

Case Number: 96040167

How Received: Not Specified

Date of Violation:

Type of Complaint: IAB

Date Received: 3/5/96

Date Back from D/C: 8/19/96

Date to D/C:

Complainant(s): Internal, DOB:

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	80017	Improper Procedure - Other Fined Time Suspended: 0 Fined: 1 Abeyance: 0	102	OMS-8.08	Sustained	District 4
2	80017	Improper Procedure - Other	102	OMS-3.05	Not Sustained	District 4
3	80017	Improper Procedure - Other	102	OMS-3.01	Unfounded	District 4
4	80017	Improper Procedure - Other Fined Time Suspended: 0 Fined: 1 Abeyance: 0	102	OMS-12.05	Sustained	District 4
5	80017	Improper Procedure - Other	203		Unfounded	District 4
6	80017	Improper Procedure - Other Fined Time Suspended: 0 Fined: 1 Abeyance: 0	105		Sustained	
7	80017	Improper Procedure - Other	106		Unfounded	District 4

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	90012	Improper Procedure - Other SSR Entry	105		Sustained	
2	90012	Improper Procedure - Other	106		Not Sustained	District 4
3	90012	Improper Procedure - Other	203		Unfounded	District 4

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	91013	Improper Procedure - Other	203		Unfounded	District 4
2	91013	Improper Procedure - Other SSR Entry	105		Sustained	

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Captain Rudy Sandoval, Commander, District Four
FROM: Lieutenant D.P. Murphy, Detail Two
DATE: 05-16-96
SUBJECT: IAB Case # 96040167 Improper Procedure regarding,
Lt. Mark Leone 80017
Officer Donald Young 93021
Officer Michael Rossi 90012
Officer Bihn Tran 91013
Officer Aaron Sanchez 92047
Officer Anthony Marchesi 94049
Officer Johnny Martinez 91032
Officer Daniel Veith 94040

Sir;

This case was initiated and investigated by IAB and needs no further investigation.

Conclusion:

The main point to consider is RR-203 Accepting Gifts from Persons of Bad Character; Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons.

I ran a Criminal History check on [REDACTED] [REDACTED] DOB [REDACTED] It revealed one arrest on 04-09-80 for FTA traffic, one arrest on 12-15-81 for sale of Dangerous Drugs (no disposition), and one arrest on 04-01-87 for Possession of Dangerous Drugs (convicted at trial, 60 days). The two Order-ins.. by the Colorado Liquor Enforcement Division were not considered as they were after the fact.

Therefore; [REDACTED] last arrest was nine years ago. He is not a prisoner nor a suspect. Nothing has been submitted showing that he is a gambler or prostitute. No information was tendered to indicate [REDACTED] is a professional bondsmen. Nothing in this case indicates that [REDACTED] profited from information he received from any of the officers concerned. The only item that remains to be considered is,... or other persons of bad character or ill repute. [REDACTED] is not without sin but I don't feel he has risen to the level of a bad character, at least his arrest record does not support it.

My finding is as follows:

Regarding Officer Anthony Marchesi 94049;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts from Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

Regarding Officer Aaron Sanchez 92047;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts from Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

Regarding Officer Johnny Martinez 91032;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts from Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations any profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

Regarding Officer Daniel Vieth 94040;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts from Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

Regarding Officer Michael Rossi 90012;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts from Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

Nothing was tendered that would indicate Officer Rossi engaged in any wrong doing with regards to any Conduct Prejudicial or Immoral Conduct.

RR-105 Conduct Prejudicial, Officers shall not engage in conduct prejudicial to the good order and police discipline of the department or conduct unbecoming an officer which may not specifically be set forth in the department rules. UNFOUNDED.

RR-106 Immoral Conduct, Officers shall not participate in any immoral, indecent, lewd or disorderly conduct. UNFOUNDED.

Regarding Officer Bihn Tran 91013;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts form Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

Although the complainant took offense to Officer Tran's request for a threesome she did not seem to mind it when Officer Young was doing the asking. Perhaps the complainant would not have been so incensed if Officer Tran were not an, "ugly", "gross", "Chinese guy".

RR-105 Conduct Prejudicial, Officers shall not engage in conduct prejudicial to the good order and police discipline of the department or conduct unbecoming an officer which may not specifically be set forth in the department rules. NOT SUSTAINED.

RR-106 Immoral Conduct, Officers shall not participate in any immoral, indecent, lewd, or disorderly conduct. NOT SUSTAINED.

Regarding Officer Donald Young 93021;

RR-102 Violation of Any Departmental Rule, Officers shall obey all departmental rules, procedures, instructions, or orders, and the provisions of the Operations Manual. As it pertains to:

RR-203 Accepting Gifts form Persons of Bad Character, Officers shall not receive any article whatsoever, whether as a gift or as the result of purchase or trade, from suspects, prisoners, persons recently arrested or known gamblers, prostitutes, or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons. UNFOUNDED.

The complainant, Ms. [REDACTED] alleged that Officer Young touched her breast with his hand. There were no witnesses to this and the Officer denies the allegation. Additionally, Ms. [REDACTED] never complained about her conversations with Officer Young (reference [REDACTED] statement page B-1, Officer Tran's statement page D-8, and Officer Young's recorded statement page D-14).

Regarding the recorded interview with Heather Balzano: The first thing missing is an outcry. Secondly, there are no witnesses or physical evidence to support her allegation. Thirdly, the officer denied the allegations.

RR-105 Conduct Prejudicial, Officers shall not engage in conduct prejudicial to the good order and police discipline of the department or conduct unbecoming an officer which any not specifically be set forth in the department rules. NOT SUSTAINED.

RR-106 Immoral Conduct, Officers shall not participate in any immoral, indecent, lewd, or disorderly conduct. NOT SUSTAINED.

Respectfully submitted



Lt. David P. Murphy 71008

Captain Sandoval,

Although I did not find the officers guilty of any miss conduct I think their judgment is very poor when it comes to where they chose to socialize.

As we discussed, frequenting PT's with the regularity that some of these officers have, especially when they are recognized as DPD officers, is asking for trouble. The potential for the public to take offense and misconstrue the officers actions and motives is to great.

In the same light, if any of these officers is called upon to take enforcement action against this bar or it's employees it is not impossible that their integrity could be compromised.

I strongly recommend that these officers be encouraged to find another place to quench their thirst.

Lt. D.P. Murphy