to Ryan Gomes.

He learned of a possible area near Highway 93 and Eldorado Springs.

Ferris looked at the Boulder OEM website and noted two areas of ignition on the website. The two areas identified as possible ignition sites were Cherryvale and Marshall and the Twelve Tribes area.

Ferris drove to the area and first tried to find a command person at the Flatirons Mall. He had a telephone number associated with the name of Amy. He did not know who Amy was and after getting to the Flatirons Mall he attempted to call Amy; however, Amy did not answer. After this, he drove to the area of Highway 93 and Eldorado Springs. He arrived after 4:00 p.m. He noted that it was getting dark at this time, so he began taking photos. He said that he had less than an hour there. At some point he noted some type of discoloration possibly in the area of power lines, and he said that this was near the intersection of Eldorado Springs and Highway 93. He later said that this was the southeast corner of the intersection and that he photographed this area.

On December 31st, he contacted their legal department and was accompanied by representatives of the legal department, fire investigators, and others, including Ryan Gomes, and he went to the area and with Gomes' assistance used the bucket truck to take additional photographs from the ground level and elevated positions. He said that he wanted to capture the burn patterns.

These were started at the intersection of South Cherryvale and Marshall, and then they worked to the west.

Ferris said that he noted a floater in the photos which he had taken on the 30th but said that he did not walk to that area. On



Nature of Call :

the 31st, he talked with Ryan Gomes about the floating line but not the neutral line. He was asked about any communication regarding about not repairing the floating lines, and Ferris said that he did not recall asking anybody not to make the repairs. He said that he did not believe that there was any indication the floater was involved with the cause of the fire, and there was no reason for him to ask to have the line left as it was, unrepaired.

After this, questions were asked of Ferris from a packet sent by Brownstein on February 8, 2023, to Michael Dougherty and Ryan Day. Detective Katie Tkach uploaded this packet with her report. In this packet there are several emails and photographs. There is one email that was sent on December 30th from Conklin to a number of people including Mike Ferris. There are a number of people on this email including individuals which we have already interviewed. The email from Conklin says that there are areas that the teams will need to keep undisturbed, specifically areas where the fire started. There is a map attached to it of the area of Marshall and Eldorado Springs, as well as Highway 93 and Eldorado Springs. One of the maps has a triangle near the Twelve Tribes area. During the conversation it appears that this was an area to avoid. This email was sent at 10:28 p.m. There was another email sent on December 30th at 11:12 p.m. from Michael Ferris to Trevor Conklin and Yvette Lewis-Molock. I believe that Yvette Lewis-Molock is an attorney for Xcel Energy who was sitting in on this interview.

Ferris' email has what appear to be hand drawn circles around the intersections of Cherryvale and Marshall, as well as the intersection of Eldorado Springs and Highway 93. The email indicates that these are the areas that the fire possibly started according to the Boulder Emergency Operation Centers. The email further states that Claims is performing an investigation on behalf of Xcel's legal counsel and is asking no repairs or alterations are to be made in this area without Claims being present to document and preserve potential evidence. Ferris said that he made these circles based on references from the Boulder OEM website.

Ferris was asked if he ever requested that the area of the floater be placed on the do not repair list and he says that he does not believe that he did. He was asked when the floater was repaired, and he said that it was possibly on the 2nd or 3rd. He said that that was an operational decision to repair the line and that was beyond his scope. He said that he believed that Coral Breidenbach had told him that the repair had been made after it was done, but he does not recall for sure.

He confirmed that the floater is outside of the areas which he circled on the map and reaffirmed that he had seen the floater before sending the map with the hand drawn circles on it.

When I asked what happened with the floater, he said that it appeared that a lashing securing the line to the insulator had broken. He said that he was not shocked about this because of the weather, referring to the high winds.

Ferris said that he did not have any concerns with the floater and said that the burn pattern on the ground never reached the area of the floater.

When asked about the conversation he had had with Ryan Gomes when documenting the Xcel property and burn patterns on December 31st, he said that they did not have a lot of conversations. He said that they started their work in the area of Cherryvale and Marshall, and they later drove to the area of Highway 93 and Eldorado Springs, north of the intersection. He later learned that this was the area of the Twelve Tribes. He was asked if he was aware that Gomes thought that Xcel's equipment could have started the fire, and he said that he had never heard this from Gomes or Conklin.

Ferris said that he was not there to conduct a fire investigation, but he was there to document the Xcel properties in the area. When asked if he had any concern about what had caused the fire or any idea of what had caused the fire, he said that his only thought was that the fire had been started in the Twelve Tribes area because of the law enforcement personnel



Nature of Call :

in the area who had asked him to leave.

Included in the Brownstein packet from February 8th, was an email which Michael Ferris had sent on December 31st at 8:15 p.m. The email is addressed to Coral Breidenbach, Yvette Lewis-Molock, and Greg Hearing, and the subject is Attorney-Client Privilege Correspondent Request for Information. The email says that according to preliminary information from the Boulder Emergency Operations Center, the area which was circled in red may have been identified as a potential ignition point for the Marshall Fire. He indicated that Claims is performing an investigation on behalf of Xcel's legal counsel and is asking that no repairs or alterations occur to the system in the area identified without Claims and/or a representative being present to document and preserve potential evidence from the system. Specifically, they were asked to be notified and be present prior to any disassembly or repairs of the utility pole located directly south of Marshall Road on the east side of Highway 93. He provided field stencil numbers and transformer information. He also asked that detailed records be kept of all repairs to Xcel's systems following the recent event. The map on the photograph is difficult to read. It appears to be slightly lighter in color than the text. It appears that there is a circle that encompasses Highway 93, south of Eldorado Springs, and to the east, presumably where the telephone poles and floater were located.

When asked about this, Ferris said that he believes that the floater is outside of the circled area. He also said that this is the first wildland fire that he had worked, and the only other fires were structure fires.

When asked about the detailed records which he had requested, he said that it was not specific on what he wanted.

Ferris said that the area which he had circled on the map was released for repair likely in conjunction with the fire department personnel.

He also indicated that there was an electrical pole that was replaced near Cherryvale Road and is being preserved by Xcel.

When asked who was responsible for approving repairs to damaged lines, he said that he believed that someone in Operations or the Control Center would be responsible for making these decisions. Ferris said that he was present for a second repair in the area possibly having to do with a transformer pole and its attachments. He said he does not know when this was, but it was later in the investigation.

Ferris was asked if he had concern of the neutral line rubbing on anything and becoming damaged, and he said that this could happen as the line rubbed on a pole or something else.

At some point Ferris indicated that Xcel Energy had evidence which they had collected from the area and Detective Tkach asked what this was. He said that there were several artifacts from the base of the pole which the transformer was affixed to, the transformer, some hardware, and the pole which he had previously mentioned. He said that photographs of all of these were provided to the Sheriff's Office (or DA's Office) and depicted metal scraps and other things (referring to the hardware). He said that these items were collected on varying dates when repairs were made and some of the items were collected when repairs were made on the crossarm when the crossarm was collected by Jensen Hughes.

At the conclusion of the interview, an Xcel attorney asked Ferris about a time when he was walking near Highway 93 and Eldorado Springs and was contacted by two law enforcement officers who were also walking in the area. Apparently Ferris said that the two deputies asked a question about downed power lines in the area and after speaking to him continued walking south. Detective Tkach asked if Ferris recalled if that was her that he spoke with and he said that he did not recall



Boulder County Sheriff's Office

Case Number: 21-06301 .055

Nature of Call :

this.

This concludes the interviews to this point in time.

Recommended Case Status: Open

End of Report

Deputy		
Involement Type Reporting	Deputy Oehlkers, Jason 506	Date 02/14/23
Involement Type Approving	Deputy Leak, Clay 520	Date 02/14/23



Boulder County Sheriff's Office

Case Number: 21-06301 .056

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera No	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548
Narrative Supplemental Report Detective Tkach, #548 On 2/10/23, I received an email from Xcel attorney Stan Garnett. His email included an attachment containing Xcel emails from 12/31/21 that discuss re-energizing powerlines. These emails, titled "Dec 31 Email re Red Energization.pdf", will be uploaded to this case file. Nothing further.	

Deputy		
Involvement Type Reporting	Deputy Tkach, Katie 548	Date 02/15/23
Involvement Type Approving	Deputy Leak, Clay 520	Date 02/16/23



Boulder County Sheriff's Office

Case Number: 21-06301 .057

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time		Reported Date/Time		<input type="checkbox"/> Domestic Violence		
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address		Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open		Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name PORTEUS		First Name JAY		Middle Name		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race White	Ethnicity Non-Hispanic		Height	Weight	Hair Color Gray Or Partially Gray	Eye Color
Age 49		Transient		Mediation Status			
Primary Phone		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name XCEL			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No



Boulder County Sheriff's Office

Case Number: 21-06301 .057

Nature of Call :

Cloud Photos

Cloud Photos

Narrative

Narrative Type
Supplemental Report

Deputy Name
Tkach, Katie 548

Narrative

Supplemental Report
Detective Tkach, #548

On 2/15/23, I interviewed Xcel Design Manager Jay Porteus. In attendance were Detective Commander Oehlkers, Boulder County DAs Dougherty and Day, and Xcel's legal counsel. The interview was recorded on my BWC. See Detective Commander Oehlkers' report detailing the interview.

Nothing further.

Deputy

Involvement Type
Reporting

Deputy
Tkach, Katie 548

Date
02/15/23

Involvement Type
Approving

Deputy
Leak, Clay 520

Date
02/16/23



Boulder County Sheriff's Office

Case Number: 21-06301 .058

Nature of Call :

Event							
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence				
Arrest Location (If different from Incident Location) *Full Address							
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County	
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above				Exceptional Clearance Date	

Body Worn Camera / Dash Camera	
Body Worn Camera Yes	Dash Camera No

Cloud Photos
Cloud Photos

Narrative	
Narrative Type Supplemental Report	Deputy Name Oehlkers, Jason 506
Narrative Case #21-6301 Commander J. Oehlkers, #506 On Wednesday, February 15, 2023, at approximately 2:00 p.m., we conducted an interview of J. Porteus at an attorney's office near 14th and Walnut in the City of Boulder. Present during this interview were myself, Detective Tkach, Deputy District Attorney Ryan Day, District Attorney Michael Dougherty, Stanley Garnett (a private practice attorney), and two other attorneys representing Xcel Energy. The interview was recorded using my body-worn camera as well as Detective Tkach's body-worn camera. The following is a summary of the interview. Porteus said that he has worked for Xcel for 13 years. He is currently a design manager based in the Boulder office. This job generally includes looking at new customers' building permits or plans and then designing electrical systems to support those plans. Prior to this he was an operations manager in the Greeley area and had been an operations manager for approximately six years. Based on the interview, it sounds as if Porteus was an operations manager in Greeley at the time of the Marshall Fire. Porteus said that he remembered the day of the Marshall Fire and said that he was working, and he started working at 6:00 a.m. When he was driving home from work, sometime in the afternoon, he saw the large plume of smoke from the Marshall Fire. He came to Boulder to help with the fire on December 31, 2021. He worked in the Boulder office off of 63rd Street and	



Nature of Call :

helped dispatch crews to get power back on. He said that he worked from 6:00 a.m. and got home at around 2:30 a.m. He did this for three days before having to stop working for some type of family issue.

While dispatching crews, he said that they would receive a request for assistance and then look at the number of customers who were impacted. The issues with the highest customer impact were the first ones they dispatched people to.

Porteus said that he was helping Trevor, who was also dispatching people and working with a work coordinator named Keisha Hursh (unknown spelling). He later said that Trevor was working in his office and that he and Keisha were working in an office across the hallway. He said that they would use a computer system that tracked the outages and then look at the number of customers who were impacted by an outage and then dispatch crews to resolve the issues impacting the most customers first.

Porteus said that he was aware of a no-work order for the fire area but does not know where the order originated from. He said that it could have been the fire department or Xcel Claims.

Porteus said that he does not recall work orders in the Marshall Fire area.

We learned that Coral Breidenbach was also in the service center; however, she was in the "front" and outside of the hub. Porteus said that he did not know what Coral was doing. It was asked if Porteus remembered seeing any maps of areas either on email or otherwise that had no-work areas and he said that he did not. He was shown an email that was sent on December 31, 2021, and an attached map, and he said that he does not recall seeing this.

Porteus says that his job was about repairing outages from downed poles and trees.

During the interview, it appeared that Porteus' job did not necessarily involve fire related outages but more wind related outages.

Porteus said that at some point they received a "green light" to go into the area to repair some underground lines. The purpose of this repair was to restore power to a subdivision that had not been damaged because of the fire.

Porteus was asked about the chain of command in the service center, and he said that Coral Breidenbach was the director or boss, and that he did not see her much. After that he worked with Trevor and they both worked for Coral. Porteus said that he was a manager and at times had 7+ crews working directly for him.

Porteus said that all of his assignments came from a computer system. I asked about the computer system and learned that the computer system would list lines of outages and each line had some basic information on it and then you could select a line and then it would pull up a general map of possible areas where repairs may possibly need to be made.

Porteus said that Tom Kennedy worked for him at sometime during this incident. Porteus said that he recalls Kennedy asking him at one point to work overtime so that he could repair a transformer. Porteus said that he okayed this. Porteus



Boulder County Sheriff's Office

Case Number: 21-06301 .058

Nature of Call :

said that he had no recollection of Kennedy working along Highway 93.

Porteus was asked if he recalled Breidenbach making a decision to allow work along Highway 93, and Porteus said that he doesn't recall her making a decision like that.

Porteus said that he had no recollection of sending crews to work along Highway 93.

Porteus said that he recalls hearing a news story of power lines down that may have caused the fire, but he has no direct knowledge of this. He said that he does not recall talking to anyone about what could have started the fire and he has no idea how the fire started.

Porteus said that his focus was to get power back on for people.

Porteus said that he knew that he was able to stay away from the Marshall Road area; however, he was not familiar with the geography in the area. He said that he could not recall if he had gotten any calls to send people into the burned area (other than the one that he mentioned).

This concluded our interview.

Recommended Case Status: Open

End of Report

Deputy

Involment Type Reporting	Deputy Oehlkers, Jason 506	Date 02/24/23
Involment Type Approving	Deputy Pontiakos, Connor 532	Date 02/27/23



Boulder County Sheriff's Office

Case Number: 21-06301 .059

Nature of Call :

Event						
Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	<input type="checkbox"/> Domestic Violence			
Arrest Location (If different from Incident Location) *Full Address						
Location of Incident: Street Address	Apartment	Building	City	State	Zip Code	County
Business/Commonplace Name	Case Status Open	Exceptional Clearance Not Applicable/None Of The Above			Exceptional Clearance Date	

Persons Involved							
Person Involvement Type: Witness							
Last Name CLARK		First Name JAMES		Middle Name LEWIS		Suffix	DOB [REDACTED]
Address		Building	Apartment	City	State	Zip Code	
County		Country					
Alternate Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
Sex Male	Race Unknown	Ethnicity Unknown		Height	Weight	Hair Color	Eye Color
Age 69		Transient			Mediation Status		
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email	
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State	Misc ID Number
FBI Number		SID Number			SSN		
Employer Name			Employer Phone		Employer Email		
Occupation Address		Building	Apartment	P.O. Box	City		
State		Zip Code		County	Country		
School Name							
Relationship To Offender							
Scars Marks Tattoos Location		Scars Marks Tattoos Description					
Person Involvement Type: Witness							
Last Name MCKUNE		First Name JOHN		Middle Name FRANKLIN		Suffix	DOB [REDACTED]
Address [REDACTED]		Building	Apartment	City [REDACTED]	State CO	Zip Code [REDACTED]	
County [REDACTED]		Country					



Boulder County Sheriff's Office

Case Number: 21-06301 .059

Nature of Call :

Alternate Address		Building	Apartment	P.O. Box	City	
State		Zip Code		County	Country	
Sex Male	Race Unknown	Ethnicity Unknown	Height	Weight	Hair Color	Eye Color
Age 59		Transient		Mediation Status		
Primary Phone [REDACTED]		Secondary Phone		Other Phone		Email
Operator License State/OLS		Operator License Number/OLN		Misc ID Type		Misc ID State Misc ID Number
FBI Number		SID Number			SSN	
Employer Name MAXAR			Employer Phone		Employer Email	
Occupation Address		Building	Apartment	P.O. Box	City	
State		Zip Code		County	Country	
School Name						
Relationship To Offender						
Scars Marks Tattoos Location		Scars Marks Tattoos Description				

Property

Property Description: High definition satellite image from McKune of Marshall Fire area - post fire

Property Status (NIBRS)			Article Type Audio/Laser Compact Disc (Cd)/Dvd	
Quantity 1.0000	Make	Model	Serial	Color
Bank Name			Account Number	
Property Value \$	Recovered Value \$		Recovered Date	Owner Applied Number
Hold Reason Evidence				
Where Property Found			Collected By: Tkach, Katie 548	
Relationship To Evidence:				

Body Worn Camera / Dash Camera

Body Worn Camera No	Dash Camera No
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Cloud Photos

Cloud Photos



Boulder County Sheriff's Office

Case Number: 21-06301 .059

Nature of Call :

Narrative	
Narrative Type Supplemental Report	Deputy Name Tkach, Katie 548



Nature of Call :

Narrative

**Supplemental Report
Detective Tkach, #548**

On 3/6/23, I received an email and voicemail from Jim Clark. The voicemail stated:

"Hi, my name is Jim Clark. I'm looking for an e-mail that I can send some satellite images from the admission points of the Marshall Fire. This is from an ex asset and an ex NASA engineer works for a satellite imaging company and has did some forensic illustrations on these photographs. There's like four or five different photographs in this. If you and like you get an e-mail for that. My number is [REDACTED] This is Jim Clark. Thank you."

The email included a PDF of a Maxar report titled "MAXAR WV01 Imagery of Marshall Fire".

On 3/7/23, I called Jim who told me that a man named John McKune had reached out to him. Jim had lost his home in the fire. Jim stated that John is retired from NASA and was able to point a satellite at the ignition area of the Marshall Fire shortly after the fire. Jim provided me with John's phone number. I provided the Maxar report to Agents Lunders and Henrichs and added it to this case file.

I later spoke with John by phone. He works as a Senior Distinguished Engineer at Maxar and used to work for NASA. He said that Maxar had chosen to point the satellite at the area and he has since provided the images to Jim after obtaining Maxar's approval. John was under the impression that Maxar had previously provided the imagery to BCSO. Later that day, John sent me the following email in response to my request for the original images in his report:

"Dear Detective Tkach,

As you've speculated, the "raw" imagery is rather large (several GBs), but we can produce a smaller area and then convert from TIFF to JPG to make it more manageable. I provided Jim Clark with a medium-quality (but full resolution) crop of the image via DropBox (I'll send you a link shortly). That file was about 60 MB. Not sure e-mail can handle that. I've attached what we refer to as a "browse" image showing the full extent of the scene captured with a red outline showing what was provided to Jim

So, in doing some research, I've found some very unfortunate facts... As mentioned, whenever there's a natural disaster of this type (fire, flood, earthquake, etc.) we tend to post lots of before/after imagery for free through something we refer to as the Open Date Program. And, indeed, we did so for the Marshall Fire. As it turns out, though, for whatever reason (likely oversight on our part), we failed to include this particularly illustrative image. Here's a link to the website containing all the imagery we had posted: <https://www.maxar.com/open-data/marshall-fire21> You'll see the images are split into "PRE EVENT" and "POST EVENT. There is an image listed in the "POST EVENT" category from 12/30/2021, but it was actually collected at 11:02 AM, so just prior to the reported start of fire at the Twelve Tribes location. I haven't looked at this one myself, but it may offer some clues

*We also sent out a media release on the day of the fire that did include the WV01 image of interest, although unfortunately, it was more focused on the homes that were burning rather than the ignition location:
https://maxar.mediavalet.com/galleries/61be2dbb-80e7-401f-8a32-6c9e72bb894c_fa2cf461-ccf4-4ec8-900a-cf50cae57315-ExternalUser*

I've asked that the full-scene full-resolution WV01 image from 12/30/2021 be added to the Open Data site, so will let you know when that occurs. Hopefully, that won't take too long

FYI – I'm going to be somewhat out of touch over the next few hours, but please feel free to reach out again and I will respond as soon as possible

Best Regards and Thanks for looking into this!"

I clicked the URL and viewed the image from 12/30/23 at 11:02am that I believe John was referring to in his email. From what I could tell, the image did not show the area of Marshall and only showed as far West as Superior. I saved the high definition version of the image that John used in his report to a CD and entered it into BCSO Evidence as item #197.

Nothing further.



Boulder County Sheriff's Office

Case Number: 21-06301 .059

Nature of Call :

Deputy		
Involement Type Reporting	Deputy Tkach, Katie 548	Date 03/07/23
Involement Type Approving	Deputy Pontiakos, Connor 532	Date 03/09/23