



April 3, 2014

Douglas N. Darr, Adams County Sheriff  
Adams County Sheriff's Office  
332 N 19<sup>th</sup> Avenue  
Brighton, CO 80601

Re: The investigation of the death of Heath  
Michael Kennel at the Adams County Detention  
Facility at 150 N. 19<sup>th</sup> Avenue, Brighton,  
Colorado on October 6, 2013.

Dear Sheriff Darr:

The investigation and legal analysis of the death of Heath Michael Kennel while in-custody at the Adams County Detention Facility (ACDF) on October 6, 2013 has been completed. Detective James McKenzie of the Adams County Sheriff's Office led the investigation and presented his reports, photos, recorded interviews, and other documents to the office of the Seventeenth Judicial District Attorney for our review. Based on the evidence presented, Mr. Kennel died of asphyxia. Furthermore, 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**

Mr. Heath Kennel was found guilty at a jury trial of three counts of Sexual Assault on a Child as a Pattern of Abuse and three counts of Sexual Assault on a Child on October 4, 2013. All six counts are felonies, and each of counts of Sexual Assault on a Child as a Pattern of Abuse carry a sentence of up to life in prison. Judge Jill Straus ordered Heath Kennel be remanded into custody to be held without bond until his sentencing on December 2, 2013.

Deputy Sheriffs took Mr. Kennel into custody at the courthouse without incident. He was searched, and deputies took his belt and some other personal property. Mr. Kennel was cooperative, stating "I don't have anything; I won't

give you any problems." Mr. Kennel was moved to the Sheriff's Department's holding area at the courthouse. Later that day he was transported to the Adams County Detention Facility (ACDF), 150 N. 19<sup>th</sup> Avenue, Brighton, Colorado. Mr. Kennel remained in the ACDF until his demise.

Once at the ACDF, Deputies booked in Mr. Kennel. Mr. Kennel was dressed in jail clothing. This was done by having Mr. Kennel strip naked, then – after it was confirmed that he had nothing on – providing him with inmate clothing. None of the inmate clothing had shoe strings or cords like shoe strings.

Mr. Kennel was moved to B-Module, pods 5 and 6, "Intake." This occurred on October 4, 2013 at approximately 6:37 p.m. Mr. Kennel was housed in cell B-696. He was not moved from that cell assignment. It should be noted that Mr. Kennel was not locked down in his cell during the daytime. He was allowed to move about the pod, associate with the other inmates in that pod, and utilize the amenities of the pod.

During questioning during the book-in process, Mr. Kennel did not present as depressed or suicidal. Nurse Mischa Strong, who did the medical intake for Heath Kennel on October 5, 2013, stated that Heath Kennel claimed that he had no medical conditions, except being allergic to 'cillins.' Nurse Strong said that Heath Kennel denied any history of suicide or suicide ideation, and Mr. Kennel denied any history of hurting himself. Nurse Strong said that she was not aware of any reason why Mr. Kennel should not be housed in General Population.

Heath Kennel's cellmate, Beau Smith, was moved to General population at around 9:30 p.m. on October 5, 2013. Thus, Mr. Kennel did not have a cellmate on October 6, the date of his demise.

Subsequent to Mr. Kennel's death, Det. McKenzie reviewed the surveillance video from the pod. Reviewing the video, Det. McKenzie observed Beau Smith being moved out of B-696 at approximately 9:21 p.m. on October 5. At that time, Mr. Kennel is visible at the cell door. He is alone in his cell. The lights in B-696 are observed to turn on at approximately 10:52 p.m. for 16 ½ minutes. The lights are turned on again at approximately 11:13 p.m. for about 14 minutes. Nobody enters or leaves his cell during those evening and early morning hours until Deputy Bradley Guildner and Deputy Jeromy Goodson enter B-696 after 4:00 a.m.

On October 6, 2013 at approximately 4:02 a.m., Deputy Bradley Guildner and Deputy Jeromy Goodson were performing a row check in Mr. Kennel's pod. Deputy Guildner began his row check at cell B-696. He shined his flashlight in the cell door's window, then continued toward cell B-695. As he did so, Deputy Guildner thought something seemed unusual in cell B-696, so he returned to check B-696 again. When he shined his flashlight in the window of cell B-696 again, he observed what appeared to be a dark-colored string running from the

second rung of the top of the ladder to the inmate's neck. Deputy Guildner said it was very difficult to see clearly since the cell was dark and the string was dark colored. The inmate, Heath Kennel, appeared to be lying on the bed on his right side facing the cell's window and away from the cell door.

Deputy Guildner called for Deputy Goodson to assist him. Guildner told Goodson that he thought the inmate in the cell was hanging himself. Guildner and Goodson went to cell B-696, and Detention Specialist Andrea Walker opened the cell door from the B-Module Control Tower. The two deputies entered the cell. They observed that Heath Kennel was suspended about six inches off of his mattress with his back to the door facing the cell window. A black string was tied to the second rung of the ladder on the bunk bed and ran to Mr. Kennel's neck. Deputy Guildner cut the string with his emergency knife, and Mr. Kennel dropped to his mattress. Kennel had red marks around his neck, and he was stiff, unconscious, and motionless. Deputy Guildner checked for a pulse on Kennel's neck, but he could not find one. Deputy Goodson called an emergency code so medical personal and other deputies would respond for assistance.

Mischa Strong, an LPN, responded after hearing the medical code. Per Nurse Strong, she arrived within seconds of the emergency code. She arrived between 4:05 and 4:06 a.m. Nurse strong found Heath Kennel unresponsive and lying on his right side. Nurse Strong attempted to take Mr. Kennel's pulse, but she was unable to access the carotid artery because of the string or cord Mr. Kennel's neck. Nurse Strong was unable to loosen the noose, and she asked Deputy Goodson to cut it off Mr. Kennel's neck. Nurse Strong said that Heath Kennel displayed no spontaneous respiration and his face was purple/blue in color. He had a bloody secretion in the corner of his mouth.

Once the noose was removed from around Heath Kennel's neck, Nurse Strong again checked for a carotid pulse, she was not able to locate a pulse. She observed multiple ligature marks on Heath Kennel's neck. Heath Kennel was placed prone on the floor of the cell and placed in a prone position. Nurse Strong said she checked for respiration and cardiac sound, but she found none. Nurse Strong began cardiopulmonary resuscitation (CPR) on Heath Kennel.

Josh Annua, an RN, and Cheryl Groothuis, also an RN, arrived and began assisting Nurse Strong. Deputy Richard Shyrigh entered the cell and began to give rescue breathes by using an Ambu Spur II Adult Resuscitator (also called an "Ambu Bag"). Deputy Shyrigh said that Nurse Strong directed him to give three rescues breathes, and he continued breaths until an oxygen tank was connected to the tubing of the Ambu Bag.

Nurse Annua deployed the automated external defibrillator (AED) and applied the electrode pads from the defibrillator. Nurse Annua also placed a neck brace on Mr. Kennel to assist with air flow to his lungs. On four occasions

CPR was stopped for the nurses and deputies to use the AED. The defibrillator instructed to continue with CPR. Nurse Strong noted that while the AED was being deployed a shock message was never displayed, and the AED's display instructed them to continue CPR.

Immediately prior to the arrival of personnel from Platte Valley Ambulance and Brighton Fire, Heath Kennel was placed on a backboard and removed from cell B-696 to the day space of pod #6. This was done so that there was more space to provide care for Kennel. Once in the day space, CPR was continued until the task was taken over by paramedics.

Platte Valley Ambulance and Brighton Fire arrived at approximately 4:13 a.m. They took over treatment of Heath Kennel. Mr. Kennel was pronounced deceased at 4:20 a.m. by Dr. Mark Flora, an ER doctor at Platte Valley Medical Center.

On October 6, 2013, Det. McKenzie interviewed Beau Smith. Beau Smith recalled that he had been housed in B-696 on Friday [October 4, 2013] night. Beau Smith didn't know or couldn't recall his cell mate's (Mr. Kennel's) name. Mr. Smith was very shocked when Det. McKenzie told him that Kennel had committed suicide. Mr. Smith said that Heath Kennel spent most of Friday night and Saturday sleeping or pacing the floor. Mr. Smith said that on one occasion on Friday night he awoke and found Kennel lying on the floor of the cell. He asked Kennel if he was okay, and Mr. Kennel said that he was. Mr. Smith said that at one point on Saturday a deputy saw Mr. Kennel sitting on the floor and asked him if he was okay. Mr. Kennel replied "yes." Beau Smith said that Heath Kennel slept through breakfast on Saturday, October 5, 2013, but Mr. Kennel got up for lunch and dinner, though Mr. Kennel's meals looked untouched when he returned them. Beau Smith said Mr. Kennel stayed in the cell most of the time. Mr. Smith said that he never saw Kennel speak with other inmates when he came out of the cell. Beau Smith thought that Heath Kennel was depressed because Kennel never spoke and hardly came out of the cell. When asked, Beau Smith stated that he had ever seen any type of black string in B-Module, in his cell, or on Heath Kennel, or on himself. Smith said he had no idea where Mr. Kennel could have gotten the string.

In the course of his follow up investigation, Det. McKenzie checked Beau Smith's property to see if he had shoes that were missing their strings. Mr. Smith had black tennis shoes, but both shoes had shoe strings.

On October 6, 2013, deputies working in B-module went cell to cell and spoke with the inmates in pods B 5 and 6. Most of the inmates indicated that they did not see anything and that they did not know Heath Kennel. Johnny Duran, who was housed in cell B-694, told Det. McKenzie that he had spoken briefly with Mr. Kennel on October 5, 2013. He had spoken with Kennel about how clean Mr. Kennel's cell was. Mr. Duran said that he had seen Kennel out of

his cell, but said that he didn't see him talking with anyone else. Mr. Duran said that he hasn't seen any shoe strings in the facility, and he told Det. McKenzie that they are not allowed.

In an effort to determine where and how Mr. Kennel obtained the shoe lace or shoe-lace-like cord, Det. McKenzie and Det. Raper reviewed many hours of video surveillance at the ACDF from Mr. Kennel's arrival until the time of his death. In the thirty or more hours of video, Mr. Kennel was not seen with any string/cord or acquiring any string/cord. Deputy Kyle Pinkerton, who is assigned to the Adams County Courthouse, reviewed video depicting Mr. Kennel at the courthouse. Deputy Kyle Pinkerton did not observe Heath Kennel with any string/cord or acquiring any string/cord. It is unknown how Mr. Kennel obtained the cord that he used to commit suicide.

On October 7, 2013, Det. McKenzie was contacted by Sandy Malone. Ms. Malone identified herself as a psychologist. She said she was calling on behalf of Stephanie Kennel, who was Heath Kennel's wife. Ms. Malone stated that she was a family friend and that was trying to assist the Kennel family with Heath's death. Det. McKenzie provided a brief synopsis of what he knew about Mr. Kennel's suicide. During this conversation, Ms. Malone indicated that Mr. Kennel's attorney had told deputies in the courtroom that Heath Kennel was suicidal.

On October 7, 2013, Det. McKenzie spoke to Craig Truman, who was Heath Kennel's attorney. Mr. Truman had called to verify the report of Mr. Kennel's death. Det. McKenzie told Mr. Truman that Heath Kennel had committed suicide on October 6, 2013. Mr. Truman seemed a little startled. Mr. Truman told Det. McKenzie that Heath Kennel was "very suicidal." Mr. Truman stated that he had represented Heath Kennel for about two years. Mr. Truman stated that he had Mr. Kennel on a suicide contract the entire time. Mr. Truman asked how Mr. Kennel had killed himself. After he was told, Mr. Truman said that Heath Kennel had talked about hanging himself about a year ago, so Mr. Truman had gotten Kennel mental health treatment. Det. McKenzie asked Mr. Truman if he had told any of the sheriff's deputies of his concerns for Heath Kennel, and he said he had not. Mr. Truman said that most clients don't want the information passed on because they end up in the medical unit wearing a suicide suit.

## LEGAL ANALYSIS

Criminal liability is established in Colorado when the prosecutor proves beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statutes. In addition to proving the crime beyond a reasonable doubt, the prosecutor must also prove beyond a reasonable doubt that the offense was committed without any statutorily recognized justification or excuse.

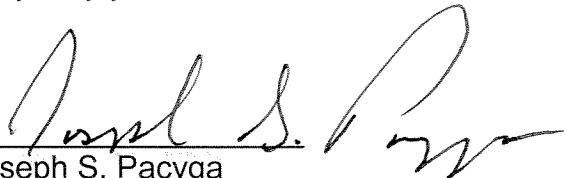
In this incident, there is no evidence to support the filing of any criminal charges for the death of Heath Michael Kennel. The evidence demonstrates that in the evening of October 5 or the early morning hours of October 6, 2013, Mr. Kennel asphyxiated himself in his jail cell.

### Conclusion

On October 5 and October 6, 2013, Heath Michael Kennel was in the Adams County Detention Facility awaiting sentencing on serious felony charges. All of the evidence supports the conclusion that Mr. Kennel 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,



Joseph S. Pacyga  
Chief Trial District Attorney  
17<sup>th</sup> Judicial District Attorney's Office