Summary of Complaint

Included with the case are numerous items for review containing a variety of information including pertinent documents, maps, diagrams, photos, correspondence from command staff, audio- and video-recorded interviews of involved parties, audio recordings of 911 calls, and videos (with audio) from Body Worn Cameras (BWC). For a complete understanding of the case, it is necessary that all documents, statements, and audio- and video-recordings be reviewed in their entirety.

On Friday, September 29, 2017, just minutes before 5:00 a.m., Chief Robert White of the Denver Police Department was on his way to the gym and was driving his Department vehicle, an unmarked black Ford Explorer. Chief White was traveling northbound on North Willow Street when Mr. Muhaba Hassen (later identified as Temesgen Gebremdhin), who was driving a beige Subaru Tribeca, failed to stop at the posted stop sign at East 16th Avenue and North Willow Street and struck Chief White on the driver’s side rear passenger door of his vehicle. Mr. Hassen did not stop and fled eastbound from the accident. Chief White, after getting his bearings, made a U-turn to follow Mr. Hassen to try to obtain his license plate number.

Mr. Hassen, who was driving at a high rate of speed, failed once again to stop at a posted stop sign, this time at East 16th Avenue and North Yosemite Street. At the time, Mr. Scott Sacher, who was driving a tan Ford 250 pick-up truck, was driving southbound on North Yosemite Street and “T-boned” Mr. Hassen’s vehicle in the intersection.1 Mr. Sacher’s vehicle sustained a considerable amount of damage and as a result of the collision, the Subaru was totaled when it rolled a couple of times and landed in a vacant lot on the south side of 16th Avenue, approximately a half block from the collision. Mr. Hassen was not wearing a seat belt and was ejected from the vehicle, sustaining life-threatening injuries. Both collisions happened in Denver, but the vehicles ended up on the Aurora side of Yosemite. Both Aurora and Denver Police Departments responded to the scene.

Chief White has been the Chief of Police for the Denver Police Department since December of 2011.

1 “T-boned” is a term commonly used to describe an automobile accident where one vehicle hits another vehicle at a perpendicular angle.
Relevant Department Rules

Specification #1 - RR-102.1 – Duty to Obey Departmental Rules and Mayoral Executive Orders
   (Conduct Categories A - F)
   As it pertains to: OMS 204.01 – Police Pursuits

Specification #2 - RR-105 – Conduct Prejudicial
   (Conduct Categories A - F)

Specification #3 - RR-122.1 – Respect for Fellow Officer
   (Pre-Determined Conduct Category B)

Specification #4 - RR-140.1 – Discourtesy
   (Pre-Determined Conduct Category B)

Specification #5 - RR-140.2 – Verbal Assault and Abuse of the Public
   (Conduct Categories C - D)
Statement of Fact

On Friday, September 29, 2017, just a few minutes before 5:00 a.m., Chief Robert White of the Denver Police Department was on his way to the gym and was driving his Department vehicle, an unmarked black Ford Explorer. The gym is located in the Stapleton neighborhood on Martin Luther King Boulevard and Chief White was traveling northbound on North Willow Street, the route he regularly travels when he goes to the gym. As Chief White drove through the intersection at East 16th Avenue, Mr. Muhaba Hassen, who was driving eastbound in a beige Subaru Tribeca, failed to stop at the posted stop sign at the southeast corner of East 16th Avenue and North Willow Street and struck Chief White’s vehicle on the driver’s side rear passenger door. Mr. Hassen did not stop and fled eastbound from the accident.

Chief White indicated in his interview with Internal Affairs that after Mr. Hassen struck his vehicle, it took a while to get his bearings and to gather his thoughts. He then made a U-turn to follow Mr. Hassen to try to obtain the “tag number” of his vehicle. Chief White indicated, “But by the time I did that, the car was gone. The car was absolutely nowhere.” He did not see any lights and said that it was five in the morning and it was dark. He said that the other vehicle was so far away, “I just didn’t see him.” He conveyed that at the time, he thought the Subaru must be a stolen car and that “the guy probably bailed out.”

Mr. Hassen, who continued driving eastbound on 16th Avenue, and at a high rate of speed, failed once again to stop at a posted stop sign, this time at East 16th Avenue and North Yosemite Street, just three blocks from the collision with Chief White. At the time, Mr. Scott Sacher, who was driving a tan Ford 250 pick-up truck, was on his way to work at Bonfils Blood Center located at 717 Yosemite Street. He was driving his regular route to work, southbound on North Yosemite Street, when he “T-boned” Mr. Hassen in the intersection of East 16th Avenue. Mr. Sacher’s vehicle spun around and ended up facing northeast on the southeast corner of the intersection. His vehicle sustained a considerable amount of damage in the collision and on impact, the Subaru was totaled when it rolled a couple of times and landed in a vacant lot on the south side of 16th Avenue, approximately a half block from the collision. Mr. Hassen was not wearing a seat belt and was ejected from the vehicle, sustaining life-threatening injuries.

Officer Alexander Graham of the Aurora Police Department was at the scene of the accident and reported, “The accident scene and damage to the vehicles was consistent with the Subaru traveling eastbound on E 16th Avenue and the Ford southbound on Yosemite. The scene was consistent with the Subaru entering the intersection at a high rate of speed. The Subaru could not have been stopped at the stop sign and accelerated to the speed at impact.”

Mr. Sacher indicated in his interview with Lieutenant Rob Rock that it took him approximately 10 to 15 seconds before he was able to get out of his vehicle because the airbags had deployed and he had his seatbelt on. He does not believe that he blacked out, but he’s not sure. He said he remembers getting out of his truck and he was standing on the driver’s side of it when he saw Chief White’s vehicle on 16th Avenue drive across Yosemite toward his vehicle. He said to the best of his recollection, when Chief White pulled up, he (Chief White) was “kind of at an angle in the front of [his] truck.”

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2 Mr. Muhaba Hassen was later identified as Temesgen Gebremedhin.
3 Chief White initially indicated in his interview with Lieutenant Rock that he couldn’t remember if he first heard the collision or if he saw the collision before he approached Mr. Sacher.
Chief White remained in his vehicle and as he leaned out the window, he asked Mr. Sacher if he was all right and then asked, “Which way did he go?” referring to the driver of the Subaru. Mr. Sacher said in his interview that it was very dark and he could not see the vehicle anymore, but he believed it went east so he pointed in the direction of the vacant lot and said, “I think he went that way.” Mr. Sacher added, “It’s like, ‘I don’t know. I was spinning around on the ground ...’” Mr. Sacher said he watched Chief White drive off eastbound but then said he (Mr. Sacher) was “busy trying to figure out what the heck happened.” He did, however, see Chief White’s vehicle at the vacant lot and saw him behind the suspect’s car.

It should be noted that Chief White is unsure if he activated his emergency equipment immediately after his vehicle was struck. He said, “I am not even so sure I even turned my red lights on to kind of let this guy know, ‘Hey, man, I’m the police you just struck.’ I don’t know if I did that or not, but I do know that I’m comfortable that I did turn in his direction and that guy was gone.” However, Chief White is sure that once the second collision occurred, he did activate his equipment. He said, “I absolutely recall activating my emergency equipment to get to – once that second crash occurred to get there, because my thinking was somebody is seriously, seriously hurt, and at the same time, it [would] protect the crime scene. Now I do recall doing that.” It should also be noted that Mr. Sacher could not recall exactly when he first heard sirens at the scene.

Within “a minute or two,” Mr. Sacher said Chief White returned. He was still standing on the driver’s side of his truck when Chief White pulled up right next to him facing southbound on Yosemite. Mr. Sacher said, “So we were pretty much driver’s side to driver’s side on the cars.” Chief White had his window down and was trying to call 911 at the same time he was asking Mr. Sacher if he saw the gentleman run away because he wasn’t in his car. Mr. Sacher responded that he did not see anybody run and then he asked Chief White if he was a police officer. Mr. Sacher said Chief White answered yes, that he was an officer and then Chief White drove back to the vacant lot where the Subaru was.

Meanwhile, the 911 call abruptly ended because it appeared Chief White had not been responding to the dispatcher’s questions when he was talking to Mr. Sacher. The Aurora 911 dispatcher called back and asked if there was an emergency from that number. Chief White conveyed to him that he and another man were involved in a hit and run accident and that he needed an ambulance (for Mr. Sacher) and a traffic car. In that audio recording, Chief White said to the dispatcher, “The guy who hit us totaled his car and he got out and ran.” Chief White then arrived at the vacant lot and parked his vehicle several feet behind the Subaru and facing southwest. He told the dispatcher that he was going to walk over to the scene to get the tags from the vehicle but because he was getting frustrated with all the questions being asked by the dispatcher, he wanted to speak to a supervisor and his call was transferred. After explaining to the 911 supervisor that he was involved in a hit and run accident and that he needed an ambulance, she told him that the firetrucks, police officers, and ambulance were on their way. He explained, “... then the car who hit me – it hit me and it hit another car.” He then told her just as he told the first dispatcher, “And I’m going to walk over and get the tag number for the car. The guy who hit us, he totaled the car.” She asked him, “Okay, so did he take off on foot then?” Chief White answered, “Yeah. I’m thinking he did. But let me walk over. I mean, I don’t know how he did, but I believe he did.”

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4 Both collisions happened in Denver, but Yosemite is the dividing street between Denver and Aurora and the vehicles ended up on the Aurora side of Yosemite. Both Aurora and Denver Police Departments responded to the scene.
Chief White was still on the phone with the 911 supervisor when he got the license plate number from the vehicle and gave it to her. He then told the supervisor that he was going to make sure that the driver wasn’t in the vehicle and that he (the driver) didn’t have a gun. He identified the vehicle as a Subaru and told the supervisor that the driver was not in the car. He said, “I don’t know how the hell he got out because the car is totaled.” While he was on the phone, the Aurora Police were arriving and that is when Chief White saw Mr. Hassen on the ground. He conveyed to the supervisor that the driver appeared to be deceased and then requested another ambulance.

It should be noted that Chief White initially believed he was calling Denver 911. When he received the call back, he thought he was talking to a Denver dispatcher but was, instead, talking to an Aurora dispatcher and subsequently the dispatcher’s supervisor. After he noticed that Aurora Police were arriving on scene, he made another call to 911 and told the dispatcher that there were many Aurora Police officers arriving at the scene, but he wanted the Denver Police to respond. He was still under the impression that he was talking to a Denver dispatcher until the dispatcher told him she would connect him with Denver. That is when Chief White finally realized that he had been talking to Aurora 911. The Aurora dispatcher introduced him to the Denver 911 dispatcher as Chief White when the call was transferred, and Chief White told the Denver dispatcher, “We’re in Aurora, but it started in Denver. The guy hit me and I chased him.” But Chief White again became frustrated when the dispatcher asked him who he was and then asked him to explain again “exactly what happened.” Once again, Chief White asked to speak to a supervisor and his call was transferred by the Denver dispatcher. Thinking that he was transferred to a supervisor in Denver 911, he asked the supervisor if the Denver Police were ever called. He then told her, “I know I’m in Aurora. I got a thousand Aurora Police officers here. This guy hit me and it started in Denver. I chased him into Aurora.” Unfortunately, he was not transferred to Denver and the supervisor said, “Chief, this is Aurora.” Finally, she conveyed to him that she would call his dispatch to make sure that they get Denver officers to the scene.

Commander Michael Calo of DPD was driving to District 2 from home when he was informed of Chief White’s accident. He responded and arrived at the scene at approximately 0535 hours. Sergeant Mickey Horton of District 2 and Sergeant Mike Farr from TIB were already there. Chief White conveyed to the officers that he knew that he was going northbound because he travels that route every single day when he goes to the gym and he knew that the other car was going eastbound. He added, “I could see the car – I could see him continuing to go. By the time I turned eastbound, there was no vehicle.”

In order to determine exactly where the first accident happened that involved Chief White, Sergeant Farr made the decision to drive Chief White through the surrounding streets so that he could identify where Mr. Hassen struck his vehicle. Commander Calo joined them to assist in finding the location. Both Sergeant Farr and Commander Calo indicated that Chief White was having trouble remembering the street rotations and they began to realize that the Chief of Police was disoriented and confused. Chief White was having difficulty identifying the location of the collision but eventually recognized the intersection where the accident took place, which was confirmed by the tire marks from his vehicle when he made the U-turn to go east on 16th Avenue. Because Chief White was disoriented and confused, Commander Calo made the decision to call for an ambulance to respond to the scene to check Chief White for injury. Chief White sustained minor injuries, but after an evaluation, he refused treatment or transport and opted to have one of his deputy chiefs drive him to the hospital instead.
Mr. Sacher was transported to University Hospital Emergency Room for treatment of injuries sustained in the crash that were described as moderate and non-life-threatening. He was released the same day.

Mr. Hassen sustained life-threatening injuries and was also transported to University Hospital Emergency Room. His leg was partially torn away from the torso and treating physicians indicated he would likely lose the use of the limb, if not lose it to amputation altogether. It was found that the vehicle he was driving belonged to his wife, Ms. Nebiat Hagos Abraha, who did not find out her husband was in the hospital until five days later.

It should be noted that after Mr. Muhaba Hassen was admitted to the hospital, at approximately 1447 hours, Denver Police asked for an Aurora Police officer to check the subject’s name with the Aurora Police Department’s fingerprint scanner. Sergeant Marlena Candelaria of the Aurora Police Department responded and scanned the forefingers on both Mr. Hassen’s hands. As it turned out, the subject’s fingerprints on the scanner were, in fact, those of Temesgen Abraham Gebremedhin and not those of Muhaba Hassen.

Chief White is one of the victims in this case and no criminal charges were filed against him.
Conditions of Street and Weather

The condition of the street was clear and free of any obstruction and well maintained with clear and readily apparent stop signs. However, there are not a lot of street lights in the area and there are no traffic lights. The weather conditions were clear and dry on the morning of the accidents and according to Officer Michael Bochert, the temperature was in the mid 40’s. It was still very dark outside as depicted in the photos and the video recordings of the Body Worn Cameras (BWC). The first call to 911 was made at 4:53:41 hours and the sunrise in Denver on the date of the accidents was at 6:55 a.m., two hours after the first collision.

911 Calls

The first call that Chief White made to 911 was to Aurora at 4:53:41 hours and lasted 50 seconds. He made the call when he pulled up next to Mr. Sacher’s vehicle the second time. However, while Chief White was trying to talk to the 911 dispatcher, he was also talking to Mr. Sacher at the same time. The dispatcher asked several times if there was an emergency, but it appeared Chief White was not talking to the dispatcher but to someone else when he said, “Yeah, he hit my damn car too!” and “No, he’s a fucking asshole!” Mr. Sacher can be heard asking Chief White if he was a police officer and Chief White answered, “Yep.” Chief White can also be heard asking Mr. Sacher, “Did you see a guy running by chance?” and again, “Do you see a guy running?” Mr. Sacher answered, “Uh-uh…” The dispatcher was unable to get answers to his questions and the call was then dropped.

The Aurora 911 dispatcher called back at 4:54:38 hours to inquire about the emergency call that was just made from that number. The call lasted one minute and 57 seconds and was answered by Chief White when he was heading back to the vacant lot. Chief White told the dispatcher who he was and that he and another man were involved in a hit and run accident. He said he needed an ambulance and a traffic car at 16th and Yosemite and told the dispatcher to send the police. He again told him that he was the Chief of Police and that he didn’t want to sit there and wait all day. He conveyed to the dispatcher, “The guy who hit us totaled his car and he got out and ran.” Chief White told the dispatcher he was going to walk over to the vehicle to get the tags. He became frustrated when the dispatcher continued to ask him questions and he asked to speak to a supervisor.

Chief White was transferred to the Aurora 911 dispatch supervisor at 4:57:09 hours. The call lasted three minutes and 36 seconds. This conversation took place when Chief White was at the vacant lot and had parked his vehicle several feet behind the Subaru. Chief White again said he needed an ambulance and the supervisor told him that firetrucks, police officers and an ambulance were on their way there. He explained what happened to the supervisor and said he was going to walk over to get the tag number from the car that hit him and Mr. Sacher. He told her that the car was totaled and that he thought the driver took off on foot. When he got to the car, he gave the supervisor the license plate number of the vehicle and told her it was a Subaru. He told her he was going to make sure the driver wasn’t in the car and make sure that he didn’t have a gun. When he got to the vehicle, he saw that the driver wasn’t in the car and told the supervisor, “I don’t know how the hell he got out, … because his
car is totaled.” Chief White then discovered that the driver was there on the ground and he told the dispatch supervisor that he thought the driver might be deceased and that he needed another ambulance. The supervisor was simultaneously giving direction to the dispatcher as she was getting the information from Chief White. It was during this call when the firetruck arrived, but Chief White told the supervisor that the police were not there yet and she told him they were on their way.

The next call made to 911 by Chief White was to an Aurora dispatcher at 5:01:29 and lasted 5 minutes and 57 seconds. This timeframe included the transferred call to Denver 911 and the transfer back to Aurora 911. Chief White asked for a police supervisor to come to the scene of the accident as well as a traffic investigator. He was very frustrated because by now there were many Aurora Police at the scene, but Denver Police had not yet arrived and he made several requests to have them respond. He again told the dispatcher that he needed the Denver Police. The Aurora dispatcher then told him to hang on and she would transfer him to Denver.

The Aurora dispatcher transferred the call to Denver 911 and announced, “This is Aurora with a transfer. I got your Chief White on the phone. Go ahead Chief.” Chief White can be heard saying, “That guy right there” and “Yeah, it’s just the two of us, but I chased the guy. It started in Denver.” It seems obvious that he is not yet talking to the dispatcher. The Aurora dispatcher then told Chief White, “Chief, I have your dispatch on the line.” The Denver dispatcher who answered the transferred call then started asking the Chief the very same detailed questions all over again about the location of the incident. Chief White told him where he was, on 16th and Yosemite, and told him, “We’re in Aurora, but it started in Denver. The guy hit me, and I chased him.” He also asked Chief White who he was. Chief White again identified himself and said that he needed the Denver Police at the scene. He reiterated that there were plenty of Aurora Police there. The Denver dispatcher responded with, “Okay, and tell me exactly what happened.” Chief White again requested to speak to a supervisor.

The Denver dispatcher then transferred the call to a supervisor and said, “All right Sir, you’re on with a supervisor.” Unbeknownst to Chief White, he was transferred back to Aurora 911. Chief White asked the supervisor if they ever got a Denver supervisor to come to the scene and a traffic investigator from Denver. Chief White said, “I know I’m in Aurora. I got a thousand Aurora Police officers here. This guy hit me and it started in Denver. I chased him into Aurora.” He added, “... and I probably need a traffic accident car from Denver also.” He then asked the supervisor, “You got me?” The dispatch supervisor said, “Chief, this is Aurora” and then told him she had let his Department know via MetroNet.

**Derogatory Statement by Chief**

At the scene, Chief White told Officer Jason Oviatt of the Aurora Police Department, “I see you all responded a lot quicker than my fucking guys. Maybe I need to do a lateral transfer instead of trying to get you all to transfer over.” This statement was captured from the audio recording of Officer Oviatt’s Body Worn Camera (BWC) at approximately 5:07 a.m. In his interview with Lieutenant Rock, Chief White said that’s when he made a joke that some people didn’t think was funny.5

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5 Chief White apologized for his comment in an email to the Department on October 2, 2017.
However, it should be noted that when Chief White called 911, he had no idea he was talking to an Aurora 911 dispatcher. He said in his interview with Lieutenant Rob Rock, “I’m seeing all these Aurora Police cars responding, and I’m thinking to myself, ‘How come I don’t have a Denver Police car?’” He said, “Unbeknownst to me at the time, but Yosemite is the dividing street between Aurora and Denver … so, I’m thinking that when I dial 911, I’m talking to the Denver dispatcher, but in actuality … I figured all this out after the fact, I’m just talking to the Aurora dispatcher.”

Chief White asked the dispatchers to send the police at least three or four times before the Aurora Police started arriving. After the Aurora Police arrived, he asked at least nine more times for the dispatchers to send Denver officers and he was getting anxious when they hadn’t arrived. His comment to Officer Oviatt was at approximately 5:07 a.m., almost 14 minutes after his initial call to 911. He also became frustrated during the 911 calls because he had been asked about his location at least five times and explained what his emergency was at least seven times.

Furthermore, Chief White identified himself as the Chief in Denver at least nine times during the calls with 911. When the last call was transferred to a Denver 911 dispatcher, the Aurora dispatcher conveyed, “This is Aurora with a transfer. I got your Chief White on the phone. Go ahead Chief.” The Denver dispatcher who received the transferred call, again asked Chief White the same detailed questions that the other dispatchers had already asked him numerous times before; and despite the fact that Chief White was identified in the introduction of the transfer, the dispatcher asked Chief White who he was. Chief White again asked to speak to a supervisor, and exacerbating an already tense situation, the Denver 911 dispatcher transferred the call back to an Aurora 911 supervisor instead of a Denver supervisor.

As depicted in the audio recordings of the 911 calls, Chief White was extremely frustrated and, as previously stated, he thought he was talking to Denver 911 dispatchers. He had just been involved in a hit and run accident involving his Department vehicle; he thought the suspect vehicle, the Subaru Tribeca, might be stolen and initially did not know where the driver went; the Subaru was then involved in another hit and run accident three blocks from the first hit and run; he thought the driver of the Subaru took off on foot; and then he realized the driver was seriously injured and possibly deceased; so when no Denver Police were at the scene, he was rightfully concerned.

Chief White made his comment in jest and out of frustration, much to the chagrin of the officers under his charge. However, he apologized for his comment in an email to the Department on October 2, 2017. The email stated, in part:

Aurora police were the first to arrive on scene and in an attempt to break the tension, I joked with them about the friendly rivalry between Denver and Aurora and lateral movement between the departments.

In retrospect, I am concerned that what was meant as a humorous comment was offensive to some officers. For that, I sincerely apologize. I deeply respect and appreciate each of you and the risks you take for the community and me.
Chief Disoriented

Chief White said that to the best of his recollection, by the time he made the U-turn to go eastbound, the car that hit him was gone and out of sight. At that particular point, Chief White believed he started driving around and somehow ended up going southbound on Yosemite. In order to determine exactly where the first accident happened, Sergeant Farr made the decision to drive Chief White through the streets so that he could identify where he was struck by Mr. Hassen. Commander Calo joined them to assist in finding the location. Chief White told them that he was driving around for a couple of minutes and said in his interview, “And I’m almost positive, in an effort to figure out where he was, I did – I’m thinking I turned around to see where – which direction he went and when I did that, he was nowhere to be seen. …”

Commander Calo said Chief White “was confused with the street rotations. He first advised us that the accident may have occurred on Wabash Street. We drove slowly south on Wabash searching for evidence of a crash.” He said they drove all the way to East 11th Avenue and then Chief White realized that he had not been on Wabash Street. Chief White then stated he was on East 11th Avenue and then turned north on Willow Street. They drove north on Willow Street from East 11th Avenue searching for evidence of an accident (i.e., debris, tire tracks, etc.). When they crossed East Colfax Avenue, Chief White stated that the accident had definitely happened north of Colfax Avenue. Officer Blake Bishop of DPD also indicated that Chief White appeared to be confused.

Commander Calo conveyed in his report of the incident, “I was beginning to realize that the Chief of Police was disoriented and confused. I made a decision to call for an ambulance to respond to East 16th Avenue and Yosemite Street to check the Chief of Police for injury. I was concerned that the Chief of Police may have been injured in the accident.” When they got to 16th and Willow Street, Chief White said that he thought the Subaru had struck him there and that was where he “pulled a U-turn” and followed him to Yosemite Street. According to Sergeant Farr, that was confirmed by the “tire prints that left the roadway, traveled northbound through the gutter onto the sidewalk on the northwest corner and across a small sliver of grass in an arcing fashion, continuing across to the opposite side of the street to the east where a flower bed showed signs of tire tracks.” These marks are consistent with Chief White’s description of the U-turn he made after he was struck by the Subaru.

Mr. Barrett Hargreaves, one of the paramedics to arrive on scene, reported, “We were called to the scene to evaluate Chief White, who some of the officers on scene had become concerned for. Chief White was unable to give details of the crash he was involved in, stating everything happened so fast it was difficult to recall details” and he couldn’t tell them exactly what happened. After an evaluation, Chief White refused treatment or transport and opted to have one of his deputy chiefs drive him to the hospital instead.

Chief White initially believed he started driving around and somehow ended up going southbound on Yosemite. This, however, is refuted by a statement he made in his interview that after the accident when he made the U-turn, he went straight on 16th Avenue traveling eastbound, which would make more sense. Mr. Sacher also testified that the first time he saw Chief White was after the second collision involving his (Mr. Sacher’s) vehicle when he (Chief White) was “heading eastbound off of 16th. He was coming down that road and pulled up.”
Chief White indicated that Mr. Hassen did not stop when the accident happened and that he kept going. He said that he was driving around for a couple of minutes to try to locate him or the vehicle. It would appear to be illogical for Mr. Hassen to drive through the neighborhood when he fled from the collision with Chief White rather than travel straight in the direction he was already going, thus making it more likely than not that Chief White also went straight down 16th Avenue in the same eastbound direction. Moreover, the second accident involving Mr. Sacher took place just three blocks from the first collision and Mr. Hassen needed the momentum and the speed to do as much damage as he did in the second collision.

Chief White indicated in his interview with Lieutenant Rock that he was not sure if he first saw or first heard the second accident. In his statement, he conveyed:

Now for some reason, I'm feeling like I'm looking and I see this crash. ... I'm assuming that I had to be southbound and I was in route. I mean, I'm here, and I see the crash there. I just naturally assumed that I had to be southbound on Yosemite. ... But from here to here, I thought that was right. I could very well be wrong. I didn't always have all my properties about me. I mean -- and I didn't even realize that until I got to the ambulance where I couldn't even realize who my deputy chief was. I mean, I honestly couldn't think of Matt Murray's name and this guy -- his office is next to mine and I interact with him every single day.

As noted above, Chief White was also confused when he believed he was talking to Denver 911 dispatchers but instead, was speaking to Aurora dispatchers, causing him to be confused and frustrated when Aurora Police officers began to arrive on scene and he questioned why there was no response from the Denver Police.

**Collision with Chief White’s Vehicle**

As noted in the Statement of Fact, Chief White indicated that after Mr. Hassen struck his vehicle, it took a while for him to get his bearings. He then made a U-turn to follow Mr. Hassen to try to obtain the “tag number” of his vehicle. He said, “But by the time I did that, the car was gone. The car was absolutely nowhere.” He did not see any lights and said that it was five in the morning and it was dark. He said that the other vehicle was so far away, “I just didn’t see him.”

When talking to the officers who responded to the scene, the following are some of the remarks he made as recorded on the officers' Body Worn Cameras (BWC):

To Officer Jason Oviatt: “He ran a stop sign, so I chased his ass, and then the chase – he struck this guy here and he obviously tried to get away.”

To Officer Edward Acuti: “And the guy ran a stop sign and whacked me and my car’s up there. So, I didn’t obviously pursue – so I chased him to this point here where he hit this guy here ... and ... he tried to get away, but ... that’s the car” (when looking at the Subaru in the lot).

To Officer Randall Rick: “… I was hit, but I chased the guy to here, and then he …”
Chief White did not refer to chasing Mr. Hassen when he spoke to the dispatchers from 911 until he talked to the Denver 911 dispatcher and when he was transferred back to Aurora 911, but thought he was speaking to a Denver 911 supervisor.

According to Sergeant Farr, “He (Chief White) told me that he was driving his city police vehicle to a gym in the Stapleton area from his residence when he was struck broadside by a vehicle that failed to stop at the scene. He followed the vehicle to the location of the second crash at 16th Ave & Yosemite St stating, ‘I was not interested in pursuing the vehicle, but I did chase him here to get his tag.’”

Chief White reiterated in his interview with Lieutenant Rock, “I was never in a pursuit because I never saw the car. … I only saw the car after the second accident when I went and checked on both drivers.” Chief White acknowledged that if he had seen the hit and run accident with Mr. Sacher, he would not have had to ask him where the car went. He said in his interview, it didn’t make sense when he asked Mr. Sacher, “Which way did the guy go?” if he had actually seen the accident happen. He said Mr. Sacher pointed to the east and that is when he saw the vehicle. But again, he said, “But I actually asked this gentleman, ‘Which way did that vehicle go?’”

When Chief White was interviewed by Lieutenant Rock, he took the opportunity to clarify the comments he made about chasing the Subaru. He stated:

Now I do recall stating probably several times that I was chasing the individual, but in actuality, that was absolutely incorrect. I never – I was never in a pursuit, because I never saw the car. I only saw the car after the second accident when I went and checked on – both drivers.

Later in the interview, the terms pursuing and chasing were called into question as they “kind of mean the same thing.” Lieutenant Rock asked Chief White to explain what he meant by his statement, “I wasn’t pursuing this guy, but I chased him …” Chief White said:

The only thing that I’m pretty clear about – allegedly, I said that, ‘I chased this guy, I chased this guy,’ but I’m pretty clear about, I was not in pursuit because I couldn’t find him. But I’m also pretty clear about, I was absolutely looking for him. I was looking for the car, looking for him. … I’m thinking [the car] was stolen … .

Lieutenant Rock asked Chief White, “So as far as you’re concerned, a pursuit is when you have your emergency equipment activated, lights and siren, and you are attempting to make a stop on the subject – correct?” Chief White said, “Correct.” Chief White then added:

No, I couldn’t make a stop on him because I didn’t know where he was. I mean, to be perfectly honest with you, I mean, if, in fact, I had turned – I turned around and saw him, obviously, I would have attempted probably to at least get the doggone tag number. But I couldn’t even do that because I never saw him again until this incident occurred here. So, I – obviously misspoke if, in fact, and allegedly I did, so I’m not going to dispute that. I stated that I had chased him through the alley because I couldn’t have --- I could not have chased him because I couldn’t find him.
Sequence of Events

Chief White said that after Mr. Hassen struck his vehicle, it took a while for him to gather his thoughts as he tried to get his bearings. He then made a U-turn to follow Mr. Hassen to try to obtain the “tag number” of his vehicle. Chief White said, “But by the time I did that, the car was gone. The car was absolutely nowhere.” He did not see any lights and said that it was five in the morning and it was dark. He said that the other vehicle was so far away, “I just didn’t see him.”

Mr. Hassen, who continued driving eastbound on 16th Avenue, and at a high rate of speed, failed once again to stop at a posted stop sign, when he was T-boned by Mr. Sacher just three blocks from 16th Avenue and Willow Street. Mr. Sacher indicated that it took him approximately 10 to 15 seconds before he was able to get out of his vehicle because the airbags had deployed and he had his seatbelt on. He does not believe that he blacked out, but he’s not sure. He said he remembers getting out of his truck and he was standing on the driver’s side of it when he saw Chief White’s vehicle on 16th Avenue drive across Yosemite toward his vehicle.

When Chief White approached Mr. Sacher, he asked, “Which way did he go?” referring to the driver of the Subaru. Chief White asking Mr. Sacher that question supports the notion that he could not see Mr. Hassen’s vehicle after he made the U-turn to go down 16th Avenue. In fact, the Subaru had landed about a half block from where the second collision happened but neither he nor Mr. Sacher could readily see where it was. Additionally, Mr. Hassen was driving at a high rate of speed and the accidents happened just three blocks apart. If a vehicle is traveling 60 miles per hour (assuming no factors for acceleration and deceleration for simplicity purposes), it would take them approximately 12 seconds to drive three blocks, or two tenths of a mile.

By the time Chief White arrived at the scene of the second collision, Mr. Sacher was already standing outside of his vehicle. He said it took him 12 to 15 seconds to get out of his truck because the airbags had deployed and he had his seatbelt on. There is no way, with the information we have available, to determine exactly how much time elapsed between the first accident and the second accident; however, based on what we do know, it is more likely than not that by the time Chief White was able to get his bearings, there was enough time for Mr. Hassen to travel three blocks at a high rate of speed, collide with Mr. Sacher, disappear into the vacant lot in the dark, and for Mr. Sacher to exit his vehicle. Mr. Sacher wasn’t even sure where the Subaru was when Chief White asked him where it went. Furthermore, after seeing the car in the vacant lot, Chief White asked Mr. Sacher if he saw anyone running because the driver wasn’t in the vehicle. Again, Chief White said that when he made the U-turn, he could no longer see the car that hit him.

Positive Identity of Vehicle

It should be noted that according to Lieutenant Rob Rock, Chief White positively identified the vehicle at the scene of the crash at 16th Avenue and Yosemite Street as the vehicle that hit him and then fled from the crash scene.”

Additionally, Chief White told Officer Edward Acuti of the Aurora Police Department, “... he tried to get away, but ... that’s the car” (when looking at the Subaru in the lot.). Wanting confirmation, Officer Acuti then asked Chief White again if it was the Subaru that hit him, and Chief White confirmed that it was and told him it happened three blocks from there in Denver.
Emergency – Lights and Siren

As noted in the Statement of Fact, Chief White is unsure if he activated his emergency equipment immediately after his vehicle was struck. When asked this question or speaking about the incident, Chief White gave inconsistent and contradictory accounts. For example, Officer Blake Bishop of DPD responded to the scene of the accident at approximately 5:05 a.m. and reported, in part: “Chief White stated he activated his emergency lights attempting to stop the Subaru. Chief White stated he followed the Subaru EB on E 16th Ave until the vehicle failed to stop at the stop sign at E 16th Ave/N Yosemite St.”

Officer Acuti of Aurora PD said in his report that he asked Chief White if he turned around and “lit him up over here,” referring to the Subaru who just collided with his vehicle. Chief White responded, “Uh, Yeah, I chased him over here and he hit this car over here.” In his interview with Lieutenant Rock, however, he conveyed that he did not recall being asked that question and said that was a phrase he was not familiar with. Chief White agreed when Lieutenant Rock asked him, “So … when he asks you that question and you responded yes, you weren’t really sure what he was asking you at that point?” Chief White said he is sure that once the second collision occurred, he did activate his equipment. He stated:

I absolutely recall activating my emergency equipment to get to – once that second crash occurred to get there, because my thinking was somebody is seriously, seriously hurt, and at the same time, it [would] protect the crime scene. Now I do recall doing that. Now, … so here was where I got hit. I am not even so sure I even turned my red lights on to kind of let this guy know, ‘Hey, man, I’m the police you just struck.’ I don’t know if I did that or not, but I do know that – I’m comfortable that I did turn in this direction and that guy was gone.

At one point during the interview when talking about the sequence of events after the second accident involving Mr. Sacher, Chief White said, “But from here to here, I thought that was right. I could very well be wrong. I didn’t always have all my properties about me.” Lieutenant Rock later told Chief White, “… you did show signs and indications in your medical treatment that you were a little more than rattled …” Chief White said, “Yeah, and it was more than what I thought, to be honest with you.” As noted earlier, Commander Calo and Sergeant Farr believed Chief White was confused and disoriented.

Officer Blake also said in his report that another officer told him that Mr. Sacher said he observed a vehicle behind the Subaru with emergency lights activated and could hear sirens at the time of the accident. It should be noted, however, that in Mr. Sacher’s interview with Lieutenant Rock, he said he could not recall exactly when he first heard sirens at the scene. He first recalled that he heard sirens when he was “spinning” in his truck after he had been hit; however, he later conveyed that he did not know for sure when he heard them. Also, when Chief White approached Mr. Sacher the second time while he was still in his vehicle after the hit and run, and Mr. Sacher was still standing outside his vehicle, Mr. Sacher asked him if he was a police officer. If Chief White had activated his emergency equipment before that time, it is likely Mr. Sacher would not have asked him that question, and would have assumed that Chief White was a police officer. Additionally, Chief White had not yet called 911.
History of Suspect Driver

The Colorado Department of Motor Vehicle records indicate that Mr. Temesgen Gebremedhin (7/17/82) has a valid Colorado Driver’s License. His driving history revealed convictions for speeding violations entered in 2012, 2013, 2015 and 2016 in five separate jurisdictions throughout the state of Colorado.

On January 19, 2018, the toxicology report on Mr. Gebremedhin’s blood analysis was forwarded to DSD CRO from Lieutenant Rock. The report indicated that the sample collected from Mr. Gebremedhin on September 29, 2017 tested positive for cocaine metabolites.

Analysis/Issues

In the year 2000 the Denver Police Department completed a comprehensive review of its policy regarding vehicle pursuits. The Department emphasized public safety as its top priority while maintaining its duty to apprehend those persons who present an immediate threat to the community. The question was whether the benefits of potential apprehension outweighed the risk of endangering police officers, the public, and/or the suspects.

As outlined in the current Department’s pursuit policy (OMS 204.01 – Police Pursuits), an officer is authorized to engage in police vehicle pursuits only in very limited circumstances, which would include if the suspect is demonstrating “flagrant and dangerous behavior.” The Department policy makes it clear, however, that the “mere act of fleeing, no matter how recklessly” is not “a compelling need” to pursue a vehicle. The question then becomes whether or not the actions of Chief White in this incident constitute a pursuit as defined in the policy. And if so, was the pursuit authorized?

There is no doubt that Mr. Hassen’s actions were reckless and destructive when he drove through a stop sign and collided with Chief White’s vehicle. It became a violation of the law when he did not stop and fled the scene of the accident. However, it was not apparent that his conduct rose to the level of “flagrant and dangerous behavior” until he collided with the second vehicle, placing himself and others in danger.

The Research Department’s Emergency Vehicle Operations policy (OMS 1112.08) states that pursuant to policy and training, officers are required and expected to drive safely at all times and to drive “in a safe and courteous manner to prevent accidents, injuries, property damage, and to promote good public relations.” Furthermore, an officer who drives in violation of the law, or the Department’s driving or pursuit policies, may well place him/herself, his/her fellow officers, or the public at risk for serious injury or death. In this case, Chief White was driving safely, he was not driving in violation of the law, he was traveling on a route that he was familiar with and took on a regular basis, and he did not place himself or anyone else in harm’s way. It was Mr. Hassen, the driver of the hit and run vehicle, who acted in a reckless manner and who put other lives at risk, including his own.

It is unclear whether or not Chief White violated the pursuit policy. On one hand, he said many times on the morning of the incident that he was “chasing” the vehicle; however, on the other hand, he also made clear several times that he was trying to get the driver’s “tag number” and that it wasn’t a pursuit. Furthermore, as noted above in the “Sequence of Events,” it cannot be determined how long it took before Mr. Hassen collided with Mr. Sacher from the moment he struck Chief White’s vehicle. As such, based on the information we
know, it is quite possible that by the time Chief White gathered his thoughts, made a U-turn, and drove east down 16th Avenue, Mr. Sacher had already collided with Mr. Hassen’s vehicle in the intersection three blocks away. If that were the case, the question would then be whether this constitutes a pursuit because the second accident had already occurred and it’s likely Mr. Hassen did not know he was being followed. Additionally, it is likely it would have made no difference to Mr. Hassen one way or the other if he was being followed/pursued, as he had already made the conscious decision to flee from the scene.

When the Department was analyzing their pursuit policy, it was found that suspects that do not know that they are being pursued will drive in a reasonably safe fashion. In this case, as previously mentioned, Mr. Hassen was out of sight before Chief White turned around. Mr. Hassen presented an immediate threat of serious bodily injury or death when he fled the scene of the first collision and drove through the second stop sign at a very high rate of speed.

Care must be taken to assess the seriousness of the incident and Chief White’s actions. The harm caused by Mr. Hassen’s reckless behavior was not foreseeable by Chief White as he certainly could not have anticipated that another serious accident was going to take place just three blocks away from the accident with his vehicle. In determining whether the injury or harm caused by Mr. Hassen’s actions were a result of Chief White’s conduct, caution must be used to determine whether there is a sufficient causal connection between the conduct and the foreseeable result in order to justify holding Chief White accountable for the result. (See Section 26.3 in the Disciplinary Handbook)

Again, the conduct of Chief White was evaluated as well as the foreseeability of any harm caused by his actions. A fair and rationale analysis must be conducted in order to make a determination of whether or not there was a causal connection between the actions of Chief White and the second collision caused by Mr. Hassen’s recklessness. All the facts and the totality of the circumstances must be considered, as well as the reasonable inferences made from the available evidence surrounding the incident. Mr. Hassen had, in fact, presented an immediate threat to the community and Chief White happened to be his first victim. It should also be noted that if a person suffers death or serious bodily injury, it does not automatically mean that an officer violated policy.

**Further Investigation re: Chief Disoriented**

As cited above, both Commander Calo and Officer Bishop indicated that Chief White could not remember the street rotations and appeared to be confused. Commander Calo conveyed that when he began to realize the Chief was disoriented and confused, he made a decision to call for an ambulance because he was concerned that the Chief may have been injured in the accident. Mr. Barrett Hargreaves, one of the paramedics to arrive on scene, reported that Chief White was unable to give details of the crash he was involved in and couldn’t tell them exactly what happened. After an evaluation, Chief White refused treatment or transport and opted to have one of his deputy chiefs drive him to the hospital instead.

Again, Chief White indicated in his interview with Lieutenant Rock that he was not sure if he first saw or first heard the second accident. In his statement, he conveyed that he “didn’t always have all [his] properties about [him]” and that he couldn’t even remember who his Chief Deputy was. He was also confused when he was speaking to the Aurora and Denver dispatchers and questioned why there was no response from the Denver Police.
Upon further review of the investigated file, the OIM (Office of the Independent Monitor) requested that further investigation be conducted pertaining to the Chief’s disorientation and confusion at the time of the accident(s). As such, the Sheriff Department Internal Affairs Bureau conducted additional interviews on February 8, 2018, with two Aurora Police officers, an Aurora Police Sergeant, and a civilian witness in order to gather more information regarding their perception of the health and well-being of Chief White at the time.

Officer Ryan Burke of Aurora Police Department Internal Affairs Bureau has been a police officer with Aurora PD for over ten years and has responded to over 100 traffic accidents. In his interview with DSD Internal Affairs, his account of the events on the date of the accident were consistent with his written report. He said immediately after he arrived on the scene, he saw Chief White talking on the phone and pacing back and forth. He said Chief White did not appear to be injured but did not speak to him. He said, “I don’t even recall if he acknowledged me.” Later, he added, “From the video, I didn’t even really check on him. I just kind of stood there and let him do his thing.” He said that’s when he called for his sergeant to let him know where the Chief was. He added, “That was pretty much my involvement.” Officer Burke then moved on to where Mr. Hassen was on the ground and he had no contact with Chief White after that.

Officer Jason Oviatt, also with Aurora Police Department Internal Affairs Bureau, has been a police officer for approximately 15 years and has responded to easily over 100 accidents. He was also interviewed by DSD Internal Affairs and conveyed that when he arrived on the scene, he obtained a short statement from Chief White. He said that the body camera video accurately depicted the events of the incident as he recalled them. He did not have any interactions with Chief White that were not captured on his body camera video and said Chief White “didn’t seem to be injured at all.” Officer Oviatt was asked, “And did you ever have any concerns about him or his mental faculties …?” Officer Oviatt responded:

There was nothing that he did or said that made me think that there was like a kind of unusual impairment. I didn’t … think that he was … just based on my interaction with him, I didn’t think that there was anything like a head injury or impairment or anything like that. He seemed coherent and, you know, was able to converse normally.

Sergeant Edward Acuti, also with Aurora Police Department Internal Affairs Bureau, advised he has been a police officer for approximately 16 years and has responded to hundreds of traffic accidents. He said he had never met Chief White prior to the incident but was aware of who he was. He said while surveying the scene, he saw Chief White on the telephone. He asked Chief White if he was okay and Chief White told him that he was. Sergeant Acuti spoke with Chief White about the details of the accident and indicated that he saw nothing from Chief White that would indicate he was injured in any way. Sergeant Acuti stated that his body camera video depicted the events as he remembered them.

Ms. Cathlene Santos who called 911 the day of the accident, was contacted by DSD Internal Affairs via phone and was asked about the accident she reported. She said she was in the vehicle being driven by her husband, Danny Santos, when she saw two vehicles that appeared to have just been involved in a collision. Ms. Santos did not see any police vehicles or emergency lights anywhere in the area and called 911 to report the collision.
After further review of the additional information gathered and provided to this office by DSD Internal Affairs, and taking into account this information with the totality of the circumstances already considered in this case, the reasonable inferences made from the available evidence surrounding the incident does not change. The fact remains that Mr. Hassen had, in fact, presented an immediate threat to the community and Chief White happened to be his first victim. Again, the harm caused by Mr. Hassen's reckless behavior was not foreseeable by Chief White and it is unclear whether there was a causal connection between the actions of Chief White and the second collision caused by Mr. Hassen's recklessness. As such, the rationale stated in the Analysis/Issues section of this report still applies to this case.
RR-102.1, Duty to Obey Departmental Rules and Mayoral Executive Orders, of the Denver Police Department Operations Manual, provides that,

Officers shall obey all Departmental rules, duties, procedures, instructions, directives, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders.

As it pertains to:

OMS 204.01 – Police Pursuits – That section provides that,

(1) Denver Police Department Pursuit Policy

c. Justification for engaging in a police vehicle pursuit must be limited to the facts known by the officer at the time a decision is made to engage in such pursuit. Information not established as fact at the time the pursuit is engaged, no matter how compelling, cannot be considered later, in determining whether the pursuit was justified. **Officers are authorized to engage in police vehicle pursuits only in the following circumstances:**

1. When a suspect’s actions while operating a motor vehicle, prior to an attempt to stop him or her involve such flagrant and dangerous behavior as to create a compelling need to attempt to stop the violator.

b. A compelling need does not include the following:

   1. The mere act of fleeing, no matter how recklessly
   
   **AND**

   6. Any crime that does not meet the conditions of Section 2 below.

2. To effect the arrest or to prevent the escape of a person whom the officer reasonably believes has committed or is committing a felony involving the use, or threatened use of a deadly weapon, or a violent felony against a person.

(3) The following sections were written to comply with the Metro Pursuit Policy and to provide additional guidelines to be followed by Denver Police Officers.

d. Primary Vehicle:

4. Officers initiating a pursuit will immediately notify the dispatcher of their location, reason for the pursuit, direction of travel, estimated speed of the suspect, and any other relevant actions by the suspect vehicle. Officers shall also provide the license plate number, vehicle description, number of occupants, traffic conditions, and any other pertinent information.

**AND**
5. Officers shall give updated information concerning direction of travel, speed, unusual actions, etc. Radio transmissions shall be kept as short as possible, allowing the dispatcher, supervisory personnel and assisting units to air information.

Police Pursuits are defined in OMS 204.01:

**Pursuit** – An active attempt by an officer operating a police vehicle (lights and siren – Code 10) to apprehend the operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle’s speed, extinguishes the vehicle’s lights, or makes some other overt action designed to avoid apprehension. Following a vehicle, whether accomplished with or without red lights on and siren sounding, whose driver is attempting to elude, either by increasing the vehicle’s speed, or making some other overt action designed to avoid apprehension will also be considered a pursuit. (Emphasis added)

RR-105 – Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

(a) Mayor may not specifically be set forth in Department rules and regulations or the Operations Manual; or

(b) Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

RR-122.1 – Respect for Fellow Officer

Officers shall treat other members of the Department with the respect due to them as fellow officers.

RR-140.1 – Discourtesy

Officers shall at all times be courteous and civil to the public. They shall be orderly, attentive, respectful, and exercise patience and discretion in the performance of their duties.

RR-140.2 – Verbal Assault and Abuse of the Public

Officers shall not verbally assault, berate or verbally abuse any member of the public.