

JAN 31 1994

930928CWE5022

1 Number 930928CWE5022		2 Investigator ID 8999		3 Office Code 863		EPIDEMIOLOGIC INVESTIGATION REPORT	
4 Accident date 93 08 05		5 IDI initiated 93 10 08					
6 Synopsis of Accident or complaint A six month old female infant suffered permanent brain damage from a near drowning episode in a bathtub. The victim had been placed in a child's bath seat by an adult babysitter and left unattended for several minutes. The victim was discovered out of the seat under water. The seat's front safety bar was open.							
7 Location Hotel 5 1			8 City Colorado Springs			9 State CO	
10a First Product Bath seat 4 0 2 1			11a Trade/Brand name/Model/Mfgr Gerry Baby Products, Thornton, CO; A Huffy Company, Dayton, OH <i>P/N 027658015</i>				
10b Second Product Bath tub 0 6 1 1			11b Trade/Brand name/Model/Mfgr Unknown				
12 Age of Victim 2 0 6		13 Sex Female 2	14 Disposition Hospitalized 4		15 Injury diagnosis Near drowning 6 5		
16 Body part All 8 5		17 Respondents Police 2		18 Investigation type Other 3		19 Time spent 1 4 0	
20 Attachments Multiple 9		21 Case Source Newspaper <i>F395022 05</i>			22 Reviewed by 8 1 0 1		
23 Permission to disclose names (Non-NEISS cases only) <input type="checkbox"/> CPSC may disclose my name <input checked="" type="checkbox"/> CPSC may not disclose my name							
24 Narrative					25 Regional Director review      date		

*2/3/99*

*[Signature]*

MPS/ST/...  
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930928CWE5022



This investigation was initiated by a newspaper clipping about a near drowning associated with a child's bath seat. The victim's parents were suing the hotel where the incident occurred. The attorneys for both the hotel and the parents were interviewed by telephone. The family's attorney provided the police report. The Colorado Springs Police allowed me to examine the seat in their property room, but would not allow the seat latches to be manipulated. The police department would not release its report to CPSC. The family's attorney is planning to do testing on the seat. The incident occurred in Colorado, but the victim's family and the lawsuit are in Texas.

As of 1-4-94, neither attorney had contacted the Gerry Company about the incident, but the victim's attorney said he probably would after discussing the incident. The baby is not expected to recover from her injuries. She is in a permanent vegetative state, or "brain dead."

The parent's attorney is waiting for the bath seat to be sent from the Colorado Springs police to him.

#### **PRE-INCIDENT**

The family in this incident is from Beaumont, Texas, and had come to the Broadmoor Hotel in Colorado Springs, Colorado for a vacation in August 1993. The family was a father, age 38, and an anesthesiologist by profession; the mother, age 36; and their only child, a girl, born in February 1993.

The family had contacted the hotel to arrange for a baby sitter for the girl during the vacation so the parents could participate in activities together. The hotel hired a woman, age 60, to care for the child during the vacation. The woman told police that she was a grandmother and had raised 5 of her own children. She had worked part-time for the hotel for 3-1/2 years prior to the incident.

The baby sitter told police that she was relatively healthy when she was baby-sitting the child. She had three strokes in the past and takes medication for her high blood pressure (Capitem) and arthritis (Motrin), but that she does not drink alcohol.

- The baby was described as a healthy, 6 month old girl. The baby sitter mentioned that the baby like to play with her feet in the tub while bathing.

The sitter said the call was a wrong number and the caller argued with her about whether he mis-dialed the number. After the sitter hung up on the caller, she saw a hamburger sitting on the table. She ate a few bites out of the burger before returning to the bathroom (the police investigators asked the sitter why they did not see any evidence of the burger during their search of the room, but no reason for this was given).

#### **INCIDENT**

When the sitter returned to the bathroom, she saw the child laying on her side in the water. The safety bar on the seat was open and laying in the water. The seat was still in an upright position. The baby was on her left side, facing the room, with her feet at the faucet end of the tub. Her face was about halfway under water. The sitter guessed that the child reached over the bar to play with her feet, causing it to unlatch. She was "absolutely sure I locked her in position."

The sitter grabbed the child from the water and took her into the bedroom to call for help. She tried starting CPR, but the child started throwing up the cereal she had for dinner, and the sitter knew the breathing passage was blocked. The hotel desk received the emergency call at 7:35 PM. The desk sent their security personnel to help the sitter and also called paramedics.

#### **POST-INCIDENT**

The paramedics responded and attempted to intubate the child. Each time they tried the tube, it became clogged with vomit. After 3-4 minutes into the arrest, a cardiac monitor was placed on the child. The paramedic said the initial rhythm was asystole, with occasional junctional heart beats. The child also had fixed and dilated pupils and was cyanotic. After intubation was finally accomplished and CPR started, the cyanosis decreased. She was taken to the hospital and placed on life support machines.

The baby was later transferred to a hospital in Texas where she remains on life-support machines, with little expectation for improvement or recovery from the near-drowning injuries.

The district attorney has decided not to file criminal charges against the hotel baby sitter. The family has sued the hotel over the incident, and the lawsuit is being handled by attorneys in Texas. The family's attorney may contact Gerry Baby Products about the incident and invite them to participate in testing of the victim's baby bath seat.

The parents said that the baby did not like to lay on her stomach and that she could not turn herself over, but that she could hold her head up and sit up on her own.

The parents brought their bath safety seat from home for use in the hotel. The father said that they had used it several times in the past and had no problems with the seat. He did say that during the travel to Colorado, one of the 4 suction cups on the base of the safety seat had come off. He knew that it was in his suitcase and had not been replaced prior to use. The mother told the baby sitter to use the safety seat because it was "really good."

The family arrived in Colorado Springs on a Monday evening. The baby sitter was waiting for them at their hotel, and began caring for the child that evening. She was not living with the family. She arrived each morning and stayed with the child until the late evening. The parents did return for short periods during the days to relieve the sitter and spend time with the child. The sitter used the bath seat for 3 nights prior to the incident and had no problems with using it. The baby appeared to like the sitter according to the mother.

The sitter told the police that when she used the safety seat, she could tell by the click sound and feel when she had the safety bar locked into place. She said she usually filled the tub with water up to the baby's navel (about 3-4 inches deep) and placed the seat in the tub. She then placed the child into the seat, locked the bar into place, and then added toys to float in the water around the baby while the sitter washed the baby.

On Thursday evening, the parents were running late for a dinner reservation. The baby was also being fussy. The sitter suggested to the parents the child needed a bath, and the mother agreed. The parents left the room at 7:20 PM for their trip to the restaurant, but the father had to return to the room to get his jacket. When he returned, he said the child was still clothed and with the sitter.

After the father left, the sitter removed the baby's clothes and prepared her for a bath. She placed the child in the seat, and was splashing water on her shoulder's to warm her up when the phone rang. The sitter said that she was sure she locked the bar into place when she left to answer the phone. She did leave the child unattended, in the water, in the safety seat. The police estimated the water to be 6-8 inches deep, based on the height of the seat and the foam pad on the seat.

The Colorado Springs Police Detective said that there was about 45 minutes between the time of the incident, and the time they were notified. During that time, the hotel employees cleaned up and moved several items in the room.

#### PRODUCT INFORMATION

The police department identified the baby bath seat as a Gerry Brand product. One of the detectives working the case described the seat over the phone as mostly white plastic with a vertical bar on the back support. The seat has a light yellow foam pad that fits on top of the plastic of the chair. The foam has a "seat and legs" molded in the top surface. The T-Bar across the front has yellow, purple, and blue toys on it. The toys are a yellow boat, purple fish, and blue shell. There were 4 suction cups on the bottom of the seat, the left front cup was missing at the time of the incident. It is not known if this could cause flex on the T-Bar and allow it to release with less pressure. There were blue latches on the safety seat to secure the T-Bar. The seat opened from the front. The latches were a serrated curve shape. Apparently the user pressed the T-Bar down onto the serrated edges until it clicked into place. The detectives placed the evidence seals over the latches, making them difficult to examine. The police were planning to return the seat to the victim's attorney.

During my examination, I found 2 date clocks on the base of the seat. One had a 93 in the center, and an arrow pointing to 5. The other clock had only 5 numbers on it. The numbers were 1,2,3,4, and 5, positioned as follows:  Based on Gerry establishment file information, this suggests the seat was molded in May 1992.

There was a warning label on the back of the seat, above the vertical support. It said, "Warning: To prevent drowning never leave child unattended. Insure T-Bar is fully latched when in use. Push To Fold. This product is only for use with children that are capable of sitting upright unattended. Gerry Baby Products Co. A Huffy Company P/N 029658015." I did not find any model numbers on the seat.

I asked the victim's attorney if I could speak with the family about the history of the seat, and he said he would ask them what I needed to know. When further information about the seat is learned, it will be forwarded as an addendum to this report.

During an inspection of the Gerry Baby Products Company in 1993, I obtained a catalog of their products. There is a Gerry Splash

Seat, Model 020-455 in the catalog that does not meet the description of the seat provided by the detectives. A photocopy of the catalog page is attached. At this time, I can not confirm that this is the exact model involved in the incident.

The police department technician did some field testing on the seat at the time of the incident. He indicated that there is a minimum of 4 possible positions for the T-Bar to be used. They are:

1. Totally unlatched and open, as it was after the baby was found.
2. Unlatched and in a closed position with the T-Bar only touching the blue colored safety latches, requiring little or no force to break free.
3. Partially latched with the lower portion of the 2-piece T-Bar held by the tip of the blue colored safety latch, requiring moderate force to break free.
4. Fully latched with the blue colored safety latches fully engaged in the T-Bar latches as believed designed, requiring heavy force to break free.

The police do not mention specific force measurements in their report, nor do they know for sure how the bar was secured. The baby sitter said she was sure the latches "clicked" into the locked position. The police technician did not indicate whether the 2 latches operated independently, so that one could be fully latched and the other unlatched, nor did he indicate how much force was needed to latch the T-Bar into place properly.

#### STANDARDS INFORMATION

The bath seat would have been subject to the CPSC small parts regulations for children's products for children under 3 years. It is not known what voluntary standards Gerry may have produced the seat to meet at the time it was manufactured.

#### ATTACHMENTS

Attachment 1 - Color photographs of the safety seat taken at the Colorado Springs Police Department Property Room.

- Attachment 2 - Colorado Springs Police Investigation Report, including statements by baby sitter, parents, and other hotel personnel involved in the incident.
- Attachment 3 - Colorado Springs Police Property Report detailing the different ways the T-Bar can be used.
- Attachment 4 - Photocopy of Gerry Brand Bath Seat in 1993 catalog.
- Attachment 5 - Copies of correspondence attempting to gather information about the case.
- Attachment 6 - Copy of work assignment and newspaper clippings about the incident.
- Attachment 7 - Rough sketches of bathroom area where child was found and layout of the motel room. Prepared by CPSC Investigator in discussion with investigating police detective.



930928CWE5022

COLORADO SPRINGS POLICE DEPARTMENT  
OFFENSE  INCIDENT  SUPPLEMENT

CASE REPORT NUMBER  
93-24830  
TRIP CODE  
80706  
GEO CODE

TITLE <b>NEAR DROWNING</b>		STATUTE NUMBER	LOCATION OF OCCURRENCE <b>LAKE CIRCLE # 2409</b>			TRIP CODE <b>80706</b>	GEO CODE
ZONE <b>2</b>	SECTOR <b>6</b>	DATE AND TIME OCCURRED			DAY OF WEEK	DATE AND TIME REPORTED	
AREA COMMAND <b>R. E. (W.)</b>		ON OR BETWEEN <b>08 05 93</b>	MONTH <b>08</b>	DAY <b>05</b>	YEAR <b>93</b>	TIME <b>1915 THURS</b>	TIME <b>2011</b>
DCL	OFF	CLS	STT	PREMISES	UCR OFFICER ASSAULT ACTIVITY	UCR OFFICER ASSAULT WEAPON	UCR OFFICER ASSAULT ASSELT.
OFFICERS KILLED #	OFFICERS ASSAULTED #	NUMBER OF ARRESTS	ADULT	<input type="checkbox"/> SUSPECT(S) CAN BE NAMED/LOCATED		<input type="checkbox"/> CRITICAL PHYSICAL EVIDENCE	
		JUVENILE		<input type="checkbox"/> SUSPECT(S) CAN BE DESCRIBED/IDENTIFIED		<input type="checkbox"/> SUSPECT VEHICLE CAN BE IDENTIFIED/LOCATED	
NAME				RACE <b>W</b>	SEX <b>F</b>	AGE <b>6MO.</b>	DATE OF BIRTH <b>02-03-93</b>
RES.				CITY <b>PEARMONT</b>	STATE <b>TX</b>	TRIP CODE <b>77106</b>	TRIP CODE DAY
BUS.				BUSINESS ADDRESS		BUSINESS PHONE	

CODES: RP - REPORTING PARTY W - WITNESS V - VICTIM P - POLICE OFFICER A - ARRESTEE S - SUSPECT \*ONLY NECESSARY FOR SUSPECT/ARRESTEE

CODE	NAME (LAST, FIRST, MIDDLE)	RES. ADD.	RACE	SEX	AGE	CSPD NO. *
		CITY, STATE, ZIP				
HT *	WT *	HAIR *	EYES *	BLVD *	TELEPHONE (W)	DATE OF BIRTH
					(H)	SUMMONS NUMBER(S) *
CLOTHING *					ALIAS/NICKNAME *	

VEHICLE	VEHICLE YEAR	VEHICLE MAKE	VEHICLE MODEL	VEHICLE STYLE	VEHICLE COLORS - TOP/BOTTOM
<input type="checkbox"/> STOLEN	VEHICLE LICENSE NUMBER	LICENSE TYPE	LICENSE YEAR	LICENSE STATE	VEHICLE LICENSE COLORS - PRIME/NUMERALS
<input type="checkbox"/> SUSPECT	VEHICLE IDENTIFICATION NUMBER/MOTORCYCLE FRAME NUMBER		VEHICLE TOWED BY/TO	VEHICLE INSURED BY	VEH. ENGINE NUMBER
<input type="checkbox"/> TOWED	VEHICLE OWNER (LAST, FIRST, MIDDLE)		ADDRESS	TELEPHONE	
<input type="checkbox"/> VICTIM	<input type="checkbox"/> PICKUP ISSUED FOR ABOVE VEHICLE <input type="checkbox"/> PICKUP ISSUED FOR ABOVE SUSPECT <input type="checkbox"/> PICKUP CANCELLED				
<input type="checkbox"/> OUTSIDE RECOVERY					
<input type="checkbox"/> OWNER NOTIFIED					

DO IF INCLUDED IN REPORT	<input type="checkbox"/> SUSPECT(S)	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> PROPERTY DESCRIPTION(S)	<input type="checkbox"/> VICTIM STATEMENT(S)	<input checked="" type="checkbox"/> DICTATED SUPPLEMENT
	<input checked="" type="checkbox"/> WITNESS(S)	<input checked="" type="checkbox"/> HOSPITALIZED	<input checked="" type="checkbox"/> EVIDENCE INVOICE	<input checked="" type="checkbox"/> WITNESS STATEMENT(S)	PRIORITY <b>1</b>

VIC NO.	ITEM NO.	QNTY	BRAND NAME	MODEL NO./SIZE	PROPERTY DESCRIPTION	SERIAL NUMBER	STOLEN (S)	RECOVERED (R)	UCR TYPE
			A. Currency B. Jewelry C. Clothing D. Vehicle (Auto)	E. Office Equipment F. Radio G. Firearms H. Homehold goods	I. Consumables J. Livestock K. Misc.		<input type="checkbox"/>	<input type="checkbox"/>	

ELEMENTS/METHOD

**08-05-93**

**2011 HAS: THE COLORADO SPRINGS POLICE DEPARTMENT WAS CONTACTED AND ADVISED A 6 MONTH OLD HAD DROWN IN A BATHTUB AT THE BROADMOOR HOTEL. THE CHILD WAS TRANSPORTED TO MEMORIAL HOSPITAL AND ADMITTED TO THE PEDIATRIC INTENSIVE CARE UNIT IN CRITICAL CONDITION. THE CHILD WAS IN THE CARE OF A BABYSITTER AT THE TIME OF THE DROWNING.**

**FOR ADDITIONAL INFORMATION SEE SUPPLEMENTAL REPORTS**

**INVESTIGATION CONTINUING**

UCR DISPOSITION	PATROL INVESTIGATION CONTINUING	ASSIGNED TO	DATE	COMPANION NUMBERS
<input checked="" type="checkbox"/> OPEN	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
<input type="checkbox"/> UNFOUNDED				
<input type="checkbox"/> EXCEPTIONAL CLEARANCE				
OFFICER NAME/NUMBER	SUPERVISOR	DATE	PAGE OF <b>1</b>	
<b>PC 2610 1320</b>	<b>EEELS</b>			

18-09-93

PRINT CALL HISTORY

CALL NO..... 573534

NR..... C9324830

DATE..... 08/05/93

IC..... 20:11

Dispatcher..... PDMJG1132

LOCATION..... 1 LAKE CR; THE BROADMOOR HOTEL

TYPE..... 4005

CALL TYPE DESCRIPTION . MEDICAL CALL

SERVICE..... P

AGENCY..... CSPD

REA..... 2C

IST..... 65

ONE..... P2

eat..... 6H

ENSUS TRACT#..... 32

P..... Y

PRIORITY..... 1

OW..... 1

REMARKS..... MEDICAL TAKING A 6 MNTH OLD CHILD FOR A POSS DROWN  
 . AT THE BROADMOOR HOTEL...UNKNOWN CIRCUMSTANCES...S  
 . HAS THE BABYSITTER WITH THEM...SECURITY LOOKING FO  
 . 1X26/1X25 ENR 2036  
 . 1X26 ARR AT 2103  
 . 1X25 ENRT BROADMOOR AT 2130

DISPATCHER NAME..... WRITTEN

NAME..... HAROLD

I.....

ADDRESS..... BROADMOOR SECURITY

PHONE..... 719-577-5785

TR MAKE.. MODEL. COLOR.. VLIC.... ST. ADDITIONAL.....

SEX RACE HAIR EYES HT.. WT. CLOTHING-COMMENTS.....

UNIT A. STAT Time.... A. PSN

**COLORADO SHERIFFS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

CASE REPORT NUMBER  
**93-24830**

TITLE **ACCIDENTAL INJURY** STATUTE NUMBER OFFENSE CHANGED TO:

VICTIM'S NAME (LAST, FIRST, MIDDLE) DATE OF THIS REPORT  
**08-07-93**

CODES: RP - REPORTING W - WITNESS V - VICTIM P - POLICE OFFICER A - ARRESTEE S - SUSPECT \* ONLY NECESSARY FOR SUSPECT/ARRESTEE

CODE	NAME (LAST, FIRST, MIDDLE)	RES. ADD.	RACE	SEX	AGE	CSPO NO.
		CITY, STATE, ZIP				
HT *	WT *	HAIR *	EYES *	BUILD *	TELEPHONE (W)	DATE OF BIRTH
					(H)	SUMMONS NUMBER(S) *
CLOTHING *					ALIAS/NICKNAME *	

- SUPPLEMENT -

I OFFICER WISLER (990P) WAS DISPATCHED TO MEMORIAL HOSPITAL IN REGARDS TO A POSSIBLE DROWNING. UPON ARRIVAL AT MEMORIAL I CONTACTED A PARAMEDIC FROM BROADMOOR'S RESCUE SQUAD. THE PARAMEDIC TOLD ME THE BABYSITTER TOLD HER THAT THE PHONE RANG AND SHE ANSWERED IT LEAVING THE BABY IN THE BATH TUB. THE PARAMEDIC TOLD ME WHEN SHE ARRIVED ON SCENE AT THE BROADMOOR THE BABY WAS LYING ON THE FLOOR IN FRONT OF THE HOTEL ROOM.

NARRATIVE

DISPOSITION	EXCEPTIONAL CLEARANCE CATEGORY	VICTIM FAILURE TO PROSECUTE	PROSECUTE FOR LESSER CHARGE
<input type="checkbox"/> ARREST	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> DECLINED BY DA	<input type="checkbox"/> DUPLICATE CHARGES
<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> SUSPECT INCARCERATED	<input type="checkbox"/> SUSPECT DEATH	<input type="checkbox"/> OTHER JURISDICTION
<input type="checkbox"/> EXCEPTIONALLY CLEARED			
<input type="checkbox"/> CLOSED			

CERT. OFFICER SIGNATURE/NUMBER: **SCOTT D. WISLER 990P** SUPERVISOR: **PHIL** DATE: **080893** PAGE: **1** OF: **1**

**COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

1. CASE REPORT NUMBER  
35-2-222

2. OFFENSE <b>ACCIDENTAL INJURY</b>		3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO	
11. VICTIM'S NAME (LAST, FIRST, MIDDLE)			46. DATE OF THIS REPORT	
13. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADD. CITY & STATE	117. RACE	118. SEX
118. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADD. CITY & STATE	117. RACE	118. SEX

121. SECTION

Patrol/rmb  
Page 1

**OFFICERS STATEMENT**

08-05-93  
Approx. 2017 hrs

I, Officer F. Blake 029P, was dispatched to 1 Lake Ave. in reference to a baby drowning. I arrived on scene at approximately 2019 hrs and was advised to go to the Broadmoor Security Office. I proceeded to the Broadmoor Security Office, where I contacted Security Officer Christine Fiedler. Security Officer Fiedler told me that she would take me to Room 2409 where the baby had drowned in a bathtub.

Prior to leaving the security office, Security Officer Fiedler had brought in a security seat for a baby. I asked Officer Fiedler what the seat was for and she stated that the baby was in the seat at the time of the drowning. At that time I was also informed that shift supervisor, [REDACTED] had taken some pictures of the scene in which the baby had drowned. At that time, I seized the safety seat for the child and the photographs for evidence. As Security Officer Fiedler was walking me to the room in which the drowning taken place, 2409, I placed the childs seat and the pictures in the trunk of my police cruiser. We continued through the hotel, up to Room 2409 and Officer Fiedler told me the following statement that was made to her by the babysitter:

Babysitter, [REDACTED] told Security Officer Christine Fiedler that she had just put the victim, Chloe Miles into the childs safety seat in the bathtub. Babysitter stated that she knew the childs seat had been locked, because she heard it lock and she felt it lock. Babysitter then said that the phone rang so she went to answer it. Babysitter stated the person on the phone was asking for a person who was no longer in that room. The babysitter continued to tell the insistent person on the phone that nobody was there by the name that the caller was asking for. The caller insisted that the message was urgent and needed to get ahold of the person but the babysitter continued to tell the caller that no one was

122. PRELIM. INV.

FOLLOW UP INV.

CENT.	43. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER <b>OFFICER F. BLAKE 029P</b>	45. SUPERVISOR	DATE <b>08-06-93</b>	122. PAGE OF

NARRATIVE

COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT

1. CASE REPORT NUMBER  
93-24830

2. OFFENSE <b>ACCIDENTAL INJURY</b>		3. STATUTE NUMBER	14. UCR RECLASSIFICATION (IC)		8. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE)				48. DATE OF THIS REPORT 08/05/93	
5. ARRESTEE NAME		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
615. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE

121. SECTION

Patrol/rmb  
Page 2

there by that name. The babysitter stated that the caller finally hung up. Babysitter then stated that on her way back to the bathroom, she saw a hamburger that had been sitting on the table and she took a couple of bites out of it and then continued on her way into the bathroom. The babysitter then stated that she found the child lying in the bathtub, with the safety seat open.

The babysitter then grabbed the child out of the bathtub and began performing CPR on her. As the babysitter performed CPR, she was also calling for help from the Broadmoor operator. Babysitter stated that she thought she would be able to get help on the next floor down, so she took the baby down one flight of stairs and that is where Officer Fiedler met up with the babysitter.

Officer Fiedler stated that she helped perform CPR on the victim and had medical personnel look at the child. Once the medical people were on scene, Security Officer Fiedler and Officer Whitten had gone up to the room and taken pictures of the scene. Officer Whitten had contacted their supervisor, Luke Lukenville, and Mr. Lukenville Security Officer Fiedler to seize the child seat. Officer Fiedler did as told and took the child seat to the security office where she met me.

Officer Fiedler and myself proceeded to Room 2409 where I then secured the scene. Inside the room at that time, was the babysitter, [redacted] and her husband. I introduced myself to the babysitter and her husband and told them I would be there until our detectives would be able to get on scene and talk with her. Security Officer Fiedler stayed at the scene with me. At that time I asked if the babysitter and her husband had been left in the room alone and Officer Fiedler told me that they had been left in the room for an unknown amount of time. I then asked Officer Fiedler who all had been inside the room and the bathroom. Officer Fiedler told me that she, Officer Whitten, the babysitter, and her husband had all been inside of the bathroom. At that time, the babysitter told me that one of the laundry people had also been inside of the room but not in the bathroom, to pick

122. PRELIM. WR.  
FOLLOW UP WR.

46. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER OFFICER F. BLAKE 0299	45. SUPERVISOR	DATE 08-05-93	122. PAGE OF
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NARRATIVE

**COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

1. CASE REPORT NUMBER  
93-24830

2. OFFENSE <b>ACCIDENTAL INJURY</b>		3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO		8. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE)				48. DATE OF THIS REPORT <b>08/05/93</b>	
13. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
115. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE

121.  
SECTION

Patrol/rmb  
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up a pillow case which was on the pillow that the victim had regurgitated on when the babysitter was performing CPR on her. At that time I asked Officer Fiedler to contact their laundry facility and have them bring the pillow case back up to the room. A few minutes later one of the laundry people brought up the pillow case where we put it next to the pillow which was by the door. I remained on scene until detectives arrived. While I was waiting, Detective Eels, contacted me via telephone and told me that the doctor wanted to speak with the babysitter for some additional information. As the babysitter was talking to the doctor, I heard her say the following:

Babysitter stated that she had placed the child in the child safety seat in the bathtub and heard and felt the safety latches lock. Babysitter heard the phone ring and she went to answer it. Babysitter said that caller had the wrong number and he was trying to find someone that was not there. Babysitter told the doctor that she had talked with the caller for a couple of minutes prior to hanging up. Babysitter stated that prior to going back into the bathroom that she did stop and take two bites out of a hamburger that had been on the table for approximately one hour. The babysitter then went back into the bathroom where she found the child, lying in the bathtub on her side. The child safety seat had opened by itself and the baby was found in the bathtub. The babysitter then told the doctor that she performed CPR on the child and contacted the Broadmoor operator in order to get assistance for the child. Babysitter then thought that it would be quicker if she took the child down to the lobby area where the paramedics would probably be. As she took the victim down the stairs, one of the security officers had met her there in the hallway and they continued performing CPR on the child. The babysitter then stated that she could not remember the time frame in which she left the child alone in the bathtub to the time she found her. The doctor had asked the babysitter several times, regarding the amount time and the babysitter kept stating that she did not know. The babysitter then asked the doctor how the child was

122.  
FOLLOW UP W/

FOLLOW UP W/

CERT.	49. UCR DISPOSITION	44. OFFICER SIGNATURE/NUMBER	45. SUPERVISOR	DATE	122. PAGE
	<input type="checkbox"/> OPEN <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED <input type="checkbox"/> EXCEPTIONAL CLEARANCE	OFFICER F. BLAKE 029P		08-06-93	OF

NARRATIVE

COLORADO SPRINGS POLICE DEPARTMENT  
 CONTINUATION/SUPPLEMENTAL REPORT

1. CASE REPORT NUMBER  
 93-21230  
 2. LICR CODE

2. OFFENSE <b>ACCIDENTAL INJURY</b>		3. STATUTE NUMBER	114. LICR RECLASSIFICATION T2		8. LICR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE)				40. DATE OF THIS REPORT 08/05/93	
13. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
114. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE

121. SECTION

Patrol/rmb  
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doing and requested that there be specialists working on the child in order to save her. The babysitter then told the doctor that she would pay out of her own pocket whatever it cost to have the specialist take care of the child and that she did not care about the cost. All she cared about was the child getting better. Babysitter then handed the phone back to me and Detective Eels told me that Detective Patterson would be arriving shortly at the hotel.

Approximately five minutes later, Detective Patterson did arrive on scene along with Tom Carney from the Crime Lab. I told Detective Patterson and Crime Lab Officer Carney what I had information on regarding the case. I told them about the child seat and the photograph in the trunk of my car and they requested that I get them out of the car and take them up to the scene. I did as they asked and the evidence was handed over to Mr. Carney. Mr. Carney then took the photographs of the room and also placed the child's seat and the photographs into evidence.

Nothing further at this time.

NARRATIVE

122. PRELIM. DRG.  
 FOLLOW UP DRG.

40. LICR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED BY PROBATION <input type="checkbox"/> EXCEPTIONAL CLEARANCE	41. OFFICER SIGNATURE/NUMBER <b>OFFICER F. BLAKE 029P</b>	42. SUPERVISOR	DATE <b>08-06-93</b>	122. PAGE OF
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**COLORADO SPRINGS POLICE DEPARTMENT  
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CASE REPORT NUMBER  
**93-24830**

OFFENSE <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO:		UCR CODE
VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]			DATE OF THIS REPORT <b>8/10/93</b>		
ADDRESS NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB

Detectives/]

**INITIATING INFORMATION**

On 08/05/93 at approximately 2035 Hours, I, Detective K.T. Eells, 126D, received a call from Colorado Springs Police Department Dispatch advising that there had been a drowning at the Broadmoor Hotel and that the victim of the drowning had been transported to Memorial Hospital. I was further advised by the dispatcher that the drowning victim was a 6-month-old female. I was further advised per Dispatch that I was to respond to Memorial Hospital to contact Detective Patterson in order to conduct an investigation into this drowning.

I arrived at Memorial Hospital at approximately 2105 Hours, and upon my arrival, I contacted Sergeant Randy Stevenson who advised me that a 6-month-old female had arrived at Memorial Hospital Emergency Room in full cardiac arrest. I was further advised that the drowning occurred at the Broadmoor in an unknown room. Sergeant Stevenson advised me that officers were currently at the Broadmoor, attempting to locate the room and secure the scene. Sergeant Stevenson advised me that the parents of the victim were currently staying at the Broadmoor, however, the victim had been left with a babysitter. Sergeant Stevenson further advised that it was his understanding that the child was being bathed when the phone rang and the babysitter left the child alone in the bathroom to answer the phone. Sergeant Stevenson stated that when the babysitter came back, she found that the victim was not breathing.

Sergeant Stevenson stated that the victim had been resuscitated and was currently in the Pediatric Intensive Care Unit in critical and unstable condition with severe brain damage. Sergeant Stevenson further advised me that Officer Wisler was currently standing by with the family and also the victim. Sergeant Stevenson did advise me that the Police Department had not been notified of this incident by the Broadmoor. Sergeant Stevenson stated that a hospital chaplain, who also happened to be a Police Department Chaplain, had notified the Police Department. Sergeant Stevenson stated that officers had initially responded to the hospital and then had notified Dispatch to contact the Major Crimes Unit.

After having spoken with Sergeant Stevenson, I then contacted Kim Marie Schrade who is a registered nurse currently working in the Emergency Department at Memorial Hospital. Ms. Schrade advised me that the victim

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**INVESTIGATIONS**

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OFFENSE <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO		UCR CODE
VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]			DATE OF THIS REPORT <b>8/10/93</b>		
ARRESTEE NAME (LAST, FIRST MIDDLE)		RES ADDR: CITY & STATE	RACE	SEX	AGE
		RES ADDR: CITY & STATE	RACE	SEX	AGE

had arrived at Memorial Hospital at approximately 2000 Hours via A-1 Paramedics. Ms. Schrade stated that the victim was treated in the Emergency Department by Dr. Mike Thompson. Ms. Schrade stated that when the child initially arrived, the child was in full cardiac arrest and that CPR was in progress. She further stated that the victim's EKG showed asystole and the child had no pulse and was not breathing.

Ms. Schrade further stated that the child had been intubated and that an intra-otious line had been place in the left leg of the victim. Ms. Schrade stated that at approximately 2014 Hours, they did begin to get pulses back on the victim; however, the victim's pupils were still fixed and dilated. Ms. Schrade stated that the child was also having decerebrate posturing. Ms. Schrade stated that at approximately 2040 Hours, the child was transferred to the Pediatric Intensive Care Unit and was currently in critical and unstable condition.

I then contacted Dr. Steven Reich, M.D., who is a Pediatric Specialist. Dr. Reich stated that he had been called in to treat the victim. Dr. Reich further stated that the victim was currently very critical and unstable with brain injury. Dr. Reich stated that there was no evidence of trauma, nor any signs of retinal hemorrhaging. Dr. Reich stated that it was important for him to be able to speak with the babysitter who had been with the child so that he could ascertain whether she had any useful information which would assist him in treating the child.

I was able to contact Detective Patterson who had responded to the Broadmoor and located the room in which the drowning had occurred. I was also able to place Dr. Reich in contact with the babysitter so that he could speak with her to obtain any information which he deemed necessary.

After having spoken with Dr. Reich, I then met the father of the victim, Richard Wesley Miles, DOB 12/12/56. Mr. Miles identified that he is a medical doctor who currently works as an anesthesiologist in Beaumont, Texas. Dr. Miles stated that his current residence address is 1460 Sheridan Lane in Beaumont, Texas, 77706. Dr. Miles stated that his home phone number is 409-860-0930, and his work phone number is 409-985-7431.

I did advise Dr. Miles of the purpose of my being present and requested that I speak with him and his wife to obtain statements from them. I then responded to the Pediatric Intensive Care Unit with Dr. Miles where I then met the mother of the victim, [REDACTED] DOB 07/23/58. While in the Pediatric Intensive Care Unit, I did obtain a statement from the parents.

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VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]			DATE OF THIS REPORT <b>8/10/93</b>		
ARRESTEE NAME (LAST, FIRST MIDDLE) [REDACTED]	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB
ARRESTEE NAME (LAST, FIRST MIDDLE) [REDACTED]	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB

**PARENTS' STATEMENT**

On 8/5/93 at approximately 10:30 p.m., I met with [REDACTED] in the Pediatric Intensive Care Unit at Memorial Hospital to obtain their statements. I did introduce myself to both [REDACTED] and his wife and explained the purpose of my investigation. I did also obtain from [REDACTED] search waiver for Room 2409 at the Broadmoor Hotel which was the room in which [REDACTED] his wife had been staying. I also obtained a Medical Records Release Form [REDACTED] which was signed by Dr. Miles.

During this interview, the majority of the statement was made [REDACTED] was still visibly upset and would occasionally leave during the course of this interview. [REDACTED] state prior to him leaving the room on occasion that the majority of this information would best be provided by his wife [REDACTED] and that the reason for this was that she (his wife) had had more contact with the babysitter and had made the arrangements for the child [REDACTED] and listen to much of the statement which was provided by his wife and concurred with her statement. [REDACTED] stated that he had very little additional information to offer.

[REDACTED] stated that they had made reservations at the Broadmoor Hotel several weeks ago and it could possibly have been as long as one month ago. [REDACTED] stated that he called the Broadmoor and had arranged through the Consierge to have a babysitter provided for them when they arrived at the Broadmoor. [REDACTED] stated that he had been advised that the Broadmoor would take care of these arrangements and that they would have the same babysitter for their child during the week of their stay.

[REDACTED] stated that they arrived at the Broadmoor on Monday, August 2, 1993. Mrs. [REDACTED] stated that they had arrived late that first day by approximately three hours. [REDACTED] stated that when they did arrive, they found that the babysitter had been waiting for them all day. [REDACTED] stated that she and her husband were both very grateful that the babysitter had waited as they were very worn out from their travels. [REDACTED] stated that her initial impression was that the woman who was their babysitter was a little bit overly nice. Mrs. [REDACTED] stated that she decided she would pay the babysitter for the three hours of waiting due to the fact that she and her husband were happy to have the babysitter available. [REDACTED] stated that while the babysitter stayed with their child, she and her husband then went to dinner at the hotel. [REDACTED] stated that they had

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VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]			DATE OF THIS REPORT <b>8/10/93</b>		
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB

gone to The Tavern that evening for dinner. [REDACTED] stated that while they were at dinner, the babysitter did bathe the child, feed her and give her a bottle or two. [REDACTED] stated that the babysitter was also able to get the child to sleep.

[REDACTED] stated that upon her and her husband's return from the restaurant, she did speak with the babysitter for a few minutes. [REDACTED] stated that while they had been gone to dinner, the babysitter had ordered a crib to be delivered to the room. [REDACTED] stated that they had arranged for the babysitter to come back early on Tuesday due to the fact that she and her husband were going to be going to golf school.

[REDACTED] stated that on Tuesday, August 3, 1993, the babysitter came back to their room at approximately 7 a.m. [REDACTED] stated that she and her husband then went to golf school which had been scheduled to last until approximately 2 p.m. [REDACTED] stated that there was a delay due to rain and that they ended up coming back to their room at approximately 9:30 a.m. to 10 a.m. [REDACTED] stated that while they were back in the room, she chatted with the babysitter during the rain delay. [REDACTED] stated that the babysitter was very chatty and friendly. [REDACTED] further stated that the babysitter had told her that she (the babysitter) had five children and also five grandchildren. [REDACTED] stated that the babysitter also advised her that the reason she was working as a babysitter was so that she could earn extra money to buy clothing for her grandchildren.

[REDACTED] stated that it was also during this rain delay when she was chatting with the babysitter that the babysitter asked what her husband did. [REDACTED] stated that she remembers responding that her husband was an anesthesiologist. [REDACTED] stated that the babysitter then told her that she (the babysitter) had had a relative who was incorrectly intubated by an anesthesiologist and had died. [REDACTED] stated that the babysitter had told her that the anesthesiologist had placed the tube into the stomach instead of into the lungs as it was supposed to be. [REDACTED] stated that she remembers her husband asking some kind of technical question, but she did not recall how the babysitter had responded.

[REDACTED] stated that he did recall this conversation, but he did not really ask the babysitter many questions and that he felt it was best not to discuss the issue because he did not want to cause anybody any ill feelings.

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VICTIM'S NAME (LAST, FIRST MIDDLE)			RES ADDR: CITY & STATE:	RACE	SEX	AGE
ARRESTEE NAME (LAST, FIRST MIDDLE)			RES ADDR: CITY & STATE:	RACE	SEX	AGE
ARRESTEE NAME (LAST, FIRST MIDDLE)			RES ADDR: CITY & STATE:	RACE	SEX	AGE

\_\_\_\_\_ stated that she and her husband then went to golf at approximately 4:30 p.m. and it was during this time that the babysitter did order room service for lunch and other needs. \_\_\_\_\_ stated that she thought it was a little unusual that the babysitter would not acknowledge that she (the babysitter) was the babysitter. \_\_\_\_\_ stated that the babysitter would answer to \_\_\_\_\_.

\_\_\_\_\_ stated that after playing a short round of golf, she came back to the room and relieved the babysitter. \_\_\_\_\_ stated that the babysitter had been told that she should come back at approximately 7:30 p.m. that evening. \_\_\_\_\_ stated that the babysitter did come back at approximately 7:30 p.m. and that she and her husband then went to dinner at Zeb's.

\_\_\_\_\_ stated that while she and her husband were absent, the babysitter did feed her child, bathed the child again and that the baby was sleeping when then arrived back at the room. \_\_\_\_\_ stated that, again, she did speak briefly with the babysitter and then released the babysitter. \_\_\_\_\_ stated that usually late in the evening when she would talk to the babysitter, it was just small talk and she could not recall the content of the conversation.

\_\_\_\_\_ stated that on Wednesday, August 4, the babysitter came back to their room at approximately 7 a.m. \_\_\_\_\_ stated that she again spoke with the babysitter for just a few minutes prior to her and her husband leaving for golf school. \_\_\_\_\_ stated that the babysitter took her child out that day for a walk in a stroller. Mrs. Miles stated that the babysitter had suggested the prior evening that they arrange for a stroller. \_\_\_\_\_ stated that she and her husband had done so.

\_\_\_\_\_ stated that she had come back to the room at approximately 2:30 p.m. and relieved the babysitter at that time. \_\_\_\_\_ stated that she did recall speaking with the babysitter for a little bit and the only thing that she could really remember was that the babysitter seemed to talk a lot. \_\_\_\_\_ stated that she had arranged for the babysitter to come back at approximately 7:30 p.m.

\_\_\_\_\_ stated that when the babysitter came back that evening, she and her husband went to The Tavern again at the Broadmoor for dinner and that they returned to their room at approximately 10:20 p.m. \_\_\_\_\_ stated that the babysitter had again bathed and fed the child and that the child was sleeping upon their return.

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VICTIM NAME (LAST, FIRST MIDDLE)		DATE OF THIS REPORT			
[REDACTED]		8/10/93			
ARRESTEE NAME (LAST, FIRST MIDDLE)		RES ADDR:	RACE	SEX	AGE
		CITY & STATE:			DOB
ARRESTEE NAME (LAST, FIRST MIDDLE)		RES ADDR:	RACE	SEX	AGE
		CITY & STATE:			DOB

to the room. [REDACTED] stated that the babysitter had bathed their child three nights in a row and there appeared to be no problems. [REDACTED] stated that the baby appeared to be sleeping fine and that the baby also appeared to like the babysitter, that she had no apprehension whatsoever toward the babysitter and actually appeared to be happy to see her (the babysitter).

On Thursday, August 5, the babysitter again responded back to the room at approximately 7 a.m. [REDACTED] stated that they once again engaged in small talk for a couple of minutes and that the majority of the time when she would speak to the babysitter, it was usually for a few minutes in the morning and then also a few minutes in the evening.

[REDACTED] stated that she did remember that the babysitter would usually give them recommendations on places to go and places to see. [REDACTED] stated that she and her husband then left for their daily golf lesson. [REDACTED] stated that on this day, she came back early at approximately noon to relieve the babysitter. Mrs. [REDACTED] stated that the babysitter had ordered room service and that they then talked for approximately a half hour.

[REDACTED] stated that she realized that it was during this time that she noticed that the babysitter would answer to [REDACTED] when dealing with the Broadmoor staff.

[REDACTED] stated that while she had talked with the babysitter, it was during this time that the babysitter had informed her that she (the babysitter) had worked for the Broadmoor for approximately four and a half years. [REDACTED] stated that she recalls the babysitter asking her about crafts and also telling her that she (the babysitter) liked them.

[REDACTED] stated that she does recall that the babysitter had taken her child to the shops earlier in the stroller. [REDACTED] stated that she had left the keys with the babysitter so that she could come and go to the room from [REDACTED] stated that she, herself, did not have a key.

[REDACTED] stated that she recalls that it was either yesterday or today that she'd come back to the room and had knocked on the door very softly so as not to disturb the child. [REDACTED] stated that she does recall that

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OFFENSE <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO:		UCR SECTION
VICTIM'S NAME (LAST, FIRST MIDDLE) ██████████			DATE OF THIS REPORT <b>8/10/93</b>		
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ADDRESS NAME (LAST, FIRST MIDDLE)		RACE	SEX	AGE	DOB

she was not sure if the babysitter had heard her knock. ██████████ stated that she then knocked again on the door and the babysitter came to the door, answering and saying, sorry it took me so long. ██████████ stated that she recalls that the baby had been in a jumper and that the babysitter told her that she did not want to leave the child alone as she was afraid that the child would roll off the bed onto the floor and possibly injure herself.

██████████ stated that she does also recall on that day when she and her husband came back from the shops that there was a dirty tray on the table in their room. She also recalls that when she went to take a nap, they had called room service to have the tray picked up.

██████████ stated that she then remembered that the babysitter left and was advised to be back at approximately 5:45 p.m.

██████████ stated that she and her husband then took the baby for a walk around the Broadmoor lake and that they were strolling around with the baby until approximately 8:05 p.m. ██████████ stated that she and her husband realized that they were late and then rushed back to their room, advising the babysitter that they were sorry for the delay. ██████████ stated that they then went into their room and that she did recall that the dirty tray was still on the table. ██████████ stated that she remembered the babysitter saying, oh, they haven't picked up that tray yet. ██████████ stated that she recalls the babysitter saying that she (the babysitter) likes to keep on top of these things. ██████████ stated that the babysitter then picked up the phone and called room service and complained about the tray being present in their room and the delay in it being picked up.

██████████ recalled that she remembered the babysitter telling them that she wanted a complimentary hamburger due to their poor service. ██████████ stated that she then remembers that when the babysitter hung up, the babysitter stated, that's how you handle that.

██████████ stated that he remembers when he came back into the room, she had the baby sitting on the bed. ██████████ stated that the babysitter was then holding the baby, feeding her as they got ready to leave for their dinner appointment. ██████████ stated that they were supposed to be going to Manitou Springs to the Craftwood inn for dinner. ██████████ stated that they had reservations for 7:30 p.m. ██████████ stated that he remembered

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RES. ADDR: CITY & STATE		AGE	DOB

that the baby was being a little fussy while they were preparing to leave and that the babysitter suggested that the baby needed a bath. [redacted] stated that she remembers agreeing with the babysitter's suggestion. Dr. [redacted] stated that they then left their room at approximately 7:20 p.m. [redacted] stated that while they were on their way down to their rental car, he realized that he had forgotten his jacket and went back to the room to retrieve it. [redacted] stated that when he came back to the room, he recalls that the babysitter was located in the corner of the bedroom with the baby. [redacted] further stated that he recalls that the baby was still fully clothed at that time. [redacted] stated that he quickly retrieved his jacket and left the room again so that he and his wife would not be late for their dinner appointment.

[redacted] stated that he recalls being at the Craftwood Inn when they were contacted at approximately 8:30 p.m., perhaps a little later, by a representative of the Broadmoor Hotel. [redacted] stated they were contacted by the Assistant Manager who told them that there had been an accident at the Broadmoor involving their child. [redacted] stated that the Broadmoor had sent a driver along with the Assistant Manger to take them to Memorial Hospital.

[redacted] stated that they realized something was terribly wrong but they did not know exactly what. [redacted] stated that they then accompanied the Assistant Manger to Memorial Hospital and it was at that time that they learned that their daughter had possibly drowned.

[redacted] stated that the only other information that they felt would be pertinent was that they felt that their child was extremely healthy prior to this incident. [redacted] further stated that their child does not like to lie on her belly and that she is not yet able to turn over. [redacted] did state that the baby can hold her head up and can sit up on her own.

[redacted] further stated that they had brought their bathing seat that the child had been using to Colorado with them from Texas. [redacted] stated that they had used this bathing seat on numerous occasions prior to this incident without any problems whatsoever. [redacted] stated that he does recall that one of the suction cups on the bottom of the bathing seat had somehow come loose during their travels to Colorado. [redacted] stated that he did recall that this suction cup was in one of the suitcases and had not been replaced on the seat prior to it being used.

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VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]		DATE OF THIS REPORT <b>8/10/93</b>				
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB	
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB	

Again, [REDACTED] stated that they had no further statement or information for me at this time. The interview with the [REDACTED] was concluded at approximately 12:45 a.m. on 8/6/93.

**ASSISTANT MANAGER'S STATEMENT**

On August 10, 1993 at approximately 1:30 p.m., I, Detective K.T. Eells, 126D, conducted an interview with the Assistant Manger of the Broadmoor Hotel who is identified as N [REDACTED] DOB 11/27/49. [REDACTED] stated that her home address is [REDACTED] Road in Monument, Colorado, 80132. [REDACTED] home phone number is [REDACTED].

[REDACTED] stated that on August 5, 1993, she was working the evening shift as the Assistant Manager and that her call sign was U-30. [REDACTED] stated that she'd been in the south lobby when [REDACTED] (the dispatcher) called on the radio and asked either are you responding or did you hear that call? [REDACTED] stated that she remembers advising the dispatcher negative, she had not understood the call. [REDACTED] stated that it was at that time that the Broadmoor dispatcher had advised her that there was a lady calling for help in Room 2409. [REDACTED] stated that she was extremely close to that location and responded to that room immediately. [REDACTED] stated that she recalls heading into the main level landing of the building in which Room 2409 is located. [REDACTED] stated that as she came into that main landing, she was met by the babysitter for the Miles.

[REDACTED] stated that she identified the babysitter as [REDACTED]. [REDACTED] stated that she had known [REDACTED] for a number of years and was aware that [REDACTED] was currently babysitting for the [REDACTED].

[REDACTED] stated that when she was greeted by [REDACTED] was holding a baby in her arms and that the baby appeared to be dead to her. [REDACTED] stated that she took the child from [REDACTED] and placed it on the floor of that main landing. [REDACTED] stated that she was only with the child for approximately 30 seconds prior to a security guard arriving on scene.

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CONTINUATION/SUPPLEMENTAL REPORT**

CASE REPORT NUMBER  
**93-24830**

OFFENSE <b>NEAR DROWNING</b>	STATUTE NUMBER	UCR RECLASSIFICATION TO	UCR CODE			
VICTIM'S NAME (LAST, FIRST MIDDLE)		DATE OF THIS REPORT <b>8/10/93</b>				
OFFENSE NAME (LAST, FIRST MIDDLE)		RES. ADDR. CITY & STATE	RACE	SEX	AGE	DOB
ARRESTEE NAME (LAST, FIRST MIDDLE)		RES. ADDR. CITY & STATE	RACE	SEX	AGE	DOB

\_\_\_\_\_ stated that the security guard then began to assist in CPR with the child. \_\_\_\_\_ identified the security guard as \_\_\_\_\_. \_\_\_\_\_ stated that almost immediately after the arrival of the security guard, paramedics from the Broadmoor Fire and Rescue arrived on scene. \_\_\_\_\_ stated that she then stepped out of the way to allow the security guard and paramedics to provide medical care for the child. \_\_\_\_\_ stated that it was at that time she began to help comfort M\_\_\_\_\_.

\_\_\_\_\_ stated that the other people she recalls being present at that time were the \_\_\_\_\_ who is the security supervisor, \_\_\_\_\_ who is the manager at the Broadmoor Hotel. \_\_\_\_\_ stated that \_\_\_\_\_ arrived just as the baby was being transported. \_\_\_\_\_ stated that after the baby had been transported \_\_\_\_\_ had asked that she and one of the drivers from the Broadmoor respond to the restaurant where \_\_\_\_\_ were having dinner. \_\_\_\_\_ stated that she had been asked to pick up the family and then take them to Memorial Hospital.

\_\_\_\_\_ stated that she and a driver did respond to Craftwood Inn and did contact the manager of the restaurant. \_\_\_\_\_ stated that after she'd had the manager contact the \_\_\_\_\_ she then informed them that there had been an accident involving their child and that she was there to take them to the hospital. Ms. \_\_\_\_\_ stated that at no time did anyone tell the parents exactly what had happened. \_\_\_\_\_ stated that she recalls as they were driving to the hospital that \_\_\_\_\_ made the comment, "That's all I need, a brain dead baby." \_\_\_\_\_ stated that \_\_\_\_\_ then again asked her what had happened and how the child was doing. Ms. \_\_\_\_\_ stated that she honestly informed Dr. Miles that she did not know exactly what had happened, nor did she know how the child was doing. \_\_\_\_\_ stated that this was the truth at that time because she did not know what had happened to the child or how the child was doing.

\_\_\_\_\_ then stated that \_\_\_\_\_ responded to her, "Don't bullshit me, I'm a physician."

\_\_\_\_\_ stated that she recalls \_\_\_\_\_ asking questions such as "Did she hit her head on the tub," and "did she fall and hit her head." \_\_\_\_\_ stated that Mrs. Miles appeared to keep thinking that something had happened to the child's head. \_\_\_\_\_ stated that she basically remained quiet during the drive to the hospital and that upon their arrival at the hospital, she just stood by with the driver until the Police Department arrived.

UCR DISPOSITION	OFFICER NAME/NUMBER <b>DET. THOR EELLS, 126D</b>	SUPERVISOR <b>SGT. REISLER</b>	DATE <b>28-Sep-93</b>	PAGE 10 OF 16
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**INVESTIGATIONS**

**COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

CASE REPORT NUMBER  
**93-24830**

OFFENSE <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO:		UCR CODE
VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]			DATE OF THIS REPORT <b>8/10/93</b>		
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR CITY & STATE:	RACE	SEX	AGE	DOB
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR CITY & STATE:	RACE	SEX	AGE	DOB

[REDACTED] stated that she waited until she had been contacted by this detective and then provided me with her name and contact information.

[REDACTED] is able to recall that she had looked into the room service log and had noted that at 8:20 p.m., a complaint had been made from Room 2409 and that a cheeseburger had been ordered. [REDACTED] stated that she also recalls that according to the log, at approximately 8:25 p.m., the dishes had been picked up from Room 2409. [REDACTED] stated that it appears that a woman had called for the pickup per Marie McDonald who happens to be the phone person in Room Service.

[REDACTED] was then asked about a security guard incident report. [REDACTED] stated that it does sometimes take a day or so to get a report back. [REDACTED] explained the reason for this was that the security guards would hand write the reports and that these reports would then go to [REDACTED]. [REDACTED] stated that [REDACTED] was in charge of security at the Broadmoor Hotel. [REDACTED] stated that [REDACTED] would then review these reports and scrutinize them for anything that might be unprofessional. [REDACTED] stated that if [REDACTED] did find something that he felt was inappropriate, he would then have it deleted from the report and then after he reviewed it, it would then be passed on to the person who would then type up the final report. [REDACTED] stated that this was a common practice for the reports.

When asked about CPR training at the Broadmoor, [REDACTED] stated that as far as she knows, there is voluntary training made available during the year by the Broadmoor Fire Rescue Unit. [REDACTED] further stated that she is also aware that people who work in the restaurant areas do also receive some of that training. [REDACTED] further stated that all of the security personnel employed by the Broadmoor are also trained in first aid and CPR.

[REDACTED] stated that she had no further information or statement for me. [REDACTED] stated that she and the Broadmoor were very willing to cooperate in this investigation and assist in any manner which was deemed necessary. The interview with [REDACTED] is completed at approximately 3 p.m.

UCR DEPOSITION	OFFICER NAME/NUMBER <b>DET. THOR EELLS, 126D</b>	SUPERVISOR <b>SGT. REISLER</b>	DATE <b>28-Sep-93</b>	PAGE 11 OF 18
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**INVESTIGATIONS**



**COLORADO SPRINGS POLICE DEPARTMENT  
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CASE REPORT NUMBER  
**93-24830**

OFFENSE <b>NEAR DROWNING</b>	STATUTE NUMBER	UCR RECLASSIFICATION TO:	UCR CODE			
VICTIM NAME (LAST, FIRST MIDDLE)		DATE OF THIS REPORT <b>8/10/93</b>				
RES. ADDR. CITY & STATE:		RACE	SEX	AGE	DOB	
ARRESTEE NAME (LAST, FIRST MIDDLE)		RACE	SEX	AGE	DOB	

\_\_\_\_\_ stated that on August 5, 1993, she was working as a paramedic on duty with the Broadmoor Fire and Rescue. \_\_\_\_\_ stated that at approximately 7:35 p.m., she and her partner did receive a call from their dispatcher stating that they had a medical concerning a baby at Room 2409. \_\_\_\_\_ stated that they had been advised that a baby had fallen into the water. \_\_\_\_\_ stated that she and her partner did respond to the scene and arrived on scene approximately one minute later.

Ms. \_\_\_\_\_ stated that when she arrived, she recalls that the baby was dry to the touch, but the baby's hair was damp. Ms. \_\_\_\_\_ stated that she recalls that the baby was apnic and also pulseless. Ms. Bartlett stated that she immediately began an inabation attempt of the child. \_\_\_\_\_ stated that CPR had been in progress upon their arrival by security. \_\_\_\_\_ stated that when she attempted to intubate the child, she did visualize the vocal cords and passed the tube between the cords. \_\_\_\_\_ stated that as soon as she began to bag the child, the tube then became clogged with vomiting. \_\_\_\_\_ stated that they did immediately suction the mouth of the baby and also the tube and continued to bag the child.

\_\_\_\_\_ stated that due to the vomiting being so heavy, she did remove the tube from the child and re-intubate the child. \_\_\_\_\_ stated that this tube then also became clogged with vomiting. \_\_\_\_\_ stated that the tube was removed again and the child was intubated a third time and this time they had good results and were able to bag the child successfully. \_\_\_\_\_ stated that as she had been intubating the child, A-1 Paramedics did respond on scene and did assist her in the care of this child.

Ms. \_\_\_\_\_ stated that approximately 3 to 4 minutes into the arrest, a cardiac monitor was placed on the child. Ms. \_\_\_\_\_ stated that the initial rhythm that was shown as asystole. \_\_\_\_\_ stated that they did note that there was an occasionally junctional heart beat. Ms. Bartlett further stated that a physical exam of this child showed that the pupils were fixed and dilated and they did remain so during the time that she was with the child.

Ms. \_\_\_\_\_ stated that she also noted that the child was very cyanotic but that this did improve after the child had been inabated and also with CPR.

UCR DISPOSITION	OFFICER NAME/NUMBER <b>DET. THOR EELLS, 126D</b>	SUPERVISOR <b>SGT. REISLER</b>	DATE <b>28-Sep-93</b>	PAGE 13 OF 16
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**INVESTIGATIONS**

**COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

CASE REPORT NUMBER  
**93-24830**

OFFENSE: <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO:		MUCR CODE:	
VICTIM NAME (LAST, FIRST MIDDLE)				DATE OF THIS REPORT <b>8/10/93</b>		
ADDRESS NAME (LAST, FIRST MIDDLE)		RES ADDR: CITY & STATE	RACE	SEX	AGE	DOB
ADDRESS NAME (LAST, FIRST MIDDLE)		RES ADDR: CITY & STATE	RACE	SEX	AGE	DOB

so stated that she did recall that the babysitter who was on scene was extremely upset and kept stating do something, do something. stated that she recalled the babysitter stating and asking if the bubbles coming out of the baby was a good sign. stated that she did not answer the babysitter.

stated that she does recall hearing from someone that the babysitter had placed the child into the bathing seat and that the phone had rung. stated that the babysitter had left the room, gone to answer it, found that it was a wrong number and when she came back, she found the child in the water. Ms. stated that she and the other paramedics continued to administer advance life support to the child and then rapidly transported the child from the Broadmoor to Memorial Hospital. stated that there was no change in the child's condition during transport.

stated that she had no further information or statement for me at this time. The interview was concluded with approximately 10 a.m.

**DETECTIVE'S STATEMENT**

On 8/5/93 at approximately 2035 Hours, I was advised of a near drowning that occurred at the Broadmoor Hotel. After having responded to Memorial Hospital, I did contact Sergeant Stevenson and was advised of the information he had with regard to the drowning. I then conducted an interview with the parents and did obtain their statements. I also obtained a search waiver for their room at the Broadmoor Hotel which is 2409. I also obtained a Medical Records Release Form from Dr. Miles.

After having interviewed the parents, I obtained a brief statement from the physician concerning the condition of the child.

I then responded to the Broadmoor Hotel where Detective Patterson and I conducted an interview with the babysitter who was identified. For details with regard to this interview, see supplemental report by Detective Patterson.

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**COLORADO SPRINGS POLICE DEPARTMENT  
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CASE REPORT NUMBER  
**93-24830**

OFFENSE <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO:		UCR CODE
VICTIM'S NAME (LAST, FIRST MIDDLE) [REDACTED]				DATE OF THIS REPORT <b>8/10/93</b>	
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB
ARRESTEE NAME (LAST, FIRST MIDDLE)	RES ADDR: CITY & STATE:	RACE	SEX	AGE	DOB

From August 6, 1993 through August 13, 1993, I did visit the hospital daily and did check with the medical staff at that time. I note that I had been advised during this week that the condition of the child remained relatively unchanged. I was advised that the child suffered extensive brain damage as a result of the near drowning and was placed on the respirator and was still considered critical. I was advised that on August 13, 1993, the child would be transported back to Texas on Sunday, August 15. I was advised that the child would be transported to St. Elizabeth's Hospital in Beaumont, Texas, and would be under the care of Dr. Prause.

During this week, I also had periodic contact with both [REDACTED]

I also obtained statements from the EMT and paramedic who were the initial responders to the scene.

I obtained a statement from [REDACTED] who was the assistant manager on duty on the evening of the drowning. [REDACTED] was also one of the initial responders to the near drowning.

Detectives were unable to secure the scene as it had already been cleaned up prior to their arrival at the Broadmoor. I would note the initial call for help was made at 1936 Hours; however, the Colorado Springs Police Department was not notified by the Broadmoor Hotel until 2011 Hours. This information was confirmed by reviewing security logs at the Broadmoor and the call screen from the Colorado Springs Police Department Dispatch Center. For information in regard to the scene of the drowning, see the supplemental report by Detective Patterson. Also see the supplemental report by Detective Patterson in regard to the evidence which was taken from the scene.

On 08/12/93, Detective Patterson and I responded to the Broadmoor and obtained a copy of the incident report which had been prepared by the security guard who had responded on the call. This report was placed into evidence.

I did also obtain a copy of the medical report for the victim [REDACTED]

On September 7, 1993 at approximately 2:45 p.m., I received a message from [REDACTED] and I did return his call. I was advised by [REDACTED] at that time that [REDACTED] was still hospitalized and still on a ventilator. I was

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CASE REPORT NUMBER  
**93-24830**

OFFENSE <b>NEAR DROWNING</b>		STATUTE NUMBER	UCR RECLASSIFICATION TO		UCR CODE
VICTIM NAME (LAST, FIRST MIDDLE) [REDACTED]				DATE OF THIS REPORT <b>8/10/93</b>	
ARRESTEE NAME (LAST, FIRST MIDDLE)		RES ADDR: CITY & STATE:	RACE	SEX	AGE
ARRESTEE NAME (LAST, FIRST MIDDLE)		RES ADDR: CITY & STATE:	RACE	SEX	AGE

further advised [REDACTED] that there appeared to be long-term problems lying ahead for the victim [REDACTED] stated that his daughter's condition remains relatively unchanged with a very poor prognosis for recovery.

No further action was taken by this detective at this time. For additional information, see supplemental reports by Detective P. Patterson. This case is to be presented to the District Attorney's Office on 10/1/93 for review.

End of report.

UCR DISPOSITION	OFFICER NAME/NUMBER <b>DET. THOR EELLS, 126D</b>	SUPERVISOR <b>SGT. REISLER</b>	DATE <b>28-Sep-93</b>	PAGE 16 OF 16
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1. CASE REPORT NUMBER 93-24830
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2. OFFENSE NEAR DROWNING	3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO:	8. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]		46. DATE OF THIS REPORT 08/10/93	
115. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
120. DOB	117. RACE	118. SEX	119. AGE
120. DOB	117. RACE	118. SEX	119. AGE

121. SECTION
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Investigations/mlh  
Page One

INITIATING INFORMATION

On 08/05/93 at 2030 hours, I, Detective Payton Patterson, IBM number 417D (1K25), received a call out from Dispatch to respond to the Memorial Hospital Emergency Room in reference to a six month old baby who nearly drowned at the Broadmoor Hotel. Dispatch also advised that Detective T. Eells was en route to the hospital.

On 08/05/93 at 2111 hours, I arrived at the Memorial Hospital Emergency Room, 1400 East Boulder Street, where I met Patrol Sergeant Randy Stevenson, who briefed me on the near drowning of a six month old baby in a bathtub at the Broadmoor Hotel earlier in the evening. Sergeant Stevenson told me that Patrol Officer Felicia Blake was still at the Broadmoor Hotel in room number 2409 for the purpose of preserving the scene until the detectives arrived.

I then met with Detective Eells, who advised that the victim's name is [REDACTED]. Detective Eells stated that the baby's parents, [REDACTED] and [REDACTED] were at the hospital and he was preparing to interview the parents. I then advised Detective Eells that he would be the case investigator and that I would respond to the Broadmoor Hotel at 1 Lake Circle, room number 2409, and assist the lab in the search of the scene. I advised Detective Eells that we would need a search waiver authorizing the above mentioned search and Detective Eells did obtain the search waiver, which was signed by the victim's father, [REDACTED].

I then changed locations to the Broadmoor Hotel at 1 Lake Circle, room 2409, and I arrived at approximately 2150 hours. Crime scene technicians [REDACTED] arrived on the scene shortly thereafter and we both proceeded to room 2409, where we met Patrol Officer Felicia Blake, who was working 2A61.

SCENE DESCRIPTION

I noted that room 2409 is a second story room located on a landing at the top of the stairs and the entrance faces in a westerly direction.

122. PRELIM. INQ.
FOLLOW UP INQ.

48. UCR DEPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 417D	46. SUPERVISOR SGT. REISLER	DATE 09/16/93	122. PAGE OF
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**COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

1. CASE REPORT NUMBER  
**93-24830**

2. OFFENSE <b>NEAR DROWNING</b>		3. STATUTE NUMBER	114. UCR RECLASSIFICATION NO.	8. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) <b>NILES, CHLOE</b>			46. DATE OF THIS REPORT <b>08/10/93</b>	
13. ARRESTEE NAME (LAST, FIRST, MIDDLE)	116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
175. ARRESTEE NAME (LAST, FIRST, MIDDLE)	116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE

121. SECTION

Investigations/mlh  
Page Two

When you first enter the apartment, you are in a small hallway and the bedroom is located directly south of this hallway. Officer Blake then pointed out a female who was sitting in a chair near the window near the east wall of the room and stated that she is the babysitter for the six month old baby who nearly drowned earlier this evening. The babysitter, identified as [REDACTED] a white female, date of birth 02/16/33, was accompanied by her husband. I then had Broadmoor Security Corporal [REDACTED] escort [REDACTED] to the security office in the hotel and requested that they stand by for an interview after the detectives completed their preliminary investigation and search of the scene.

As I entered the bedroom, I noted that as you walk in a clockwise direction, there is a double bed located in the northwest corner of the room with the headboard grounded against the north wall. The bed was made except that the bedspread was pulled back, exposing a single pillow on the northwest corner of the bed. There was an open suitcase located on a stand at the foot of this bed. I next observed a night stand against the north wall of the bedroom directly east of the previously mentioned double bed and on this night stand I observed a lamp, a set of keys, a pair of earrings, a tv controller and a telephone. Directly east of this night stand was a second double bed with the headboard grounded against the north wall. This bed was not made and both pillows were at the head of the bed. I also saw another suitcase on a stand at the foot of this double bed.

Proceeding in a clockwise direction, I saw that there was a window located in the east wall of the bedroom and there was a chair in front of the window. There was a free standing wardrobe type cabinet located in the southeast corner of the room and there was a car seat located in one corner of the cabinet. I also noted diapers and baby food inside this cabinet.

Directly west of the free standing wardrobe cabinet, there was a lamp. Directly west of the lamp was a small table on which there was a bag containing toys. There was also what appeared to be food crumbs on this table, which were later photographed by lab technician Carney.

NARRATIVE

122. PRELIM. INQ.  
FOLLOW UP INQ.

48. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED	49. OFFICER SIGNATURE/NUMBER <b>DET. PATTERSON, 417D</b>	45. SUPERVISOR <b>DET. REISLER</b>	DATE <b>09/16/93</b>	122. PAGE
				OF
<input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE				

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1. CASE REPORT NUMBER  
93-21870

2. OFFENSE <b>NEAR DROWNING</b>		3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO	9. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]			40. DATE OF THIS REPORT 08/10/93	
12. ADDRESS (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE	117. RACE	118. SEX
13. ARRESTEE NAME (LAST, FIRST, MIDDLE)		118. RES. ADDR. CITY & STATE	117. RACE	118. SEX

121. SECTION

Investigations/mlh  
Page Three

I saw that there was a chair located directly west of the previously mentioned table and there were clothes draped over the back of the chair. There was a baby bed located in the southwest corner of the bedroom and there was a toy located in the northeast corner of the bed. There was a closet located in the west wall of the bedroom near the southwest corner and directly north of the closet was a desk. On top of the desk, I saw that there were two flower vases, an ice bucket, a camera, several pieces of candy, books, and video tapes. I also noted that there was a chair in front of the desk and there was a jacket draped over the back of the chair. Underneath the desk, I saw what appeared to be an infant's hanging type spring seat.

I then returned to the previously mentioned hallway and saw a pillow and pillow case on the floor just to the south of the front entrance to the room. I also saw a collapsed baby stroller laying on the floor just to the north of the entrance to the bathroom.

When you enter the bathroom, there are two sinks located in the northwest corner and a mirror above the sinks. Also was noted a double sconce type light above each sink and a light above the mirror. There was makeup and a curling iron on the counter next to the sink and I also saw a small bag by the east sink in which there was a prescription for Atenolol, 15 milligram tablets, dated 07/18/93 in the name of Richard W. Miles. Next to the west sink were located two 16 ounce boxes of Gerber rice baby cereal and three clean baby bottles with the nipples laying beside them in a position where it appeared they had been washed and they were drying. Also near the west sink was a four ounce can of Isomil soy formula with iron, which was nearly full.

There was a door located in the east wall directly east of the previously mentioned sinks which entered into a small area which had a toilet located against the north wall. I noted that there was a partition type wall located directly east of this toilet and the bathtub was located in the northeast corner of the bathroom. There was no water in the bathtub and I saw that there were shower curtains inside the tub which were pulled to the open position. I also noted that there were draw curtains pulled back and tied on the outside of the bathtub.

122. FIELD NO.  
FOLLOW UP NO.

48. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 4170	45. SUPERVISOR SGT. REISLER 09/16/93	DATE 09/16/93	122. PAGE OF
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1. CASE REPORT NUMBER  
93-24900

2. OFFENSE NEAR DROWNING		3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO:		8. UCR CODE
11. VICTIM NAME [REDACTED]				10. DATE OF THIS REPORT 08/10/93	
11A. VICTIM NAME (LAST, FIRST, MIDDLE)		11B. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
11C. VICTIM DOB		117. RACE		118. SEX	119. AGE
11E. VICTIM NAME (LAST, FIRST, MIDDLE)		11E. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
11F. VICTIM DOB		117. RACE		118. SEX	119. AGE

12L SECTION

Investigations/mlh  
Page Four

On the southwest corner of the bathtub, I observed four small baby toys lined up in a neat row and a two ounce bottle of Baby Magic baby bath. I saw a clear plastic shower cap and a drying wash cloth hanging on a bar on the west wall above the tub. On the northwest corner of the tub I saw a small full bottle of Broadmoor complimentary shampoo. On the northeast corner of the tub, there was a six ounce bottle of Oil of Olay foaming face wash, another small bottle of Broadmoor complimentary shampoo, which was nearly empty, and a small bottle of Broadmoor complimentary conditioner.

On the floor just to the south of the bathtub was a small rug and there was a towel laying on the top of the rug. There was a scale located in the southeast corner of the bathroom. I also observed a Broadmoor towel and a small baby blanket located on a towel rack on the south wall directly across the bathtub. As you continue in a clockwise direction, there is a small trash can located against the south wall of the bathroom in the area near the previously mentioned sinks, which contained dirty baby diapers. I also saw a robe, a pair of khaki pants, and a maroon shirt laying on the floor directly west of this trash can.

On 08/05/93 at 10:06 p.m., crime scene technician Carney started overall photographs of the scene.

Officer Felicia Blake then told me that prior to my arrival, the babysitter, [REDACTED] had been praying that the victim, Chloe Miles, was all right. Officer Blake said that prior to her arrival, a security officer at the hotel had removed a bathing seat from the bathtub which the victim was in prior to her being found face down in the bathtub. Officer Blake said that when she recognized that the bathing seat was possible evidence in this investigation, she retrieved it and placed it in the trunk of her patrol car. Tom Carney then had Officer Blake bring the bathing seat back to room 2409, at which time he photographed it.

Tom Carney and I looked at the bathing seat, which is a Gerry Baby Products bathing seat which had a warning on it that said, "Never Leave Child Unattended." The warning continued, "Insure T-Bar is Fully Latched when in Use."

122. PUBL. OR. \_\_\_\_\_  
FOLLOW UP BY \_\_\_\_\_

121. UCR DISPOSITION	<input type="checkbox"/> OPEN	<input type="checkbox"/> CLEARED BY ARREST	14. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 417D	15. SUPERVISOR SGT. REISLER 09/16/93	DATE 09/16/93	122. PAGE OF _____
	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> EXCEPTIONAL CLEARANCE				

NARRATIVE

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1. CASE REPORT NUMBER  
 93-24830

2. OFFENSE NEAR DROWNING	3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO:	8. UCR CODE
11. VICTIM NAME [REDACTED]		46. DATE OF THIS REPORT 08/10/93	
115. ADDRESS HOME (LAST, FIRST, MIDDLE)	116. RES. ADDR. CITY & STATE	117. RACE	118. SEX
	119. RES. ADDR. CITY & STATE	118. AGE	120. DOB

121. SECTION

Investigations/mlh  
 Page Five

Tom Carney and I further examined the bathing seat and saw that it had a suction cup missing from the bottom, which could not be located anywhere in the bedroom or bathroom. Tom Carney and I also noted that when the baby seat was in the latched position, it could not be pulled open without pressing the release.

While examining the scene and the previously mentioned bathing seat, Broadmoor Security Lieutenant Harold Witten approached me and stated that he took five Polaroid photographs in the bathroom area, which showed the bathing seat in a tub of water as it was found shortly after the babysitter called for help after finding the baby face down in the water. Lieutenant Witten said that he tried to get several angles of the bath seat in position and he even stood on something to get an angle looking down on top of the bathing seat. Mr. Witten said that he recalled that the water in the tub was shallow and he would guess it to be approximately three inches deep. I then asked Lieutenant Witten who removed the water from the tub, but Lieutenant Witten said he didn't know.

I then asked Lieutenant Witten if there were any other articles in the bathtub at the time he found it. He told me he thought there were a couple of toys in the water. Lieutenant Witten said that the bathing seat was then removed from the bathtub and taken to the security office at the Broadmoor Hotel, where it was secured.

Officer Blake then gave me the previously mentioned Polaroid photographs taken by Lieutenant Witten, which Tom Carney later placed into evidence. Officer Felicia Blake told me that while securing the scene, the babysitter, [REDACTED] and Officer Fiedler made several statements to her pertaining to the near drowning of [REDACTED] and the attempt to resuscitate the victim after she was found on her side in the bathtub. (See Patrol Officer Felicia Blake's supplemental report.)

Before leaving the scene, I pointed out a pillow case near the entrance to the room and asked crime scene technician Tom Carney to place the pillow case into evidence, along with the previously mentioned photographs and bathing seat.

122. FURTHER INFO.  
 FOLLOW UP ON:

CERT.	42. UCR DISPOSITION	44. OFFICER SIGNATURE/NUMBER	45. SUPERVISOR	DATE	122. TIME
	<input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	DET. PATTERSON, 4170	SGT. REISLER	09/16/93	OF

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CONTINUATION/SUPPLEMENTAL REPORT

1. CASE REPORT NUMBER  
93-24830

2. OFFENSE NEAR DROWNING	3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO:	8. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]		46. DATE OF THIS REPORT 08/10/93	
13. ADDRESS [REDACTED]	116. RES. ADD. CITY & STATE	117. RACE	118. SEX
115. ADDRESS NAME (LAST, FIRST, MIDDLE)	116. RES. ADD. CITY & STATE	117. RACE	118. SEX

121. SECTION

Investigations/mlh  
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I then contacted Detective T. Eells, who advised that he was still interviewing the victim's parents and he would meet with me at the Broadmoor security office when he completed the interviews, at which time we will interview the babysitter, [REDACTED].

While awaiting Detective Eells' arrival, I noted that Broadmoor Security Officer Chris Fiedler was hand writing a security report which she said was her report of the incident involving the near drowning of [REDACTED]. Ms. Fiedler told me that when she completed the security report, she could get a copy for the Colorado Springs Police Department investigation. I noted that while Ms. Fiedler was completing the report, she appeared to be quiet upset and did request to meet with one of our Victim Services people to help her get through this ordeal.

Officer Fiedler told me that she was the one who removed the bathing seat from the bathtub and when she reached in to remove the seat and put her hand underneath the seat to dislodge it, she could not tell if the suction cups on the bottom of the bathing seat were actually stuck to the tub, due to the seat coming up so easy. I asked Officer Fiedler if the water was still in the bathtub when she removed the bathing seat and Ms. Fiedler said the water was still in the tub. I asked Officer Fiedler if she noted the approximate depth of the water and she told me that when she reached in the tub to remove the bathing seat, she noticed that the water came up above her wrists, almost to where her watch was.

Prior to Detective Eells' arrival at the Broadmoor security office, I met with the hotel manager, [REDACTED] who furnished a copy of the Broadmoor Hotel Security/Communications Information Log for 08/05/93. I noted the time entry at 1936 of an incoming call from room 2409 in regard to a baby who fell in water. I also noted that unit 680, which was later identified as Broadmoor Rescue Paramedic [REDACTED] and EMT [REDACTED] were dispatched in regard to the call. There were also notations that a unit 2 and a unit 5 were dispatched. George Fischer also gave me a sheet of paper where he had done some checking and found out that at 1820 hours on 08/05/93, a burger and Coke were sent to room 2409. George Fischer also furnished a copy of a Broadmoor Hotel station activity detail listing outgoing calls from room 2409 on 08/05/93.

122. PRELIM. INQ.  
FOLLOW UP INQ.

CERT.	40. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON 417D	45. SUPERVISOR SGT. REISLER 00/16/93	DATE 08/16/93	122. PAGE OF
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1. CASE REPORT NUMBER 03-01820
2. UCR CODE

2. OFFENSE NEAR DROWNING	3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO:	8. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]		46. DATE OF THIS REPORT 08/10/93	
12. ARRESTING OFFICER [REDACTED]	116. RES. ADDR. CITY & STATE	117. RACE	118. SEX
115. ARRESTEE NAME (LAST, FIRST, MIDDLE)	119. RES. ADDR. CITY & STATE	117. RACE	118. SEX
		119. AGE	120. DOB

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STATEMENT FROM BABYSITTER [REDACTED]

On 08/06/93 at 1:50 a.m., Detective T. Eells and I interviewed [REDACTED] a white female, date of birth 02/16/33, who resides at 1603 Robidoux Circle, home phone number 574-1202. The interview was conducted in the hotel manager, George Fischer's office.

Before the interview started, [REDACTED] asked us how the baby was and Detective Eells advised [REDACTED] of the baby's condition. Ms. [REDACTED] then made the statement, "I love babies so much. I have five of my own and I have grandchildren." Detective Eells then advised [REDACTED] that she was not under arrest and was free to leave at any time and she had the right not to speak to us at this time. [REDACTED] said that she wanted to cooperate and would answer any questions we had.

In response to questions, [REDACTED] then related the following. [REDACTED] told us that she has been babysitting for approximately three and one-half years and does most of her babysitting exclusively for the Broadmoor Hotel.

[REDACTED] told us that she has had the babysitting job lined up with the [REDACTED] family for quite some time and she guessed that it had been on her calendar for about two weeks, awaiting their arrival.

[REDACTED] told us that on the past Monday, when the [REDACTED] family was to arrive at the Broadmoor Hotel, she [REDACTED] arrived at the hotel some time around 4:15 or 4:20 p.m. that afternoon. Ms. [REDACTED] said she went directly to the Miles' room and when she knocked on the door, there was no answer. [REDACTED] said she returned to the lobby and had an employee named [REDACTED] all the room for her, but again there was no answer. [REDACTED] said she then returned to room 2409 and waited outside for the [REDACTED] arrival.

[REDACTED] told us that when she checked with the front desk, they told her that [REDACTED] were flying in and [REDACTED] said that we could contact an employee named [REDACTED] who could verify all this information.

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122. PRELIM. RPT.  
FOLLOW UP RPT.

48. UCR DEPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 4170	46. SUPERVISOR SGT. REISLER 09/16/93	DATE	122. PAGE
			09/16/93	OF
<input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE				

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1. CASE REPORT NUMBER  
93-24830

2. OFFENSE NEAR DROWNING	3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO	4. UCR CODE
11. VICTIM'S NAME & ADDRESS [REDACTED]		46. DATE OF THIS REPORT 08/10/93	
116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
120. DOB			
116. RES. ADDR. CITY & STATE	117. RACE	118. SEX	119. AGE
120. DOB			

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[REDACTED] said that while she was waiting for the [REDACTED] family to arrive, personnel from the golf club were also trying to locate the [REDACTED] to confirm a 7:00 a.m. tee time on the following day. Ms. [REDACTED] told us that she waited around the Broadmoor and she called her husband around 5:45 p.m. and told him that she was going to wait awhile longer. [REDACTED] added that she waited because she knew that the Miles would be tired after their flight and they had a six month old baby, so she thought she should stay nearby so that the [REDACTED] could possibly go out to get something to eat.

[REDACTED] told us that [REDACTED] family arrived at approximately 7:30 p.m., which was about three hours later. [REDACTED] said that she saw a couple with a small child walk in the front of the Broadmoor Hotel, so she thought it was the Miles and she went up and introduced herself. [REDACTED] told us that she then directed [REDACTED] to their room and she noticed that they were anxious to get settled in. [REDACTED] told us that she recalled that [REDACTED] parents went out to eat at the Tavern that night and she stayed and babysat [REDACTED] until about 10:00 p.m. on Monday night. [REDACTED] said that [REDACTED] mother also wanted her to feed and bathe [REDACTED] while they were gone.

[REDACTED] stated that on the following day, Tuesday, 08/03/93, she arrived at the Miles room, number 2409, a little early, and she guessed it was around 6:26 a.m. [REDACTED] said that she even recalled the Miles making a remark that she was early that morning. [REDACTED] told us that it was kind of rainy and foggy that Tuesday and she recalled that the golf clinic was delayed a couple hours. [REDACTED] added that [REDACTED] was not crazy about golf and she was mainly there vacationing. [REDACTED] said that she suggested that they get a stroller and take [REDACTED] for a walk and they took her recommendation.

[REDACTED] told us that Mr. [REDACTED] came back to the room at about 4:45 p.m. due to the delay caused by the bad weather. Ruth Geary stated that [REDACTED] asked her to come back at 7:30 p.m. that Tuesday evening and during the course of the evening while babysitting [REDACTED] she noticed that the baby was a little fussy and restless that day.

122. PHELM. DIV.  
FOLLOW UP ON

43. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 417D	45. SUPERVISOR SGT. REISLER 09/16/93	DATE 09/16/93	122. PAGE OF
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1. CASE REPORT NUMBER  
 93-24830  
 3. UCR CODE

2. OFFENSE: NEAR DROWNING  
 3. STATUTE NUMBER  
 114. UCR RECLASSIFICATION ITC  
 11. VICTIM'S NAME (LAST, FIRST, MIDDLE)  
 12. ARRESTED NAME (LAST, FIRST, MIDDLE)  
 13. REL. ADD. CITY & STATE  
 14. REL. ADD. CITY & STATE  
 15. DATE OF THIS REPORT: 08/10/93  
 16. RACE, 17. SEX, 18. AGE, 19. DOB  
 20. RACE, 21. SEX, 22. AGE, 23. DOB

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...told us that she went through her regular routine, that being feeding the baby, playing with ... and then bathing her. ... said that when she bathed ... she used a bathing seat furnished by Ms. ... told her that the seat worked great.

Detective Eells then asked ... if she recalled having a conversation with ... while babysitting for them about him being an anesthesiologist. ... told us that she did remember the conversation that Detective Eells was referring to and she told ... that she had a niece named ... who was approximately 30 years of age, who was undergoing surgery and who was under anesthesia when she died. ... said that even though she didn't know her niece very well and was not very close to her, she was curious about ... opinion about this situation. Ms. ... added that she has asked several people about their opinions.

Detective Eells then directed ... attention back to where she left off babysitting Chloe Miles on the past Tuesday. ... told us that on the following Wednesday, 08/04/93, she arrived back at the ... room, number 2409, at about 6:50 a.m. ... said she recalled that Ms. Miles said that she would be back to the room at around noon, but she didn't get back until 3:00 p.m. that day. ... told us that she returned to the Miles' room at 7:35 p.m. that Wednesday and during the course of the evening, she went through the same routine described above. After she gave ... her bath in the same bathing seat mentioned above, ... went right to sleep. ... told us that she babysat until 10:30 p.m. on Wednesday.

Detective Eells asked ... to describe to us how she would bath ... and to go over the routine she would use. ... said that she would first put the bathing seat that ... had thought worked really great in the bathtub and press the suction cups down on the tub. ... said that she thought the bath seat was good because she had used it on several occasions and it seemed to work fine. ... added that it had a roller coaster type safety bar to lock the baby in the seat. ... said that to lock the baby in the seat, she would use both her thumbs to push a blue latch type lever on each side of the seat into position.

122. FOLLOW UP W/...

40. UCR DEPOSITION  
 OPEN  CLEARED BY ARREST  UNFOUNDED  EXCEPTIONAL CLEARANCE

41. OFFICER SIGNATURE/NUMBER: DET. PATTERSON. 4170

42. S. REVISOR: SGT. REISLER 09/16/93

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1. CASE REPORT NUMBER  
93-24830

2. OFFENSE <b>NEAR DROWNING</b>	3. STATUTE NUMBER	114. UCR RECLASSIFICATION ITC	8. UCR CODE
7L. VICTIM'S NAME (LAST, FIRST, MIDDLE)	46. DATE OF THIS REPORT 08/10/93		
9. ARRESTING OFFICER'S NAME (LAST, FIRST, MIDDLE)	116. RES. ADDR. CITY & STATE	117. RACE	118. SEX 119. AGE 120. DOB
17E. ARRESTEE NAME (LAST, FIRST, MIDDLE)	116. RES. ADDR. CITY & STATE	117. RACE	118. SEX 119. AGE 120. DOB

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Ms. Geary said that she could feel it click into place and when it came to its final locked position, it made a sound that she readily recognized. Ms. Geary stated, "It is such a good seat." Ms. Geary said that after she locked [redacted] under the safety bar, she would fill the tub with water and put toys in the tub around her. Ms. Geary said that she then would wash and rinse [redacted] hair.

Ms. Geary told us that on Thursday, 08/05/93, she got to the [redacted] room at about 5:45 and they were getting ready to go out to eat at the Craftwood Inn. Ms. Geary said she recalled that Mr. [redacted] was anxious that evening due to their running late and their having trouble finding their Broadmoor Hotel parking ticket. Ms. Geary said that she made a suggestion to [redacted] that they try to go get the car out of the parking lot without the ticket due to their having reservations at the Craftwood Inn at 7:30 p.m. Ms. Geary told us that she recalled that both [redacted] were frustrated that evening and when they finally walked out of their room, she looked at her watch and it was 7:20 p.m.

Ms. Geary said that when [redacted] left the room, [redacted] was laying on the bed, at which time she [redacted] took [redacted] socks off and started playing patty-cake with her feet. [redacted] said that about a minute or two later, [redacted] came back to the room and he said he had forgotten something. [redacted] said she couldn't understand what [redacted] said he forgot. [redacted] added that [redacted] returned before she was able to get [redacted] undressed for a bath.

Ms. Geary told us that [redacted] again left the room, at which time she put the bathing seat in the bathtub so that she could give [redacted] a bath. Ms. Geary said that she then started filling the tub with water and, after removing [redacted] clothes, she put [redacted] in the seat and locked the safety bar in the locked position. Ms. Geary said that she definitely recalled hearing the latches click and she knew it was in the locked position. [redacted] told us that she then splashed water up over [redacted] shoulders to warm her up prior to bathing her.

122. PENDING  
FOLLOW UP W/

4E. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNFILED	<input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON 4170	46. SUPERVISOR SGT. REISLER	DATE 09/16/93	122. PENDING OF
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NARRATIVE

COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUA N/SUPPLEMENTAL REPORT

1. CASE REPORT NUMBER  
03-24830

2. OFFENSE NEAR DROWNING		3. STATUTE NUMBER		114. UCR RECLASSIFICATION TO:		8. UCR CODE	
10. VICTIM'S NAME (LAST, FIRST, MIDDLE)						46. DATE OF THIS REPORT 08/10/93	
10. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADD. CITY & STATE		117. RACE	118. SEX	119. AGE	120. DOB
115. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADD. CITY & STATE		117. RACE	118. SEX	119. AGE	120. DOB

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[REDACTED] told us that the telephone in the bedroom then rang, so she left [REDACTED] in the bathing seat and walked to the bedroom to answer the phone. [REDACTED] said there was a male on the phone and he asked for a [REDACTED]. [REDACTED] said that the man asked if this was [REDACTED] Hittler's room and she told the man that it was not. Ms. [REDACTED] said that the person on the phone then told her that he knew it was George [REDACTED]'s room because he had checked. [REDACTED] said that she told the man he had the wrong number and she didn't know any [REDACTED]. [REDACTED] said that the man then asked for [REDACTED] at which time [REDACTED] said she hung up the phone. [REDACTED] told us that she then noticed a cheeseburger laying on the table that she had ordered earlier, so she picked the cheeseburger up and took two bites of it before returning to the bathroom to finish bathing [REDACTED].

Detective Eells then asked [REDACTED] to tell us about the cheeseburger, due to the fact that the room had been searched prior to the interview and detectives found no evidence of a cheeseburger during the course of the search. [REDACTED] told us that earlier in the evening, she had some trouble with the kitchen personnel at the hotel not picking up a tray of dishes at the room. Ms. Geary said that she felt it was so untidy looking that she called the kitchen and complained and they finally picked up the tray of dishes and apologized. [REDACTED] said that since the [REDACTED] were already paying for a lot of her food, she decided to save them some money and she asked the kitchen personnel for a complimentary cheeseburger and a Coke.

Detective Eells then directed [REDACTED]'s attention back to when she was returning to the bathroom to continue bathing [REDACTED]. [REDACTED] told us that she went back in the bathroom, at which time she found [REDACTED] on her side in the water and she saw that the safety bar on the seat was open and laying in the water also. [REDACTED] told us that the baby was laying on her left side, facing out into the bathroom, and her feet were pointing toward the faucet end of the tub. [REDACTED] said that she noticed the baby's face was approximately half way under the water. Detective Eells then asked Ruth Geary about the depth of the water and [REDACTED] said the water was up to [REDACTED] navel as she sat in the bathing seat.

122. PRELIM. INQ.

FOLLOW UP INQ.

48. UCR DISPOSITION	<input type="checkbox"/> OPEN	<input type="checkbox"/> CLEARED BY ARREST	49. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 417D	45. SUPERVISOR SGT. REISLER	DATE 09/16/93	122. PAGE OF
	<input type="checkbox"/> UNPROCESSED	<input type="checkbox"/> EXCEPTIONAL CLEARANCE				

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1. CASE REPORT NUMBER  
93-24830

2. OFFENSE NEAR DROWNING		3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO:		9. UCR CODE
11. VICTIM'S NAME (LAST, FIRST, MIDDLE)			46. DATE OF THIS REPORT 08/10/93		
10. ADDRESS (LAST, FIRST, MIDDLE)		116. RES. ADD. CITY & STATE	117. RACE	118. SEX	119. AGE
115. ARRESTEE NAME (LAST, FIRST, MIDDLE)		118. RES. ADD. CITY & STATE	117. RACE	118. SEX	119. AGE

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[REDACTED] told us that the only thing she could think of that happened was that [REDACTED] likes to play with her feet and perhaps she was reaching over the safety bar to play with her feet and the seat safety bar malfunctioned and opened up.

I noted that [REDACTED] was very upset during this portion of the interview and was shaking. [REDACTED] also started crying at several points during the interview. [REDACTED] then stated, "I'm absolutely sure I locked her in position."

[REDACTED] told us that she then grabbed [REDACTED] from the water and ran back into the bedroom with the baby to get the telephone. Ms. [REDACTED] said that she immediately called the operator and while she was on the phone, she held the phone with her shoulder so that she could have her hands free, at which time she pinched the baby's nose and started breathing into the baby's mouth in an attempt to get her to breath. [REDACTED] said she recalled that the baby's eyes were partially open and she didn't look that bad at the time.

[REDACTED] said that she again blew into the baby's mouth, at which time [REDACTED] started throwing up her cereal and she [REDACTED] knew that the baby's passage was blocked.

[REDACTED] told us that she was so upset that she told the operator that she was in room 2904, but she later heard that they had the right number anyway. [REDACTED] said that when she saw the cereal come up, she turned [REDACTED] over on a pillow that was on the bed near the telephone and started patting her on the back. [REDACTED] said that when she did this, water and cereal then came out of [REDACTED] mouth and nose. [REDACTED] said that she then turned the baby back over on her back and again blew in her mouth.

I again saw [REDACTED] become visibly shaken and she told us that she had been asking and asking the Broadmoor Hotel for CPR classes.

[REDACTED] said that a lot of the cereal got on the pillow case so she again turned [REDACTED] over and started tapping on her back. Ruth Geary stated that she then grabbed the baby and ran downstairs to get help faster, where she met Security Guard Chris Fiedler.

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122.  
PRELIM. INQ.

FOLLOW UP INQ.

48. UCR DISPOSITION <input type="checkbox"/> OPEN <input type="checkbox"/> UNPAID <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	44. OFFICER SIGNATURE/NUMBER DET. PATTERSON, 417D	46. SUPERVISOR SGT. REISLER	DATE 09/16/93	122. PAGE OF
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1. CASE REPORT NUMBER  
 93-24830

2. OFFENSE NEAR DROWNING	3. STATUTE NUMBER	114. UCR RECLASSIFICATION TO	8. UCR CODE
116. RES. ADDR. CITY & STATE		117. RACE	118. SEX
116. RES. ADDR. CITY & STATE		117. RACE	118. SEX

46. DATE OF THIS REPORT  
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██████████ said that Chris Fiedler then began CPR on the baby and shortly thereafter a woman from the Broadmoor Emergency Crew came and said that the baby's passageway was blocked. ██████████ said that she then noticed a security guard named ██████████ who arrived at the scene. ██████████ said that shortly thereafter, people with A-1 Ambulance arrived and she started screaming at them to "hurry up, hurry up."

Detective Eells directed ██████████'s attention back to when she left the baby in the tub alone and asked her how long she was away from the baby. ██████████ said that she was not away from the baby very long and, just guessing, she was away from the baby about four minutes at the most.

Ruth Geary told us that the baby was then transported to the hospital, at which time she and Security ██████████ Fiedler went back to the room. ██████████ said that she went back in the bathroom, picked up the toys in the tub, and let the water out of the tub, so when ██████████'s parents returned, it would minimize the trauma. Ms. ██████████ said that they also decided to take a baby jump seat that was hanging in the doorway down to try to minimize the trauma. ██████████ told us that she was the one who also took the pillow case off of the pillow so that they could put a fresh pillow case on before the parents returned. ██████████ told us that she then kneeled down by the bed and prayed that ██████████ would get better. I again noted that Ruth Geary was shaking and crying.

██████████ told us that she had called her husband to come get her because she didn't think she could drive home.

Detective Eells then asked ██████████ if she was taking any kind of medication and ██████████ said that she takes two Capitem a day, which is for her blood pressure. ██████████ told us that she has had three strokes in the past. ██████████ said that she also takes Motrin for her arthritis. ██████████ said that she has no other medical problems other than the high blood pressure. ██████████ also informed us that she doesn't drink alcohol.

122. FOLLOW UP BY

48. UCR IMPROVEMENT <input type="checkbox"/> OPEN <input type="checkbox"/> UNFILED	49. UCR SIGNATURE/NAME DET. PATTERSON, 417D	49. SUPERVISOR SGT. REISLER 09/16/93	122. PAGE OF
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1. CASE REPORT NUMBER  
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2. OFFENSE NEAR DROWNING		3. STATUTE NUMBER		114. UCR RECLASSIFICATION TO:		8. UCR CODE			
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]				46. DATE OF THIS REPORT 08/10/93					
116. ARRESTEE NAME (LAST, FIRST, MIDDLE) [REDACTED]				116. RES. ADDR. CITY & STATE		117. RACE	118. SEX	119. AGE	120. DOB
118. ARRESTEE NAME (LAST, FIRST, MIDDLE)				118. RES. ADDR. CITY & STATE		117. RACE	118. SEX	119. AGE	120. DOB

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The interview with the babysitter [REDACTED] was terminated at 3:15 p.m.

DETECTIVE STATEMENT (CONTINUED)

On 08/06/93 at 2:10 p.m., I went to the Broadmoor Hotel skeet range, where I met the head of the Broadmoor Hotel Security, [REDACTED]. [REDACTED] told me that he has been the head of security at the Broadmoor Hotel for approximately five years. Mr. [REDACTED] said that on Thursday night, 08/05/93, Broadmoor Hotel Security Lieutenant Witten called him at home and told him that they had a bad situation at the hotel where a little girl possibly drowned and is now on life support. [REDACTED] said that Lieutenant Witten told him the baby was being bathed in the bathtub and was in a bathing seat which possibly had a defective latch, which resulted in the baby drowning. [REDACTED] said [REDACTED] had also told him that the bathing seat belonged to the parents of the baby who were staying at the hotel. [REDACTED] said he told Lieutenant [REDACTED] to take the chair out of the bathtub and lock it up in the security office to secure it for the police department or insurance company if needed at a later date. [REDACTED] said that, in retrospect, he would have had Lieutenant Witten leave the seat in place in the tub, but he made the decision to remove the seat because everybody was totally distraught and it was difficult trying to talk to everyone that night.

Luke [REDACTED] said that he had Lieutenant [REDACTED] take adequate photographs of the bathing seat before removing it from the tub and he instructed Lieutenant [REDACTED] to make sure that no one tampered with the seat. [REDACTED] said that Lieutenant [REDACTED] also told him that when they responded to the room where the baby had drowned, the paramedics were right on their heels, due to them being right across the street. [REDACTED] said that Lieutenant Witten also told him that the Colorado Springs Police Department had been notified and was on their way.

[REDACTED] told me that he didn't respond that night because he felt that Lieutenant Witten was competent and he acts in his behalf when he is not there.

122. PRELIM. INQ.  
FOLLOW UP INV.

CERT.	48. UCR DISPOSITION	115. OFFICER SIGNATURE/NUMBER	116. SUPERVISOR SIGNATURE/NUMBER	122. PAGE
	<input type="checkbox"/> OPEN <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARANCE	DET. PATERSON, 417D	DET. REISLER 09/16, 0483	OF

NARRATIVE

**COLORADO SPRINGS POLICE DEPARTMENT  
CONTINUATION/SUPPLEMENTAL REPORT**

1. CASE REPORT NUMBER  
**93-24830**

2. OFFENSE <b>NEAR DROWNING</b>		3. STATUTE NUMBER		114. UCR RECLASSIFICATION TO		8. UCR CODE	
11. VICTIM'S NAME (LAST, FIRST, MIDDLE) <b>MILES, CHLOE</b>				46. DATE OF THIS REPORT <b>08/10/93</b>			
12. ARRESTEE NAME (LAST, FIRST, MIDDLE)		116. RES. ADDR. CITY & STATE		117. RACE	118. SEX	119. AGE	120. DOB
13. ARRESTEE NAME (LAST, FIRST, MIDDLE)		118. RES. ADDR. CITY & STATE		117. RACE	118. SEX	119. AGE	120. DOB

121. SECTION

Investigations/mlh  
Page Fifteen

██████████ told me that he was informed that the call relating to the drowned baby had come in through the emergency security number of 5100, which is an overall emergency number that most employees at the hotel are familiar with. ██████████ said that the call was answered by his dispatcher, ██████████ who works the 4:00 p.m. to 12:00 p.m. shift. Mr. Lukebill said he was told that Lieutenant Witten and Security Corporal Chris Fiedler were in the security office when the call came in and they responded immediately.

██████████ said that after he got all the details relating to the baby nearly drowning in room 2409, he called Chris Fiedler to check on her emotional state and to assure her that she did a fine job. ██████████ said that he also told Chris Fiedler that he was happy with the report she wrote. I advised ██████████ that Chris Fiedler told me that she was going to give me a copy of the security report, but I was having trouble obtaining this report. ██████████ said that the reason I had not received the report was because it was in the hands of the president of the Broadmoor Hotel, ██████████ and also was being reviewed by lawyers who work for the Broadmoor Hotel. I advised ██████████ that I needed a copy of the security report as soon as possible to further this investigation.

This investigation is continuing.

NARRATIVE

122. PROB. INK  
FOLLOW UP INK

48. UCR DISPOSITION	<input type="checkbox"/> OPEN	<input type="checkbox"/> CLEARED BY ARREST	44. OFFICER SIGNATURE/NUMBER <b>DEP. PATTERSON, 417D</b>	45. SUPERVISOR <b>SGT. REISLER</b>	DATE <b>09/16/93</b>	122. PAGE OF
	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> EXCEPTIONAL CLEARANCE				

ATTACHMENT #  
930928WES022

CODE/AGENCY NO: 100    SUMMONS NO:    DATE REPT: 8-5-93    LABORATORY NO: 93L-002965    CSPD NO: 93-24830

OFFENSE: INVESTIGATION    LOCATION: BROADMOOR 1 LAKE CIRCLE HOTEL    OFFICER: DET. PATTERSON

VICTIM NAME:    SUSPECT(S): N/A

DATE REC'D: 8-5-93    REC'D FROM: DHP    REC'D BY: TC

2140HRS-RESPONDED TO THE ABOVE LOCATION IN REFERENCE TO A POSSIBLE DROWNING OF THE ABOVE 6 MONTHS OLD W/F. VICTIM, ACCORDING TO SUPPLIED INFORMATION, WAS PLACED IN A "GERRY" BRAND, BATH TYPE SAFETY SEAT IN THE HOTEL ROOM TUB. BABYSITTER ADVISED THE SAFETY "T" BAR WAS LOCKED INTO PLACE AS DESIGNED. POLOROID PHOTO'S OF THE SEAT IN PLACE IN THE TUB TAKEN BY HOTEL SECURITY PERSONNEL SHOWED THE "T" BAR UNLATCHED AND IN A FORWARD POSITION. SAFETY SEAT WAS REMOVED FROM THE TUB PRIOR TO MY ARRIVAL AND RECOVERED BY OFF. BLAKE. THIS WRITER RECIEVED THE SAFTEY SEAT AND 5 POLOROID PHOTO'S FROM OFF. BLAKE ON THE SCENE. PHOTO'S WERE TAKEN OF THE INTERIOR OF THE HOTEL ROOM INCLUDING THE BATHROOM AND TUB AREA. PHOTO'S WERE TAKEN OF THE SAFETY SEAT IN A VARIETY OF POSSIBLE LATCHING SCENERIOS. A VISUAL AND MANUAL EXAMINATION OF THE SAFETY SEAT WHILE ON THE SCENE SHOWED THE SEAT TO FUNCTION AS BELIEVED IT WAS DESIGNED IN THE FULLY LATCHED POSITION.

THERE ARE A MINIMUM OF 4 POSSIBLE POSITIONS THE "T" BAR MAY HAVE BEEN UTILIZED.

1. TOTALLY UNLATCHED AND OPEN, AS SHOWN IN THE POLOROID PHOTOGRAPHS TAKEN BY SECURITY PERSONNEL.
2. UNLATCHED AND IN A CLOSED POSITION WITH THE "T" BAR ONLY TOUCHING THE BLUE COLORED SAFETY LATCHES REQUIRING LITTLE OR NO FORCE TO BREAK FREE.
3. PARTIALLY LATCHED WITH THE LOWER PORTION OF THE 2 PIECE "T" BAR HELD BY THE TIP OF THE BLUE COLORED SAFETY LATCH, REQUIRING MODERATE FORCE TO BREAK FREE.
4. FULLY LATCHED WITH THE BLUE COLORED SAFETY LATCHES FULLY ENGAGED IN THE "T" BAR LATCH CATCHES AS BELIEVED DESIGNED, REQUIRING HEAVY FORCE TO BREAK FREE.

NOTE: 1 OF THE 4 SUCTION CUPS ON THE BOTTOM OF THE BATH SEAT IS MISSING.  
A PILLOW CASE WITH SUSPECTED VOMITOUS WAS RECOVERED FROM A PILLOW FOUND ON THE FLOOR BY THE FRONT DOOR.

SAFETY SEAT, PILLOW CASE, AND POLOROIDS PLACED INTO EVIDENCE.

COPIES TO:  
CASE FILE  
INVESTIGATIONS  
LAB FILE

NAME/IBM NUMBER: T. CARNEY 5281    SUPERVISOR: L. HOWARD *[Signature]*

PAGE: 1  
OF: 1

Attachment 2  
9309230WES072

# BATHS



## GERRY® SPLASH SEAT

- Easy access via front entry.
- Convenient storage with compact fold.
- Entertainment appeal with built-in toys.
- Suction cups for secure grip.



Easy access via front entry.



Compact fold.



Attachment 5  
930928CWES022

U.S. CONSUMER PRODUCT SAFETY COMMISSION  
DENVER RESIDENT POST

1981 STOUT ST., BX. 3516 • DENVER, CO 80294 • 303-844-2904 FAX 303-844-6319

October 12, 1993

WESTERN REGION:

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OKLAHOMA  
OREGON  
TEXAS  
UTAH  
WASHINGTON  
WYOMING  
PACIFIC ISLANDS

Mr. R. Craig Ewing  
1700 Lincoln, Suite 4100  
Denver, CO 80203

Dear Mr. Ewing,

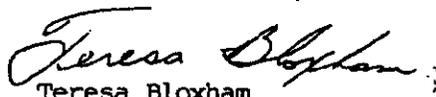
I work for the U.S. Consumer Product Safety Commission, the Federal agency with jurisdiction over the safety of products such as bath rings and other children's items. I am currently working on an investigation of the near-drowning incident at the Broadmoor hotel in Colorado Springs. According to the news article, you are representing the hotel in a lawsuit.

I would like to talk with you about this incident, and if possible, obtain photographs and information about the safety ring involved in the incident. I hope you can help me without compromising your case. Our agency is interested in how and why the incident happened and the role the product played in the incident. We do not assess blame on the people involved in the incident.

I have attached a compilation of safety tips our agency has issued on children's products and hazards. The last page has information on drowning hazards. If you are interested in statistical information about bath rings, you may contact: CPSC National Injury Information Clearinghouse, 5401 Westbard Ave., Bethesda, MD 20207. They are able to provide print-outs showing numbers, injuries, deaths, and other information for types of products.

Please let me know when I could talk with you, and if you will be able to help with this investigation.

Sincerely,

  
Teresa Bloxham  
Resident Investigator



U.S. CONSUMER PRODUCT SAFETY COMMISSION

DENVER RESIDENT POST

1981 STOUT ST., BX. 3518 • DENVER, CO 80294 • 303-844-2904 FAX 303-844-6319

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- OKLAHOMA
- OREGON
- TEXAS
- UTAH
- WASHINGTON
- WYOMING
- PACIFIC ISLANDS

November 4, 1993

Colorado Springs Police Dept. Records  
705 S. Nevada  
Colorado Springs, CO 80903

Dear Records Supervisor;

I work for the U.S. Consumer Product Safety Commission, a Federal regulatory agency with jurisdiction over the safety of products such as Childrens' Bath Safety Seats. I am currently working on an investigation of the incident involving [REDACTED] a child who nearly drowned at the Broadmoor Hotel 8-5-93.

Would you please send me a copy of your investigation report and any photographs you may have of the bath seat involved in the incident? I am especially interested in product identification.

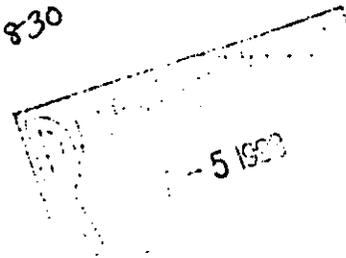
Our agency will keep the names of the victims confidential, but we need the report to help us identify how the incident happened and how it might be prevented in the future. Our goal is to prevent future deaths and injuries to children who may use this type of product.

If there will be a charge for the report and photographs, please send me a bill. If you have any questions about this request, please call me at (303) 844-2904.

Sincerely,

*Teresa Bloxham*  
Teresa Bloxham  
Resident Investigator

93-24830



*This case is not releasable at this time!*



U.S. CONSUMER PRODUCT SAFETY COMMISSION

DENVER RESIDENT POST

1961 STOUT ST., BX. 3516 • DENVER, CO 80204 • 303-844-2904 FAX 303-844-6319

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OREGON

TEXAS

UTAH

WASHINGTON

WYOMING

PACIFIC ISLANDS

December 16, 1993

Mr. Paul Ferguson  
P.O. Box 4905  
Beaumont, TX 77704

Dear Mr. Ferguson:

I work for the U.S. Consumer Product Safety Commission, a Federal regulatory agency with jurisdiction over the safety of products such as bath rings and other children's items. I am currently working on an investigation of the near-drowning incident at the Broadmoor hotel in Colorado Springs, involving [REDACTED]. According to my news article, you are representing the family in a lawsuit.

First of all, I would like to say I'm sorry that [REDACTED] was injured, and I hope that any information I learn about this incident can help some other family avoid a similar tragedy. I would like to talk with you or the family about the incident and the product involved in the case. We are interested in how and why the incident happened and the role of the product in the situation. We do not assess blame on the people involved in the incident.

I have tried to obtain copies of the police reports, but the Colorado Springs Police will not release the report at this time. If you feel that talking about the incident may jeopardize your case, would you please send me copies of the official reports?

I have attached a compilation of safety tips our agency has issued on children's products and hazards. The last page has information drowning hazards. If you are interested in statistical information about bath rings, you may contact: CPSC National Injury Information Clearinghouse, 5401 Westbard Ave., Bethesda, MD 20207. They are able to provide print-outs showing numbers, injuries, deaths, and other information for types of products.

Please let me know if you will be able to help me with this investigation. Again, I am so sorry that Chloe and her parents have been hurt in this incident.

Sincerely,

Teresa Dioxham  
Resident Investigator



LAW FIRM, L. L. P.

PAUL (CHIP) FERGUSON, JR.  
ATTORNEY

BOARD CERTIFIED: PERSONAL INJURY TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

December 30, 1993

Ms. Teresa Bloxham  
U.S. Consumer Product Safety Commission  
1961 Stout St., Box 3516  
Denver, CO 80294

Dear Ms. Bloxham:

Enclosed is the police report you requested regarding [REDACTED] accident.  
Thank you.

Very truly yours,

Paul F. Ferguson, Jr.

PFF:cl  
Enclosure



U.S. CONSUMER PRODUCT SAFETY COMMISSION

DENVER RESIDENT POST

1981 STOUT ST., BX. 3516 • DENVER, CO 80294 • 303-844-2904 FAX 303-844-6319

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OREGON

TEXAS

UTAH

WASHINGTON

WYOMING

PACIFIC ISLANDS

December 29, 1993

Mr. Robert Tarics  
910 Louisiana, Suite 400  
Houston, TX 77002

Dear Mr. Tarics:

I work for the U.S. Consumer Product Safety Commission, a Federal regulatory agency with jurisdiction over the safety of products such as children's toys and baby products. I am currently working on an investigation of the incident involving [REDACTED] and the near drowning with a bath seat at the Broadmoor Hotel in Colorado Springs.

Mr. Craig Ewing advised me that you are now handling the case for the hotel, and that he has forwarded the background information to you. I have tried to obtain the Colorado Springs Police report on the incident, but they will not release it at this time. I would also like to talk to you, or the parties involved in the incident to learn more about the situation and the bath seat used at the time of the injury. I am not interested in placing blame on any of the people involved, but if there may be a product related problem, our agency may be able to prevent future injuries because of the information we learn about this incident.

Would you please let me know if you will be able to help me with the investigation, or at least send me a copy of the police reports identifying the bath seat and their findings about the case? I am normally in the office between 8:00 a.m. and 4:00 p.m. mountain time. I would be willing to call you if you can give me a time that would be best for you.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Bloxham".

Teresa Bloxham  
Resident Investigator

# Lawsuit Over Tub Accident

## Broadmoor is target of parents' action

By Jim Glancy  
Special to The Denver Post

A Texas couple has filed a civil lawsuit "exceeding \$10 million" against the Broadmoor Hotel and its owner, Opryland USA, for the near drowning of their infant daughter in a hotel bathtub Aug. 8.

The lawsuit was filed in Jefferson County District Court in Beaumont, Texas.

The suit filed by [redacted] claims that the Broadmoor Hotel violated the Texas Deceptive Trade Practices Act by saying "competent, qualified baby-sitting services and personnel were available and would be provided."

The statements were in golf publications [redacted] couple read in Texas.

The family seeks punitive damages as well as compensatory damages to cover medical care and treatment. The latter could exceed \$10 million, said their attorney, Paul Ferguson Jr.

The lawsuit says the parents went to dinner and left 6-month-old daughter with a babysitter hired through the hotel. The babysitter placed the girl in a filled bathtub and left the bathroom.

When the babysitter eventually returned, the lawsuit says the girl was underwater, and efforts to resuscitate her failed. She sustained permanent brain damage that left her in an irreversible vegetative state, the suit says.

The child was listed in fair condition yesterday at St. Elizabeth's Hospital in Beaumont.

Not named in the lawsuit is the babysitter, 60.

The hotel said police she put the girl in a safety seat in the tub and left to answer the phone.

The Broadmoor has until mid-October to respond. No trial date has been set.

Denver Post 10.9.93

Denver Post 9.10.93

# CHILD

By Jim Glancy  
Special to The Denver Post

A Texas couple has filed a lawsuit "exceeding \$10 million" against the Broadmoor Hotel and its owner, Opryland USA, for the near drowning of their infant daughter in a hotel bathtub Aug. 8.

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The hotel said police she put the girl in a safety seat in the tub and left to answer the phone.

The Broadmoor has until mid-October to respond. No trial date has been set.

930928CWF 5022

~~44, in his ambulance outside  
 the site on June 8, 1988. He was  
 sent to a hospital in Mexico for  
 extraction from New Mexico.~~

ROWE, N.M.

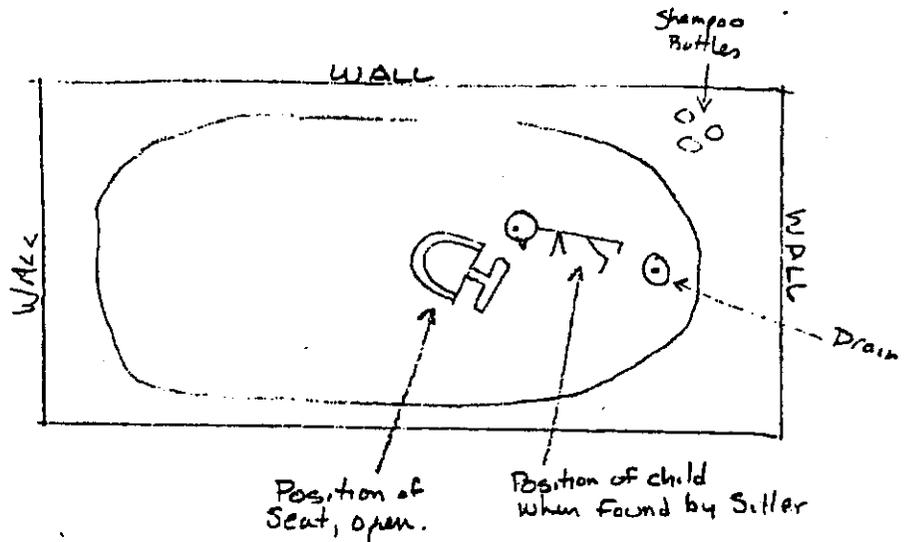
**Baby's parents sue hotel**  
 The Broadmoor hotel and its  
 owner, Opryland USA Inc., are  
 being sued for more than \$10 mil-  
 lion by the parents of an infant who  
 was brain damaged in a near-  
 drowning at the Colorado Springs  
 hotel. The child, born Feb. 3, was  
 being cared for at The Broadmoor  
 last month by a baby-sitter hired

through the hotel's contract baby-  
 sitting service, according to Col-  
 orado Springs police. The baby-sit-  
 ter had placed the child in a child  
 safety seat in the bathtub and left to  
 answer the phone. When the baby  
 sitter returned she found the child  
 lying on her side. The safety seat  
 had opened by itself, the police  
 report said. Paul Ferguson, attor-  
 ney for the baby's parents —  
 [redacted] Beau-  
 mont, Texas — said if the demand  
 is met, the suit would be dismissed.

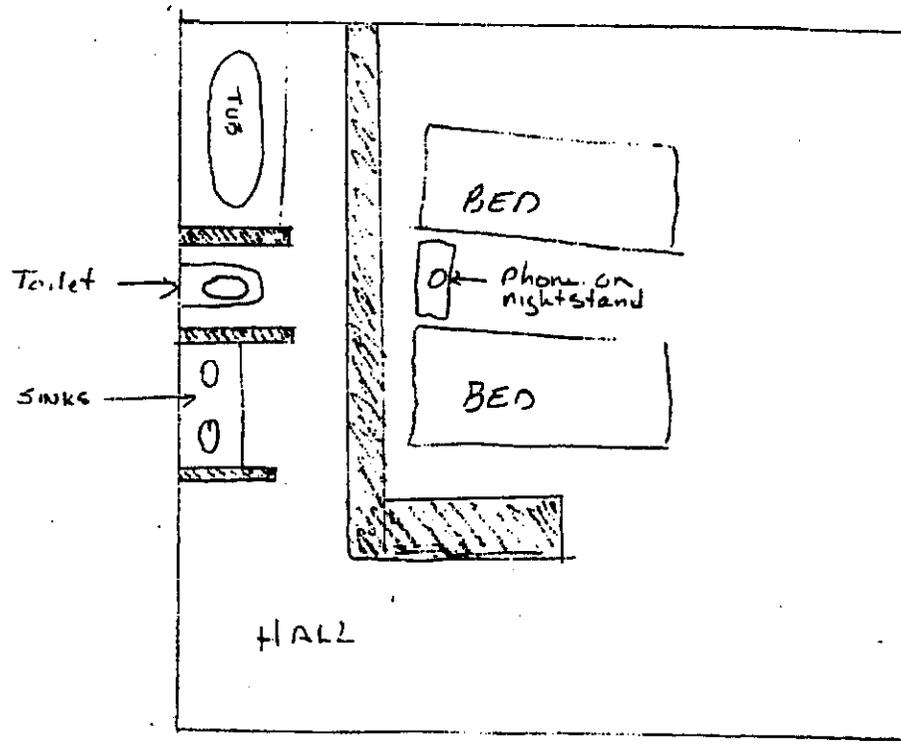
Staff and wire reports

Rocky Mtn News: 9-9-93

Report statements say baby was on left side. The description would suggest the baby was on her Right side.



Sketch of Tub and position of child when incident discovered by sitter.



Rough Layout of Hotel Room  
Not to scale.

930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

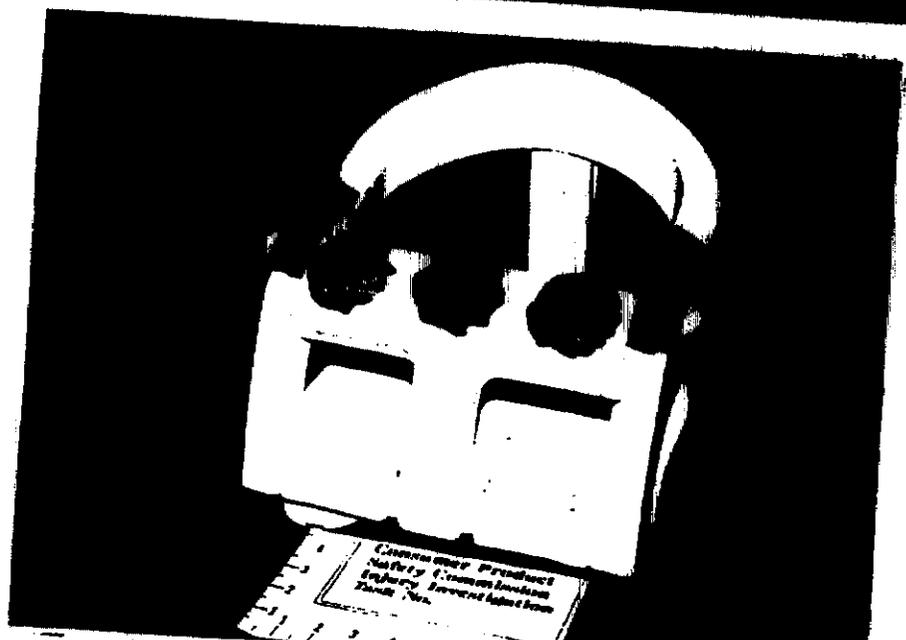
Photo 1

Photo 1 shows the Gerry bath seat with the foam cushion in place.

Photo 2 shows the seat without the cushion.



Photo 2



930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

Photo 3

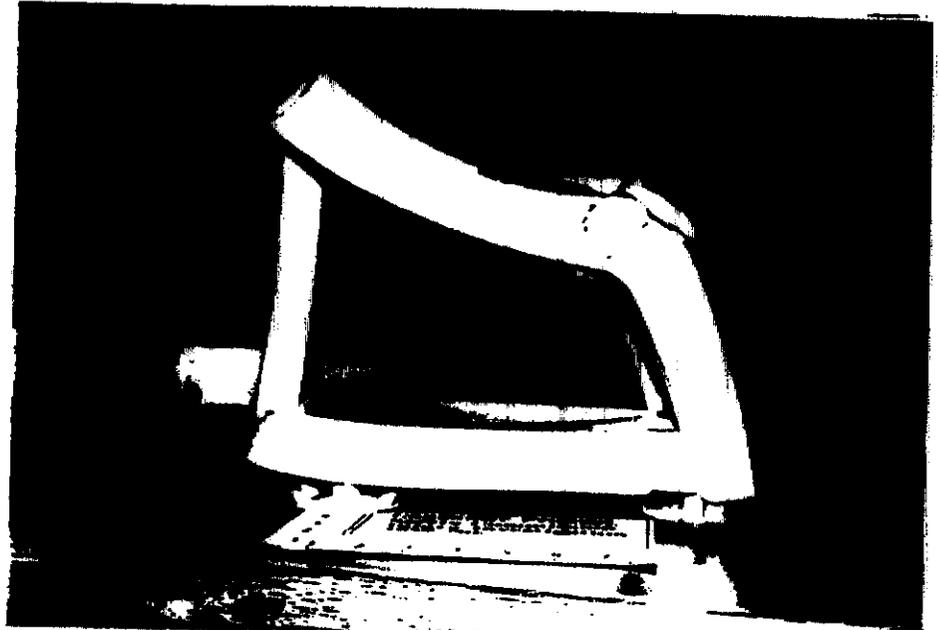
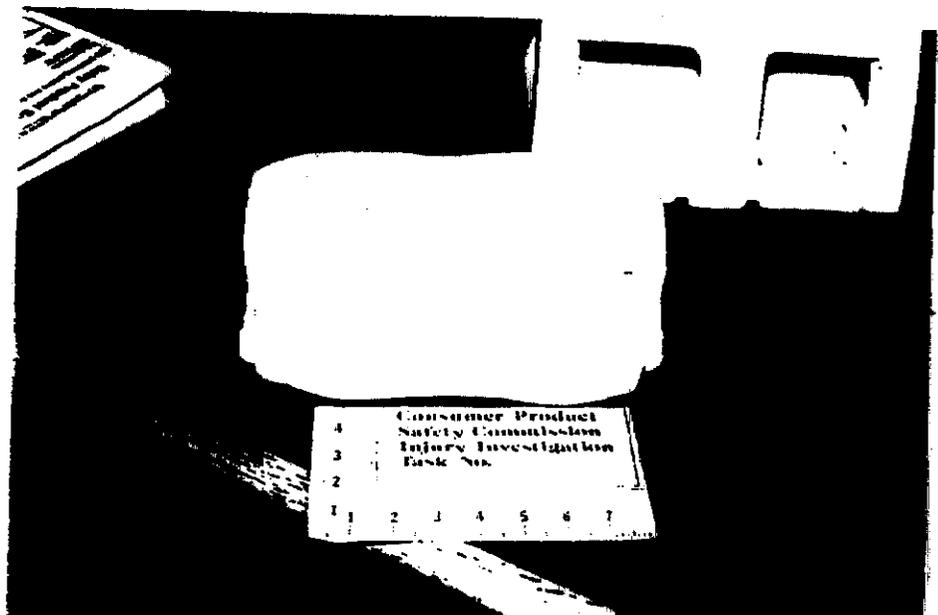


Photo 3 is a side view of the bath seat. The vertical back bar will fold down so the carrier can be stored or packed for travel.

Photo 4 shows the foam seat cushion.

Photo 4



930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

Photo 5

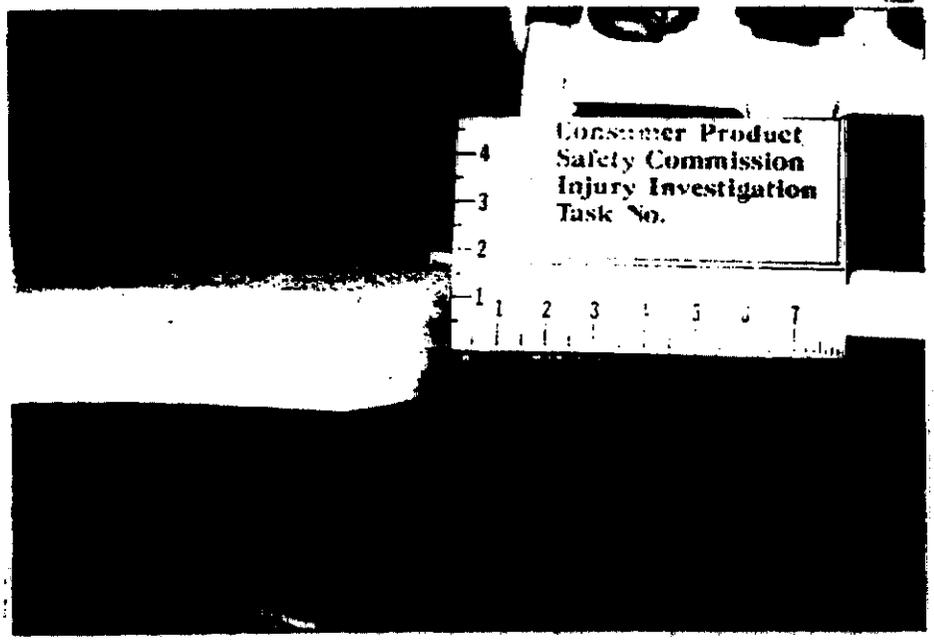
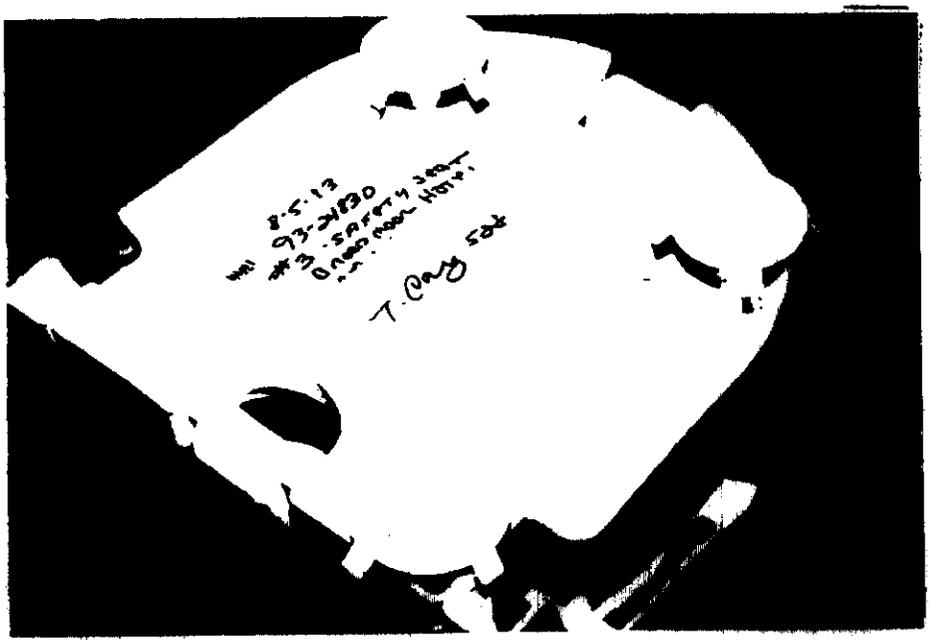


Photo 5 shows the 2" depth of the seat cushion.

Photo 6 shows the base of the seat, note the missing suction cup. The writing and UPC sticker are from the police department. This photo also shows the back side of the T-Bar latches in the arms of the chair.

Photo 6



930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

Photo 7

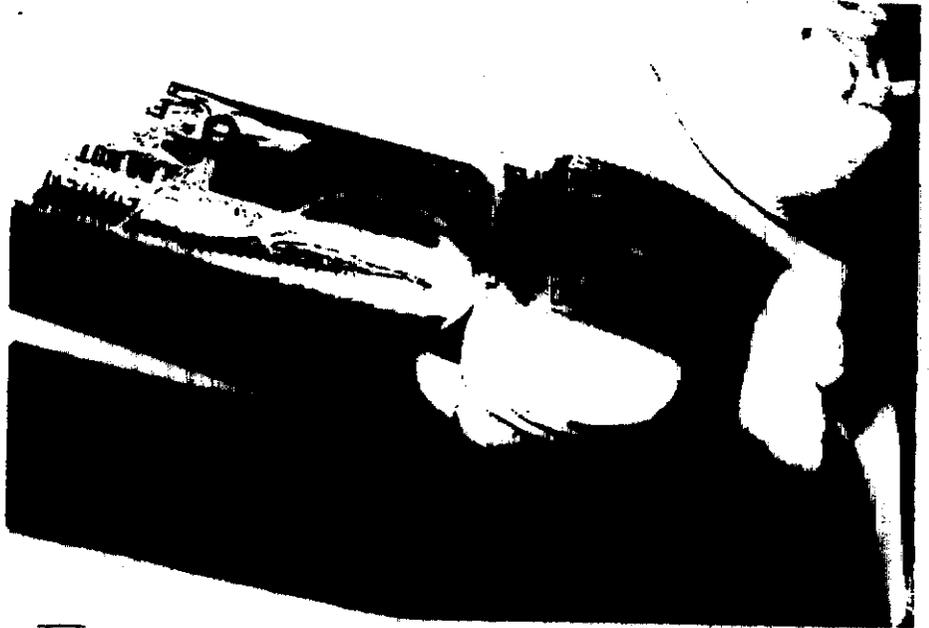
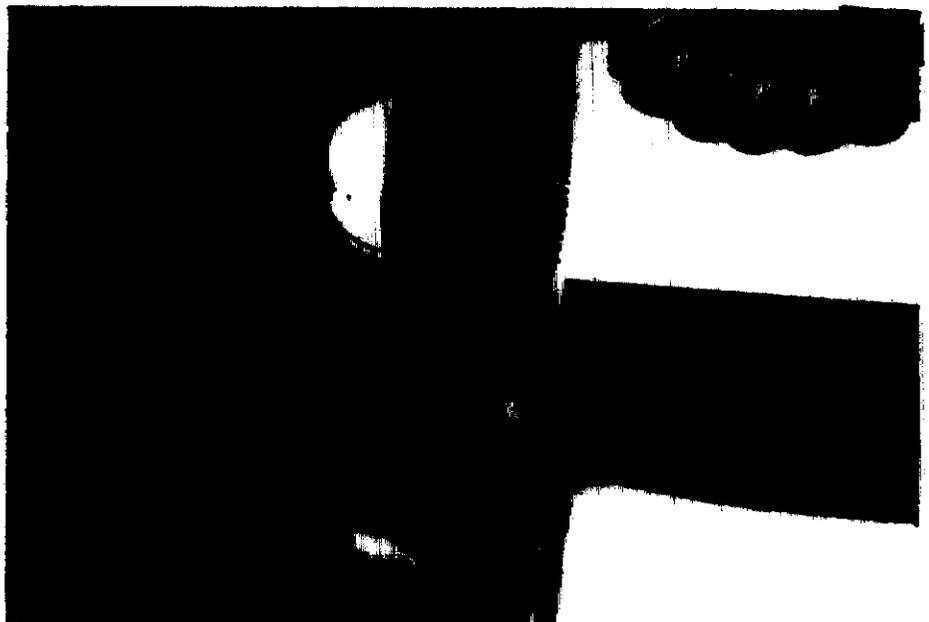


Photo 7 is a top/side view of the latch on the right side of the chair. The evidence tape could not be removed. The police said that the T-bar is pressed down onto the blue serrated latch to lock the seat closed.

Photo 8 shows the left side latch from the top/rear view.

Photo 8



930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

Photo 9

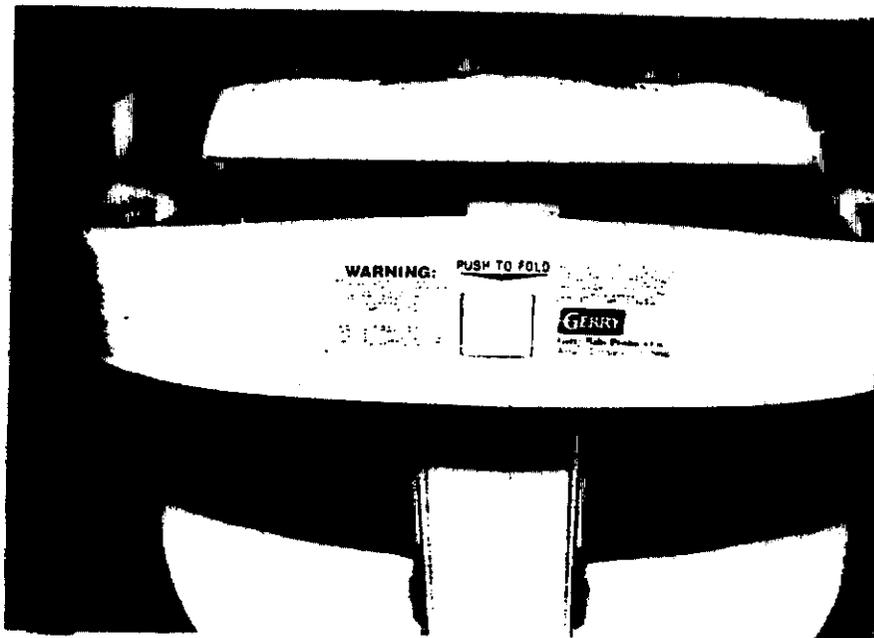
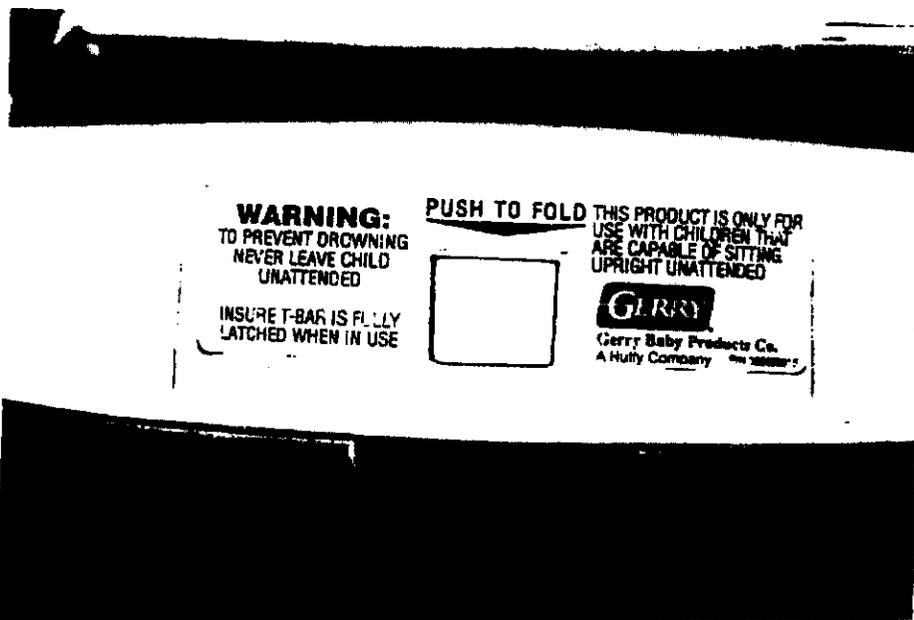


Photo 9 shows the back side of the safety seat. The square button in the center back is the release for the vertical support bar.

Photo 10 shows the warning label on the seat. This was the only label on the product. The label on the left side warns never to leave a child unattended, while the right side says the product is only for use...capable of sitting upright unattended.

Photo 10



930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

Photo 11

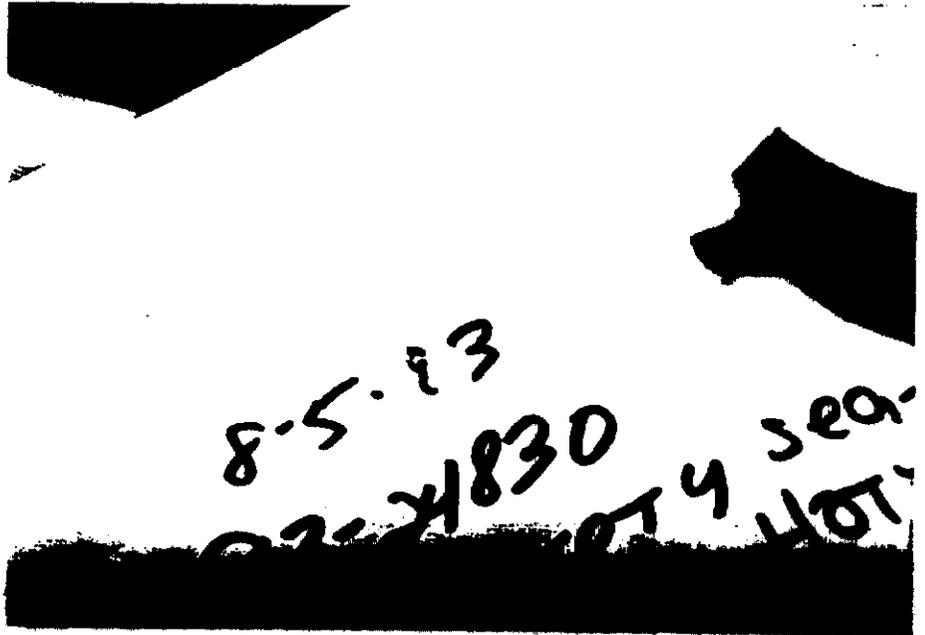


Photo 12

Photo 11 shows the date clocks on the chair. The are just visible over the 9 and 3 in the photo. The clock on the left is 93 in the center with the arrow pointing at 5. The right clock shows an arrow pointing just past a 2 on a clock with 5 digits (1-5) with space on the rest of the circle.

Photo 12 is a photo of a photo taken by the hotel security staff after the sitter had called them for help. The seat is open and there are other toys floating in the water.



930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs

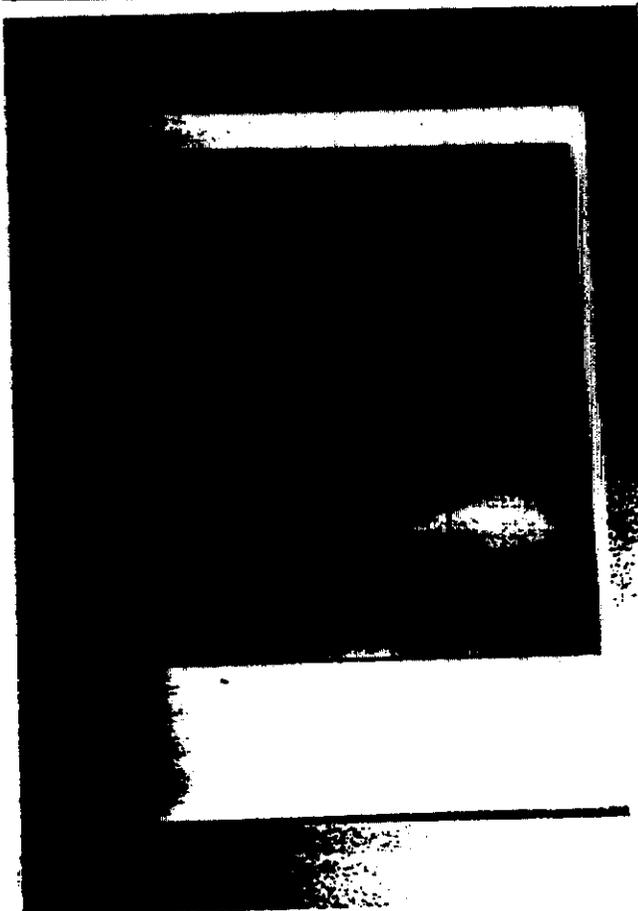


Photo 13

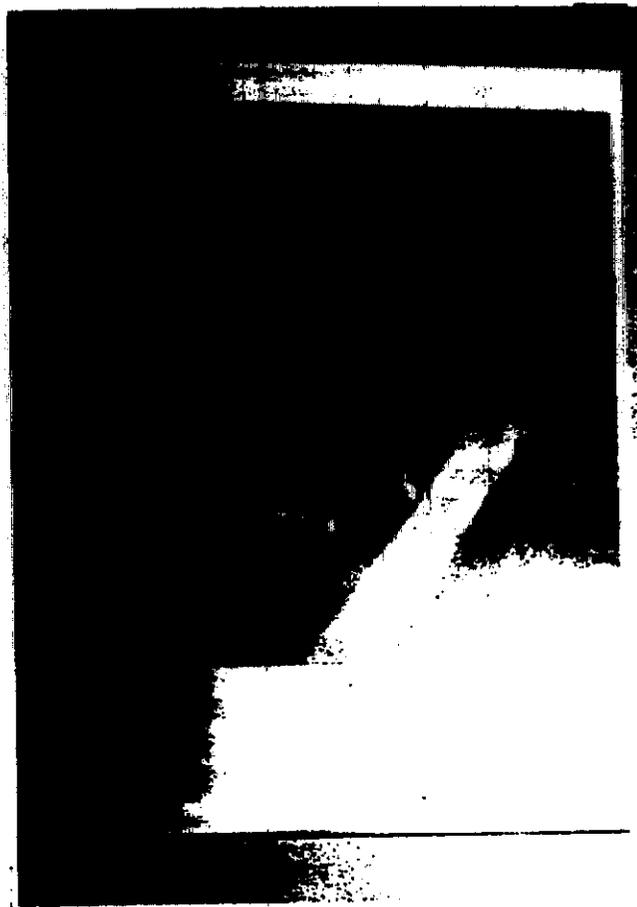


Photo 14

Photos 13 & 14 are other views of the scene taken by the hotel staff. The baby was found laying on her side, with her feet toward the drain, facing away from the wall around the tub.

930928CWE5022  
Gerry Bath Safety Seat  
Colorado Springs, CO

Attachment 1 Photographs



Photo 15

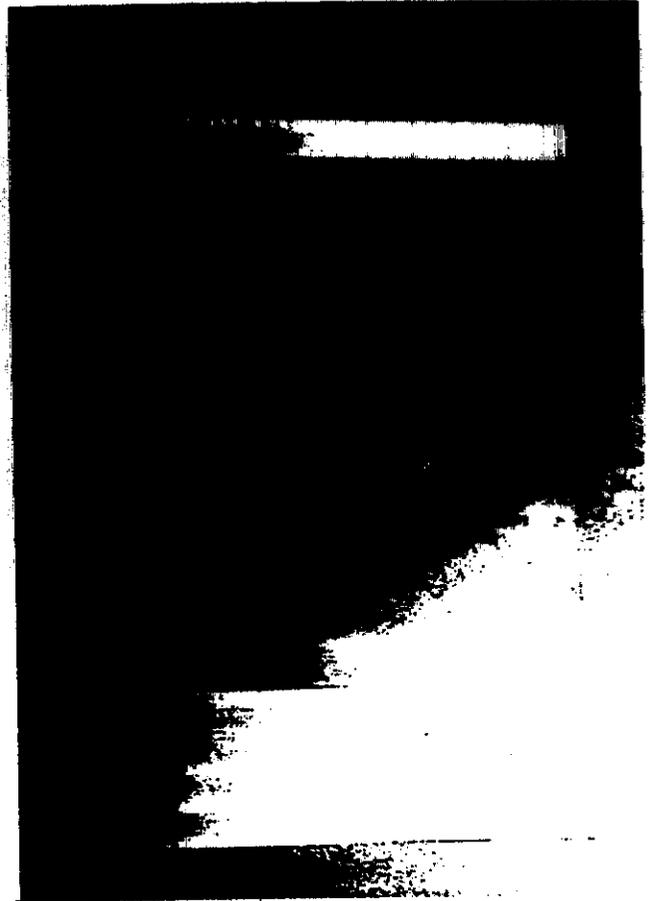


Photo 16

Photos 15 & 16 are more views of the bath tub and the bath seat taken by hotel security staff. The scene was cleared by the hotel staff prior to the arrival of police officers.