



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 16, 2005

Mr. [REDACTED]
[REDACTED]
Denver, CO 80205

COPY

Dear Mr. [REDACTED]


The Internal Affairs Bureau has completed a review of the facts surrounding your arrest on September 13, 2005 (IAB case #P2005 09 042). The investigation revealed the officers acted within Department policy during your arrest and any allegation of unnecessary force is refuted by the following facts:

- Several independent civilian witnesses observed your arrest. All confirmed the officers acted reasonably and appropriately while attempting to take you into custody. All witnesses stated you actively resisted the officers' efforts to handcuff you by kicking and wrestling with the officers. The witnesses all agreed the officers did use force against you during the arrest but the force stopped immediately once you were handcuffed.
- All officers involved in your arrest completed written statements documenting their actions and use of force. All statements were consistent and clearly articulated the need for the level of force applied during your arrest.
- Supervisors responded to the scene of your arrest and completed a thorough investigation. They contacted witnesses, collected evidence, and completed interviews. The supervisors found the officers' actions to be reasonable, appropriate, and within Department policy.
- You completed an interview with Sergeant MacDonald while at DHMC. During your interview you admitted smoking crack cocaine just prior to being contacted by officers, running from the officers, assaulting a civilian during your flight, and struggling with officers during your arrest by keeping your hands under your body. You confirmed your serious leg injuries were caused when a brown pickup truck backed over your legs. You also confirmed the officers stopped using force once you were handcuffed.

I want to assure you the Denver Police Department takes these types of allegations seriously and a thorough review of this incident was completed. Based on the information currently available, the officers' actions appear to be reasonable, appropriate, and within Department policy. No further investigation into this incident will be completed at this time.

Sincerely,

Gerald Whitman
Chief of Police

By: 
John Lamb
Commander, Internal Affairs Bureau

2005-09-044

DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE

ORIGINAL

TO: Internal Affairs Bureau
FROM: Sergeant Benita M. Packard, District Six
DATE: September 13, 2005
SUBJECT: Use of Force: 400 Blk. E. 14th Ave.

ENTERED

On this date, Officer K. McAlexander #99076 received a radio call reporting a male and female in the rear of 1432 Pennsylvania smoking crack cocaine. As she drove up the alley to check behind 1432 Pennsylvania, Officer McAlexander observed a black male wearing blue jeans and a blue coat and a black female wearing blue jeans and a pink and white coat walking away from behind the address. Officer McAlexander stopped and contacted these parties. They identified themselves as [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. Officer McAlexander told [REDACTED] and [REDACTED] that she received a call on people smoking crack in the alley. Mr. [REDACTED] stated, "Yea, I'll be honest...it was us, we just got done smoking crack." Officer McAlexander asked if she could search him for any weapons or paraphernalia. Mr. [REDACTED] replied, "Yea, you can search me." As Mr. [REDACTED] turned around to be searched, he threw a cigarette pack on the ground. Officer McAlexander completed the search and did not find any contraband on his person. She asked him to pick up the cigarette package and hand it to her. Mr. [REDACTED] picked it up and attempted to remove something from inside the package. Officer McAlexander took Mr. [REDACTED] arm to stop him from handling the package any further when Mr. [REDACTED] turned and threw the package on the ground and ran south in the alley towards 14th Ave. As he took off running, Officer McAlexander grabbed his jacket which was pulled off [REDACTED] as he fled. Officer McAlexander then grabbed hold of [REDACTED] t-shirt and attempted to push him to the ground with her other hand. Mr. [REDACTED] broke free and took his own t-shirt off and continued to run down the alley. Officer McAlexander picked up the clothing and the cigarette package and returned to the car. Inside the cigarette package she discovered an amount of suspected crack cocaine. Mr. [REDACTED] was observed at the end of the alley with his shirt off with his fist clenched. Mr. [REDACTED] was standing as if ready to fight. Officer McAlexander called for code 10 cover. As the sirens of the cover cars could be heard coming into the area Mr. [REDACTED] stated, "I don't care if you have cover coming." As Officer McAlexander walked toward Mr. [REDACTED] he walked away from her, crossing E. 14th Ave and causing traffic to stop. Mr. [REDACTED] walked into the 1300 blk. Pennsylvania refusing Officer McAlexander's commands to stop. Cover officers, including Air-1, began arriving and they attempted to stop [REDACTED] Mr. [REDACTED] took a fighting stance toward Officer Akins. Officer Akins extended his baton and Mr. [REDACTED] then ran toward 14th Ave and into the middle of oncoming traffic. As [REDACTED] ran into traffic, Officer McAlexander could hear tires screeching. On the other side of the street, a Guardian Angel, [REDACTED] observed the foot chase and stepped into [REDACTED] path to stop him. Mr. [REDACTED] struck Mr. [REDACTED] with a closed fist to his head, causing a laceration to his head. This altercation slowed [REDACTED] long enough for Officer Shiller and Officer Akin to grab onto him. Mr.

████ continued to struggle and fight with the officers. During the struggle, Mr. █████ pushed and pulled the officers toward the roadway. Officers Shiller, Akin, and Steele were then able to take Mr. █████ to the ground in an attempt to gain better control. Mr. █████ continued to resist arrest flailing his arms and legs and rolling towards the street where traffic was still moving. Mr. █████ continued to be extremely combative, punching and kicking violently kicking Officer Shiller in the head and shoulder and Officer Akin in the chest. Officer Akin then took hold of █████ left leg. █████ pulled his leg from Officer Akin's grasp and then kicked him in the hip. Officer Akin then struck Mr. █████ 4 to 5 times on the leg with his expandable baton. Officer Shiller attempted to gain control of █████ right arm, but █████ pulled his arm away. Officer Shiller struck █████ approximately 5 times to the upper and lower arm with his sap. Officer Shiller was then able to take control of █████ arm with a twist lock. █████ was then placed in a prone position and handcuffed. Officer Steele stated, ... while struggling to gain compliance, I noticed a brown pickup truck, late 80's stopped just inches from the suspect, who's legs were partially in the roadway. At some point during the resistance, I noticed the truck drive away E/B on E. 14th Ave."

After being handcuffed, officers pulled Mr. █████ out of the roadway and onto the sidewalk. Officer McAlexander noticed some blood on Mr. █████ and called for an ambulance and a supervisor. Mr. █████ told Officer McAlexander he thought his leg was broken.

I was working Cr. 660C, and responded to the scene. On my arrival, Mr. █████ was being placed in the back of the ambulance by Denver Health paramedics. I located Officer McAlexander and asked her what happened. She related the above incident to me. I asked how Mr. █████ leg had been broken. She said she wasn't sure, but he had been struck by a baton during the resistance. I then spoke to Officer Shiller. He stated that he had been kicked by the suspect in the shoulder and head during the resistance. He told me he used his sap on the suspect's arms only. I asked him if he knew how the suspect sustained a broken leg. Officer Shiller said he did not know how that happened. Gang Unit, Sgt. Peri Beaulieu, was on scene and she called me over to the back of the ambulance to look at the suspect's leg. There was an obvious dent in the lower leg, about the width of a tire. We were unable at the time to check the suspect's pants for any tire marks. The ambulance then left and took Mr. █████ to Denver Health Medical Center for treatment.

AIB was requested to respond to the scene. Officers started on a Neighborhood Survey and to obtain any witness statements. Lt. Martinelli was notified and responded. Det. Price from AIB responded to Denver Health Medical Center and obtained the suspects clothing and photographs of his injuries. Officers who were at the scene also made written statements.

Witnesses

Mr. █████ (Civilian Witness) – Mr. █████ is a Guardian Angel who was driving east on 14th Ave when he observed the suspect running from Officer McAlexander. He stopped to see if he could be of assistance. The suspect, "slammed directly into me with both hands in a fighting position into my face." Mr. █████ said the suspect was fighting "violently". Mr. █████ said the suspects leg was in front of a truck in the left lane during the arrest, and told the driver not to move. Mr. █████ stated, "suspects legs were on the edge of curb sticking out in front of the brown truck when I noticed the truck, at the time all police vehicles had stopped previously to assist in the foot chase – there were none any where near (within 40 feet) take down site."

Mr. [REDACTED] [REDACTED] (Civilian Witness) – Mr. [REDACTED] stated he heard sirens and looked out his window. He saw a slim African-American male without a shirt running across the street with police officers chasing him. Mr. [REDACTED] witnessed the suspect assault Mr. [REDACTED] (Guardian Angel) in the face. The officers then took the suspect to the ground. Mr. [REDACTED] stated he saw a truck at the scene.

Mr. [REDACTED] [REDACTED] (Civilian Witness) – Mr. [REDACTED] stated he was in his apartment and heard sirens. He went to the window and saw an older model (late 70's early 80's) Chevy pickup truck. It was light tan with a dark gold or brown stripe down the middle. Mr. [REDACTED] stated, he observed "a black male standing directly on the left front corner of the truck on the area between the sidewalk and the street." He said he saw the officers take the suspect "to the ground and they struggled for 30 seconds or so, (a long time)." The officers then "drug him about 5 feet or so away from the street."

Mr. [REDACTED] [REDACTED] (Civilian Witness) – Wrote in his statement that he "heard commotion outside window...cop cars, sirens, horns looked out saw shirtless black gentleman running up the street (14th) against traffic with officers in pursuit they tackled him, cuffed him face down, heard him yelling 'I didn't touch anyone' then I went back to reading."

Officer J. Castrodale (Pilot) and Officer A. Clarry (Air-1) - covered Officer McAlexander on the foot chase. They observed the suspect "fleeing on foot south bound in the 1300 blk. Pennsylvania", then "westbound into a parking lot, then northbound onto E.14th Ave." The suspect then ran westbound as he crossed the street to the north. They said the suspect then turned back eastbound and they lost sight of him when he ran under a tree. When they came around again, they saw the suspect was in custody with several officers around him. "There were several marked units parked in the 1300 and 1400 blocks of Penneylvania, however, we saw no police units parked on East 14th Avenue."

Officer R. Shiller #00039 - See attached narrative and statement.

Officer J. Akin #01046 – Stated he heard someone say "watch his legs". He turned to look and saw they were below the front end of a brown vehicle. He then grabbed the suspect and pulled him clear of the vehicle. See attached narrative and statement.

Officer D. Steele #99023 – Stated that at some point during the resistance he noticed a brown pickup truck late 80's stopped just inches from the suspect, whose legs were partially in the roadway. See attached narrative and statement.

Officer R. Motyka #96049 – Stated he saw the suspect's legs in the street and his torso on the sidewalk. Ofc. Motyka saw both of the suspects legs under the front end of a brown pickup with the left front tire resting against the suspects legs. See attached narrative and statement.

Officer G. Sharla #01076 - See attached narrative and statement.

Officer J. Huff #00033 - See attached narrative and statement.

Officer J. Dixon #01075 - See attached narrative and statement.

Officer R.Parks #04019 - See attached narrative and statement.

Officer C. Clay #00129 – Stated he saw the suspect on the ground in front of a pickup truck. See attached narrative and statement.

Officer R. Magat #00127 – Stated there was a tan colored older truck stopped right where the suspect was laying. See attached narrative and statement.

Based on my observations, the officer's statements and the statements of the witnesses, it appears the incident occurred exactly as described. Officer McAlexander, Officer Shiller, Officer Akins, Officer Steele used only the force, which was reasonable and necessary, to take a violent and actively resisting suspect into custody. Mr. [REDACTED] had already assaulted a civilian and continued to assault the officers during the arrest. The suspect was so intent on assaulting the officers, he forced himself and the officers into a lane of heavy traffic. The officers placed themselves in great danger while attempting to take Mr. [REDACTED] into custody. Once the officers were able to control the suspect, they quickly assessed the situation and removed him from traffic. The injuries Mr. [REDACTED] sustained were a result of his own actions. The force the officers used in no way could have caused the fractures to Mr. [REDACTED] legs. Sgt. Farr of AIB related at the scene the suspects injuries are consistent with being run over by a vehicle.

After investigating the incident it is reasonable to believe the injuries were caused by being struck by a vehicle. Because of the chaos of the situation, no officers or witnesses were able to identify the vehicle that ran over his legs. AIB detectives completed a Hit and Run Accident Report.

The officers' actions were within the polices and procedures of the Denver Police Department, no further investigation is required.