

September 24, 2021
DEPARTMENTAL DETERMINATION OF DISCIPLINE
Sheriff Elias Diggins (S94085)
Case No. A2021-0101

After a thorough review of the Administrative Investigations Unit investigation, the Office of the Executive Director of the Department of Safety has made the following findings of fact and determination of discipline.

SUMMARY OF FACTS

Sheriff Elias Diggins has been employed with the Denver Sheriff Department since 1994. On June 9, 2021, a memorial service for Deputy Daniel Trujillo was held. As the Honor Guard practiced for the memorial, it was anticipated that Deputy Spencer Haswell would fold the flag and then hand it to Sheriff Diggins who would then hand it to Deputy Trujillo's widow. However, at the memorial, Deputy Haswell turned and walked to present the flag directly to Deputy Trujillo's widow. After the memorial, Sheriff Diggins spoke with Deputy Haswell about the incident. On June 15, Deputy Haswell filed a complaint alleging that Sheriff Diggins was unprofessional and verbally abused him after the memorial.

On June 24, 2021, Deputy Haswell was interviewed by Investigator Dennis McCormick of the Administrative Investigations Unit (AIU). Deputy Haswell stated that Deputy Trujillo was his best friend and he had been asked to fold the flag that draped the coffin. In training for the memorial, it was anticipated that Sheriff Diggins would stand behind Deputy Haswell. During the service, Sheriff Diggins was not directly behind Deputy Haswell. Instead, when Deputy Haswell turned to present the flag, he said his military training kicked in and he presented the flag to Deputy Trujillo's widow. Deputy Haswell said he became emotional and left the church to collect himself.

After the service, Captain Deric Wynn asked Deputy Haswell about the flag presentation. Deputy Haswell said he did not see Sheriff Diggins and so he proceeded to give the flag to Deputy Trujillo's widow. Deputy Haswell relayed that Captain Wynn reportedly said he and Sergeant Anderson had just been "chewed out" by the Sheriff. Deputy Haswell recounted that Sheriff Diggins approached and stood on his tip toes, which Deputy Haswell viewed as an attempt to show power or bully him. Deputy Haswell explained to the Sheriff that he was not behind him as had been anticipated. Deputy Haswell expressed his belief that Sheriff Diggins only cared about himself at the time and did not account for the emotions of the day. He said the Sheriff said, "Well I can see that you are grieving right now Deputy Haswell. We can talk about this later. But don't worry, I have something that I can do." Deputy Haswell denied that Sheriff Diggins attempted to give him a hug.

On June 17, 2021, Investigator McCormick interviewed Captain Wynn. Captain Wynn described the honor guard training the day before the memorial service and said everyone was aware that Sheriff Diggins would present the flag to Deputy Trujillo's widow. However, during the service, Deputy Haswell did not give the flag to the Sheriff to present to Deputy Trujillo's widow, as was planned during rehearsal. After the service, Sheriff Diggins asked Captain Wynn what happened and asked to speak with Deputy Haswell. Captain Wynn spoke with Deputy Haswell who said he did not see the Sheriff. They walked over to the Sheriff and Chief Vince Line and Captain Wynn recalled that Deputy Haswell cried, and Sheriff Diggins whispered something in his ear. Captain Wynn said Deputy Haswell nodded his head and walked away. Captain Wynn did not believe that Sheriff Diggins was disrespectful to the supervisors.

On June 17, 2021 Sheriff Diggins was interviewed by Investigator McCormick. Sheriff Diggins said he did not attend the practice before the service, but he was informed by Captain Wynn that everyone knew Sheriff Diggins would give the flag to Deputy Trujillo's widow. Sheriff Diggins said that after the service, Deputy Haswell emotionally apologized for not giving the flag to him. Sheriff Diggins said he accepted the apology and gave Deputy Haswell a hug and that Deputy Haswell cried on his soldier. Sheriff Diggins denied that he ever raised his voice, berated, or verbally abused either Deputy Haswell or his supervisors at the location. He said that Captain Wynn and Sergeant Anderson apologized for the error. Sheriff Diggins delivered Deputy Trujillo's urn to his family and left the church.

On June 22, 2021, Chief Vince Line was interviewed by Investigator McCormick. He recounted that Sheriff Diggins asked himself, Captain Wynn, and Sergeant Anderson about the flag presentation. Chief Line approached Sheriff Diggins when he was speaking with Deputy Haswell. He did not hear all the conversation but did hear the Sheriff tell Deputy Haswell that given the circumstances, he was going to give Deputy Haswell some "grace." Chief Line described that Deputy Haswell was visibly upset, shook Sheriff Diggins' hand, and then the two men hugged.

On June 23, 2021, Investigator McCormick interviewed Sergeant Richard Anderson. Sergeant Anderson is a member of the Honor Guard and was present for practice the day prior to the memorial. Sergeant Anderson instructed Deputy Haswell that Sheriff Diggins would be standing behind him and the Sheriff would present the flag to Deputy Trujillo's widow. Sergeant Anderson said that after the service, Sheriff Diggins was visibly upset and asked Captain Wynn, Sergeant Organ and himself what happened. He said that Sheriff Diggins was stern but did not yell and that he "chewed" them out. Sergeant Anderson saw the conversation between Deputy Haswell and Sheriff Diggins from a distance and believed the situation was resolved when he saw them hug.

On June 30, 2021, Sergeant William Organ was interviewed by Investigator McCormick. Sergeant Organ relayed that during the walk through the day prior to the service, there was no contingency plan if Sheriff Diggins was not directly behind Deputy Haswell as the flag was folded. After the service, Sheriff Diggins spoke in a stern but low tone that Sergeant Organ did not find unprofessional or abusive. Sergeant Organ said he and Deputy Haswell walked over to the Sheriff and that the Sheriff comforted Deputy Haswell. He did not see them hug or whisper anything to each other. Sergeant Organ did not observe Sheriff Diggins be unprofessional or abusive to any member of the DSD,

ANALYSIS AND CONCLUSION

Career Service Rule 16-28 Grounds for Discipline:

- R. Conduct which violates the Career Service Rules, the City Charter, the Denver Revised Municipal Code, Executive Orders, written departmental or agency regulations, policies or rules, or any other applicable legal authority.

As it pertains to:

Denver Sheriff Departmental Rules and Regulations

RR-300.11.6 Conduct Prejudicial

Deputy sheriffs and employees shall not engage in conduct that: (i) is prejudicial to the good order and effectiveness of the department; (ii) brings disrepute on, or compromises, the integrity of the City or the Department; or (iii) is unbecoming of a deputy sheriff or employee.

Other than Deputy Haswell's complaint, there is no evidence from any other witness supportive of the allegation that Sheriff Diggins engaged in conduct prejudicial to the good order and effectiveness of the Department or that was in any way unbecoming of a member of the DSD during or after the memorial for Deputy Trujillo. To the contrary, the preponderance of evidence shows that Sheriff Diggins was compassionate and consoled Deputy Haswell, to the point of giving him a hug. As such, a finding of **Exonerated** is entered to this specification.

RR-200.15.2 Abuse of Fellow Deputies and Employees

Regardless of position or rank, deputy sheriffs and employees shall not be abusive including, but not limited to, uttering any mutinous, insolent, or abusive language toward fellow deputy sheriffs (including supervisors), other City employees (including supervisors), vendors, or other members of the public.

Other than Deputy Haswell's complaint, there is no evidence from any other witness that Sheriff Diggins was abusive toward Deputy Haswell following the memorial. There is a preponderance of evidence that Sheriff Diggins comforted Deputy Haswell, as opposed to abused him. A finding of **Exonerated** is entered to this specification.



Chief Deputy Executive Director

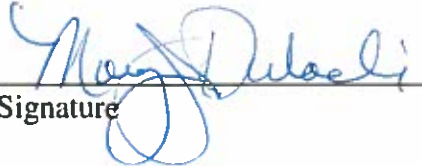
9-27-2021

Date

cc: Career Service Authority, Records Management Division
A2021-0101 Case File

RETURN OF SERVICE

I hereby certify that I delivered via e-mail the within Departmental Order of Disciplinary Action to the within-named Elias Diggins this 27th day of September 2021.



Signature

Mary J. Dulacki
Chief Deputy Executive Director