



OFFICE OF THE DISTRICT ATTORNEY

GEORGE H. BRAUCHLER, DISTRICT ATTORNEY
18TH JUDICIAL DISTRICT
SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

February 19, 2019

Chief David King
Parker Police Department
18600 E. Lincoln Meadows Pkwy
Parker, CO 80134

Dear Chief King:

This letter reflects in writing my office's review of additional statutes in light of the police interaction with Parker Town Councilmember, Deborah Lewis (documented under Parker POD case 2018-5261). In reviewing the case, my office considered police reports, body cams, Parker's published Town Policy Manual, Parker's municipal code, witness statements, and follow up investigation conducted by investigators with the District Attorney's Office.

On Wednesday, December 12, 2018 at 7:16 pm, Parker Police Department was dispatched to 19420 E. Mainstreet, Parker, Colorado on a report of a male and a female "having relations" in a motor vehicle. [redacted] and his 14-year-old daughter reported seeing a female kneeling in the passenger seat with her buttocks facing the passenger side window. [redacted] reported the female's head was moving in an up-and-down motion over the male driver's lap. In subsequent interviews, [redacted] said he believed the female was performing oral sex on the male based on the location of the female's head, the female's actions and the expression on the male's face. [redacted] stated he did not see the genitalia of either person.

On arrival, Sgt. Mark Terreault saw a car in an alley just off Mainstreet behind the restaurant Parker Garage. A male and a female were in the driver's seat, with the female on the lap of and facing the male. The female quickly moved to the front passenger seat. Upon contact, Sgt. Terreault noted that both parties were dressed, but noted that the female's leggings were "pulled down to approximately just below her knees." At that time, Sgt. Terreault recognized the female as Debbie Lewis, a Parker Town Council Member. The male was Doug Dahlstrom. Both Mr. Dahlstrom and Ms. Lewis stated nothing happened and denied the accusation of [redacted]

During and after the event, Ms. Lewis made calls to you and to Assistant Chief Tsurapas. In those calls, Ms. Lewis was upset that Parker officers were in contact with her. It appears that Ms. Lewis placed five separate calls to Assistant Chief Tsurapas on Wednesday night between 8:04 and 8:30 p.m., and one call on Thursday at 8:02 a.m. There were also two attempted Facetime calls to Tsurapas, but those did not connect and it is unknown if they were intentionally placed. A conversation occurred in three of the five phone calls made by Lewis. Two of the calls lasted four minutes, and one lasted 19 minutes. One call appears to have been an accidental dial, as no conversation took place and Tsurapas heard muffled voices on the line, and another call went unanswered with no connection.

Ms. Lewis was upset in all of the calls to Tsurapas; she repeatedly asked why the police were called, why she was being detained, and who caused this contact to happen. Tsurapas characterized her communication as "ranting and raving." Ms. Lewis told Tsurapas she was angry and felt the officers treated her poorly. She also stated that she wanted to file a complaint against the officers. In one of the calls, Ms. Lewis told Tsurapas that she did not want to leave her car downtown and that "someone was going to pay for this." On Thursday, Ms. Lewis left a voicemail message for Tsurapas, informing him that she was still upset and angry about the previous night's events. Assistant Chief Tsurapas told Ms. Lewis on multiple occasions to just cooperate with the officers on scene and not interfere with their investigation.

It appears Ms. Lewis called you at least six times on Wednesday night and you called her back twice. Conversations occurred during one of her calls to you, and also when you called her back. She also left a message on your voicemail in which she said "call somebody, we are still detained, please." During your conversations with Ms. Lewis she repeatedly stated she didn't do anything wrong, and asked why she was being contacted and detained by the police officers. Ms. Lewis also indicated she was "madder than hell" and repeatedly asked you to "get them to leave." You also told Ms. Lewis that she needed to be polite and cooperate and not obstruct the police in their investigation.

Ms. Lewis spoke to DA investigators, and while she admitted to having spoken to you and Assistant Chief Tsurapas on Wednesday evening, she said she did not call Assistant Chief Tsurapas but that he called her shortly after she spoke to you. Lewis admitted to asking both of you to "get them out of here" and, when asked to clarify, admitted that she wanted you or Tsurapas to have the officers leave. Lewis stated to investigators that she did not believe there was a crime committed, nor that she was even being investigated for a crime, hence her anger and request for you to have the officers leave.

I examine Lewis' statements to you and Assistant Chief Tsurapas, her apparent intent in making the statements, and their relation to her official capacity below.

I have reviewed the above facts against two criminal statutes which govern the conduct of our public officials, First degree official misconduct (class 2 misdemeanor), and Second degree official misconduct (petty offense), and one statute which governs the interaction with our public servants by any citizen, Attempting to influence a public servant (class 4 felony). I have also considered the authority set forth in Parker's municipal code (specifically, sec. 2.03.020 (g), which outlines the official interaction between council members and subordinate officers and employees of the Town).

First degree official misconduct. A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly: commits an act relating to his office but constituting an unauthorized exercise of his official function; or refrains from performing a duty imposed upon him by law; or violates any statute or lawfully adopted rule or regulation relating to his office.

Second degree official misconduct. A public servant commits second degree official misconduct if he knowingly, arbitrarily, and capriciously: refrains from performing a duty imposed upon him by law; or violates any statute or lawfully adopted rule or regulation relating to his office.

I find that Ms. Lewis' conduct here does not meet the criteria of either statute. While the facts support that Ms. Lewis made requests with the intent to obtain a benefit, to wit; her being released without further investigation, evidence to support the essential element that the act is "related to her office" is missing. There is likewise no evidence to support the other theories of either first or second degree official misconduct, as Ms. Lewis did not "refrain from performing a lawful duty" or violate any statute, rule or regulation relating to her office of which I am aware. It appears that the most applicable local regulation governing this interaction between Ms. Lewis and the police is sec. 2.03.020 (g) (2), which states in part: "neither the Council nor any member thereof shall give orders to any subordinate officer or employee of the Town either publicly or privately." In the context of this interaction, Ms. Lewis' statements would not seem to constitute "orders" that were contemplated by the local code. Considering the events, including Ms. Lewis' statements to investigators Buoniconti and Tarr on December 17, 2019, it is clear she was embarrassed, angry and confused during her interaction with the police. It also seems that consumption of alcohol exacerbated her response, and may have colored her perception of what objectively was a legitimate police-citizen contact.

Attempt to influence a public servant. Any person who attempts to influence any public servant by means of deceit or by threat of violence or economic reprisal against any person or property, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member, commits a class 4 felony.

I also find that Ms. Lewis' conduct does not meet the criteria of this statute. As discussed above, it seems clear that while Ms. Lewis didn't specifically ask for preferential treatment, she was nonetheless seeking your assistance based on her existing relationship with you, the Assistant Chief, and your department. Her requests regarding getting the officers to leave and calling somebody, as well as her statement that "someone is going to pay for this" could be characterized as Ms. Lewis' attempt to influence, alter, or affect certain conduct by you or your staff. However, evidence to support the statutory requirement of the use of "deceit or by threat of violence or economic reprisal against any person or property" is clearly missing.

As the standard in a criminal case is to prove each and every element beyond a reasonable doubt, and our office's requirement is that charges will only be pursued if there is a substantial likelihood of conviction, I do not believe that criminal charges with respect to any level of official misconduct or unlawful attempt to influence the police are appropriate in this case.

Please do not hesitate to contact me if you have any questions,



Matt Maiaro,
Assistant District Attorney
18th Judicial District Attorney's Office