

INITIAL INQUIRY REPORT

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| Date Received: 06-03-03 | Time: 1630 | Complaint: <input type="checkbox"/> Station Informal: <input type="checkbox"/> Station Formal: <input type="checkbox"/> IAB Formal: <input type="checkbox"/> |
| Incident Date: 05-25-03 | Time: 2333 | Complaint Nature: Improper Procedure/ Rudeness |
| Incident Location: [REDACTED] | Internal Affairs Number: | Initial Inquiry Number: 304 |
| Complainant #1: [REDACTED] | Home Address: [REDACTED] | Home Phone: 303-[REDACTED] |
| | City, State, Zip: Denver, Co. 80205 | |
| Complainant #2: | Work Address: [REDACTED] | Work Phone: 303-[REDACTED] |
| | Home Address: | Home Phone: |
| Witness #1: | City, State, Zip: | |
| | Work Address: | Work Phone: |
| Witness #2: | Home Address: | Home Phone: |
| | Work Address: | Work Phone: |
| Officer #1: M. Nuanes | Badge: 00109 | Assignment: District Two |
| Officer #2: | Badge: | Assignment: |
| Officer #3: | Badge: | Assignment: |
| Officer #4: | Badge: | Assignment: |

Complaint Narrative

Complainant relates that she was hosting a graduation party for her son on 5-25-03 at her house. She relates that there were between 150-200 juveniles at the party and that they were congregating in the backyard, basement and main floor. Police responded and the complainant spoke with Officer Nuanes in front of the house. She asked what was wrong and he replied "The party's over." Complainant ended the party but Officer Nuanes told her she was going to receive a ticket. Complainant admits she told him "Geez you're an asshole." Complainant says she was threatened with jail after that comment and also when family members tried to intervene. Complainant admits she could hear music from outside the house when she talked to officers. She says she was ticketed because "the kids didn't leave fast enough." She insists there were no problems at the party, the officer was rude and she wants him "out of the community." She says he was the only one disturbing the peace and says there was no complainant on her ticket other than the officer. She was cited on GD 753525 for Disturbance.

Police Commander's Name & Phone # given to Complainant as a Contact: Commander Mike O'Neill, District Two

Action Taken

I informed the complainant that Officer Nuanes is not in my chain of command. I took down her contact information and told her that a Detail One supervisor would contact her. I was unable to pull up the call on the computer and the radio room could not help either. I did pull the log sheets from Detail One that night and they are included.

D/C Recommendation: Unfounded Exonerated Not-Sustained Sustained

Report Completed by: Sgt T. Pine 94001

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| Reviewed By: | District/Unit Lieutenant: | District/Unit Commander: |
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Division Chief:

Copy forwarded to IAB on:

Copy Received by PSU on: 6-6-03 81004

Instructions: A copy of this completed form, Citizen Letter from Commander, statements, along with a copy of any SSR entry made, must be forwarded to the Internal Affairs Bureau. Lieutenant, Captain/Commander, and Division Chief must review report for completeness and concurrence.

INITIAL INQUIRY REPORT

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| Date Received: 06-04-03 | Time: 2130 | Complaint: Station Informal: <input checked="" type="checkbox"/> Station Formal: <input type="checkbox"/> IAB Formal: <input type="checkbox"/> | |
| Incident Date: 05-25-03 | Time: 2355 | Complaint Nature: Rudeness / Improper Procedure | |
| Incident Location: [REDACTED] | Internal Affairs Number: | Initial Inquiry Number: 304 | |
| Complainant #1: [REDACTED] | Home Address: [REDACTED] | Home Phone: 303-[REDACTED] | |
| | City, State, Zip: Denver, CO 80205 | | |
| | Work Address: [REDACTED] | Work Phone: 303-[REDACTED] | |
| Complainant #2: | Home Address: | Home Phone: | |
| | City, State, Zip: | | |
| | Work Address: | Work Phone: | |
| Witness #1: | Home Address: | Home Phone: | |
| | Work Address: | Work Phone: | |
| Witness #2: | Home Address: | Home Phone: | |
| | Work Address: | Work Phone: | |
| Officer #1: M. Nuanes | Badge: 00109 | Assignment: District Two | |
| Officer #2: | Badge: | Assignment: | |
| Officer #3: | Badge: | Assignment: | |
| Officer #4: | Badge: | Assignment: | |

Complaint Narrative

See Original IIR, attached

Police Commander's Name & Phone # given to Complainant as a Contact: Commander's Name Given

Action Taken

Upon receiving this IIR, I contacted the complainant, and on my second attempt, I was able to get a statement from her. I then spent several days getting statements from the involved officer and witness officers. I have concluded that the rudeness complaint is unfounded. The complainant admits that Officer Nuanes did not use foul language, even after she called him an "asshole". She states that he had a "cavalier attitude", was "snide", and did not want to listen to her. She could not further describe the officer's rudeness. Witness officers describe Officer Nuanes as being firm and professional. I have concluded that the only error Officer Nuanes made was citing the complainant for DRMC 38-89 (Disturbance) without a complainant. He was orally counseled about using the correct charge, DRMC 38-101 (Prohibited Noises) in this instance. See SSR attached.

D/C Recommendation: Unfounded Exonerated Not-Sustained Sustained

Report Completed by: Sgt. E. Knutson 95070

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| Reviewed By: | District/Unit Lieutenant: [Signature] 89086 | District/Unit Commander: [Signature] 72030 |
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Division Chief: [Signature] 6-17-03

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| Copy forwarded to IAB on: | Copy Received by PSU on: |
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**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Michael O'Neill, Commander, District Two Station
FROM: Lieutenant R.T. Conner, Jr., 89046, Detail One Commander
DATE: June 14, 2003
SUBJECT: Initial Inquiry Report
Officer Michael Nuanes, 00109

Incident:

On June 3, 2003 Sergeant Tom Pine received a complaint from Ms. [REDACTED] [REDACTED] [REDACTED] of a complaint against Officer Nuanes for rudeness. Sergeant Pine took the complaint and advised Ms. [REDACTED] that Officer Nuanes' chain of command would investigate the matter. The complaint was forwarded to me for investigation.

Sergeant Eric Knutson responded to Ms. [REDACTED] residence and obtained a statement. Her complaint was that Officer Nuanes was "cavalier and snide". She admitted to calling him an "asshole" and he did not respond to her questions. Sergeant Knutson contacted Officer Nuanes and obtained a statement from him.

Officer Nuanes admitted to being firm but not rude. Officer Nuanes stated he cited Ms. [REDACTED] for Disturbance, 38-89. Officer Nuanes admitted the proper charge should have been prohibited Noises, 38-101. He didn't know the ordinance number that night and thought it was better to write 38-89 and end the situation. Sergeant Knutson counseled Officer Nuanes on the proper charge and gave roll call training. It is Sergeant Knutson's opinion that the complaint is unfounded.

On June 14, 2003 I called Ms. [REDACTED] and spoke with her. She stated that Officer Nuanes was the only one creating a disturbance. I asked her to describe his behavior and she stated it was as she wrote it in her statement. Her only complaint is that she received a summons. She stated she went to court to try and get it dismissed. The courts only took her plea and set a court date. This also seemed to anger her. I advised her that only the courts could handle the summons. I also advised her that Officer Nuanes didn't violate any policy and she would receive official notification by mail.

Therefore I find that Officer Nuanes did not violate any Denver Police Department rule, policy or procedure and this case should be carried as UNFOUNDED.

Commander Finding and Recommendations

I have reviewed Lieutenant R.T. Conner's summary of the complaint and CONCUR/DISAGREE with the findings.

M. P. O'Neill 67037

6-16-03

Commander Michael O'Neill, 67037

Date