

DISTRICT COURT,
JEFFERSON COUNTY, COLORADO
FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE

AFFIDAVIT FOR ARREST WARRANT

Investigator's David Lynn, being duly sworn upon oath says:

That the foregoing offense(s) alleged was committed of this affiant's own personal knowledge, and the facts stated therein are true.

On 02/02/09 the Morrison Police Department initiated a report concerning a possible sexual assault on a child at the Silver State School located at 14711 Morrison Road in Morrison Colorado, Jefferson County. The school football coach, Shannon Fagen D.O.B. 08/15/65 called the Morrison Police Department to report that the principal of Silver State High School, Daniel Charles Brock, D.O.B. 04/29/73 is involved in having sexual conversations with the students, getting undressed in front of them and touching the male students genitals. Male students were involved in discussions with Brock at the school at which time Brock asked them questions such as, "Have you ever had sex?", "Do you jerk off?", "Did you finger her?", "Have you fucked her yet?", "Oral sex is good because bodily fluids are good for you".

Shannon Fagen identified a student who is a 2007 graduate of Silver State School by the name of [REDACTED] D.O.B. 10/30/88. [REDACTED] went to California on a senior class trip where Brock was the chaperone for the class of eleven students. During the trip Brock touched [REDACTED] inner thigh and kissed [REDACTED] on the lips and forehead.

Fagen indicated parents and coaches have noticed similar behavior by Brock towards the students but are hesitant to speak against Brock because they are afraid of the ramifications. Fagen said when a student spoke against Brock in the past the school suspended the student for unrelated issues.

On 02/12/09 about 1515 hours I interviewed [REDACTED] D.O.B., 11/24/91 at the Jefferson County Sheriff's Department South sub station reference this case. Also present for the interview was investigator A. Joiner with the Morrison Police Department. [REDACTED] had attended Silver State High School until this school year, 2008-2009 when he transferred to Collegiate Academy located in South Jefferson County. [REDACTED] relayed the following information during the interview. I asked if he knew why he was here today and he said he did and it was because his principal is a "creeper". He went to Silver State two years prior to going to Collegiate this year. He attended Silver State during the 8th and 9th grade until going to Collegiate this year and is in the 10th grade. He explained Mr. Brock was the principal at Silver State School and [REDACTED] completed two full years at the school. I asked how much contact he had with Brock and he said they spoke every day. He said it wasn't always in his office, but also in the

(INV6 3/02)

hallways. He said every other day he would have conversations in Brock's office.

The conversations were about school but mostly of a sexual nature. Brock would ask questions pertaining to masturbation, fondling girls, if [REDACTED] has touched a girl and if he looks at porn when he masturbates. [REDACTED] said Brock asked about nine to ten times throughout a two year period if [REDACTED] viewed pornography on the computer. [REDACTED] said during the conversations they always talked about masturbation. [REDACTED] said during the two years he was at the school Brock would ask him to come into his office every other day to talk about sexual topics. I asked if this was normal and he said it was for the boys. He said he was never told not to repeat it but it was expected because of the females in the school. He said sometimes it would slip and he and [REDACTED] would say Mr. Brock is kind of weird. His friends would say he asked you those kind of questions too and said they guess they weren't the only ones. He said a lot of people had the conversations.

On 02/12/09 we then interviewed [REDACTED] D.O.B. 03/22/91 at the Lakewood Police Department. [REDACTED] indicated he had the same type of sexual conversations with Brock in his office similar to [REDACTED] conversations. Brock would ask him about masturbation, if he ever fingered a girl, had oral sex or if he had ever given and received oral sex. Brock talked to [REDACTED] about oral sex with a woman and Brock said the fluids from the woman are healthy. Brock talked about having oral sex with his own wife also. [REDACTED] said the conversations occurred about one time a month and would last about one half hour. The door would always be closed during the conversations. [REDACTED] said on one occasion he was walking down the hallway with his mother at which time Brock came up behind him and grabbed him, pulling him in close to Brock's body. [REDACTED] said he was able to pull away from Brock and made it clear to Brock he didn't appreciate being grabbed. [REDACTED] also advised that one time during one of the sexual conversations in Brock's office when Brock began changing his clothes in front of him while they were talking about sex. Brock took off his clothes down to his underwear then put on another set of clothes I asked [REDACTED] if Brock was asking the questions to keep kids on the right track and he said Brock never said that sex was immoral.

On 02/20/09 about 2300 hours investigator Joiner and I interviewed [REDACTED] D.O.B. 10/30/88 at the Jefferson County District Attorney's Office. During the interview, [REDACTED] said Brock initiated sexual conversations with him in Brock's office starting in the 10th grade. [REDACTED] said by his senior year he was having the sexual conversations daily during first hour in Brock's room when he was Brock's teacher's assistant. I began to ask [REDACTED] questions about the senior trip he went on when Brock was the chaperone inquiring specifically about the motel room he shared with Brock during the trip. At this point [REDACTED] asked if he would remain anonymous and if anyone else would know about it? I explained at length to [REDACTED] he would be anonymous for now but if a case were filed and this proceeded to a trial he would no longer be anonymous. At this point [REDACTED] demeanor changed and noticeably. Previously [REDACTED] had appeared fairly comfortable, as he was talking conversationally and making eye contact. However at this time [REDACTED] appeared to become quite

uncomfortable, as [redacted] head dropped, he crossed his arms, he had minimal eye contact and he spoke in one word answers only. [redacted] denied Brock engaged in any inappropriate conduct than what he had already reported. During the interview [redacted] didn't disclose any type of sexual assault.

On 02/23/09 I received a call from Fagen advising he was in contact with [redacted] and [redacted] wished to speak again about his concerns with Brock. [redacted] and Fagen arrived at the district attorney's office at which time [redacted] was interviewed. [redacted] said that he went on a senior trip with the entire senior class of about eleven students along with Brock. The students took a van to Las Vegas first and [redacted] was always required to sit in the front passenger seat while Brock drove and the other students remained in the back of the van. [redacted] said they stayed the first night in a motel in Las Vegas and that [redacted] shared a room with Brock, [redacted] and [redacted] that were both seniors. [redacted] said [redacted] and [redacted] "called" the first bed together which left him sharing a bed with Brock. [redacted] elected to sleep on the floor and not share the bed with Brock but Brock insisted [redacted] sleep in the same bed with him. [redacted] elected to sleep on the bed, fully clothed but on top of the covers. Brock didn't allow that and told [redacted] to sleep under the covers. [redacted] did sleep under the covers but remained dressed. [redacted] described how he slept on his stomach and Brock slept with his arm around him touching his lower back. Brock rubbed [redacted] back and told Brock that is what he does with his wife when he is home. Brock was wearing only his underwear and slept on his side very close to [redacted] after the other two boys were asleep, but prior to Brock and [redacted] going to sleep, Brock asked [redacted] the normal sexual questions he had asked in the past. [redacted] said he eventually did take off his own shirt but remained clothed by wearing pants. [redacted] described the night as very awkward and that Brock also gave [redacted] one pillow and put it very close to Brock's own pillow. [redacted] said all he wanted to do the next morning was to "get the hell out of bed". The class left the following morning and drove to California.

Once arriving in California the students and Brock stayed several nights at Brock's family Christian camp. [redacted] described how all of the boys shared a cabin with Brock and each had a separate bunk bed. Brock and [redacted] always shared the same set of bunk beds, switching on and off from the top to bottom bunk. [redacted] described how he was in his sleeping bag and Brock sat down on the bed and rubbed [redacted] legs. He also described how they sat around the camp fire and Brock would sit next to him. At this time it was dark and Brock sat and rubbed his leg as well as his private area. [redacted] described his private area as his "nuts", "balls" and "dick". [redacted] and Brock would also be alone quite often during walks, in the cabin as well as the campfire. On numerous occasions Brock would rub [redacted] private area using the front and back of his hand.

[redacted] described "sack tapping" as something the students did with each other. "Sack tapping" is when a male will go up to another male and strike them in the testicles with the back of the hand causing pain to the subject being hit. [redacted] reported that he didn't think a principal should get involved in that kind of behavior, but that Brock did.

4

Brock would "sack tap" other students as well as [REDACTED]. [REDACTED] reported Brock "sack tapping" on [REDACTED] different than the "sack tapping" the students did to each other. When Brock "sack tapped" [REDACTED], Brock would not do the "hitting" part, but would go a lot slower and gently rub and sometimes Brock would "push up" on [REDACTED] "nuts" for two to three seconds. Brock would do this using the front of the hand as well as the back of the hand.

[REDACTED] indicated that Brock would grab his "nuts" and pull up on his "nuts" in an upward motion. He described how Brock would have an "awkward stare" when he was touching [REDACTED] privates and said it was a "seductive stare". [REDACTED] reported the sex talks started around his sophomore year and Brock's "sack tapping" started around his junior year. He didn't like what was going on with the sexual conversations and touching throughout his 10th and 11th grade that continued through his senior year but stated all he wanted to do was graduate. [REDACTED] said the conversations and touching of his privates took place at Silver State School in the hallway when no one was around as well as in Brock's office at the school at which time the door would be closed. [REDACTED] said if Brock "sacked tapped" him in front of other students Brock would "really rack" [REDACTED]. When Brock was alone with [REDACTED] however, Brock would do more of a gentle brush or pushing up of [REDACTED] privates and sometimes using the front of his hand. [REDACTED] said he was never told by Brock not to tell, but that beginning in about his junior year Brock told him that "what happens between us stays between us". [REDACTED] also reported that he received a call from Brock around the 25th of February. Brock told [REDACTED] he (Brock) was "under investigation" and Brock told [REDACTED] "if they ask you anything, don't tell them anything". During the interview I showed [REDACTED] a copy of a department of revenue photograph of Brock at which time he indicated it was a positive identification of Daniel Brock and that Brock was the principal of Silver State School during this time period. Brock currently holds that position.

On February 23, 2009 we conducted a pretext telephone call between [REDACTED] and Brock. [REDACTED] called Brock and told Brock that he was stressing as he was being called in to take a polygraph. [REDACTED] told Brock that he was being asked questions about Brock. [REDACTED] told Brock that he was given a list of the questions. Brock asked [REDACTED] when he was contacted and [REDACTED] stated today. Brock asked [REDACTED] what the questions were and [REDACTED] said the first question was, when he was a junior and senior in high school did Mr. Brock touch you inappropriately. [REDACTED] said Mr. Brock stated, "Well did I?" [REDACTED] responded, "Sometimes you did". The second question was, Did Mr. Brock ever touch your penis on the outside of your clothing. [REDACTED] said you did and you know you did, playing those games that the sex happened. [REDACTED] said Mr. Brock said to tell the truth but that he needed to be very clear about it. [REDACTED] said at this point he hung up the phone on Brock. During this first call the recording equipment was on but [REDACTED] had put the phone to the opposite ear of the recording device which then only captured his voice and not Brock's. [REDACTED] called Brock back approximately 10 minutes later stating he had lost service. (the entirety of this call was recorded) During this call Brock told [REDACTED] "Don't know

what to tell you, just be careful". ██████ told Brock he didn't want to fail the polygraph and Brock asked ██████ if ██████ could refuse the polygraph. ██████ told Brock he couldn't refuse to do it. Brock asked ██████ what he needed from him and ██████ said, "Nothing". Brock then told ██████, "I'm out of a job right now". Brock further stated he was on administrative leave. (Investigator Mike Harris later on this date spoke with the Director of the Silver State Baptist Church/ School, Dr. Hienz. Dr. Hienz told Investigator Harris that Brock was not on administrative leave that Heinze advised Brock to take a couple of days off.)

██████ next told Brock, "I'm scared Mr. Brock what should I do?" Brock said, "Speak to them you have to be able to define when they say inappropriate what that means. You have to interpret what that means." ██████ said yeah. Brock continued, "Make sure you're clear what is on purpose and what is sexual advances". ██████ asked, "How can I pass the polygraph?" Brock said, "Tell them the truth, I'm not going to ask you to lie for me". ██████ asked what he should say when he is asked the question about Mr. Brock ever touching him on the outside of his clothing. Brock said, "I don't remember, but that doesn't mean, I don't know". ██████ said ok. Brock then said, "You know I shouldn't play games". ██████ told Brock he would let him go. Brock ended the call by telling ██████ to be careful.

On February 23, 2009 Investigator Mike Harris called Brock and identified himself as an investigator with the D.A.'s office. Investigator Harris told Brock there was an investigation on him and there was some concern. Harris told Brock there had been some interviews and some kids had told us some concerning things. Harris told Brock that we had some information coming from ██████ girlfriend who was reporting that Brock had touched ██████ inappropriately on several occasions at the school, on a trip and on a camping trip. Harris told Brock that ██████ was very distressed over this and Brock stated he was "Advised not to talk to anybody". Harris inquired as to why that was all Brock could say when being told about a kid that was in distress.

Harris asked Brock if he had touched ██████ inappropriately on his penis area and that those questions would be asked of ██████ in the polygraph. Brock said no. Harris asked Brock if he had ever touched ██████ over his clothing on his penis in his office. Brock said, "Not that I can recall and the answer is no". At this point Brock advised he would be contacting an attorney and Harris asked him to have his attorney call in the morning to speak with Harris.

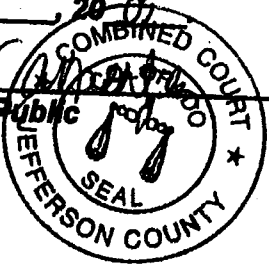
On 02/27/09 about 1400 hours I went to ██████ work located in Commerce City to briefly clarify a few dates and time frames. I reminded ██████ that when we talked on the 23rd he said the conversations with Brock started in the 10th grade and proceeded through graduation. I asked what year the touching of his privates began and he said around the 10th grade, closer to the 11th grade. I asked if it had ever been consensual and he said it wasn't. I then asked if all of the touching that took place was with ██████ not wanting to do it and he said it was. I also inquired into some calls he had received on his cell phone. (After the second interview and after the completion of the pretext phone call to Brock I told ██████ it might be best if he didn't answer his cell

phone if he was aware it was Brock.) [redacted] said he received two messages on his cell phone that were both from Brock. Brock advised him in both messages that [redacted] should hire a lawyer and not to cooperate with them, (referring to Law Enforcement.) To date, these messages haven't been retrieved because [redacted] said his cell phone wasn't working.

This affiant feels probable cause exists to arrest Daniel Charles Brock, D.O.B. 04/29/73 for 18-3-405.3, Sexual Assault on a Child/ Position of Trust/ pattern. Brock is described as a white male, 6'4", 170, brown hair, Hazel eyes. Daniel Brock lives at 9222 W. Rice Ave, Littleton, Colorado , 80123, Jefferson County.

[Handwritten signature]
Investigator's David Lynn, Affiant

Subscribed and sworn to before me this 10 day of April, 2009

[Handwritten signature]
Judge / Notary Public


Notary commission expires _____

Stated this date 4/10/09 V. Caputo

*unsealed
Judge
Hoffin
R 6
DA m O
6-9-09*