Sgt. Ron Hochmuth 2014-1183

On January 28, 2014, at approximately 1700 hours, I was working at the booking desk of the Summit County Detentions Facility, 501 North Park Ave, Summit County, Colorado. Deputy Jake Straw of the Summit County Sheriff’s Office called me on the phone from the master control room and told me Inmate Ray Wolfe, who was housed in cell F-1, would not lock down after being served dinner. I told Deputy Straw I would go and talk to Wolfe.

I went from the booking desk to the housing units. Wolfe was housed in F-Pod which contains three cells and three inmates, one in each cell. F-1 housed Wolfe, F-2 housed William Fitzsimmons, and F-3 housed John Rodger. At F- pod’s main door, which enters into the day room, I could see Wolfe pacing around in the day room. After Deputy Straw opened the pod door, I could see Wolfe was aggravated. Wolfe loudly told me he was tired of people “fucking “with him and I needed to do something about it. I asked Wolfe to lower his voice and explain what he meant. Because of the high ceilings and large open area in the F-pod dayroom, there can be a lot of echo when someone talks very loud or yells. Wolfe then stated “they” put hair in his food and handed me his evening meal food tray. I looked into the tray and saw several dark colored hairs, similar to the color of Wolfe’s hair, on top of the beef stroganoff which was in the main compartment of the tray. There are three compartments in the meal trays. The medium sized compartment contained a piece of cake and the smaller compartment contained both vegetables and a dinner roll. I did not see any hair in the medium or small compartments.

I asked Wolfe who he was referring to when he said “they” and Wolfe stated, “him and them other guys.” Wolfe continually pointed toward the other housing units of the facility and then later pointed toward F-3, Rodger’s cell. Wolfe talked about how he was always being blamed for others actions. He then moved toward his cell and told me he wasn’t “going to take any of Rodger’s shit” when he pointed toward cell F-3. At the time I was in F-pod talking to Wolfe, Rodger was in the Professional Visitation room at the booking desk speaking with his attorney. I know Rodger was there because I admitted his lawyer into the booking area and watched Rodger come from the housing area and go into professional visitation. Wolfe told me to check the video and I would see what’s going on.

I told Wolfe the tray didn’t come from the kitchen with the hair in it. Wolfe said, “I know, it’s those shitheads who have it out for me.” I told Wolfe I would get him a new meal and look into the incident.

I went to the kitchen and filled the main compartment of a clean tray with noodles and stroganoff and placed a piece of apple pie in the small compartment. There were no more vegetables or rolls. I went back to F-pod and gave the meal to Wolfe. Wolfe wanted to talk about incidents that had happened previously in the day and other incidents he was involved in. I told Wolfe I had to look at the video from this incident and needed time to investigate it. I told Wolfe to lock down, which he did without any further incident.

I went to the detentions division administrative assistant’s office to review the video from both the kitchen and F-pod. I started with F-pod. I selected camera #414 which the camera looking into the day room of F-pod. I selected a time I knew the dinner trays would have been served and then adjusted the time so I could view when the trays were delivered. The meal trays are delivered at approximately 1648 hours by the facility trustees. The trays are placed on the picnic style table located in the day room of F-pod and are not touched until approximately 1651hours when Rodger is let out of his cell.

Rodger is seen leaving his cell and going to the table. Rodger’s tray is labeled specifically for him due to a specific need for no spicy foods. Other inmates with specific dietary needs or allergies have their trays labeled as well. The lid of the tray has the name of the inmate, the special need and the cell in which they are housed. Once at the table Rodger is seen removing the top meal tray with his left hand, selecting the middle meal tray with his right hand and then placing the meal tray in his left hand back on top of the bottom tray. Rodger selecting his tray and replacing the other tray happens quickly enough as to not allow him time to open the lid of the other trays. He is not seen placing anything in either of the other two trays. Rodger then walks back to his cell.

At approximately 1652 hours Rodger comes back out of his cell and goes to the table. He is seen removing the lid to the hot water container and then moves away from the table toward the drinking fountain. A trustee then brings in a gray container which holds ice water and places it on the table next to the meal trays. The trustee doesn’t touch the meal trays. Rodger then moves back to the table with the hot water container, replaces the lid and goes back to his cell. At approximately 1653 Rodger leaves his cell and the pod and goes to the booking area to speak with his lawyer.

For approximately one minute there is no video recorded because there is no movement in the day room for the camera to detect. At approximately 1655 hours the cell door to F-2 housing Fitzsimmons opens. Shadows can be seen moving around in cell F-2 and then Fitzsimmons comes out carrying a previous meals tray. Fitzsimmons places it on the floor by the main pod door. Fitzsimmons then goes to the table, takes the top tray and returns to his room. Fitzsimmons cell door is then closed at approximately 1656 hours.

At approximately 1657 hours the cell door to F-1 housing Wolfe opens. Wolfe comes out carrying a cup in his right hand and walks to the drinking fountain. In the reflection of the windows opposite Wolfe’s position in the day room he can be seen pressing the intercom button located above the drinking fountain. Wolfe waits there for approximately 27 second and then moves to the table were he looks at the remaining meal tray. Wolfe then moves back toward the drinking fountain and presses the intercom button again, then goes back to the table and takes the tray and moves back to the drinking fountain. Wolfe reaches the drinking fountain with the tray at approximately 1657 hours. As seen in the reflection in the windows, Wolfe stands at the drinking fountain with his tray for approximately 8 seconds. Wolfe’s hands cannot be seen in the reflection because they are facing away from the windows towards the drinking fountain. During this time Wolfe can be seen making small movements with his arms and hands. It is with these movements and during this time I believe Wolfe placed the hair found on top of the food in his meal tray.

Wolfe then presses the intercom button again. The deputy in the master control room is tasked with answering in coming calls to the facility, monitoring all the cameras located within and around the detentions facility, and justice center, answering intercom calls, listening to and answering radio calls and monitoring inmate movement in the housing units. There are many reasons why Deputy Straw took several moments to answer Wolfe’s calls into the control room using the intercom. As seen in the reflection, Wolfe then drops both hands and moves away from the drinking fountain. The meal tray now sits on top of the drinking fountain. Wolfe paces between the drinking fountain and the tables several times, retrieves the cup from the drinking fountain, fills the cup from the cold water container and takes a drink.

Wolfe then moves back to the intercom and is seen in the reflection pressing the intercom button again and waits near the drinking fountain. Wolfe then spits at the floor drain in the center of the day room. Wolfe then moves to the intercom and is seen in the reflection with his face near the intercom speaker. Wolfe becomes animated with arm, hand and head movements as if agitated. Wolfe paces back and forth between the fountain and table and then sits down on the bench next to the windows next to the main door to the pod. After sitting for approximately 22 seconds, Wolfe stands and moves toward the shower door located on the same wall holding the drinking fountain and intercom. Wolfe then moves back along that wall toward the intercom with more hand and head movements and stands next to the drinking fountain with his face toward the intercom. Wolfe then paces around the day room, drinking from the cup which he then dumps into the floor drain located in the center of the day room. Wolfe then moves to the hot water container and appears to fill his cup with hot water. Wolfe then paces a bit more then waits at the table leaning against the cold water container. Wolfe then moves to the drinking fountain and is seen in the window reflection taking the tray off the drinking fountain and holding it out in front of him. It is at this time, approximately 1701 hour that I am at the main door to the pod. Wolfe is seen using arm and head movements while talking to me about the meal.

The rest of the video shows Wolfe moving about the pod pacing and what appears in the reflection of the window to talk in the intercom. At approximately 1706 hours I’m seen returning with the new meal and both Wolfe and I talk and move back to his cell. Wolfe goes into his cell and I motion with my finger toward the camera with a waving motion to close Wolfe’s cell. Wolfe was in a locked down status due to an incident previously in the day. Lock downs are used as a period of time to let the inmates involved time to cool down.

I then selected camera #411 and searched for the time the evening meals were trayed. The detentions facility has a full commercial kitchen used to prepare all the meals needed to feed the inmates housed at the facility.

At approximately 1634 hours Chef William of the Summit County Sheriff’s Office is seen moving around the kitchen working with trustee inmates. Chef Vowell was in charge of the trustees working in the kitchen on January 28, 2014. At approximately 1636 hours, Chef Vowell is seen removing a large pan from the oven and placing it in the steam table in the center of the kitchen. As Chef Vowell removes part of the foil covering the pans in the steam table, three trustees move to the table to assist with putting food in the trays. These trustees are Inmate Fransisco Rocha, Inmate Alexander Diaz and Inmate David Mountain. The Chef and all the trustees serving food into the trays are wearing hats to prevent hair from falling in the food as it’s served and would make it difficult to pull hair from their head and insert it into a tray. The meal trays can be seen stacked next to the steam table. A sheet cake is in the center of the preparation table, a medium sized bowl on the preparation table contains butter chips and a large metal bowl contains dinner rolls.

Chef Vowell is seen stirring the stroganoff and noodles, Rocha is seen stirring the vegetables and Diaz is seen using a spatula lifting pieces of cake to make it easier to remove them from the pan. Serving is done production style starting with Chef Vowell removing a tray from the stack and placing a measure of noodles in the main compartment. The tray is then pushed to Chef Vowell’s left and another is taken from the stack and filled with noodles. After 4 trays have noodles in them, Chef Vowell adds the stroganoff to the top of the noodles in each tray, left to right and Rocha adds vegetables to the small compartment. The trays are then move left again and Diaz places a piece of cake into the medium compartment. At the end of the table, Mountain places butter in the tray and roll on top of the vegetables then places the lid on the tray. The lids are also stacked on top of each other and are stored face up on a shelf. As the trays are filled and lids placed on them, they are stacked on top of each other 3-4 at a time. Mountain then takes the stacked filled trays and places them in the warming box. The process takes approximately 10-30 seconds to fill four trays. The production line moves quickly and only stops when Chef Vowell removes another pan of stroganoff from the oven due to the first pan being empty. Due to the speed of the production line I could not see if any of the four people placing food in the trays had the opportunity to place hair on any of the trays. I couldn’t see if a specific tray was segregated in the warming box to be placed in F-Pod so that Wolfe would receive it.

At approximately 1644 hours, the last tray to be used to feed the inmates in the housing units is placed in the warming box and the door is closed. The rest of the trays being made in the video are for the trustees and deputies who requested an evening meal. As a privilege for working in the kitchen, the trustees are allowed to prepare their own meals under the supervision of the on duty Chef. The warming box is then moved out of the kitchen at approximately 1648 hours. Other trustees can be seen moving in the kitchen assisting with cleaning and washing pots and pans used for preparing the evening meal.

At approximately 1648 hours on camera #403 the warming box is pushed out of the kitchen by Mountain. The camera also shows “Door 10” which is the secure door used to access the housing units. In front of door 10 is a cart with the hot and cold drink containers. A trustee opens door 10 after it is unlocked by Deputy Straw in the control room, and the cart with the water containers and the warming box are pushed through the door and the door closes.

During the viewing of the video I made notes of the times and cameras I would need to have recorded. I asked T. Furrll of the Summit County Sheriff’s Office on January 29, 2014 to record the video and place it on disks so they could be added to the case file.

On January 31, 2014 I interviewed the three trustees helping with the meal service on the afternoon of January 28, 2014, Rocha, Diaz, and Mountain. All interviews were recorded by me and conducted in the professional visitation room of the Summit County Detentions Facility. Diaz was read his Miranda warning Rights and initialed and signed a warning advisement sheet. Diaz indicated on the sheet he did not wish to speak with me about the incident and he was not asked any questions after indicating so.

Rocha was interview on January 31, 2014 at approximately 1114 hours. Rocha was read his Miranda rights and initialed and signed rights waiver. Rocha indicated he would speak with me with out a lawyer about the incident. I described to Rocha who was working on the night in question and what meal was being served so Rocha knew which afternoon I was referring to. I asked Rocha if he saw anyone put anything in the trays other than food. Rocha stated, “Nope”. I asked Rocha if he put anything other than food in the trays. Rocha stated, “Naw, I was just working on the line serving and that it.” I then asked Rocha which part of the trays he filled. Rocha stated, “I was right next to Bill and was doing the soup I guess…the gravy and I’m always doing the vegetables.” I then asked Rocha what Bill was putting in the trays. Bill is Chef Vowell’s nickname. Rocha stated, “I was doing the vegetables and Bill was doing the stroganoff, the meat with the soup. Just sometimes I took the scoop while he was putting the trays, I was always trying to help him when I can.” I then asked Rocha what Diaz was doing. Rocha stated, “I guess he was putting the bread.” I asked Rocha if that was a roll or dessert. Rocha stated, “I guess he was doing the roll and butter, the last should be dessert.” I then asked Rocha after everything is in the tray what happens to it. Rocha stated, “After everything is put in the tray we close it put a lid, and put it in that box and that’s pretty much it.” I stated “it just sits there until it gets served, right?” Rocha replied, “Yeah we keep putting the trays in til we get the count then we call for lock down.” The count refers to the number of trays per pod for each inmate. An accurate count is needed so every inmate gets one tray and also for an accurate count of the returned trays.

I then asked Rocha if special needs inmates had special trays. Rocha stated, “Some of them do, and we write either the name of the inmate or who’s it going to, the pod and we got different lid for them.” I then asked Rocha if he knew if anyone in F-Pod at that time who got a special tray. Rocha stated, “The only one I know from F-pod was John Rodgers. I can’t remember if he was here at that time. He was out at JeffCo, I can’t remember.” I told Rocha Rodger was in F-Pod on that day. Rocha stated ,”Oh ok, then he would have a special tray that says no spicy.” I asked Rocha if he knew if there was anyone else in F-pod that had a special tray. Rocha stated, “Ah, no one except at one point we’re giving the rubber tray that’s pretty much it. The same food but we don’t provide sporks which are plastic.” I asked Rocha if he provided the rubber tray on that Tuesday night and Rocha stated, “We didn’t do that on Tuesday.” I stated to Rocha they had provided 3 trays and one was marked special for Rodger. Rocha stated, “For Mr. Rodgers and that’s pretty much it.” I asked Rocha if it was a normal service like any other night. Rocha stated, “Right”. I then asked Rocha if he could think of anybody who might want to put food in anyone’s tray. I actually meant to ask Rocha if he knew of anyone who might want to put something other than food in anyone’s tray. Rocha stated, “Naw, we don’t do that. We are always doing the best that we can. From my opinion we don’t mess around with that stuff.” I ended the interview then and thanked Rocha.

I then interviewed Mountain on January 31, 2014 at approximately 1121 hours. Mountain was read his Miranda rights and signed the rights waiver indicating he would speak to me without a lawyer. I told Mountain he was working on the line on Tuesday night, the 28th, with Bill, Rocha and Diaz. I told Mountain he was at the end of the table and asked him what was his job. Mountain stated, “Putting lids on the trays? Yeah putting them into the…” I asked if that was his only job. Mountain stated,”That’s what I did that night, I’m pretty sure. But, it switches every time. When I go in there I help load the trays, sometimes I put the lids on the tray it just depends on what’s available at the time I go in.” I then asked Mountain if he noticed anyone put anything in the tray other than food. Mountain stated, “No”. I then asked Mountain what part was Bill putting into the tray. Mountain stated, “Um, I’m pretty sure he was putting the noodles and the stroganoff sauce in.” I then asked what part was Rocha putting in. Mountain stated, “Whatever came next, I forget what all we had that night. Stroganoff, vegetables and cake. I’m pretty sure, I can’t remember. I think Chico was just putting in the vegetables, I think.” I then asked Mountain what Diaz was putting in, Mountain stated, “The rolls and butter.” I then said “dessert” as a question and Mountain said, “I think someone else was on dessert, I can’t remember like everyday it switches up. I just try to volunteer in there as much as I can mainly to try to keep away from… you know.” I then told Mountain that his job was to put the lid on the tray and I then asked what he did with the tray after that. Mountain stated, “I put it in the warmer.” I asked if anyone gets into the warmer after the trays have been put into it. Mountain stated, “No, maybe when the people deliver, but I even think I delivered that night, didn’t I?” I replied “I think you did.” I then told Mountain “you didn’t notice anyone get into the trays, you didn’t notice anyone putting anything other that food into the trays.” and Mountain said, “no”. I asked Mountain if someone had a special dietary need how do you mark those trays. Mountain stated, “They have the special name on the lid.” I then asked if there was anyone in F-pod had a special lid. Mountain stated, “Rodgers”. I asked if Rodger was the only one in the pod who had that lid. Mountain stated, “I’m pretty sure, he doesn’t get anything spicy. But I even remember that night um, Bill said that since it was stroganoff that he didn’t need to have a special lid because there was nothing spicy for it.” Mountain then talked about the use of hair nets. Trustees are required to wear a black ball cap at all times they are outside their housing units which includes the kitchen. I then asked Mountain if anyone serving food on the line that night might have had hair drop into the tray on top of the stroganoff. Mountain stated, “Purposefully, no”. I then stated to Mountain there could have been one or two hairs could have fallen into food without the hair nets. Mountain stated, “Yeah there is always that possibility. Ya know that happens in restaurants all the time. That happens, I told you that happened to me once, here. But, I don’t think anyone purposefully did it.” I ended the interview then.

On February 1, 2014 at approximately 1645 hours I interviewed Chef Vowell. Vowel was read his Miranda rights and signed the waiver indicating he was willing to speak to me without a lawyer present. I asked Vowell to got through what it took to serve the evening meal. Vowell stated, “After everything is done we put the serving dishes in the slots where we dish from. Usually I do the main course which was the stroganoff, so we dish and serve each tray and send it down the line the guy nest to me does the vegetables, and the guy next to him does the roll, and the guy next to him does the dessert and then they go right into the cart.” I asked Vowell who was working with him that night. Vowell stated, “Um, I think it was Chico, ah God, um I think Budwitz was in there, I think Chico was in there, I think Diaz was in there, let’s see…I can’t really recall who else.” I ask when he referred to Chico to whom he was referring. Vowell stated he couldn’t remember the trustees name and I prompted him by asking if it was Mr. Rocha and Vowell said yes that it was Rocha. Rocha goes by the nickname Chico. I then told Vowell I had watched the video and told him who was working with him the night of the 28th serving the evening meal, and Vowell said those names of the trustee helping him sounded familiar. I asked Vowell if he noticed anything other than food going into the trays on the 28th. Vowell stated, “No, I didn’t.” I then asked Vowell was there any opportunity for anyone to put anything else in the trays. Vowell stated, “Well there is. I’m standing at the main entrée so I’m dishing that up and I’m usually dishing that up and just focusing on that, I mean if he wanted to pull something out of his pocket and stick it in the tray I don’t think anyone would ever notice.” I then asked Vowell if any of the trustee inmates had any type of problem with Mr. Wolfe and wanting to put hair in his food. Vowell said he could think of some reasons, but no one had ever said anything about getting any type of revenge on Wolfe. Vowell said the trustees had complained about cleaning up messes that Wolfe had made in the past but none had indicated any threats toward Wolfe. I asked if Vowell had heard anything from other pods would have a reason to put hair in Wolfe’s food. Vowell said he hadn’t heard anything. I then asked Vowell if he knew which pod was served first. Vowell said he believed it was F-Pod. I asked Vowell the likelihood of another inmate from another housing unit putting hair in Wolfe’s tray was very minimal. Vowell stated, “That’s just it, there are three guys in there and any one of those guys could have gotten that tray, I would think.” I asked Vowell if there was any of the three in F-pod that were marked for a specific meal. Vowell stated, “Yeah, Mr. Rodger.” I asked Vowell if Rodger’s meal had been marked that night and Vowell said it had been, but didn’t know if Rodger had slipped anything into any of the other food trays. Vowell also stated that he hadn’t heard any gossip from anyone saying they had gotten their revenge on Wolfe by putting hair in his food. I ended the interview then.

The interviews were uploaded to the case file by myself on February 3, 2014.

Detention records reflected Wolfe had signed bond conditions on August 2, 2013, case number 2013CR151, for charges of Menacing, Assault in the Third Degree, Domestic Violence. These bond conditions state, in part, “Defendant shall not be arrested and charged with a new criminal offense, excluding traffic infractions, while on bond. If Defendant is arrested and charged with a new criminal offense, excluding traffic infractions, and a probable cause determination has been made by a magistrate, county court judge, or district court judge supporting the new charges; such an arrest may violate this bond.” Wolfe posted a three thousand dollar ($3,000.00) bond via 24/7 Bail Bonds on August 7, 2013 on this case and remains on bond. This is a felony case.

Detention records reflected Wolfe had signed bond conditions on September 11, 2013 on case number 2013CR208 for charges of Harassment and Violation of Bond Conditions, as felony and misdemeanor charges. These bond conditions state, in part Defendant shall not be arrested and charged with a new criminal offense, excluding traffic infractions, while on bond. If Defendant is arrested and charged with a new criminal offense, excluding traffic infractions, and a probable cause determination has been made by a magistrate, county court judge, or district court judge supporting the new charges; such an arrest may violate this bond.” Wolfe was granted a Personal Recognizance bond in the amount of five thousand dollars ($5000) by Judge Casias on December 31, 2013 on this case and remains on bond. This is a felony case.

Detention records reflected Wolfe signed bond conditions on September 11, 2013, on case number 2013CR210 for charges of Obstruction of Governmental Operations, and Criminal Mischief less than $500, and Violation of Bond Conditions, as felony and misdemeanor charges. This case stemmed from an alleged criminal mischief incident involving a television in F-Pod in the Summit County Detention Facility. These bond conditions state, in part, “Defendant shall not be arrested and charged with a new criminal offense, excluding traffic infractions, while on bond.” Wolfe was granted and posted a five thousand dollar ($5,000.00) Personal Recognizance bond by Judge Casias on December 31, 2013 on this case and remains on bond. This is a felony case.

Ray Wolfe is charged with False Reporting to Authorities 18-8-111(II)(b) for knowingly reporting to law enforcement an incident within our official concern in the detentions facility that had not actually occurred when he reported to me someone other than him placed hair into his evening meal food tray.

I arrested Wolfe on two felony counts of 18-8-212, Violation of Bail Bond Conditions; one count of 18-8-212 misdemeanor Violation of Bail Bond Conditions, and, one count of 18-8-111(1)(b), False Reporting to Authorities,

End of Report.