

Case Number: 2003C0101
Date of Violation: 05/30/2003
Date Received: 06/03/2003
Date To Station: 02/09/2004

How Received: Not Specified
Type of Complaint: IAB
Date Back from D/C: 02/09/2004

Complainant(s): Ms [REDACTED] [REDACTED] DOB: [REDACTED]

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	95092	Discourtesy	140		Unfounded	District 6

2	95092	Unnecessary Force	306		Unfounded	District 6
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	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	97014	Discourtesy	140		Unfounded	District 6

2	97014	Unnecessary Force	306		Unfounded	District 6
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	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	97020	Discourtesy	140		Unfounded	District 6

2	97020	Unnecessary Force	306		Unfounded	Unknown
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John Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

**AGENCY FOR HUMAN RIGHTS
AND COMMUNITY RELATIONS**
Lucia Gazman, Executive Director

PUBLIC SAFETY REVIEW COMMISSION
Roxane D. Baca, Chair

2003 C 0101

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January 20, 2005

[REDACTED]

Re: Police Complaint: 03-C0-101

Dear Ms. [REDACTED]

The Denver Public Safety Review Commission ("Commission") has completed its review of your complaint against the Denver Police Department ("DPD"). Your case was discussed at length at a recent Executive Session Committee Meeting and although the Commission finds the case to be very troubling, is unable to find a preponderance of the evidence to recommend that any of the charges of unnecessary force by the officers be sustained.

The Commission will send a letter to Denver Health regarding the allegations made against the paramedics in order to bring these allegations to their attention. We are not able to investigate or review complaints brought against paramedics as they are out of our jurisdiction and we have no authority over them. You may wish to contact Denver Health directly regarding this aspect of the incident.

We are very sorry for all that you have experienced in this incident and realize that it has traumatized you very much. Unfortunately, there is nothing further this Commission can do on your behalf. We can only assure you that your complaint against the officers involved will be a permanent record and will be kept on file to be considered in the event of future complaints against them.

Thank you for your persistence in pursuing this matter.

Sincerely,

Roxane D. Baca
PSRC Chair

Cc: Lieutenant Mike Calo, Internal Affairs Bureau ✓

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Deborah Dilley, Commander, District Six

FROM: Doug Stephens, Lieutenant, District Six

DATE: January 15, 2004

SUBJECT: Internal Affairs Bureau Complaint #2003 C 0101
Complainant: ██████████
Complaint: Unnecessary Force
Discourtesy
Subject Officers: M. Ryan #97020, J. Duncan #95092, and J. Medford #97014

INCIDENT

On May 30, 2003 the complainant, ██████████ was involved in an auto accident at ██████████ in which she struck a building with her vehicle. An accident report was completed and Ms. ██████████ was issued a citation and advised to leave the location. The officers completed their investigation and left the scene. A short time later Ms. ██████████ called 911 complaining of being maced by an officer. An ambulance responded and Ms. ██████████ became combative with the paramedics. She was ultimately transported to St. Joseph's Hospital for examination.

COMPLAINT

The complainant alleges that, while sitting in her vehicle with the doors closed and windows up, an officer maced her either through the keyhole or door jam of the car. In addition, she claims that she was touched inappropriately while she was in the back of the ambulance.

INVESTIGATION

Internal Affairs Sergeant K. Jackson completed a formal investigation into this incident. His investigation was thorough and complete. It included numerous documents as well as audio-taped statements and photographs. A full review of all documentation should be made for a complete understanding of this case.

CONCLUSION

Based on a thorough review of the material presented in the case file, I believe that the complainant's claims are not supported by the facts and are without merit.

Ms. ██████████ claim that she was maced by an officer is discredited by the five independent witnesses who state that there was no mistreatment of ██████████ by any of the officers. The complainant's boyfriend, ██████████ was present for most of the interaction between the officers and Ms. ██████████. He stated that he never had any indication that she had been maced. Civilian witnesses ██████████ and ██████████ also observed a

significant amount of the interaction between Ms. [REDACTED] and the officers. Neither states that there was any mistreatment by the officers and neither indicates that any mace was used. Finally, the two paramedics, Otis McKay and Jay Buntmeyer, were obviously in close contact with the Ms. [REDACTED] and neither of them observed any indication that she had been maced. Anyone who had been exposed to OC spray can attest to its obvious and lingering effects, even in minimal quantity. There is no evidence that any officer utilized his OC spray during this incident.

In addition, Ms. [REDACTED] claims during her 911 call, and in her written statement, that the officers maced her while she was sitting in her car with the windows rolled up and the doors locked. She claims this was done through the door lock key hole or through the door jam. Both scenarios are a virtual impossibility since there is no way for the OC to enter the vehicle through these closed surfaces. Such a tactic would have most likely served to do little except expose the *officers* to the effects of the OC.

Ms. [REDACTED] claim of being molested by unknown parties while in the back of the ambulance is also not supported by any evidence. During her initial treatment by paramedics McKay and Buntmeyer there were no police officers on scene. It was during this initial treatment that Ms. [REDACTED] became verbally and physically assaultive towards the paramedics and they called for emergency help from the police. Ms. [REDACTED] was eventually restrained to the gurney by paramedics with responding officers assisting. She continued to be assaultive by spitting at the officers and paramedics. A sheet was placed over her face to prevent her from spitting and the paramedics administered a sedative to calm her down and stop her violent behavior. Once she was adequately restrained and sedated she was transported by ambulance to St. Joseph's Hospital for examination.

The statements of the paramedics and officers involved in the incident are all consistent and credible. They acted appropriately to subdue the violently assaultive complainant in order to prevent injury to themselves and the complainant. Ms. [REDACTED] was so out of control that the paramedics were forced to administer a sedative to stop her violent behavior.

The complainant was contacted by police on the night in question after she drove her car into the glass doors of her boyfriend's apartment building following an argument with him. Her emotional state was described by everyone who had contact with her that evening as highly emotionally upset and erratic. She continued with such behavior during the initial contact with officers as the accident report was completed and a citation issued. The officers completed their investigation and left the scene. A short time later Ms. [REDACTED] called 911 and claimed to have been maced. Paramedics were dispatched and eventually called for help from police. Only after the call for help came out did officers return to the scene and again contact Ms. [REDACTED]. There is no evidence which supports her claim that she was maced or assaulted by anyone involved in this incident. All of the witnesses involved in this incident state that the officers did not mistreat Ms. [REDACTED] in any way. They acted with restraint and professionalism. On August 26, 2003, Deputy District Attorney Doug Jackson refused this case for prosecution based on no reasonable likelihood of conviction. He added, "Complainant is not credible - no support for her allegation."

FINDINGS

As to whether **Officer Joseph Duncan #95092** violated:

RR-306, Unnecessary Force

Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed, or taunted.

I find this count to be **UNFOUNDED**.

RR-140 Discourtesy

Officers shall at all times be courteous and civil to the public and to one another. They shall be orderly, attentive, respectful, and shall exercise patience and discretion in the performance of their duties.

I find this count to be **UNFOUNDED**.

As to whether **Officer Michael Ryan #97020** violated:

RR-306, Unnecessary Force

Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed, or taunted.

I find this count to be **UNFOUNDED**.

RR-140 Discourtesy

Officers shall at all times be courteous and civil to the public and to one another. They shall be orderly, attentive, respectful, and shall exercise patience and discretion in the performance of their duties.

I find this count to be **UNFOUNDED**.

As to whether **Officer John Medford #97014** violated:

RR-306, Unnecessary Force

Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed, or taunted.

I find this count to be **UNFOUNDED**.

RR-140 Discourtesy

Officers shall at all times be courteous and civil to the public and to one another. They shall be orderly, attentive, respectful, and shall exercise patience and discretion in the performance of their duties.

I find this count to be **UNFOUNDED**.

Lt. D. Stephens 91060 1/15/04
Lieutenant Doug Stephens 91060 Date
District Six

COMMANDER FINDINGS AND RECOMMENDATIONS

I have reviewed Lieutenant Stephens' summary of this complaint as it pertains to Officer Joseph Duncan #95092, and I CONCUR / DISAGREE with the findings.

Penalty Recommendation:

Comparative discipline for this violation ranges from:

Dilley 84042 11/6/04
Deborah Dilley, Commander, District Six Date

I have been apprised of the findings and recommendations in this investigation.

J. Duncan 95092 _____
Officer Signature Serial Number Date

COMMANDER FINDINGS AND RECOMMENDATIONS

I have reviewed Lieutenant Stephens' summary of this complaint as it pertains to Officer Michael Ryan #97020, and I ~~CONCUR~~ **DISAGREE** with the findings.

Penalty Recommendation:

Comparative discipline for this violation ranges from:

Deborah Dilley, Commander, District Six 84042 11/16/04
Date

I have been apprised of the findings and recommendations in this investigation.

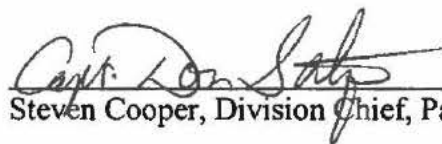
Michael Ryan 97020 012004
Officer Signature Serial Number Date

DIVISION CHIEF FINDINGS AND RECOMMENDATIONS

I CONCUR / DISAGREE with the finding.

I CONCUR / DISAGREE with the recommendation.

Comments:

 2-6-04

Steven Cooper, Division Chief, Patrol