

**Denver Police Department  
Internal Affairs Bureau  
Complaint Summary**

How Complaint Was Received: Phone

Date Received: 09/16/2009

Requesting Station Officer: Burbach, John (P87005)

Date Closed: 11/10/2009

Type of Complaint: Inappropriate Force

RR Code: 306

OMS Code:

Taken By: Penn, Marion (P92067)

Officer: Paez, Hector (P06146)

Assign: District 4

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Complainant	D.O.B.	Home Address	Home Phone	Notify Date
██████████	██████████	██████████	██████████	

Complainant Officer(s)	Badge #	Assignment

Witness Officer(s)	Badge #	Assignment
Day, Scott	P04108	District 4
Evans, David	P96032	District 4
Palomares, Jose	P00133	District 4
Wallace, Ian	P06080	District 4
Ownbey, Jeremy	P06116	District 4
Rodarte, Joseph	P90004	District 4
Crowe, Jon	P04091	Metro/SWAT Bureau
Schmidt, David	P89012	District 4
Jones IV, Charles	P04120	District 4

Complainant	Type	Address	City	State	Phone
██████████	Complainant	██████████	██████████	CO	██████████

Place of Occurrence:	Second Street	Date	Time	District
██████████		08/31/2009		4

**Incident Summary:**

The complainant said that he was arrested on August 31, 2009, for outstanding warrants. He said that during his arrest he was picked up by his testicles and an officer threw a doorknob at him. He said that he was ultimately taken into a backroom and the subject officer, along with an unknown officer, proceeded to punch him in his ribs legs and chest area. The complainant said that he was punched 30 to 40 times. The complainant further stated that a small amount of marihuana was found in the residence and the subject officer told him that he could make it disappear if he did not say anything about the incident.

**Denver Police Department  
Internal Affairs Bureau  
Complaint Summary**

**Internal Affairs Bureau Command Review**

**Assigned By:**

**Case Assigned To:**

**Assigned On:**



JOHN W. HICKENLOOPER  
Mayor

# CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT  
ADMINISTRATION BUILDING  
1331 CHEROKEE STREET  
DENVER, COLORADO 80204-2787  
PHONE: 720-913-2000

November 10, 2009

Mr. [REDACTED]

Dear Mr. [REDACTED]

Your complaint was received by the Denver Police Internal Affairs Bureau on September 16, 2009, and assigned case number P200909080. You alleged that officers used unnecessary force against you and they told you that you would not be charged with Possession of Marihuana, if you agreed not to report them.

After reviewing all the evidence your case has been declined for the following reasons:

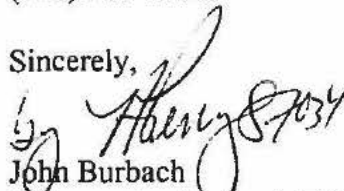
- You were contacted because you had three outstanding warrants for your arrest.
- After you refused to open the door, the officers forced entry into your residence and placed you into custody.
- You stated that during this incident you were punched approximately 30 to 40 times while you were handcuffed.
- Numerous photos were taken of you immediately after you were taken into custody and there are no visible injuries.
- Copies of your medical reports fail to show or document any injuries.
- The officers denied using any force during your contact or causing you injury or pain.
- A supervisor was on scene and at no time did you voice any concerns pertaining to inappropriate force or any other officer misconduct.

I want to assure you that the Denver Police Department takes all complaints very seriously and a thorough review of this incident was conducted.

However, there is no evidence to suggest that there was any misconduct by the involved officers, or that the officer exhibited any behavior that would be considered outside the scope of their training or that they violated department policy.

If you have any questions, please feel free to contact the Office of the Independent Monitor at (720) 913-3306.

Sincerely,

  
John Burbach

Commander, Internal Affairs Bureau