



November 2, 2016

Michael McIntosh, Adams County Sheriff
Adams County Sheriff's Office
332 N. 19th Avenue
Brighton, CO 80601

Re: The investigation of the death of William Soper at the Adams County Detention Facility at 150 N. 19th Avenue, Brighton, Colorado on April 17, 2016.

Dear Sheriff McIntosh:

The investigation and legal analysis of the death of William Soper, which occurred while he was in-custody at the Adams County Detention Facility (ACDF) on April 17, 2016, is complete. Detective James McKenzie of the Adams County Sheriff's Office led the investigation and presented police reports, photos, videos, documents, and materials to the office of the Seventeenth Judicial District Attorney for our review. Based on the evidence presented, Mr. Soper died of asphyxia due to hanging. The investigation and the evidence demonstrate that the manner of death was suicide. Therefore, no criminal charges will be filed against anyone in this matter.

STATEMENT OF INVESTIGATION

Events prior to Mr. Soper's death:

On November 15, 2015, William Soper (DOB 03/09/1978) was booked into the Adams County Detention Facility (ACDF) on charges of Retaliation against a Victim or Witness, Assault in the Second Degree, False Imprisonment, and Felony Menacing. The victim of his cases was listed as his mother Debra Soper.

William Soper was booked into the jail at 9:50 p.m. During the booking process William Soper received a medical screening from Nurse Christin Hernandez. Nurse C. Hernandez ordered that William Soper be housed in the Medical Unit due to dog bites that William Soper sustained during his arrest. Nurse C. Hernandez also indicated that during the interview with William Soper, he told her that he had a history of mental health problems, and had been diagnosed with a mental illness.

Based on his self-reported mental illness a mental health evaluation was completed. At the time of the evaluation Mr. Soper denied any suicidal thoughts, feelings of hopelessness, prior psychotic symptoms, or the need for any psychotropic medications. No mental health referral was made at the time of intake based on this mental health evaluation. Mr. Soper was classified as a maximum security inmate and moved to A-348.

Prior to being housed in General Population on November 16, 2016, William Soper was treated in the Medical Unit by Nurse Litzielly Hernandez. Nurse L. Hernandez cleaned and covered the dog bites that were on William Soper's left leg. Nurse L. Hernandez indicated that the staples used to close the wound were intact and no signs of infection were seen. William Soper visited the Medical Unit daily for treatment of his wound until his staples were removed on November 27, 2015.

On November 21, 2015, William Soper began sending Medical/Mental Health requests. In a request from November 21, 2015 he noted, "Need to see the pysh Dr. ASAP for hearing and seeing things." The request was received on November 21, 2015 by medical staff. William Soper was placed on a mental health counselor list on that date. William Soper was seen in the Medical Unit sixty nine times during his incarceration at ACDF.

William Soper requested to see Mental Health on November 23, 2015, the request noted, "Need to see mental health ASAP please; I have to be placed back on previous meds. Please very soon. I'm having a great deal of problems." The request was received on November 24, 2015 by medical staff and William Soper was placed on mental health counselor list. On November 26, 2015, William Soper sent another mental health request indicating "Need to see Mental Health, Ted, Valarie anybody please." On December 2, 2015, William Soper was seen by Laura Barnes, LPC-C, who added William Soper to the list of urgent psychology needs. On December 14, 2015, William Soper was seen by Susan Ponder and reported an instance of self-harm by banging his head two weeks prior, but denied current self-harming intentions.

While in the ACDF, William Soper was the victim of two assaults. On January 8, 2016, William Soper was the victim of a First Degree Burglary after another inmate entered his cell and assaulted him. Criminal charges were filed with the Adams County District Attorney's Office on Johnathon Anaya. On February 28, 2016, William Soper was moved from cell B-340 to cell B-333 after he indicated to deputies that he and his cellmate, were having issues.

Deputy Steffen Hileman observed that William Soper had red marks on his hands and chest and his cellmate, Erik Bassett, had red marks on his face and a cut on his cheek on March 25, 2016. William Soper and his cellmate denied that they had fought and explained the injuries when Mr. Soper's cellmate fell off a ladder in the cell. William Soper stated he was punching the wall because he was upset about his cellmate falling. William Soper was transferred from cell B-333 to cell A-463 for his well-being. About an hour after this transfer, William Soper came out of pod-A4 and informed deputies that he had been threatened by an inmate identified as Timothy Torres. William Soper was moved from cell A-463 to cell A-574 for his safety and well-being. William Soper remained in cell A-574 until he was moved back to general population in cell A-222 by the Classification Review Board on March 30, 2016.

On March 31, 2015, William Soper was the victim of another First Degree Burglary after he was assaulted in his cell by Joshua Crook. William Soper advised deputies of the situation, and Soper was moved to protective custody and housed in cell A-574 for his safety and well-being.

On April 12, 2016, William Soper gave Deputy Scott Perry an inmate communication form (kite) which said that he was in fear for his safety and life. William Soper said he was receiving threats from Inmates Gabriel Flores and Rickie Pacheco who were also housed in pod A-5. Mr. Soper remained in protective custody and was moved from cell A-574 to B-111 on April 13, 2016 for his safety and well-being.

On April 14, 2016, William Soper was found competent to proceed to trial on his case. That night, at 9:38 p.m., Deputy Robert Bishop received a kite from William Soper in which he stated he was "gravely depressed." Deputy Bishop escorted William Soper to the Medical unit and he was placed on Mental Health Observation status. Deputy Bishop later inventoried William Soper's property and found several medications that William Soper had stockpiled including; Geodon and Vistaril. On April 15, 2016, William Soper was seen by Mental Health staff and cleared to return to his cell in B-Module.

Mr. Soper's Suicide attempt on April 17, 2016:

On April 17, 2016, at 10:28 a.m., Sergeant Lee Page entered the foyer where William Soper was housed and conducted an isolation check on Mr. Soper. At, 11:02 a. m., Deputy Marilyn Blanton escorted LPN Janice Marshall to cell B-111 so that William Soper could receive his medication. Deputy Blanton indicated William Soper took his medication and said "thank you."

At 11:27 a.m., Deputy Blanton went to William Soper's cell along with inmate server Daniel Martinez to deliver William Soper's lunch tray. When Deputy Blanton had the cell door opened she found William Soper hanging. Deputy Blanton and Daniel Martinez described William Soper as hanging from the ladder in the cell with his inmate issued bed sheet tied around his neck. Once Deputy Blanton saw William Soper hanging, she immediately aired a medical code and began attending to Mr. Soper.

Numerous deputies arrived to help immediately, followed by the nursing staff and supervisors only a minute later. Platte Valley Ambulance and Brighton Fire arrived within seven minutes and attempted to revive William Soper. Mr. Soper was transported to Platte Valley Medical Center, and later transported to Good Samaritan Medical Center for further treatment.

Investigation after Mr. Soper's death:

On April 17, 2016, Deputy Gary Brown spoke with the inmates who were assigned in pod B-1. Many of the inmates said that they had no contact with William Soper and gave no statement. Lucas Merklin who was housed in cell B-101 indicated that deputies had not checked

on William Soper in a long time, however a review of the video and logs show that Sgt. Page, Deputy Blanton, and Nurse Marshall had checked on William Soper just prior to him being found in the cell. David Mascarenas and James Vineyard, who were housed in cell B-103, directly above cell B-111, said that they heard William Soper talking to deputies during the night. James Vineyard said that it sounded like William Soper was having a hard time, and David Mascarenas said that he heard a deputy tell William Soper that it wasn't that bad, and that things would be ok. Jerrett Sullivan who was housed in cell B-107 said that he saw the nurse and female deputy check on William Soper about 20 minutes before lunch.

A review of the William Soper's phone calls made from the jail as part of the investigation indicates that he called his mother Debra Soper on the night of April 14, 2016 and talked with her about what had happened in court. William Soper said he was found to be competent to stand trial, talked about pleading not guilty, and said that he would have to wait four to five months for trial. William Soper told his mother that he had mentioned suicide last night because he is "gravely depressed." William Soper said he gets no TV, and is sitting by himself all day. William Soper told his mother that he was "thinking about doing himself in" but said that "I can't tell them." William Soper explained that the sentence range for his charges was from five to sixteen years in prison, and said, "I won't do five years, I won't even consider four to five months."

A review of the video of B-1 from April 17, 2016 demonstrates that deputies were conducting thirty minute row checks of the housing unit, and cell B-111. The row checks began at 12:10 a.m. and continued approximately every thirty minutes until William Soper was found at 11:27 a.m.

William Soper remained at Good Samaritan Medical Center until he was removed from life support on April 22, 2016, and was pronounced deceased at 7:09 a.m. by Peter Mutuc, MD. On April 25, 2016, a post-mortem examination of William Soper was conducted by Dr. Michael Arnal, Pathologist, with the assistance of Madison Miranda, Forensic Autopsy Technician. After the examination Dr. Arnal indicated the preliminary cause of death was asphyxia, and the manner of death was hanging. During the autopsy Dr. Arnal examined William Soper thoroughly and indicated that there were no injuries to indicate that William Soper had been assaulted prior to his death.

The official Autopsy report from the Adams County Coroner's Office authored by Dr. Arnal reported diagnoses as:

- I: Brain Cerebral Edema
- II: Lung, Acute Pneumonia
- III: History of Asphyxia Secondary to Hanging.

Dr. Arnal ruled the cause of death as *Asphyxia Due to Hanging* and the manner of death as *Suicide*.

Legal Analysis

Criminal liability is established in Colorado when it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statutes, and it is proven beyond a reasonable doubt that the offense was committed without any statutorily recognized justification or excuse.

The lowest level of criminal culpability for causing the death of an individual is criminally negligent homicide. "Any person who causes the death of another person by conduct amounting to criminal negligence commits criminally negligent homicide," C.R.S. 18-3-106. The other crimes for causing the death of a person – reckless manslaughter, second degree murder, and first degree murder – require a higher culpable mental state. To commit them, a person must act recklessly, knowingly, or intentionally. In analyzing the case, we must first determine whether any one acted with criminal negligence in causing Mr. Soper's death.

Pursuant to C.R.S. §18-1-501 (3), "A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial or unjustifiable risk that a result will occur or that a circumstance exists."

Mr. Soper was appropriately screened for physical and mental health issues when he entered the Adams County Detention Facility. At that time he indicated that he was not suicidal. When he did report mental health issues the staff documented his concerns and responded. Mr. Soper indicated numerous times that he was depressed or upset and each time the staff responded to his request and evaluated him. According to the treatment logs the staff evaluated Mr. Soper's status after each request involving a mental health need and Mr. Soper denied self-harming intentions. The staff responded to Mr. Soper's requests and their actions were not criminally negligent. After Mr. Soper was found hanging from the top bunk ladder by the use of a sheet, the jail staff and EMS administered appropriate medical treatment to Mr. Soper.

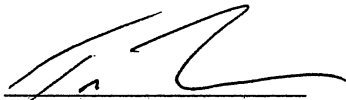
In summary, a review of the materials presented does not disclose any abuse, mistreatment, or maltreatment that rises to a level of criminal culpability. There is not sufficient evidence to prove that anyone contributed in causing the death of William Soper. The video and physical evidence obtained indicate that Mr. Soper's death was caused by hanging, and that it was self-inflicted.

There is no evidence to support the filing of criminal charges for the death of William Soper. The evidence demonstrates that on April 17, 2016, Mr. Soper took a jail issued sheet and hung himself from the ladder going up to the top bunk in his cell while he was alone.

Conclusion

On April 17, 2016, Mr. William Soper was in the Adams County Detention Facility awaiting prosecution on numerous charges. He expressed a desire to commit suicide along with a desire to keep that information from the staff treating him. All of the evidence indicates that Mr. Soper died as a result of suicide and there is no indication that the detention personnel contributed to his death. If you have any questions pertaining to this report or findings and conclusions, please contact me.

Very truly yours,



Trevor Moritzky
Chief Trial District Attorney
17th Judicial District Attorney's Office