

Case Number: 2004040071
Date of Violation: 03/17/2004
Date Received: 04/21/2004
Date To Station: 04/21/2004

How Received: Not Specified
Type of Complaint: Station
Date Back from D/C: 05/19/2004

Complainant(s):

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	109	Improper Procedure - Preventable Accident Oral Reprimand	809		Sustained	District 2

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Commander Michael O'Neill, District Two

FROM: Michael Battista, Deputy Chief of Operations

DATE: May 19, 2004

SUBJECT: ORAL REPRIMAND CASE NUMBER: 2004 04 0071
RE: Officer Michael Nuanes, 00109

By authority of the Chief of Police, I am issuing the following Oral Reprimand:

This letter is to serve as an ORAL REPRIMAND for the violation(s) of Rules and Regulations Section 809, which reads as follows:

**RR-809 ROUGH OR CARELESS HANDLING OF CITY OR DEPARTMENTAL
PROPERTY**

"Members shall use care in handling departmental equipment and property, and shall report immediately any that is lost, damaged, or in bad order. Any members who willfully or negligently loses, damages, or destroys department property shall be subject to a departmental hearing to determine disposition of such cases."

The recommendation that the officer receive an Oral Reprimand for this violation has been reviewed and approved.

This Oral Reprimand is a result of a preventable police vehicle accident on March 17, 2004.

Please enter this disciplinary action in the Supervisor's Situation Record, DPD Form #127, then forward a copy of this entry to the Internal Affairs Bureau.



Michael Battista, Deputy Chief of Operations

cc: Officer Michael Nuanes
Division Chief Steve Cooper
Human Resource Management Bureau
Internal Affairs Bureau

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Commander M. O'Neill 67037

THRU: Chain of Command

FROM: Sergeant Tony Gallawa 95069

DATE: 04/14/04

SUBJECT: Police Car Accident Complaint for Michael Nuanes 00109 (District Two Parking Lot) IAB Case # 2004040071

I received a complaint regarding a police car accident involving Officer Michael Nuanes #00109 which occurred on 03/17/04 at approximately 2330 hours in the District Two parking lot. When the accident occurred Officer Nuanes brought it to my attention immediately. I conducted a preliminary scene investigation, took photographs and contacted TIB to respond to the scene. Officer Montoya #00132 completed the accident report and a statement and Officer Nuanes completed a statement. As stated in the attached packet Officer Nuanes was in the South parking lot of District Two loading his police equipment from his personal vehicle to his patrol car. While Officer Nuanes had his back turned the patrol unit (#A3859) rolled down the slightly graded lot Northbound into another, legally parked police unit (#A3840). Prior to my inspection, Officer Nuanes had backed his patrol car away from the second vehicle only enough to ascertain if any damage had been sustained by either vehicle. When I inspected his patrol unit the vehicle was in park and he couldn't recall if he had left the vehicle in gear or in neutral. The damage sustained by unit A3840 was minimal and there was no damage to unit A3859. My investigation revealed the damage and vehicle positions were consistent with the accident as described by Officer Nuanes. Additionally the damage was so minimal that it was reasonable that he backed his unit up to verify damage had actually occurred prior to reporting it. **This accident was** in my opinion **preventable**. It's most likely, while not certain, that Officer Nuanes either left his car in neutral or in gear. Regardless I have attached a copy of Municipal Code Section **54-441 Unattended Vehicles**. I believe **this ordinance is clearly applicable to this accident. It is a parking violation and carries 0 points.** It is however **applicable in accidents where the driver had control of the vehicle but was not in control of the vehicle as the actual accident occurred.** Additionally Officer Nuanes has no record of any previous accidents which I believe should be a mitigating factor to be considered when the administrative recommendation is made.

On April 11, 2004 I gave Officer Nuanes a written internal advisement explaining his rights as an Officer. Officer Nuanes read and signed the advisement and consented to write a statement concerning this matter. Officer Nuanes had nothing to add to his original statement. I conducted a follow up interview with a couple of questions and answers for clarification on some minor points which are also attached to this packet. On 04/21/04 I obtained a case number from Internal Affairs due to my belief the accident was preventable. The case number assigned was 2004040071.

Respectfully Submitted,

Tony Gallawa
Sergeant Tony Gallawa 95069