



OFFICE OF THE DISTRICT ATTORNEY  
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

For Immediate Release  
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**Press Release**

Christopher Mecca, who served as a Sergeant with the Boulder County Sheriff's Office (BCSO), has been arrested on charges of third-degree assault and first-degree official misconduct. The charges stem from an incident involving an individual in the Boulder County Jail on September 23, 2020. The individual, who had been uncooperative with jail personnel, had been placed in a restraint chair utilized by the Sheriff's Office. The allegations involve Mr. Mecca then using a conductive energy device (CED), commonly known as a taser, on the leg of the restrained inmate.

The entire incident was captured on body-worn camera video and video from a security camera. Upon learning of the incident, the Boulder County Sheriff promptly notified the District Attorney's Office. A thorough investigation was conducted. After a complete review of the investigative file, including witness interviews and the videos, as well as the applicable statutes and policies, an Arrest Warrant was submitted to the Court. The District Attorney's Office will be prosecuting the defendant for third-degree assault and first-degree official misconduct.

In determining the appropriate charges, the District Attorney's Office reviewed the relevant laws. A felony assault would require a defendant to use a deadly weapon or cause serious bodily injury. Neither is present in this case. A CED is designed and intended to be used as a non-lethal device and its use in this case does not meet the required definition of a deadly weapon. The minimal injuries present in this case do not meet the legal definition of serious bodily injury.

Assault in the third degree is a class one extraordinary risk misdemeanor with a maximum sentence of two years in jail. Third-degree assault is defined by statute as knowingly or recklessly causing bodily injury to another person. The victim suffered pain with minimal injury.

First-degree official misconduct is a class-two misdemeanor with a maximum possible sentence of 364 days in jail. First-degree official misconduct is defined as a public servant, with the intent to maliciously cause harm to another, knowingly violating any statute or lawfully adopted rule or regulation relating to his office. Specifically, BCSO Policy 514(V)(A)(1) specifically prohibits the use of a CED when an inmate is, "restrained and immobilized, in whole or part, in a restraint chair..."

If convicted of one or both charges, C.R.S. 24-31-904 requires the Colorado Peace Officer Standards and Training (P.O.S.T.) Board to permanently revoke his peace officer certification.

As noted above, this incident was captured on video. Under Senate Bill 20-217, "Enhance Law Enforcement Integrity," there is now a mechanism that may allow for the release of the video(s), provided the District Attorney's Office secures judicial approval for the release. Specifically, Senate Bill 217 provides that when there is a criminal charge related to police officer misconduct, the defendant has twenty-one days in which to file a constitutional objection to the release of the video. To protect a defendant's right to a fair trial, Senate Bill 217 mandates that a court shall hold a hearing on any objection to the release of the video. The District Attorney's Office will obtain judicial approval before the release of the video, as outlined in Senate Bill 217.

In reviewing the investigation, the District Attorney learned numerous law enforcement personnel were present at the time of the alleged assault. Under Senate Bill 217, when a law enforcement officer is being charged with an alleged offense related to the excessive use of force, the District Attorney's Office is required by law to issue a public statement as to whether any officer failed to intervene. From the interviews and videos, it has been concluded that no one was aware that Sergeant Mecca planned to use his Taser before doing so. The alleged use lasted several seconds and concluded before anyone either realized and/or had an opportunity to intervene. Based on these facts, no law enforcement personnel failed to intervene pursuant to C.R.S. 18-8-802. Therefore, the District Attorney will not be charging any law enforcement personnel with failure to intervene.

District Attorney Michael Dougherty stated, "No one is above the law. I appreciate Sheriff Pelle taking immediate action in response to this incident. When a law enforcement officer is suspected of a crime, there should be an immediate response, a thorough investigation, and a timely decision based on the facts and evidence. That's what happened here. As in every case, the mission of the District Attorney's Office is to seek justice, without fear or favor. That is exactly what we will do in this case."

*As in every criminal case, these charges are merely an accusation and the defendant is presumed innocent unless or until proven guilty.*