



**Park County Sheriff's Office  
Investigations Division**

2013 -IA -001

**Investigative Report and Findings**

**Prepared By Captain Sven Bonnelycke**

**Date and Time of Incident:** April 28, 2013 @ 1:15 PM

**Location of Incident:** 124 Bear Trail, Florissant, Colorado 80816  
(Home of Richard Kahn)

**Involved Employees:** Deputy Nick Hanning and Deputy Tyson Kinzle

**Complainant:** David and Janet Hawkins

**Documentation Review:**

[REDACTED]

Park County Sheriff's Office case report number 2013 000404  
Park County Sheriff's Office case report number 2012 000668  
Park County Communications CAD number 98638 dated April 28, 2013.  
Park County Communications CAD number 75859 dated July 1, 2012.  
Park County Jail booking information on Mr. Kahn for the dates of July 1, 2012  
and April 28, 2013.  
Photographs taken by Mr. Kahn and given to Capt. Bonnelycke.  
Photographs taken by Capt. Bonnelycke.  
Typed statement provided by Deputy Kinzle authored on April 30, 2013.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Investigation:**

On Thursday June 6, 2013 I met with Undersheriff Gore with the Park County Sheriff's Office who wished to speak with me about the ongoing inquiry being conducted by Captain Mark Hancock into an incident that lead deputies, Deputy Nick Hanning and Deputy Tyson Kinzle to arrest a 71 year old male party identified in reports as Richard Charles Kahn D/O/B - 01-15-1942. During the arrest Deputy Hanning was engaged in a physical altercation with Mr. Kahn and during this altercation Mr. Kahn suffers a broken rib. Undersheriff Gore felt at this stage an Internal Affairs investigation would be appropriate given a serious injury was involved.

On Monday June 10, 2013 I received a copy of Captain Mark Hancock's inquiry including the online complaint submittal from neighbors of Mr. Kahn. It should be noted that since the incident occurred, April 28, 2013, neither Mr. Kahn nor any member of the Kahn family has reported any complaint as to the events of the incident or the injury Mr. Kahn sustained.

[REDACTED] **Submittal**

The online complaint was submitted by [REDACTED] on June 6, 2013 through the Park County Sheriff's Office website Online Form submittal section. The complaint was addressed to Sheriff Fred Wegener.

In the complaint the parties (it appears as if J [REDACTED] the complaint on behalf of [REDACTED]) express concern about actions by Deputy Hanning and Deputy Kinzle in an incident on April 28, 2013 involving Mr. Kahn. The complaint does advise that they were not witnesses to the incident but arrived after the incident and after Mr. Kahn was already in handcuffs. The complaint reads after they had seen an EMS vehicle driving up the road, they [REDACTED] responded to the Kahn residence where they observed Mr. Kahn in handcuffs (hands behind his back) on the kitchen floor [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The complaint states that Mr. Kahn "does not have a threatening appearance, the opposite is true", and from what was explained to them by the deputies on scene another neighbor [REDACTED] had filed a trespassing complaint against Mr. Kahn. Deputies further explained after they had spoken [REDACTED] and looked at evidence she provided to



Mrs. Kahn to speak and/or ask questions of them with respect to the incident. [REDACTED] does explain another neighbor, [REDACTED], who was on the scene some time [REDACTED] [REDACTED] advised that [REDACTED] [REDACTED] [REDACTED]

[REDACTED] discussed another concern relating to the incident. This concern dealt with how long it took for Mr. Kahn to be [REDACTED] [REDACTED] Mrs. Kahn overheard Deputy Kinzle make several statements which were concerning to him. One being a statement to the effect "[REDACTED] [REDACTED] [REDACTED]

It should be noted that nowhere in [REDACTED] statement does he indicate this type of statement being made to him by Deputy Kinzle.

I did take the opportunity to read through Deputy Hannings' and Deputy Kinzles' report involving the incident on April 28, 2013. The case report number was identified as 2013000404.

#### Deputy Nick Hannings' Written Report

In Deputy Hannings' report he writes that on April 28, 2013 at approximately 12:29 PM he was dispatched to an address located [REDACTED] County, [REDACTED] [REDACTED] of that home, Diana Eco. The identified suspect in the complaint was Richard Kahn. Deputy Hanning advised that he knew of Mr. Kahn from a previous contact and Mr. Kahn's temperament from a case in 2012. Deputy Hanning refers to case number 2012000668 and in which Deputy Hanning had arrested Mr. Kahn for menacing with a firearm. Deputy Hanning advised that he was advised by the Park County Communications Center that Mr. Kahn was a restrained party in a protection order and [REDACTED] as the protected person named in the same order and the order restricts Mr. Kahn 100 yards from [REDACTED] but Mr. Kahn is allowed to be on his. Deputy Hanning explained that prior to arriving at the location he and Deputy Kinzle stopped approximately one quarter of a mile from the residence to discuss which home to respond to first. It was decided between the two, they would attempt to contact Mr. Kahn first given the location of his residence and in order to go to [REDACTED] home first would cause them to pass the Kahn property. Deputy Hanning in his report identified concerns due to the vantage point of the Kahn home, knowledge of Mr. Kahn's temperament and that Mr. Kahn possessed firearms and was an experienced hunter.

Deputy Hanning and Deputy Kinzle arrived at the Kahn residence located at 124 Bear Trail at approximately 1:15 PM and both approached the front door of the residence.

While at the front door they rang the door bell but received no answer from within the home. Deputy Hanning states after doing this he could hear a dog barking "out back." After hearing the dog barking, Deputy Hanning made his way around to the rear of the residence while Deputy Kinzle remained at the front of the residence. When Deputy Hanning made it to the back of the home he observed a male party known to him as Richard Kahn. Mr. Kahn was opening a gate to a chain link fence. When Deputy Hanning called out Mr. Kahn's first name he also identified himself by saying "Sheriff's Office" and was wearing his issued uniform at the time. Mr. Kahn looked at Deputy Hanning, released the dog and began to run towards the residence. Deputy Hanning ordered Mr. Kahn to stop however Mr. Kahn continued to run into the home "slamming" the glass screen door shut behind him as he entered the house. Deputy Hanning pursued Mr. Kahn into the home for the reason due to his past contact with Mr. Kahn and the knowledge that Mr. Kahn had firearms within the home and the potential that Mr. Kahn would "barricade" himself in the home.

Deputy Hanning's report advised when he entered the residence, Mr. Kahn was standing in front of him with his hands "balled into fists." Deputy Hanning grabbed both of Mr. Kahn's wrists and when doing so Mr. Kahn began yelling at him and attempting to pull away from Deputy Hanning. Deputy Hanning advised he did tell Mr. Kahn to stop but he was fearful of releasing Mr. Kahn that he or Mr. Kahn would receive injury. At this point Deputy Hanning decided to end the struggle as quickly as possible to reduce possible injury. Deputy Hanning performed a knee strike to Mr. Kahn's "mid-section" and pushed Mr. Kahn away from him. When pushing Mr. Kahn, Mr. Kahn collided with the kitchen counter and fell to the ground. Deputy Hanning wrote after this occurred he radioed that he was in a fight. Deputy Hanning got on top of Mr. Kahn, who was laying face down on the floor, in order to restrain him. During the attempt to restrain Mr. Kahn, he continued to resist and not comply by pulling his arms/hands away from Deputy Hanning.

Deputy Hanning reports that through the entire struggle he ordered Mr. Kahn to stop and comply with his commands. At some point of the struggle, Mrs. Kahn entered the kitchen area where this was happening but Deputy Hanning was uncertain when. After Mr. Kahn was handcuffed, he began complaining of shoulder and chest pain. After Mr. and Mrs. Kahn advised that he had a heart condition, Deputy Hanning removed the handcuffs from Mr. Kahn and sat him up against kitchen cabinets. As this was happening Deputy Kinzle radioed for medical to respond to the scene. In Deputy Hanning's report it was unclear as to when Deputy Kinzle came into the residence or what actions Deputy Kinzle took. Deputy Hanning did notate that an EMT advised Mr. Kahn needed to go to a hospital for a ~~physical examination~~ however, Mr. Kahn refused medical treatment.

#### Deputy Tysin Kinzles Written Report

In Deputy Kinzle's report he advised that he was assigned to the call on April 28, 2013 to assist Deputy Hanning with a violation of a restraining order. Deputy Kinzle advised the parties involved in the complaint were known to him from a previous contact a year previous on a felony menacing complaint. Deputy Kinzle advised the suspect Richard Kahn was known to him and that Mr. Kahn was known to be uncooperative and easily

agitated. Deputy Kinzle reported that due to these reasons; that Mr. Kahn's house faces the roadway which would require them to pass the Kahn residence to get to the reporting parties home, they knew Mr. Kahn to possess firearms, he and Deputy Hanning decided to contact Mr. Kahn first.

Upon their arrival, Deputy Kinzle and Hanning approached the front door of the residence. Deputy Kinzle did not indicate whether they knocked or rang a doorbell, but no one came to the door or answered. After waiting for a short period of time, Deputy Hanning left to go around back of the residence while Deputy Kinzle stayed near the front door. After Deputy Hanning walked around to the rear of the home, Deputy Kinzle heard Deputy Hanning yelling "Stop, Stop." Deputy Kinzle stated after that he heard multiple thuds coming from within the house. After this occurred Deputy Kinzle radioed Deputy Hanning asking if he needed help where Deputy Hanning in turn advised that he was in a fight. Deputy Kinzle left the front door and made his way around to the rear of the house where he could hear Deputy Hanning yelling at someone to stop. Deputy Kinzle entered the back door and observed Deputy Hanning lying on top of Mr. Kahn. Deputy Kinzle advised Mr. Kahn was lying on his back facing Deputy Hanning and Deputy Hanning was on top and between the two was Mr. Kahn's hands balled in fists.

Deputy Kinzle drew his Taser and began ordering Mr. Kahn to roll over and to place his hands behind his back. Deputy Kinzle advised he repeatedly ordered Mr. Kahn to do this in a loud manner approximately ten (10) times with no compliance. Deputy Kinzle noted that although Mr. Kahn was not compliant with his orders, Mr. Kahn was not able to overpower Deputy Hanning. Deputy Kinzle also advised that he had to continually advise Mrs. Kahn to get out of their way but Deputy Kinzle did not indicate in the report as to when Mrs. Kahn arrived in the kitchen. Deputy Kinzle further reported after not gaining compliance, he returned his Taser to his holster and pulled out his collapsible baton. Deputy Kinzle believed by extending the baton he would gain Mr. Kahn's compliance. When telling Mr. Kahn to roll over, Mr. Kahn complied. From this point Mr. Kahn complied with placing his hands behind his back in order to be handcuffed.

After being restrained Mr. Kahn began to hyperventilate and claimed he was having chest pains. Deputy Hanning asked Mr. Kahn if he needed an ambulance. Mr. Kahn replied that he did. Deputy Kinzle asked Mr. Kahn if he had any heart problems Mr. and Mrs. Kahn both replied yes. Deputy Kinzle advised Park County communications to launch a helicopter for the medical issue and further advised them of Mr. Kahn's age and medical history. Deputy Kinzle reported that Deputy Hanning removed the handcuffs from Mr. Kahn while waiting for medical to arrive.

### Telephone conversation with Brian Kahn

On June 10, 2013 at approximately 5:13 PM I contacted Brian Kahn, a son of Richard Kahn, to see if he would be willing to speak with his father to determine if he would be willing to speak with me about the incident that occurred on April 28, 2013. [REDACTED]

[REDACTED] Brian advised that he would be more willing to do that for me. Brian did advise that the neighbors were in fact upset with what transpired and [REDACTED] me [REDACTED]

Approximately ten minutes after finishing my conversation with Brian, Brian called me back at my office and advised he did speak with his father and that his father was willing to sit down and speak with me. Brian further advised that his father would call me on June 11, 2013 and set up a time. I thanked Brian for his help. Shortly after getting off of the phone a second time, approximately fifteen minutes later I received a third call from Brian. Brian advised that he received a call from his father who stated that his attorney at this point wanted his father to wait to speak with me until after Wednesday June 19, 2013 because his father was due in court on that date in reference to the criminal charges. The attorney wanted to see if the charges were going to be dropped and determine if they wished to talk at that time. I advised Brian that would be fine.

On June 10, 2013 at approximately 6:30 PM I attempted to contact [REDACTED] to see if he would be willing to speak with me as to what he had witnessed on April 28, 2013. When calling [REDACTED] home telephone, the number only rang with no answer or answering machine. Afterwards I attempted to dial a cell phone listed for [REDACTED]. After dialing the number I received a voicemail message for [REDACTED]. I left a message requesting they return my call and what it was referencing. I left both my cell and office numbers.

At approximately 7:42 PM I received a telephone call from [REDACTED] on my cell phone returning my call. I explained to [REDACTED] the reason for my call and wished to sit down with them and speak about the incident on April 28, 2013. [REDACTED] agreed and decided to meet on June 11, 2013 5:30 PM.

### Interview of [REDACTED]

On June 11, 2013 at approximately 5:30 PM [REDACTED] at their residence located at [REDACTED]. This interview was recorded. The interview took place at the dining room table. When I asked [REDACTED] when they first learned that something had happened that day, [REDACTED] advised they both were in their home and after she noticed an EMS truck drive by she informed [REDACTED] something had happened. Dave left the house and walked up to the Kahn residence to see what was going on. Only after [REDACTED] have having been gone for awhile, [REDACTED] left and walked up as well to see what was the matter. [REDACTED] advised while she was walking towards the Kahn home she had noticed a Flight for Life helicopter circling looking for a place to land. When she

met with [REDACTED] in front of the Kahn home and asked what was going on, [REDACTED] replied that it wasn't good. After she arrived at the Khans' residence she observed EMS come out of the residence and waived the helicopter away. They advised they did see a deputy standing at the bottom of a hill speaking with someone on the phone. As they made their way up toward the house they had seen Mr. Kahn sitting on the deck and [REDACTED] noted that [REDACTED]

[REDACTED] stated that he alone walked up an incline to the rear of the residence when he first arrived and was met by Deputy Kinzle who advised that he would not be allowed to enter the house. [REDACTED] stated that he adhered to the Deputy Kinzle's order and remained out of the residence. Approximately two to four minutes later, Mary Kahn (Richard Kahn's wife) came out of the residence and told [REDACTED] that Mr. Kahn wished to see him. Deputy Kinzle allowed [REDACTED] to enter the home. When [REDACTED] entered the home he observed Mr. Kahn lying on the floor on his side and the EMT's finishing up. Dave stated he did notice that Mr. Kahn still had one handcuff on and that Mr. Kahn [REDACTED]. When Dave asked Mr. Kahn what had happened, Mr. Kahn responded that Deputy Hanning burst through the door kneed him in the groin and put him down. Mr. Kahn explained that he was putting his dog up and when he turned around, Deputy Hanning was there and proceeded to knee him and put him down. Mr. Kahn advised that he struck the cabinet and [REDACTED] stated that Mr. Kahn was complaining [REDACTED]

After the EMTs arrived and shortly after he had walked outside, Dave observed both deputies exit the home and Deputy Kinzle left the Kahn property and went over to the reporting parties home, [REDACTED]. Dave believed that that was unusual and believed that the deputies should have gone to [REDACTED] to begin with and investigated the complaint. [REDACTED] then advised that [REDACTED] did not have any proof of the trespass. [REDACTED] advised that he had been at Mr. Kahn's property earlier that day where Mr. Kahn had shown him where the stakes were and Mr. Kahn's intent on building a fence. [REDACTED] that stakes were located approximately five feet off of the property line to the north.

[REDACTED] approximately fifteen minutes later Deputy Kinzle returned to the Kahn property after he had spoken with [REDACTED] asked Deputy Kinzle if he had something going with [REDACTED] and Deputy [REDACTED] [REDACTED] [REDACTED] stated most of the time the deputies were on their phones conversing with the sheriff getting instructions on what they needed to do.

At this point [REDACTED] asked if it was common for two deputies in two separate cars to respond to a trespass call. I explained to both that it was not uncommon for that to occur for the reasons that we are primarily one person cars, the size of jurisdiction and for safety reasons. I also explained that it was not uncommon practice for officers to respond to a "suspect" home prior to going to the complainant if there were concerns of safety. [REDACTED] did ask also questions pertaining to officers identifying themselves and the use of a Taser on a person who was on the ground. I explained that we are required to identify ourselves and the use of the Taser was to reduce or stop aggression and or to gain



compliance from a person. At this point [REDACTED] did advise that he had not been that angry before as he was on that day and the incident left a bad taste with what they had observed.

[REDACTED] When I asked her who made that statement or indicated that was the case [REDACTED] stated that just before they left Deputy Kinzle [REDACTED] and pictures but the pictures did not prove that Mr. Kahn had been on [REDACTED] property.

When I asked [REDACTED] to describe where Mr. Kahn was lying and how [REDACTED] stated Mr. Kahn was lying against the counter on his left side with his head pointing in a westerly direction. When I asked [REDACTED] about his statement to there being one handcuff on, [REDACTED] stated that he only saw one handcuff but that was all he could see. When I asked [REDACTED] [REDACTED] that he did not remember that. When I asked about Deputy Kinzle's statement that he knew [REDACTED] and had communications with her outside of official channels, [REDACTED] advised that he did not remember that either. [REDACTED] did advise they did have the idea that possibly [REDACTED] had called Deputy Kinzle about the complaint but then stated that they did not believe that was the case and was certain [REDACTED] made the complaint through dispatch.

When asked if they recalled any statements from EMT's about Mr. Kahn's condition, [REDACTED] did not remember but [REDACTED] advised that they did want him to go to the hospital. Mr. Kahn declined and also declined the helicopter as well. When I asked if they knew who called for the helicopter, they stated they did not but assumed it was the EMT's.

When I asked specifically who told them about the altercation, what they did not witness, both advised they had learned about it from Mr. and Mrs. Kahn at the scene after it had happened. Both advised after they had left and went home, they received a telephone call from Mary Kahn who told them that the deputies arrested Mr. Kahn and they were taking him to Woodland Park to the hospital. [REDACTED] advised that Mr. Kahn did not [REDACTED] After the hospital visit Mr. Kahn was taken to jail. They were [REDACTED]

[REDACTED] had to arrest him.

[REDACTED] described Mr. Kahn as a tall, skinny person who looks kind of frail and could not imagine how Mr. Kahn could be seen as a threat. [REDACTED] emphasized that Mr. Khan [REDACTED] a gun but advised that Mr. Kahn never pulled the weapon out of the holster. [REDACTED] because of the Springer fire, issues with strange vehicle coming through the subdivision and bears being displaced, Mr. Kahn with several others wore their firearms as a matter of protection. [REDACTED] further spoke how [REDACTED] had lost her home to foreclosure but was able to get it back somehow [REDACTED] did mention that [REDACTED] was at one point living in the forest and while doing so was renting out the home to, at times, multiple persons and that [REDACTED]

When asked if they knew Mr. Kahn as a temperamental person or easily agitated, [REDACTED] stated that he was not with the exception of this particular incident because how it had happened. [REDACTED] stated Mr. Kahn had [REDACTED] explained some of the issues involving [REDACTED] dogs and even how Mr. Kahn at one time helped [REDACTED] with moving personal property in the attempt to be a good neighbor. [REDACTED] stated that after [REDACTED] lost the "dog wars" [REDACTED] has had it in for Mr. Kahn ever since. The "dog wars" was explained to be an issue in the past with [REDACTED] allowing her dogs to run free and [REDACTED] was eventually cited for it. [REDACTED] believed that the trespass complaint call was phony.

The [REDACTED] reiterate that the day of the incident started out as a peaceful Sunday. The Kahn's went to take a nap. Someone knocked on the front door and that Mary Kahn went to go see who was there while Mr. Kahn went out to deal with the dog. As Mr. Kahn was doing that, Deputy Hanning came into the home and took Mr. Kahn down. Because of this incident the Kahns keep all of their doors locked. [REDACTED] that the Sheriff's Office never send those two deputies to the area again.

When I asked for clarification if it was Deputy Kinzle who stated there was no proof of the trespass or if it were Mr. Kahn, [REDACTED] advised he did not hear the deputy say that but [REDACTED] believed that came from Mary Kahn.

This interview was concluded at approximately 6:27 PM.

#### Interview of Deputy Nick Hanning

On June 12, 2013 at approximately 10:05 AM I met with Deputy Hanning in my office located at the Park County Sheriff's Office to conduct an interview concerning the events on April 28, 2013. Prior to the interview, Deputy Hanning was given the Notification of Internal Affairs Investigation form, Confidentiality Warning form, Administrative Interview Notice Form and the "Garrity" Waiver Form. All forms were signed by Deputy Hanning and I. This interview was recorded.

At the beginning of this interview I asked Deputy Hanning to tell me what he could remember of the events on April 28, 2013. Deputy Hanning advised that a call came out. does not remember if it was for trespass or for a violation of restraining order, and it was advised the reporting party had been [REDACTED] and the suspect as Richard Kahn. Immediately Deputy Hanning knew Richard Kahn as a party he had arrested in 2012. Dispatch advised Mr. Kahn had been on [REDACTED] property messing with [REDACTED] property. Deputy Hanning took that as meaning Mr. Kahn was [REDACTED] house or the utilities. Based on his past experience with Mr. Kahn, Deputy Hanning deemed this to be an emergency and to get there as quickly as possible. Deputy Hanning advised prior to his arrival to the scene, Deputy Kinzle requested Park County Communications to confirm the restraining order and stipulations on the restraining order. Deputy Hanning stated that he and Deputy Kinzle stopped approximately ¼ to ½ of a mile from the Kahn

residence to remain out of sight, to see if the reporting party could see where Mr. Kahn was at.

While they waited for the information from Park County Communication, both discussed who they would contact first and decided it would be Mr. Kahn. The reason for this was due to Deputy Hanning's experience with Mr. Kahn and deemed it to be an officer safety issue. Before Park County Communication came back with the information requested by Deputy Kinzle, they proceeded to Mr. Kahn's residence. When arriving they parked underneath the balcony on the front of the residence. They went to the front door, knocked but received no answer. Deputy Hanning stated he could hear a dog barking out back of the residence, and because of this he walked to the back of the residence, on the left side as you face the home and Deputy Hanning stated he knew that Deputy Kinzle walked around the right side of the home.

Deputy Hanning advised as he walked up the hill leading to the rear of the home, Deputy Hanning observed Mr. Kahn holding onto a dog. When Deputy Hanning advised "Richard, Sheriff's Office", Mr. Kahn released the dog and began running towards the house. Deputy Hanning advised he ordered Mr. Kahn to stop, but Mr. Kahn continued and entered the residence. Deputy Hanning did advise that he did pursue Mr. Kahn. Deputy Hanning stated that Mr. Kahn attempted to close the door however Deputy Hanning was able to stop him from doing that. When Deputy Hanning entered the residence, he was greeted by Mr. Kahn facing him with his arms and hands at chest level with both hands balled into fists. Deputy Hanning advised at that point he had grabbed Mr. Kahn on his wrists.

Deputy Hanning stated after he grabbed Mr. Kahn, Mr. Kahn began to shake violently in order to free himself while yelling and screaming at Deputy Hanning. Deputy Hanning could not remember what Mr. Kahn was yelling and screaming but continued to tell Mr. Kahn to stop. Deputy Hanning advised he attempted a knee strike to the common peroneal but missed.

After affecting the knee strike, Deputy Hanning advised he took Mr. Kahn to the floor. Deputy Hanning also advised there was no one present that could witness what occurred and Deputy Kinzle was outside. Deputy Hanning assumed Mr. Kahn's wife was in the home but he did not see her at the time. Deputy Hanning stated while he and Mr. Kahn were on the ground, Deputy Kinzle entered the residence and began giving commands. Deputy Hanning continued to wrestle with Mr. Kahn in the attempt to get Mr. Kahn's hands behind his back. As this happened Mr. Kahn continued to scream at Deputy Hanning but does not remember what Mr. Kahn was saying. Deputy Hanning stated he remembered seeing the laser from Deputy Kinzle's Taser on Kahn's chest and backed away in case Deputy Kinzle deployed the Taser. When Deputy Kinzle did not deploy the Taser, Deputy Hanning reengaged Mr. Kahn by getting back on top of him. Deputy Hanning stated they eventually were able to talk Mr. Kahn down to where he complied and they were able to handcuff him but he did not recall if he handcuffed one or both hands.

Mr. Kahn began breathing heavy and continued [REDACTED] and that he was suffering from chest pain. When the deputies asked if he had a heart condition, they called for medical. At this point Deputy Hanning advised that because of this he chose not to keep Mr. Kahn cuffed behind his back, took one cuff off and he did not chain Mr. Kahn to anything. Deputies did prop Mr. Kahn up against a counter in order to help with his breathing difficulty. Deputy Hanning advised after this Mr. Kahn told him he wished to speak with him. Based on this and the use of force, Deputy Hanning advised Mr. Kahn he was under arrest and read Mr. Kahn his Miranda Rights prior to any statements were made or questions were asked.

When Deputy Hanning asked Mr. Kahn what was going on, Mr. Kahn advised that he had been fixing fence on the property line. Deputy Hanning stated at this point medical arrived on scene and began checking on Mr. Kahn. Deputy Hanning advised when he walked outside of the residence he had noticed an elderly gentleman, who he did not recognize or know, walking up to the residence and asked what was going on. Deputy Kinzle asked the elderly male to leave. Deputy Hanning returned inside of the home to sit with Mr. Kahn. Deputy Hanning advised that the elderly male eventually came into the home and asked Mr. Kahn what had happened. Mr. Kahn told the gentleman that the deputies had broken into his house and beat him up and that Mr. Kahn did not know why. Deputy Hanning then stated he believed the gentleman was [REDACTED]. Deputy Hanning stated that [REDACTED] told Mr. Kahn that was not right of the deputies and that while [REDACTED] was present Mr. Kahn was becoming agitated. At this point Deputy Hanning stated that the EMTs asked him to tell Mr. Hawkins to leave because they were trying to calm Mr. Kahn down in order to regulate his blood pressure.

When Deputy Hanning asked [REDACTED] to leave, [REDACTED] initially refused and said something with an attitude but he could not recall what that was. Deputy Hanning stated he asked [REDACTED] a second time to leave and [REDACTED] complied. Deputy Hanning advised during this time they were trying to determine whether they would summons Mr. Kahn or take him into custody, so they contacted Sgt. Tonjes. Deputy Hanning stated the EMTs did ask if Mr. Kahn was under arrest for the reasons of transport but Deputy Hanning advised then that he did not know. Prior to the EMT's clearing the scene they advised Mr. Kahn most [REDACTED] go to the hospital. Mr. Kahn refused medical assistance and transport.

After medical cleared the scene, Deputy Hanning removed the other cuff from Mr. Kahn. Deputy Hanning advised they went outside in order for Mr. Kahn to show them where he was trying to build a fence and where he had been pounding t-posts in, where the property line was and where he was cutting tree limbs off of a tree. Deputy Hanning advised while they were outside, Deputy Kinzle went to [REDACTED] about her complaint. [REDACTED] Deputy Kinzle that [REDACTED] had photographs of Mr. Kahn crossing over to her property. Deputy Hanning stated they asked for her to get those together while they were there but she apparently was not able to.

Deputy Hanning advised that he was able to speak with Sgt. Tonjes and was advised by Sgt. Tonjes to place Mr. Kahn into custody and to transport Mr. Kahn to the hospital.

Deputy Hanning advised he did what he was supposed to. Deputy Hanning advised that during the transport he recalled Mr. Kahn advising he did not know who he was until he was in Mr. Kahn's face. Deputy Hanning stated they spoke about how Mr. Kahn let go of the dog however Mr. Kahn denied letting the animal go and that he was going to take the dog into the house and after he had done so was going to go back outside to speak with Hanning. Deputy Hanning stated he advised Mr. Kahn that was a conflicting statement because he was telling everyone else he did not know who Deputy Hanning was or why he was there. Deputy Hanning advised after Mr. Kahn was cleared by a doctor, he transported Mr. Kahn to the jail.

Deputy Hanning did advise while working on his warrantless arrest affidavit he called Deputy Kinzle, who was already off of duty, and asked him if he had seen the dog outside when Deputy Kinzle came up and into the home. Deputy Kinzle advised it was still outside.

When I asked Deputy Hanning to explain the reasoning behind going to Mr. Kahn's home first, Deputy Hanning stated it was based on the arrest of Mr. Kahn in 2012 which was for felony menacing where Mr. Kahn had menaced a family of four from Texas, Mr. Kahn's demeanor at that time where Mr. Kahn yelled at the deputies and wanted them to press charges against [REDACTED]. Deputy Kinzle tried to relate to Mr. Kahn that was not how things worked; just because you wanted something doesn't mean that they would do it. Deputy Kinzle told Mr. Kahn if he wanted Deputy Kinzle [REDACTED] then he would charge or arrest Mr. Kahn for [REDACTED]. Deputy Hanning advised they were trying to paint a picture as to why that would not work. After this Mr. Kahn became agitated approaching Deputy Kinzle stating "Go on get it on then, Get it on." Deputy Kinzle did order Mr. Kahn to stop and to back off which Mr. Kahn complied with. Deputy Hanning clarified saying that Mr. Kahn's demeanor then was short tempered. Deputy Hanning continued to explain during that incident he was inside of Mr. Kahn's home and recalled seeing a lot of trophy animal heads on the wall and them discussing hunting while Mr. Kahn was transported to the jail for the felony menacing case. Deputy Hanning explained that because of this he had known that Mr. Kahn had weapons in the house. These were the reasons why the decision was made to contact Mr. Kahn first. Deputy Hanning stated he believed it was a tactical disadvantage if they [REDACTED] first because of the location. The Kahn residence had a clear open view of the cul de sac and of [REDACTED] house.

When I asked if he recalled knocking on the door or ringing a door bell when they first arrived, Deputy Hanning stated he believed there was a door bell but did not remember. Hanning advised if there was not a door bell, he knocked. Knock once, wait a few seconds, knock again no answer then heard someone out back of the home at which point he decided to go to the rear of the home. When I asked Deputy Hanning if Mr. Kahn's running was a full run and to describe Mr. Kahn to me, Deputy Hanning advised Mr. Kahn was wearing a hat either blue or purple in color and white shirt. Deputy Hanning advised when Mr. Kahn looked at him it was sort of a panicked look but could not explain the look but speculated that Mr. Kahn recognized him from the previous time he

arrested Mr. Kahn in 2012. Deputy Hanning stated when Mr. Kahn began to run it was kind of a "stuttered step", then he let go of the dog and in Deputy Hanning's opinion as fast as he could run for his age.

When I asked Deputy Hanning if given where he was located after seeing Mr. Kahn could he have stopped him from gaining entry into the home, Deputy Hanning advised not from where he was standing. Deputy Hanning described that he was half way up from the front of the residence and to include there were some logs that he had to climb over. Deputy Hanning advised he had a clear view of Mr. Kahn from his position. When asked if he was sure that Deputy Kinzle walked around the right side of the home because the reports did not reflect that, Deputy Hanning stated he did not know and speculated that is what Deputy Kinzle did. Deputy Hanning stated after he gained entry into the home, it was loud and he was pretty sure Deputy Kinzle heard him say stop. Deputy Kinzle did get on the radio and ask him if he was okay at which time he radioed that he was in a fight. Deputy Hanning stated that he did not have eye contact with Deputy Kinzle when he got on the other side of the home.

When I asked Deputy Hanning if he knew for a fact that Mr. Kahn had weapons in the home, Deputy Hanning advised because of the previous year and because of the trophy mounts he believed that to be the case but no one had told him that Mr. Kahn's weapons had been taken. Deputy Hanning did recall at one point speaking with Paula Goodro (victim services) about the 2012 felony menacing case and what the status was. Goodro was upset with Mr. Kahn being able to get a "permit" to hunt while the case was pending.

When asking Deputy Hanning about his earlier statement in the interview where he performed a knee strike to the common peroneal and how that differed to the written report where it stated he performed a knee strike to the "mid-section", Deputy Hanning advised he wrote that in his report only because that is where he ended up striking Mr. Kahn. When I asked Deputy Hanning why his statement earlier was different from his written report pertaining to taking Mr. Kahn to the ground after the strike (the written report stated that after the strike he pushed Mr. Kahn away), Deputy Hanning responded stating he did push Mr. Kahn away in order to gain distance and after that he took Mr. Kahn to the ground with an arm bar. After that answer, I read a portion of Deputy Hanning's report where he described after the knee strike happened, he pushed Mr. Kahn away. After pushing Mr. Kahn, Mr. Kahn collided with the kitchen counter and then fell to the floor. Deputy Hanning had no response to that reading.

When I asked Deputy Hanning if that was how he was trained (arrest control), Deputy Hanning advised he did not know if that was how he was trained but that was how he had did it.

When I asked Deputy Hanning if his report pertaining to Mr. Kahn being face down on the floor was accurate, Deputy Hanning shook his head in the affirmative. When I advise him of the discrepancy specifically to Deputy Kinzle's report which stated Mr. Kahn was actually lying on his back, Deputy Hanning stated that he could not remember what position Mr. Kahn was in and only recalled getting on top of Mr. Kahn and attempting to

get control of his arms. Deputy Hanning advised that he did not remember exactly when Deputy Kinzle entered into the room. At this point when I asked Deputy Hanning when he prepared his written report, Deputy Hanning advised two days after the incident.

When asked if there were any additional strikes performed while on the ground struggling with Mr. Kahn, Deputy Hanning confirmed that there were none. When I spoke with Deputy Hanning about Mary Kahn and where she was located, Deputy Hanning stated he was not sure where she was, he could not see her at the time he made entry into the residence and while he struggled with Mr. Kahn. Deputy Hanning added if he remembered correctly, Mary Kahn came, stood over him and either yelled or asked what was going on.

When I asked Deputy Hanning after Mr. Kahn complained of shoulder and chest pain, were the statements of the removal of handcuffs and propping him up against the kitchen cabinets true, Deputy Hanning responded that Mr. Kahn had been compliant and he no longer deemed Mr. Kahn as a threat.

When asked what the diagnosis from the hospital was for Mr. Kahn's injury because his report did not reflect that, Deputy Hanning recalled the doctor advised that Mr. Kahn had [REDACTED] but Deputy Hanning was not sure if he could report that statement due to current HIPPA laws. When I asked Deputy Hanning about the part where he and Mr. Kahn walk around the property looking at property lines and survey stakes, when was it that Deputy Kinzle went to [REDACTED] house to speak with [REDACTED] about the complaint, Deputy Hanning stated he believed it was when they were at the end of the property closest to the cull de sac. When I asked if Mr. Kahn was handcuffed while they walked the property, Deputy Hanning stated Mr. Kahn was not. Deputy Hanning advised the only other time he handcuffed Mr. Kahn is when he received an order to take Mr. Kahn into custody and transport him. At this point I asked if he cuffed Mr. Kahn in front with the use of the belly chain and he advised yes.

When asked if prior to leaving the scene if he and Deputy Kinzle had a conversation about what Deputy Kinzle learned while speaking with [REDACTED], Deputy Hanning stated he was certain that they did but he could not remember the conversation. Deputy Hanning stated the rest of the conversation was there were no pictures of proof of a violation. When I asked if he knew if Deputy Kinzle had the opportunity to look at the photographs that [REDACTED] had, Deputy Hanning stated that he did not.

When asked if during the transport of Mr. Kahn from the scene to the [REDACTED] [REDACTED] Deputy Hanning stated he knew that Mr. Kahn was [REDACTED] Mr. Kahn did advise that he believed the deputies were in the wrong when advised as to the reason for being arrested. Deputy Hanning did not recall Mr. Kahn ever threatening to sue or anything like that.

When asked if he was aware if Mr. Kahn had any prescriptions, Deputy Hanning stated that Mr. Kahn did. When asked if Mr. Kahn had asked for any of his medications, Deputy

Hanning advised that Mr. Kahn did while in handcuffs but he erred on the side of caution and did not give Mr. Kahn any medication. Deputy Hanning advised from his experience in the jail, deputies did not dispense prescriptions. Deputy Hanning advised Mr. Kahn that when they arrived at the hospital he would have a doctor administer the medication. Deputy Hanning added that it was common knowledge that someone could intentionally overdose while in custody. When asked if he had taken any medication from the home prior to leaving, Deputy Hanning said he did and it was a bagful.

When asked if prior to this incident, did he have any knowledge of medical issues with Mr. Kahn or prescriptions he may have been on, Deputy Hanning advised that he did not recall or remember at the time of this incident. It was only when Mr. Kahn's medications were brought out what he remembered that Mr. Kahn did have some problems from the last incident when he arrested Mr. Kahn.

When I asked Deputy Hanning if he had perceived Mr. Kahn's physical presence as a potential threat, Deputy Hanning stated that depended on Mr. Kahn's mood and he recalled from his dealing with Mr. Kahn in 2012 and how Mr. Kahn would get in your personal space and elevate his voice when trying to make a point. Deputy Hanning advised he did believe Mr. Kahn was a threat, that he is a strong person because of the yard work and wood splitting that he does.

When I asked Deputy Hanning when they initially approached the Kahn home, went to the front door and received no answer, would it be better to have the other officer closer to your position when going to the rear of the home to investigate noises, given the potential threat that Deputy Hanning described Mr. Kahn to be, Deputy Hanning stated he honestly did not know even with hind sight. Deputy Hanning advised that he assumed that Deputy Kinzle would have gone around the right side of the home to do what's called a "pincer" type of move so both had a contact corner.

At the end of the interview I asked Deputy Hanning if he thought there could have been a different or better way of handling this call, Deputy Hanning advised that he did not believe so. He advised looking with hind sight had he let Mr. Kahn go into his home, shut and lock the door behind him, Mr. Kahn would not have been compliant with any requests although Deputy Hanning did state he could not be certain if that would have been the case. Deputy Hanning stated he believed that Mr. Kahn could have barricaded himself which increased his concern for their safety and if they had found probable cause for a protection order violation, Mr. Kahn would not have come out of the house.

At the end of the interview, I asked Deputy Hanning if he had any questions. Deputy Hanning advised that he did not.

This interview was concluded at approximately 10:55 AM





property. Deputy Kinzle told Mr. Kahn that he had contacted the mortgage company and during that conversation learned they had not completed the foreclosure at that time.

Mr. Kahn advised the conversation he had with Deputy Kinzle transpired in the living room of his home and at the end of the conversation Deputy Kinzle informed Mr. Kahn in front of his wife that if he had to return that they would be arrested. I clarify with Mr. Kahn that the incident he described had occurred on March 21, 2012.

Mr. Kahn advised after this incident had occurred, things seem to have been quiet and they have not really had any additional problems up until July 1, 2012. Prior to Mr. Kahn describing the incident that occurred on July 1, 2012, he spoke about incidents of concern that transpired shortly before July 1. Mr. Kahn described the Springer fire was the cause of them having to be evacuated from their home and eventually were able to return. Mr. Kahn goes on to say that there had been an arsonist driving around the neighborhood off of County Road 100 which was of a concern Mr. Kahn stated that he, [REDACTED] and [REDACTED] on their own dime were patrolling a 10 mile area every day twice a day just looking for illegal campfires or illegal activity that might start another fire. Mr. Kahn continued to state that [REDACTED] are of him and other neighbors doing this neighborhood watch. At one point Mr. Kahn stated he contacted Capt. Hancock with the Park County Sheriff's office in order to get banners that they could post at individual trailheads. He was advised by Capt. Hancock that he would in fact send some down to him and eventually 6 to 8 banners were delivered to him by Sgt. Priestly. After having received the banners he advise they were posted to those specific areas and also stated [REDACTED]

On July 1 Mr. Kahn advised that he had been in the forest and when returning he was wearing a single action revolver six shooter. Mr. Kahn explained that while sitting on his deck at his home he observed a white in color vehicle drive past his home and stop approximately 100 feet on the road to the north of his residence. As he observed the vehicle the driver side door opened and the occupant had thrown something out onto the ground. It should be noted that Mr. Kahn believed that the driver of the vehicle was [REDACTED]. After having seen this Mr. Kahn had exited his residence and walked down the driveway towards the area where the item was located. At approximately the same time [REDACTED] C [REDACTED] in the area as well. Mr. Kahn stated that he [REDACTED] over to the location where the item was thrown. When they found the item Mr. Kahn identified it as [REDACTED]

Mr. Kahn stated after finding this item he was [REDACTED] recall whether he or his wife Mary had called the Park County Sheriff's Office to report the [REDACTED]. Mr. Kahn stated there was no record of this call having been made in the only record on file was that of the felony menacing incidents reported by separate individuals. [REDACTED] his point clarified that [REDACTED] as at that time not currently residing at 6 [REDACTED] and had been renting the property to other people. Mr. Kahn advised that shortly after they had called the Park County Sheriff's Office Mr. C [REDACTED] had left and returned home but just prior to doing so advised Mr. Kahn when



[REDACTED] 34d  
[REDACTED]  
[REDACTED]  
Kahn advised that Deputy Hanning was cordial with him however when Deputy Kinzle arrived, [REDACTED] Mr. Kahn advised that [REDACTED] threat of Deputy Kinzle and state he did tell the deputies he wasn't armed and was advised by Deputy Kinzle that he went and [REDACTED] arrest Mr. Kahn [REDACTED] that [REDACTED] that [REDACTED] lying on the ground Mr. Kahn advised that Deputy Kinzle [REDACTED] and returned. Deputy Hanning did request that Mr. Kahn and his wife complete a statement as to what occurred. Mr. Kahn advised when he and his wife entered their home to complete the statement forms, Deputy Kinzle and Deputy Hanning went [REDACTED] Mr. Kahn advised after the deputies were at [REDACTED] returned to his residence. Mr. Kahn stated he explained to the deputies as to why he could not complete his statement form and it was due to an active tremor that he has.

Mr. Kahn advised after he explained the issue with his statement form, the deputies advised him that they were placing him under arrest. Mr. Kahn stated he wanted to know why. Mr. Kahn also stated that at first the deputies didn't know what they were placing him under arrest for, whether it would be for misdemeanor menacing or felony menacing. Mr. Kahn felt the deputy had his mind already made up with respect to placing him under arrest even though the deputy was not sure what the charge would be. Mr. Kahn goes on to explain that for 70 1/2 years he has never been arrested and for the last 25 years has not even received a citation. The fact of his being arrested was an ordeal for him.

Mr. Kahn advised after he was arrested he was transported to the Park County Jail and booked in. Kahn advised that his wife Mary had gathered all of his medications which is what he needs in order to function. Mr. Kahn advised during his stay at the Park County Jail, from 6 PM until about 8 AM the following morning no one would give him medication. Mary interjected at this point and advised that she continued to call the jail advising that Mr. Kahn would need his medications and if he doesn't have his medications he would have a stroke. Mr. Kahn stated based on the fact that he could not take his medication he did not feel so well and was shaking so bad to the point where when he needed to go before the judge the jail advised the court he could not appear due to his condition. Mr. Kahn stated after that occurred they did get somebody to come in and administer his medication after 14 hours of not having them.

Mr. Kahn stated prior to his being transported to the jail, after he was placed into custody and when leaving his residence they drove past [REDACTED] Kahn asked the deputy if they would run a stop and pick up [REDACTED] about the stopped [REDACTED] the deputy advised him that they did not want to start a fire. Mr. Kahn stated because the fact that he had a gun and him asking people who they were and where they were going, was more important than somebody trying to start a fire.

Mr. Kahn continued to advise the reason as to his pleading the case out, going on probation was in order to create some peace with [REDACTED] and be satisfied. When I asked Mr. Kahn to clarify, on the date July 1, 2012, were Deputy Hanning and Deputy Kinzle the only two deputies there that day, Mr. Kahn stated they were. When I asked Mr. Kahn if they called the Park County Sheriff's Office to report the incidents pertaining to the burnt sage, Mr. Kahn stated they did after they found it. When I asked Mr. Kahn if it was reported through a normal telephone line or through 911, Mr. Kahn advised he believed it was through 911 but wasn't really sure. Mr. Kahn also stated he believed [REDACTED] the phone call and Mary agreed with that. Mary did clarify that she believed it was 911.

When I asked Mr. Kahn if the deputies were advised of the medications after he was arrested on July 1, Mr. Kahn and Mary Kahn both stated they were. Mary Kahn further advised that when she gave the medication to the deputy she advised that he needed to take his medication for the blood pressure otherwise it would get out of control. When I asked if the deputies were also made aware of any medical conditions, Mr. Kahn advised the deputies were aware that he had [REDACTED] rotator cuff and [REDACTED] [REDACTED]. Mr. Kahn was specific to say that both deputies were made aware of that and it was explained to them at the time they were trying to handcuff him while they all were within the home. Mary interjected and stated that she yelled at the deputies advising them not to pull on his shoulder too hard because he just had [REDACTED]. Mr. Kahn advised the deputies did not pay attention to anything he or his wife stated when pertaining to either the medication or his medical condition. Mr. Kahn added to that statement advising that the deputies wouldn't even take [REDACTED] [REDACTED] that and were only doing what [REDACTED] wanted them to do. Mary reiterated that she had called down to the jail several times late in the evening advising deputies that Mr. Kahn needed those medications and she was told that they were waiting for the nurse to arrive.

When I asked Mr. Kahn how many bottles of medication were handed over to deputies, Mr. Kahn advise it wasn't bottle specifically he had a day-to-day planner which contained his specific medications. Mary interjected at this point and advised that she did retrieve the original containers for that medication because the deputies wanted to verify what was in that day planner. When I clarified with Mr. Kahn at the time this incident occurred and they provided the deputies with his medical history if he had the active [REDACTED] as well, Mr. Kahn advised that he did and he has had those [REDACTED] for [REDACTED] [REDACTED]. Mr. Kahn believed that based on Deputy Kinzle statements made on March 21, 2012 pertaining to if he had to return that either one or both of them would be arrested, Deputy Kinzle was finally able to follow through with that statement with Mr. Kahn being arrested on July 1.

Mr. Kahn advised [REDACTED] knew that come October 22, 2013 Mr. Kahn would have met his obligations with respect to his probation. Mr. Kahn also stated that he had been extra careful as to not jeopardize his probation or his ability in the future to carry a firearm to hunt. It should be noted based on this statement made by Mr. Kahn, it seemed to me he was indicating his belief [REDACTED] knew the termination date of his probation was

upcoming and therefore lodged a another complaint specifically April 28, 2013 in order to prevent that from happening.

Mr. Kahn stated on April 28, 2013 he and his son, Paul, were out on their property cutting dead aspen trees and digging out the fence. Mr. Kahn advised he and his son worked on the property up until 11:30 AM or 11:45 AM and went back to the residence in order to eat lunch. While he, Mary and Paul were eating lunch Mary had noticed that [REDACTED] was out of [REDACTED] residence and told Mr. Kahn. Mr. Kahn stated he observed [REDACTED] walked up to the area where they had moved the stakes, placed [REDACTED] hands on her hips and then turned around and went back into her residence where she proceeded to call the Park County Sheriff's Office. Mr. Kahn stated the only reason [REDACTED] called the Sheriff's Office was because [REDACTED] was not happy with where Mr. Kahn planned on putting the fence. Mr. Kahn advised he was never on [REDACTED] property. Mr. Kahn advised that he had looked at the photographs that [REDACTED] had taken, which she claimed showed that he was on [REDACTED] property, none of those photographs showed him being on [REDACTED] property. At this point Mr. [REDACTED] interjected and stated I had to understand that Mr. Kahn was not going to do anything to screw things up and that Mr. Kahn is not a menacing type of guy.

Mr. Kahn advised while they were in the house his wife Mary had taken their dog "Rooter" outside and placed him in the pen located at the rear of the residence. Mr. Kahn advised that Rooter was deaf and an old dog. Around 3:00 PM (Mr. Kahn was not sure of the exact time) he heard Rooter barking. After hearing the dog barking, Mr. Kahn went outside in order to get Rooter and bring him back in the house. Mr. Kahn stated when he let Rooter out of the pen area he bent over and grabbed Rooter by the hair (Rooter does not wear a collar) to take him back into the home. Mr. Kahn stated when he walked onto the deck with Rooter, he had noticed an individual to the right of him on the side of the home but did not recognize who it was. At this point Mr. Kahn pulled out several photographs and showed them to me providing an explanation. The first photograph shown to me by Mr. Kahn was a photograph he had taken of the dog pen from the back door of the residence. The second picture that was shown to me was of the back door of the residence taken while standing in front of the dog pen. Both photographs contained a date stamp of June 21, 2013. In addition to the first two photographs, Mr. Kahn also showed me two additional photographs which did not contain a date stamp however claimed they were taken around 3 o'clock in the afternoon approximately the same time Deputy Hanning came up on April 28, 2013. The first photograph was taken from the deck looking out to the side of the residence showing the top of a hot tub a pine tree and partially of a males head. The second photograph depicted the same scenery and that of a male party were only the shoulders and head were visible.

Mr. Kahn stated when he saw the individual it somewhat startled him because he did not know who it was. Mr. Kahn did state that he had assumed it was Deputy Hanning who was walking up the side of the residence only because it was Deputy Hanning who entered his home. Mr. Kahn advised that he brought the dog into the residence, clarified that the interior door was open with the storm door closed, walked the dog through the kitchen to the edge of the living and dining room and released the dog in order for him to go to his bed after telling him to do so. Mr. Kahn said after he released the dog he turned

around with the intention to go back outside to see who it was coming up. When he made it part way through the kitchen Deputy Hanning busted into the home and advised Mr. Kahn "you don't go into the house on me." Mr. Kahn stated after Deputy Hanning made that statement, Deputy Hanning approached him and kneed Mr. Kahn in the groin as hard as he could. Mr. Kahn stated after he was struck he collided against the kitchen counter and then fell to the floor with his right leg extended out. Mr. Kahn stated after falling to the floor Deputy Hanning continued to tell Mr. Kahn to turn over but he was having a hard time catching his breath.

Mr. Kahn stated he asked Deputy Hanning what he was doing there and afterwards Mary had asked Deputy Hanning if he had a warrant. Mary stated that she was right at the entrance of the kitchen by the dining room watching all this transpire. Mary stated she did ask Deputy Hanning what he was doing in the house, that he couldn't just bust into the home and that he was hurting Mr. Kahn. Mr. Kahn interjected stating that Deputy Hanning advised that he did not need a warrant and he could do whatever it is that he wanted. Mr. Kahn advised 20 to 30 seconds after this transpired Deputy Kinzle entered the residence. Mr. Kahn advised that Deputy Kinzle, according to his son who was working on chainsaws outside, came up the opposite side of the residence.

Mr. Kahn stated that while he's lying on the floor with his right leg extended, having a hard time catching his breath, Deputy Kinzle came up behind him and placed his boot on his right leg and begins twisting it and at the same time Deputy Kinzle advises Mr. Kahn that he is twisting his leg. At this point Mr. Kahn asks Deputy Kinzle who his friend is and Deputy Kinzle responds mumbling something that Mr. Kahn didn't understand. As this is ongoing Deputy Hanning advises Mr. Kahn to roll over onto his stomach and place his hands behind his back. Mr. Kahn advises Deputy Hanning that he could not do that because Deputy Kinzle was standing on his leg. Mary interjected advising that she was yelling at Deputy Kinzle advising him that he was going to break Mr. Kahn's leg and that he can't turn over while Deputy Kinzle is standing on him and to get off of Mr. Kahn. Mr. Kahn further stated that Deputy Kinzle at least three more times advised him that he did not need a warrant. Mr. Kahn stated that Deputy Kinzle was twisting his leg and Deputy Kinzle was twisting his leg.

When I asked Mr. Kahn how he knew that Deputy Kinzle was referring to [REDACTED] Mr. Kahn responded stating it was because of the history since March 21, 2012 where Deputy Kinzle advised him if he had to come back one of them was going to be arrested. Mr. Kahn stated July 1 he was arrested and then Deputy Kinzle came back on April 28, 2013 and was arrested. Mr. Kahn stated he had had the opportunity to listen to the dispatch call that transpired on April 28 and a part of that recording [REDACTED] that Mr. Kahn and his son were out messing around with the property pins. It did not mention one word about trespassing, sawing trees but only they were messing around with property pins and Mr. Kahn has a restraining order. Mr. Kahn stated he was advised by Deputy Kinzle as to the reason why they were there and it was because he was trespassing and messing with trees. Mr. Kahn stated the only way Deputy Kinzle could have known that would be because [REDACTED] had called his cell phone and advised Deputy Kinzle of this because it was not on the dispatch recording. Mr. Kahn also stated that in the past Deputy











unsure as to who, he was half way between the dog panel gate in the backdoor of the home bent over with the dog in tow.

When I asked Mr. Kahn if he could estimate what the distance was between the backdoor to the end of the kitchen where it enters the dining/living room area of the home, Mr. Kahn initially estimated it to be 12 feet. After using a tape measure, the area measured between the backdoor to the entrance of the kitchen measured at approximately 16 1/2 feet. When I advised Mr. Kahn of Deputy Hanning's statement in his report which stated upon Deputy Hanning's entry into the Kahn home he was met by Mr. Kahn with both hands up balled into fists at chest level, Mr. Kahn replied that was an absolute lie. When I advised Mr. Kahn Deputy Hanning's report further stated that upon Deputy Hanning grabbing Mr. Kahn's arms, Mr. Kahn attempted to pull away and was yelling at Deputy Hanning, Mr. Kahn replied that that was as well a lie. Mr. Kahn further stated that Mary was present when this occurred and that not one thing was said, he never raised his hands and Deputy Hanning never grabbed his hands. Mr. Kahn stated Deputy Hanning simply came into his home and kneed him in the groin before he even knew what was occurring. Should be noted that at one point Mr. Kahn does advise that he does not have immediate possession of his firearms that all the firearms are locked up in the safe he does not have the combination to that safe and because of his active tremors would have the inability to open that safe. Mr. Kahn also advised that his wife Mary is the only one that has the combination.

Mr. Kahn [REDACTED] in that Mr. Kahn [REDACTED] the [REDACTED] in [REDACTED] Deputy [REDACTED] leg, the [REDACTED] into their home [REDACTED] into custody because [REDACTED]

At this point Mr. Kahn advised although he was not certain as to what the deputies were "on" or what they may have taken, and was certain that it was not alcohol as he could smell anything but there was a noticeable difference in their demeanor over the 1 1/2 to 2 hour time frame. In Mr. Kahn's assessment he believed that Deputy Kinzle is the one who pushed the buttons and Deputy Hanning did the work on both incidents, July 1, 2012 and April 28, 2013. At this point Mr. Kahn went through a timeline where he identified the following; March 21, 2012 Deputy Kinzle responds to a complaint made [REDACTED] he meets with and provides a business card to, July 1, 2012 Deputy Kinzle tells the Kahn's th [REDACTED] and Mr. Kahn is arrested, on April 28, [REDACTED] do [REDACTED]

When I asked Mr. Kahn, based on his conversation with Undersheriff Gore, if he had completed a statement as requested by the undersheriff, Mr. Kahn advised that he had not given that I was going to interview him and didn't think based on that it was necessary. Mr. Kahn stated he told Undersheriff Gore the exact same thing he told me during this interview. Mr. Kahn stated that the undersheriff appeared to be appalled at some of the





██████████ the deputies had concern based on the nature of the call, in order for them to contact the reporting party they would have to drive by Mr. Kahn's residence. Sgt. Tonjes did advise he did not remember if the deputies had seen Mr. Kahn outside of his residence or if they initially decide to stop there first.

When the deputies stopped at the Kahn residence, they approached the residence and at this point Sgt. Tonjes believed Deputy Hanning saw Mr. Kahn in the backyard. Deputy Hanning approached the area of the backyard, identified himself and after doing so Mr. Kahn took off and headed towards the door of the residence. Deputies Hanning and Kinzle both advised Sgt. Tonjes they had prior experience with Mr. Kahn in a felony menacing charge involving weapons which caused an immediate concern. Sgt. Tonjes continued to explain Deputy Hanning followed Mr. Kahn into the residence. In addition Sgt. Tonjes believed Mr. Kahn had a dog with him to release the dog prior to going into the home. Deputy Hanning explained to Sgt. Tonjes he was concerned with his and Deputy Kinzle safety based on Mr. Kahn's action by entering the home. Deputy Hanning entered the home Mr. Kahn turned on him and was standing with his fists clenched and challenging Deputy Hanning.

Sgt. Tonjes explained Deputy Hanning had advised after being confronted he grabbed Mr. Kahn's hands or fists in order to stop him however Mr. Kahn had resisted. Sgt. Tonjes stating he believes right after grabbing the hands or fists of Mr. Kahn, Deputy Hanning conducted the strike in order to put Mr. Kahn down. Sgt. Tonjes stated apparently after this incident occurred, Deputy Kinzle either came in during or after this occurred but was uncertain. Sgt. Tonjes further explained that he was advised that it only had been Deputy Hanning, Deputy Kinzle and Mr. Kahn present at the time of the incident. Sgt. Tonjes explained the deputies had called him at the time the paramedics were on scene and Mr. Kahn having refused to be transported. Sgt. Tonjes was under the understanding that Mr. Kahn ██████████. Sgt. Tonjes stated that the deputies were going to charge Mr. Kahn with either resisting arrest and/or obstruction because of the violation of the protection order. It should be noted that Sgt. Tonjes advised he was persistent on Mr. Kahn receiving medical treatment. Sgt. Tonjes also explained that Deputy Kinzle had also called for flight for life because of the injury and was concerned of Mr. Kahn having a heart attack. Sgt. Tonjes was aware that flight for life did show up however did not land.

Sgt. Tonjes advised that the conversation he had with Mr. Kahn, he'd told one of the deputies (doesn't recall which one) that he wished to speak with Mr. Kahn. When speaking with Mr. Kahn he explained to Mr. Kahn his concern for his receiving medical treatment. Mr. Kahn advised Sgt. Tonjes that Mr. Kahn's wife would take him to the doctor and he would forget about all this if he were not to receive any charges. Sgt. Tonjes advised he specifically told Mr. Kahn that he could not do that. Sgt. Tonjes further explained to Mr. Kahn that Mr. Kahn was going to the hospital and would at least receive a citation if nothing else. It should be noted that Sgt. Tonjes advised originally he was not aware of Mr. Kahn being on probation for the previous felony menacing charge. After Sgt. Tonjes found that to be the case, he believed that was the reason for Mr. Kahn not wanting charges filed which could potentially violate his probation status. It should be

noted Mr. Kahn's had received a deferred judgment on the felony menacing case from 2012. When I clarified with Sgt. Tonjes if the probationary information was learned during the investigation on scene or after the incident, Sgt. Tonjes advised he learned of it during the on scene investigation. Sgt. Tonjes clarified stating when he thought about the incident, what had transpired in the injury Mr. Kahn received he decided that Mr. Kahn needed to be arrested and taken to the hospital and consequently transported to the Park County Jail.

Sgt. Tonjes advised he did not tell Mr. Kahn one way or the other what was going to happen and made the decision for arrest after being informed by deputies. The deputies did not charge the violation of protection order because the reporting party had taken close to 100 photographs of the alleged violation until deputies could verify those photographs and if they indicated an actual violation.

Later  
Found  
Guilty  
→ Delena  
Pross

When I asked Sgt. Tonjes for clarification as to when he actually learned of the deferred judgment and what information was given to him in order to base his decision Sgt. Tonjes replied advising he did not know there was a deferred judgment at that time. Sgt. Tonjes did not find out about the deferred judgment until after the incident occurred. When I asked Sgt. Tonjes what specific information he did have to make the decision to arrest Mr. Kahn, Sgt. Tonjes advised it was the felony menacing charge in the past, the fact Kahn ran into the residence, the fact that Mr. Kahn turned on Deputy Hanning in an aggressive manner and the injury Mr. Kahn had sustained. Sgt. Tonjes did not feel comfortable with Mr. Kahn's wife taking him to the hospital when in fact, if that was not to happen was the potential concern of Mr. Kahn ~~he was taking his dog~~

When Sgt. Tonjes spoke with Mr. Kahn, Mr. Kahn advised him he was taking his dog into the house and wasn't necessarily not complying with deputies; Sgt. Tonjes stated that did not make sense to him. Sgt. Tonjes questioned why Mr. Kahn had released his dog and why did Mr. Kahn do an aggressive stance with Deputy Hanning. When asked if Mr. Kahn made any other reference about his dog, Sgt. Tonjes only stated Mr. Kahn advised he was taking the dog into the home. Sgt. Tonjes advised Mr. Kahn might've said he let the dog go but he could not recall. Sgt. Tonjes advised all he could remember was Mr. Kahn telling him he was taking the dog into the home and either Deputy Kinzle or Deputy Hanning stated Mr. Kahn release the dog before he got close to the door. Sgt. Tonjes advised, subsequently he went out to Mr. Kahn's residence with Detective Hanning was assigned to investigate the violation of protection order on a later date. Sgt. Tonjes did further advised they were able to establish that there had been a violation in that there were a total of 42 photographs of Mr. Kahn on Park County property adjacent to Miss Leo's property which in essence was a violation of the protection order.

Interview was concluded at approximately 3:28 PM

After the interview with Sgt. Tonjes was concluded, I mentioned to Sgt. Tonjes that I was tracking down the EMT personnel who were on scene that I wished to speak with to determine if they may have heard any statements from Kahn relating to the incident. Sgt. Tonjes advised that he believed there had been some statements collected from







At the beginning of the interview I requested Deputy Kinzle, in a narrative form, to provide me with the circumstances of the call that transpired on April 28, 2013. Deputy Kinzle advised on that particular date he and Deputy Hanning were assigned to work the Fairplay district area. On this day Deputy Kinzle advised there was a radio call of a trespass in progress which was aired by the Park County Communication Center. During the airing of this radio call dispatch provided the addresses and names of involved persons which Deputy Kinzle advised he immediately recognized due to past involvement with same parties and addresses. Deputy Kinzle identified the addresses as [REDACTED] and identified the persons involved as being Richard Kahn and [REDACTED]. Deputy Kinzle also advised due to previous contacts with the named parties he was aware of a protection order in place identifying [REDACTED] as the protected person and Mr. Kahn as the restraint. Deputy Kinzle did request the Park County Communication Center to confirm the protection order which they did.

Deputy Kinzle and Deputy Hanning responded to that location quickly and in a safe manner due to it being a potential protection order violation and knowing of the past history of problems between the two parties involved. Deputy Kinzle advised prior to their arrival on scene both he and Deputy Hanning stopped at a location that was out of visual contact with both residences in order to determine a plan as to how they would approach and who they would approach first. Deputy Kinzle advised that he had also requested Park County Communication during this time to contact [REDACTED] to determine if [REDACTED] still had visual contact of Mr. Kahn and where he was currently at. Deputy Kinzle described the area of the subdivision where both parties resided as being a one way in and one way out street which cul-de-sacs at the end of Bear Trail. [REDACTED] property is located at the end of Bear Trail on the cul-de-sac and Mr. Kahn's residence is located just prior to the cul-de-sac with the front of the residence facing Bear Trail.

Deputy Kinzle advised during the time they were stopped waiting for Park County Communications to provide them with the information as to Mr. Kahn's location, he and Deputy Hanning began to formulate a plan and discuss past history contacts with Mr. Kahn and [REDACTED]. Deputy Kinzle advised they discussed Mr. Kahn, the past history in 2012 pertaining to the felony menacing with a revolver, how Mr. Kahn is easily irritated and his ability to be upset or irate, the fact they would have to pass Mr. Kahn's house to meet with [REDACTED] the fact that Mr. Kahn had weapons is what they considered as a whole and determined they would contact Mr. Kahn first.

Deputy Kinzle advised after he and Deputy Hanning had agreed that would be the course of action they would take, both had driven up to and pulled into the driveway in front of the Kahn residence. Deputy Kinzle explained the reason as to why they did this was due to there being no good way of approaching the residence short of parking one-mile down the road from the residence and walking in through the woods. After arriving at the Kahn residence both deputies exited their vehicle and approached what appeared to be the front door of the home. Deputy Kinzle advised he knew this door not to be the front door commonly used by the residence from previous experiences. Deputy Kinzle described this door as being on the front of the residents next to a garage door.

Deputy Kinzle advised when they approached the front door they knocked several times with no answer from within. Deputy Kinzle stated after receiving no answer he had moved to the right side of the residence while Deputy Hanning motioned to him indicating that Deputy Hanning would walk up the left side of the residence to see if anything was behind the home. Deputy Kinzle advised after Deputy Hanning left and went to the left side of the home he lost visual contact of Deputy Hanning and remained close to the front door in case someone came to the door from within. Shortly after losing visual contact with Deputy Hanning, Deputy Kinzle could hear Deputy Hanning say "Richard stop" and could hear Deputy Hanning yelling but could not recall what specifically Deputy Hanning was yelling. Based on this Deputy Kinzle knew Deputy Hanning had made contact with Mr. Kahn.

Deputy Kinzle advised after hearing Deputy Hanning yelling, he immediately started running up the right side of the residence and while doing so had two things going through his mind; if Deputy Hanning was in visual or physical contact with Mr. Kahn and his concern as to whether he would be in a crossfire situation when reaching the rear side of the property. Deputy Kinzle advised as he made his way up the right side of the residence, he could hear banging coming from within the residence as if someone was jumping up and down or hitting the wall. After hearing this Deputy Kinzle called Deputy Hanning on the radio asking if Deputy Hanning was "code 4". Deputy Hanning immediately advised he was in a fight. Deputy Kinzle advised immediately after hearing this he drew his Taser from its holster rounded the corner of the residence and made his way up several stairs to the back where he gained access of the residence through the rear door. When entering the residence he observed Mr. Kahn lying on his back face up with both fists up in the air and also observed Deputy Hanning on his knees above Mr. Kahn with his hands up in the defensive position commanding Mr. Kahn to stop resisting.

Deputy Kinzle advised based on his observation with Mr. Kahn being resistive, not obeying orders given by Deputy Hanning and in an aggressive manner shaking his fist stating "you can't do this, you can't do this, you can't be here" it was clear that Mr. Kahn was resistive and not compliant with deputies. In addition Deputy Kinzle also observed Mr. Kahn's wife standing directly above Deputy Hanning with one hand on the counter and the other on her hip laughing. Deputy Kinzle did order Mr. Kahn's wife to back away and if she didn't she would be placed in custody for obstruction. Deputy Kinzle advised that Mr. Kahn's wife refused to comply however at the same time Deputy Kinzle with his Taser drawn was ordering Mr. Kahn to stop resisting. Deputy Kinzle stated he had his Taser pointed in an area located between Mr. Kahn's neck and lower chest all the while his index finger was indexed along the side of the Taser. Deputy Kinzle stated he partly believed he was not going to use the Taser but only use it as a compliance tool in the hopes that it Mr. Kahn would become compliant. Deputy Kinzle advised that did not work. He recalled Mr. Kahn looking at him and stating "fuck you, you can't be in my fucking house, you need to get out of here". Deputy Kinzle responded to Mr. Kahn that he could do whatever he wanted as long as Mr. Kahn was beating up on his buddy and then told Mr. Kahn he needs to roll over onto his belly and place his hands behind his back. Deputy Kinzle advised after Mr. Kahn not being compliant to his order he removed the cartridge from his Taser with the intent of placing the Taser on Mr. Kahn's leg in



[REDACTED] did not see [REDACTED] Deputy Kinzle stated the male party did  
[REDACTED]

While Deputy Kinzle was speaking with the male party, an elderly neighbor arrived at the residence and asked if Mary was okay and what had happened. Deputy Kinzle advised the neighbor [REDACTED] was and that they had an incident earlier however they do have EMTs en route to check out Mr. Kahn. Deputy Kinzle stated he did not know the name of the neighbor (at this time in the interview) and had never seen him before. Although, Deputy Kinzle believes it was possible that the EMTs were already on scene and with EMT response to the residence might have prompted the neighbor to come to the Kahn home. Deputy Kinzle stated after he briefly spoke with a neighbor, he advised the neighbor that he would have to leave and check in at a later time with Mary. Deputy Kinzle stated initially the neighbor did not comply with that request but he could not remember if the neighbor verbally refused to leave or if it was the action of him continually walking up towards the residence. At this point Mary exited the home and began speaking with a neighbor. Deputy Kinzle at this point reentered the home and after doing so Deputy Hanning requested that he contact a supervisor.

Deputy Kinzle left the residence and went to his patrol unit where he had his cell phone. Deputy Kinzle contacted Sgt. Tonjes and advised him about the incident. Deputy Kinzle advised some of the questions Sgt. Tonjes asked he was unable to answer for the reason they were specific to the actions of Deputy Hanning which he was not present to witness. Deputy Kinzle stated after speaking with Sgt. Tonjes on the cell phone he returned to the residence and prior to entering the home he heard Deputy Hanning advising someone that they needed to leave. When he entered the home he had noticed that the neighbor and Mary had returned inside and believed it was the neighbor Deputy Hanning was asking to leave. Deputy Kinzle stated at this point he was somewhat concerned on becoming involved with the neighbor for the reason that he did not want to escalate the situation. Deputy Kinzle believed that at this point he had enough to arrest or charge the neighbor for obstruction not just of law enforcement but of the EMTs. The basis of this was the EMTs requesting that the neighbor leave due to the reason that the neighbor was inciting Mr. Kahn to the point of agitation. [REDACTED] Deputy Kinzle advised after this interaction occurred between Mr. Kahn and the neighbor, Deputy Kinzle immediately advised the neighbor that he needed to leave. Deputy Kinzle stated the neighbor did leave the residence at some point when Deputy Kinzle went outside the neighbor was still present and confronted Deputy Kinzle [REDACTED] Deputy Kinzle stated the neighbor did leave the residence at some point when Deputy Kinzle went outside the neighbor was still present and confronted Deputy Kinzle [REDACTED] Deputy Kinzle stated the neighbor did leave the residence at some point when Deputy Kinzle went outside the neighbor was still present and confronted Deputy Kinzle [REDACTED]

Deputy Kinzle stated after speaking with the neighbor, the neighbor did walk down to the roadway where he remained. At this point he walked back up to the rear of the residence

and began speaking with Deputy Hanning. During this conversation Deputy Hanning advised Deputy Kinzle that the EMTs cleared Mr. Kahn [REDACTED] Mr. Kahn refused any medical treatment. Deputy Kinzle stated that after the EMTs had cleared from the scene, Mr. Kahn was not placed back in the handcuffs although had it been his decision Mr. Kahn would have been re-cuffed but he allowed Deputy Hanning to make that decision.

At some point Mr. Kahn had taken the deputies on the property in order to show them the areas that he was in, the line that he walked, to show deputies where they were cutting down wood and removing some stakes because they were in the wrong place. Deputy Kinzle advised while they were walking the property with Mr. Kahn, the neighbor was following them in the areas they were. Deputy Kinzle stated on several occasions when he stopped in order to allow the neighbor to pass them, the neighbor would stop and only stare at Deputy Kinzle. Deputy Kinzle did state that at this point he did want to use physical force to arrest the neighbor because in his mind the neighbor had not complied with his orders on several occasions. However Deputy Kinzle decided not to involve himself with the neighbor and was almost certain had he attempted to take the neighbor in the custody, the neighbor would have fought him. 2

Deputy Kinzle stated at one point they did stop at a corner by the cul-de-sac which was within 100 feet [REDACTED] home. Deputy Kinzle advised that this is the same area in the photographs that showed where Mr. Kahn was at the time of the alleged violation. It should be noted that this portion of property is in dispute; Mr. Kahn claimed it as his property where [REDACTED] claims it to be hers. Deputy Kinzle stated during this time he received approximately 5 calls on his cell phone from Sgt. Tonjes all of which were Sgt. Tonjes requested to speak with Deputy Hanning. Deputy Kinzle was unaware of the conversations between Deputy Hanning and Sgt. Tonjes [REDACTED] advised that [REDACTED] at [REDACTED] with Mr. Kahn [REDACTED] this was that Mr. Kahn remained unresponsive [REDACTED] Mr. Kahn would say he didn't understand why they were there; they couldn't do this and at one point even threatened to sue them. And in the next breath Mr. Kahn would say he would do whatever deputies said, he would do anything to stay out of jail but then would go back to accusing the deputies for being in the wrong.

Deputy Kinzle stated at a certain point while at the cul-de-sac, he had walked over to [REDACTED] about the complaint. Deputy Kinzle positioned himself while speaking [REDACTED] where he still could maintain visual contact with Deputy Hanning. While speaking with [REDACTED] Deputy Kinzle did advise her there was some difficulty in determining who was supposed to be where or where they had a right to be. Deputy Kinzle advised he also explained to her the incident and Mr. Kahn fighting law enforcement after she stated she had seen an ambulance at the Kahn property. Deputy Kinzle was advised [REDACTED] the property Mr. Kahn was on was in fact [REDACTED] had photographs of him on [REDACTED] property and that [REDACTED] had maps to show that that property was in fact [REDACTED], however she would have to go look for that

information or try to dig it up in order to show him. Deputy Kinzie at this point provided [REDACTED] a blank voluntary statement form and requested that [REDACTED] fill that out and attempt to retrieve all the information she claimed to have had. At one point while speaking with [REDACTED] he could hear Mr. Kahn yelling at Deputy Hanning.

At some point Deputy Kinzle stated that Deputy Hanning had spoken with Sgt. Tonjes who in turn advised that they needed to place Mr. Kahn into custody, transport him to a hospital to be cleared medically and after having done so transport Mr. Kahn to the Park County Jail. When Deputy Hanning advised Mr. Kahn he was being placed in custody, Mr. Kahn became loud advising Deputy Hanning that they had told him they would make the charges go away, that he is not going to be arrested but now he is being arrested.

Deputy Kinzle stated that this point he advised Mr. Kahn that he was under arrest and if he made any attempt to hinder that from happening he would receive an additional charge of resisting arrest and asked if Mr. Kahn understood. Mr. Kahn advised that he did and then proceed to turn around and place his hands behind his back to where Deputy Kinzle could place the handcuffs on him. When this occurred, Deputy Kinzle advised Mr. Kahn's wife began to laugh and attempted to slap Deputy Kinzle on the shoulder (like a grandmother would to a grandchild). Deputy Kinzle at this point moves away and tells Mary [REDACTED]

Kinzie advised at this point he just had it with the situation not limited to this incident but incidents in the past and believe that neither Richard Kahn or Mary Kahn knew how to act or behave around law enforcement. Deputy Kinzie stated that Mr. Kahn and Ms. Khan don't understand boundaries, think they're above the law and that it's okay to act that way. Deputy Kinzie further states that Richard Kahn seems to think that it's okay just a point a gun at vehicles passing by and Mary Kahn is always been passive in previous contacts as if none of this is an issue.

After the incident with Mary Kahn, Mary Kahn returned to the home in order to retrieve Mr. Kahn's medications and a sweater. Deputy Kinzle noted that after they had placed Mr. Kahn in handcuffs they had no additional issues with Mr. Kahn and he remain compliant. Mr. Kahn was placed in Deputy Hanning's patrol vehicle. After Deputy Kinzle asked Deputy Hanning if he was okay, Deputy Hanning advised that he was. Deputy Kinzle entered his patrol vehicle and left the scene.

When I asked Deputy Kinzle if he could recall how many times he has met Mr. Kahn, Deputy Kinzle stated he recalled at least two times which included this particular incident and one other in the past. When I asked Deputy Kinzle if he recalled being at the Kahn property on March 21, 2013, Deputy Kinzle stated not specifically. When I asked Deputy Kinzle if he ever recalled making a statement not specifically to this incident that he has

b7C [REDACTED] Deputy Attorney General [REDACTED]  
[REDACTED] stated that he had been contacted by [REDACTED] who was  
the [REDACTED] [REDACTED] Deputy Attme responded stating because [REDACTED]

\_\_\_\_\_





When I asked Deputy Kinzle if he knew of any other reason why Deputy Hanning had walked around the residence after no answer was received at the front door, Deputy Kinzle advised he did not know and that Deputy Hanning had not communicated anything to him. Deputy Kinzle assumed it had to do with Deputy Hanning wanting to see if anyone was home or if by chance Mr. Kahn was still outside of the residence. He believed Deputy Hanning was trying to gain a vantage point to see if anyone was home. When I asked Deputy Kinzle if he recalled hearing a dog barking while was standing at the front door, he advised he thought so but could not remember.

When I asked Deputy Kinzle to clarify his position after Deputy Hanning left the area of the front door and began working around the left side of the residence, Deputy Kinzle advised he remained at the front end of the home but positioned himself at the right corner to where he still could see the front and right side of the residence all the while maintaining visual contact of the front door in case someone came through. When I asked Deputy Kinzle to estimate the elapsed time from when Deputy Hanning left the front door to the time he heard Deputy Hanning yell "Richard stop", Deputy Kinzle believed anywhere from 20 to 30 seconds was the amount of time he believed it would've taken Deputy Hanning to walk around the left side of the residence up to where he saw Mr. Kahn. When I asked Deputy Kinzle after he heard Deputy Hanning yelling at Mr. Kahn if he remained at his position, Deputy Kinzle stated after he heard Deputy Hanning yelling he started to walk up the right side of the house however he did not run or was not in a hurry because he was not sure what the confrontation consisted of. Deputy Kinzle advised it wasn't until after taking three or four steps up the right side of the home that he began to hear what sounded like fighting coming from within the home. Deputy Kinzle stated at this point after hearing this is when he began running in order to determine what was transpiring. At this point I clarified with Deputy Kinzle if it was after hearing these noises is when he got on the radio in the attempt to contact Deputy Hanning. Deputy Kinzle advised that was correct and asked Deputy Hanning if he was okay with Deputy Hanning's response being that he was in a fight.

When I asked Deputy Kinzle if it was prior to his entry into the home that he drew his Taser, Deputy Kinzle clarified stating that he drew his Taser when he rounded the back right corner of the property immediately after realizing that neither Mr. Kahn or Deputy Hanning were still outside of the property. When I asked Deputy Kinzle why he did not draw his firearm, Deputy Kinzle advised he was not sure if he could answer that question. When I advised Deputy Kinzle about the statements he had made pertaining to the concerns of their safety, the time they had taken to stop and discuss how to approach Mr. Kahn, the past incidences they've had with Mr. Kahn and his irritability, and the fact they knew he owned weapons I was trying to understand why he would not have drawn his firearm, Deputy Kinzle responded stating he knew how Deputy Hanning worked and if this was a situation which justified his drawing his firearm he would have either heard a gunshot or heard Deputy Hanning advised over the radio he had one at gunpoint. Deputy Kinzle clarified this stating he believed it had to do with his training in the fact that Deputy Hanning advised he was in a physical confrontation and there being no indications of weapons involved.



anyone or attempting to get up he just wasn't turning over and putting his hands behind his back. Deputy Kinzle stated he was thinking that he couldn't Taser Mr. Kahn and recalled hearing other supervisory staff asking the question why are we tasing a 70-year-old man.

175 CLK,  
IF HE IS  
ACTIVELY  
FIGHTING  
PRESENTING  
A  
THREAT

When I asked Deputy Kinzle to reflect back to his Taser training and asked if there was anything in that training that stated that they could not tase 70-year-old people, Deputy Kinzle stated that there was none. When I asked Deputy Kinzle if anywhere in Taser training did it indicate as to how many commands are to be given prior to deployment, Deputy Kinzle stated there were none. When I asked Deputy Kinzle that I wanted to understand his thought process as to why he did not deploy Taser and because there was no compliance why was the Taser even drawn, Deputy Kinzle stated that in

\_\_\_\_\_ and he was trying to \_\_\_\_\_  
\_\_\_\_\_

Deputy's orders Deputy Kinzle did not feel it was enough to deploy Taser. Deputy Kinzle did clarify he also thought of the fact that Mr. Kahn was an elderly person that had he deployed Taser he would be in trouble for doing so and that his command staff would not be happy if he had done so.

When I asked Deputy Kinzle after he'd removed the cartridge from his Taser with the intent of potentially drive stunning Mr. Kahn, had the tip of the Taser ever touched any part of Mr. Kahn's body, Deputy Kinzle advised that it had not and never came in within 2 feet of Mr. Kahn's body. When I asked Deputy Kinzle at any time while giving commands that any part of his body touch Mr. Kahn's body, Deputy Kinzle advised he did not believe so. When I asked Deputy Kinzle if he at any time had taken his right foot and placed that on Mr. Kahn's right foot Deputy Kinzle responded yes although he could not remember the reason why. When I asked Deputy Kinzle if he recalled which one of his feet he placed on Mr. Kahn, Deputy Kinzle believed it was his left foot that he placed on Mr. Kahn's right foot.

Deputy Kinzle recalls the first time he had contact with the Kahn's on [REDACTED] as after the Kahn's called in a trespass at [REDACTED]. When he arrived at the scene the person on the property was [REDACTED]. This is to include several other phone calls that [REDACTED] had made to Park County communications with different complaints involving Mr. Kahn cutting down a tree behind her residence or Mr. Kahn stealing a fence. Deputy Kinzle specifically stated this span over a several month timeframe but the communications were not only with [REDACTED] but with Mr. Kahn as well. Deputy Kinzle was specific to say all these communications came through the dispatch center and were in fact radio calls. [REDACTED]

Deputy Kinzle stated no.

When asked what knowledge Deputy Kinzle had of Mr. Kahn's medical condition prior to the incident on April 28, 2013, Deputy Kinzle stated he had no knowledge of Mr. Kahn's medical history. Deputy Kinzle further stated to this day he still had no knowledge of his history [REDACTED]. When I asked Deputy Kinzle if he recalled any conversations he may have had pertaining to Mr. Kahn's medical condition, past surgeries or anything else on July 1, 2012 during the felony menacing case, Deputy Kinzle stated he did not. When I asked who the arresting officer was in the incident on July 1, 2012, Deputy Kinzle stated it was Deputy Hanning. When I asked Deputy Kinzle if he was present or recalled on that incident where Deputy Hanning was handed medication for Mr. Kahn, Deputy Kinzle stated he did recall the zip lock bag containing medication but he could not recall whether that was the incident in April 2013 or the felony menacing case in 2012.

When I asked Deputy Kinzle if he was concerned about where Mary Kahn was located if he were to go hands-on with Mr. Kahn in order to assist Deputy Hanning, Deputy Kinzle stated that he was concerned because his focus had been shifted solely to Mr. Kahn and not Mary Kahn.

When asking Deputy Kinzle if in previous contacts was he ever disrespectful to any of the parties involved or in turn were those parties disrespectful to him, Deputy Kinzle stated on a previous incident while at the Kahn residence he was discussing the issues with Mr. Kahn and during this discussion the Kahns were yelling at him and being argumentative and during the conversation the Kahns were demanding that Deputy Kinzle arrest [REDACTED]. Deputy Kinzle stated that at one point he did advise the Kahn's to "shut your mouths" and listen to him so he could explain what it is that he can and cannot do. When asked if he recalled making a statement at that particular incident that if he had to return later on that someone was going to go to jail deputy Kinzle responded yes. Deputy Kinzle clarified that he told Mr. Kahn, Mrs. Kahn [REDACTED] that.

*Hardest  
Answer*

When I asked Deputy Kinzle when he authored his report for the April 28, 2013 incident, Deputy Kinzle stated that he believed it was the following day unless it fell on his Friday means he would've completed the report on his next duty shift thereafter. When I asked Deputy Kinzle if he saw the photographs pertaining to the April 28, 2013 incident, Deputy Kinzle stated he did, however not on that specific day but on a later date. When I asked Deputy Kinzle if he recalled either himself or Deputy Hanning making the statement that there was not enough information or grounds to charge Mr. Kahn with the trespass or violation of protection order, Deputy Kinzle stated he did not recall making that statement but believes that too could be a true statement. The reason for this was because at that time they did not have enough information to pursue those charges.

When I asked Deputy Kinzle, in retrospect, if there was anything he could have done differently on the incident, Deputy Kinzle responded stating that his actions he felt 100% correct however as to his verbal actions he probably could've been more contained.

*Good*

[illegible]

When asking Deputy Kinzle if he was aware of the result pertaining to the July 1, 2012 felony menacing case at the time he was involved in the incident that occurred on April 28, 2013, Deputy Kinzle advised that he was aware that Mr. Kahn was on probation for the felony menacing case and that a protection order was also in place but was not aware of any restrictions pertaining to firearms. Deputy Kinzle did advise at one point he did recall hearing that Mr. Kahn was restricted from possessing firearms and when they asked Mr. Kahn of this, Mr. Kahn replied by stating his wife Mary had the firearms locked away and that the ruling judge had made an exception that Mr. Kahn could keep his weapons but not be allowed to be in possession.

Talk  
to  
Court  
About  
This.

At the end of this interview I did ask Deputy Kinzle if he had any questions of me. Deputy Kinzle did ask me if I believed if there had been something different that he could've done. I advised Deputy Kinzle that was a difficult question for me and that I could not answer based on many factors whether those be related to training or other issues.

Interview was concluded at approximately 7:47 PM

After the interview was concluded, Deputy Kinzle provided me with a copy of his memorandum he was asked to prepare by Sgt. Tonjes. The memorandum was prepared on April 30, 2013 and consisted of three pages. The memo was addressed to Chain of Command. The memorandum read the following:

"On April 28, 2013 at about 12:29 PM I was dispatched to [REDACTED] which is near Florissant, Park County, Colorado to assist Deputy N. Hanning in the investigation of a protection order violation. Park County Communications advised Deputy Hanning that the reporting party [REDACTED] of the Florissant that [REDACTED] reporting that Richard was on [REDACTED] property. I have dealt [REDACTED] Richard several times and immediately knew who we were going to be dealing with. I knew the suspect to be S/ Richard Charles Kahn (01/15/1942) Kahn was previously arrested by Hanning on charges of felony menacing for reportedly pointing his firearm at people on the road. I was present for this arrest of Kahn. The following is an excerpt from Park County Sheriff's office case report number 12 - 0668:

"Deputy Kinzle arrived on scene at approximately 8:02 PM. Kahn began talking to Deputy Kinzle and demanded that [REDACTED] Deputy



Kinzie advised Kahn that if he charged [REDACTED] just because he says so then he could charge him with whatever [REDACTED] demanded. Kahn began walking towards Deputy Kinzie in a hostile manner and started yelling "Go ahead and get it on. Get on it then." Deputy Kinzie told Kahn to get back. Kahn backed away from Deputy Kinzie."

*Every time I have spoken with Kahn he has twisted the truth and did not seem to listen to anything that I had to say about the situation. Richard and Mary Kahn do not have respect for law enforcement. Mary would continuously treat me as if she knew me. The Kahn's have never listened to me or any lawful directions that I have given them. In my opinion both Mary and Richard are delusional and believe whatever they want and don't believe that they have to obey laws. I know Kahn to be uncooperative and easily agitated from the numerous times I've spoken with him over property matters*

*Kahn did not seem to realize that it was not okay for him to point his firearm at people driving down the road in front of his house. These facts cause me to fear that Kahn may do something irrational and dangerous to me. I believe Kahn to be violent and very actively against law enforcement. Kahn's house, [REDACTED], is a large home on a hill above the road and has many windows facing the road. There is no way to get to [REDACTED] without passing directly in front of Kahn's house. Deputy Hanning and I made the decision to stop at Kahn's house first to speak with him regarding the issue because of the position of his house, the fact that we knew him to possess firearms, and that we feared the situation could become dangerous if Kahn knew we were there.*

*When approaching Kahn's house, [REDACTED] Deputy Hanning and I walked directly to the front door of the house. Hanning was positioned on the north east side of the front door and I was located on the southwest side of the door. We knocked, waited and did not hear anyone coming to the door. Hanning went around the corner of the house on the south side and I stayed near the door.*

*I heard Deputy Hanning yell, "stop, stop!" At this time I heard multiple thuds coming from inside the house. I asked Hanning over the radio he was okay and he stated that he was in a fight. At this time around to a door on the back side of the house and could hear Hanning yelling at someone to stop from inside the house. Due to the exigent circumstances, the immediate safety of Deputy Hanning, I ran through the door and into the home. Once in the door I found Hanning on the floor and Kahn, face up and back to the floor. Kahn's hands were up and in a fist between Hanning and himself. Mary Kahn was standing right above Hanning with one hand in her pocket and the other setting on the kitchen counter. I immediately drew my Taser and told Kahn to roll over and put his hands behind his back. I repeated this command in a very loud manner about 10 times with no compliance. At this point Kahn was refusing to roll over or to place his hands behind his back but was unable to physically overpower Hanning. It should be noted that I repeatedly told Mary Kahn to back up and get out of our way and she laughed at me and stated that I had no right to be in her home. At this time I put my Taser back in the holster to remove my collapsible baton. I felt that the act of extending my baton would gain compliance of Kahn. Kahn continued to state that he would not do anything because we had no right to be there.*



Good,

\_\_\_\_\_ who admitted to  
\_\_\_\_\_ of his was related to \_\_\_\_\_  
\_\_\_\_\_ who admitted to  
\_\_\_\_\_ who admitted to  
have a very hard time understanding what I was asking him. I asked again and he  
eventually stated yes. I asked if he was born in \_\_\_\_\_ and he stated he was born in  
\_\_\_\_\_ and he was living with Richard K. \_\_\_\_\_ I said his name was during the  
conflict with Richard K. \_\_\_\_\_ he was not his brother. \_\_\_\_\_  
\_\_\_\_\_

Good

Photo  
Evidence  
Did show  
KHHH  
violation  
protection  
CRUEL  
Charges  
Equality  
De Hone.

49

On June 25, 2013 at approximately 10:00 PM I arrived at the [REDACTED] ambulance barn in order to interview Paramedics [REDACTED] and [REDACTED]. It should be noted prior to my arrival, I did contact [REDACTED] and [REDACTED] and expressed my wish to speak with [REDACTED] and Paramedic [REDACTED] about a call they had on April 28, 2013. I did advise that I was only interested in statements made by Mr. Kahn, deputies and/or third parties present and not related to their medical assessment of Mr. Kahn.

Upon my arrival I did meet with Paramedic [REDACTED]. This interview was recorded. During this interview with both paramedics, neither could recall the events that transpired on April 28, 2013 nor could they recall any specific statements made by either deputies on scene or Mr. Kahn himself. At the end of the interview I thanked both paramedics left the area.

Interview was concluded at approximately 10:25 PM

On June 26, 2013 I responded to Mr. Kahn's residence in order to have him sign medical release waivers, pick up photographs he had of his injuries and to photograph portions of the house (interior and exterior) to include some measurements. I arrived at the residence at approximately 9:40 AM. While at the Kahn property, I took the opportunity to take some general photographs of the front and rear of the residence. In addition to photographs I also took several measurements of the following locations:

- 1) The distance from the dog pen gates to the back door of residence measured a distance of 20 feet and 3 inches.
- 2) The distance from the picnic table to the first step of the back deck measured 23 feet.

The following photographs were taken to provide a visual representation of the Kahn property; including exterior and interior.

1. Photograph front of residence showing left side from roadway.
2. Photograph front view of residence from roadway.
3. Photograph depicting right side of residence from roadway.
4. Graveled walk way leading up to deck on rear side of home.
5. Right side of residence from rear of home.
6. Walkway leading up to rear presidents on right side.
7. Rear of residence depicting deck, barbecue, hot tub, chain-link fence.
8. Left side of residence with paver walkway.
9. Left side of residence with paver walkway.
10. Rear of residence depicting back deck, barbecue, hot tub and chain-link fence taken from left side.







Medical

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Summary:

I have to commend the deputies involved in this case for some of the actions they took prior to their arrival at the Kahn residence. The deputies took the time to stop before arriving at the Kahn home in order to discuss a plan of action and to determine who to approach and how to do so. I think their thought process in determining this was sound; location of the suspect and his home in relation to the victim's, past history with the suspect specifically in July of 2012 and the fact he owns and potentially possessed firearms. Although there was never any physical violence demonstrated by Mr. Kahn in previous contact, temperament can and should be taken into account and the probability of an encounter turning potentially violent. Based on the deputies perceptions they decided to contact Mr. Kahn first and avoid the possible hazard of passing Mr. Kahn's home in order to reach the victim and exposing themselves to potential harm.

I agree

As to the deputies approach and pulling into the driveway of the Kahn property directly in front of the home, renders their previous assessment of safety concern somewhat void and tactically wrong. Deputies approach should have been different with respect to where they parked and how they approached the home. It should be in a manner that minimizes their exposure.

As to the attempted contact by standing at the front door of the residence, it is not clear why this was the door that deputies chose to use when Deputy Kinzle in his interview was aware this was not an access point commonly used by the family. With this being said, I am not concerned as to one deputy remaining at the front of the residence while the other makes his way to the rear. This is a common practice in law enforcement in order to split a structure from two points while maintaining visual contact of either side of a structure.

Fix  
this  
Timing

## Training

## Training

## Training

## Training

Deputy Hanning he would not be able to keep an eye on Mrs. Kahn. Deputy Kinzle felt that based on what he saw, he did not believe that Mr. Kahn could have over powered Deputy Hanning and felt it was better to prevent Mrs. Kahn from potentially hurting Deputy Hanning—

Good

As to Deputy Hanning's actions; I believe that he had legal authority to pursue Mr. Kahn after his refusal to stop when being ordered. Deputies Hanning and Kinzle had legal authority to be on the Kahn property based on the criminal complaint filed with the Park County Communications center. While investigating the complaint, Deputy Hanning made contact with the identified suspect who is known to Deputy Hanning from a previous contact. Deputy Hanning stated that when he contacted Mr. Kahn, Kahn ran and refused to stop after being ordered to do so. Deputy Hanning had the legal authority to pursue Mr. Kahn based on the criminal complaint and for Deputy Hanning's concern that Mr. Kahn could potentially gain access to weapons or potentially barricade himself in the home with potential weapons which in either event increases the safety risk to both deputies.

Good

As to the altercation. Based on Deputy Hanning's statement, Mr. Kahn greeting him in an aggressive manner with fists at chest height and due to this Deputy Hanning grabbed a hold of Mr. Kahn's wrists to prevent Mr. Kahn from striking him. Deputy Hanning did perform a knee strike to the midsection which landed in the groin area of Mr. Kahn. Deputy Hanning advised after this occurred he pushed Mr. Kahn away from him to gain distance. After being pushed, Mr. Kahn collided with the kitchen counter which [REDACTED]

What I found concerning in this scenario was that Deputy Hanning performed a knee strike to the "midsection" (as reported in Deputy Hanning's report). When I spoke with Deputy Hanning in his interview, Deputy Hanning recall of the incident was specifically that he performed a knee strike to the common peroneal. When I pointed out there was a discrepancy in his verbal statement and written report, Deputy Hanning advised he wrote midsection in his report because that is where he ended up striking Mr. Kahn. It is very common when deputies engage in a violent confrontation they rarely hit the intended target for the reason that the person being struck rarely holds still and missing the intended mark is a great likelihood.

As to Deputy Hanning pushing Mr. Kahn away to gain distance. This is not how deputies are trained in arrest control. Deputies are trained that they need to keep hold of the subject and place them to the ground as quickly as possible to minimize exposure to injury to the deputy or the subject. By releasing the subject, Deputy Hanning increased his possibility and the subjects to additional injury by having to reengage.

Additional concerns relating to this incident with the deputies is the inconsistency in their reports and the conflict of information. On some points of the incident, the reports are the complete opposite of one another; for example one deputy says that Mr. Kahn was on his back while the other reports Mr. Kahn was on his stomach. In addition, the authorized reports lack a tremendous amount of detail or explanation as to certain aspects of the



incident. Deputy Kinzle, after being ordered to do so, created a memorandum about the incident in addition to his report. The memorandum in some instances had more detail than the actual authorized report. There are statements made by Mr. Kahn during a conversation with Deputy Hanning during the transport to the hospital and the jail which are not reflected in Deputy Hanning's report. There are allegations, minor, made by Mr. Kahn while at the hospital that are not reflected in Deputy Hanning's report. None of this information is verifiable and Deputy Hanning is not able to recall specific events due to the lapse of time.

*Training  
Issue*

As to Mr. Kahn, Mr. Kahn denied all criminal allegations and reported being abused by the deputies. From Deputy Hanning having never identified himself when walking around to the rear of the home, to unlawfully entering the home, Deputy Kinzle poking him with the Taser multiple times over certain areas of his body, to not speaking with the complaining party initially to where the entire incident could have been avoided, deputies under the influence of narcotics, Deputy Kinzle having an affair with ~~XXXXXX~~ and not being provided with his medication.

*Unfounded*

As to Mr. Kahn's allegation that Deputy Hanning never identified himself or that he ran from Deputy Hanning, Deputy Kinzle supported Deputy Hanning's statement and he heard Deputy Hanning order Mr. Kahn to stop. As to the events that occurred within the home, Mr. Kahn has the support of his wife and both clearly disagree with the actions taken by the deputies. Its two against two and no further way to prove or disprove either sides statements.

As to Mr. Kahns allegation that the deputies were under the influence of drugs. This claim is unsubstantiated and somewhat off the wall. ~~Mr. Kahn has never seen the deputies~~ then his claims of being being around and had seen the deputies ~~behaviors and actions~~ to lead to the determination that it existed only due to the ingestion of some sort of behavior altering narcotic. ~~Without any evidence to support his claim~~ ~~common knowledge~~ ~~As to the allegations of Deputy Kinzle having an affair with the complainant in this case, I do not believe that to be true. The mere assumption of his based on knowledge that Deputy Kinzle married~~ ~~with Mr. Kahn, his wife and Mr. XXXXX~~ are not enough to be considered as proof. I do believe that Mr. Kahn and supporters believe these allegations based on minimal information and assumptions on their part. Mr. Kahn's claim that he had seen Deputy Kinzle after the incident in the subdivision driving a gray in color Dodge pick up is unsupported. The claim that he recognized Deputy Kinzles face as he drove by, while standing in the home looking out and down to the road seems weak due to the distance of the home from the roadway.

*Unfounded*

*Unfounded*

As to Mr. Kahns claim that the deputies were aware of his medical conditions prior to the incident on April 28, 2013 and the refusal to allow him to take his medications. Both Deputies claimed that did not remember Mr. Kahn's medical conditions but Deputy Hanning did recall Mr. Kahn had problems only after the arrest was made and Mrs. Kahn

handed him a bag full of prescribed medication prior to their leaving for the hospital. Deputy Hanning did state he did not allow Mr. Kahn to take his medication prior to arriving to the hospital due his concern of overmedicating Mr. Kahn or Mr. Kahn overdosing. Deputy Hanning advised after they arrived at the hospital he allowed the doctors to administer the medication.

Good Have  
Weds checked  
out B-1 DR

Another complaint was that the jail refused to provide Mr. Kahn with his medications. When researching the booking information, Mr. Kahn refused to take his medications and only wished to have ibuprofen for pain which is what he was given.

subfounder

Based on the allegations, reviewing all documentation and having conducted the interviews I do not believe there is a violation of any law pertaining to use of force nor a policy violation nor do I find that the deputies intentionally wished to harm Mr. Kahn. I do however find that the deputies misapplied tactics, techniques and the use of less than lethal tools which needs to be contended with during training. In addition deputies need to spend more time in appropriately documenting an incident in their reporting efforts as to not allow additional scrutiny.

I Agree  
VMA

Respectfully submitted,

Sven Bonnelycke  
Captain

\_\_\_\_\_  
Date