



Spin versus Reality: Excerpts from the Lovingier disciplinary report

A Denver Safety Department disciplinary report on Denver Sheriff's Deputy Brady Loviniger's attack on inmate Anthony Waller found several major holes in Lovingier's statements to internal affairs investigators. Below find examples. (The full report is included with the February 13, 2014, Colorado Independent story on the events, titled "Unprovoked: Courtroom video shows Denver sheriff's deputy attacking shackled inmate.")

- You stated you felt inmate Waller's tone was 'angry and...confrontational.' The record shows otherwise. Inmate Waller was respectful and turned to you when you touched him for no apparent reason.

- You indicated inmate Waller's turn toward you was aggressive and as a result you were "not in a good position to hold him." The videotape, however, does not support your contention that inmate Waller was aggressive toward you. In fact, the video indicates that he turned to face you when you apparently touched him on the back." Moreover, although you claim he said, "Hold on, I'm talking to the judge, you fuck," this finds no support in the record.

- You were played the portion of the audio where you appear to say something to the effect of, "Don't turn on me. I don't give a shit who you are. You're not punking me. You're not turning on me." You explained that you were "in the heat of the moment" and "under the adrenaline" at the time and that you were conveying to inmate Waller that he is "not going to dictate how things operate." The audio/video does not indicate that inmate Waller was engaged in conduct, verbal or physical, that could be reasonably construed to be threatening to you or to anyone else. The language you used was not necessary and was likely used by you in an attempt to justify your inappropriate use of force.

- You went into long detail about Waller leaning back and flexing his legs and appeared agitated and tense. ... You stated that Waller's legs were "flexing and rocking" and while at the podium, inmate Waller 'sort of sits back and he's leaning up against the podium." You further stated you could see inmate Waller's muscles flexing during this time. You stated that based on inmate Waller's behavior, you thought inmate Waller may be "ready to push the podium over" or "ready to step back into (you)." You further describe inmate Waller's stance at the podium as "not a normal stance." The record, viewed in its entirety, however,

does not support any of the above claims you made. In fact, inmate Waller's conduct is consistent with how Judge Burd described her interaction with inmate Waller. She described him as polite and respectful. Your description of his physical actions is unreasonable.

- You stated that you grabbed inmate Waller's belly chain, pointed over to the clerk's desk, and instructed inmate Waller to move to the Clerk's desk. Nothing in the record supports this claim. In fact, the record indicates that for no legitimate reason, you grabbed inmate Waller and unreasonably slammed him against the wall.

- You stated that inmate Waller then turns around and says something to the effect of, "Hold on, I'm talking to the Judge, you fuck." (described that as an aggressive move). Inmate Waller cannot be heard making this statement on the audio recording. Nothing in the record supports your claim that inmate Waller made any aggressive moves or that he was communicating by his actions that he was going to cause problems for you or other deputies. Your beliefs to the contrary are simply unreasonable. Further, nothing in the record supports your claim that inmate Waller made a hostile comment to you.

- You stated inmate Waller was not following your direction. You further stated that when inmate Waller turned into you and challenged what you asked him to do, you considered inmate Waller's actions "physical" and "intimidating." Nothing in the record supports your claim that inmate Waller challenged you. His actions were not physical and if you found them "threatening," that was unreasonable on your part.

- You stated that inmate Waller is a "master manipulator of people" and he uses fear as a tactic to that end. You further stated inmate Waller's behavior during your interaction was designed to "test (you) to see if he's got some kind of control over what he can or can't make (you) do." Nothing in the audio/video supports this claim.

- You stated that you were "startled" at the speed with which inmate Waller contacted the wall. You further indicated that after watching the video you believe inmate Waller stumbled forward due to his leg restraints, and it was the momentum from inmate Waller stumbling that accounted for the unexpected speed.