

INITIAL INQUIRY REPORT

Date Received: 8/26/03		Time: 1000		Complaint: Station Informal: <input type="checkbox"/> Station Formal: <input type="checkbox"/> IAB Formal: <input type="checkbox"/>	
Incident Date: 8/19/03		Time: 1615		Complaint Nature: (Discourtesy)	
Incident Location: HWY I-25 AT 58th		Internal Affairs Number:		Initial Inquiry Number:	
Complainant #1: DR. BEN MASSEY		Home Address: 1202 W. 31st ST		Home Phone: 0004	
		City, State, Zip: PUEBLO COLORADO 81008			
		Work Address: 400 W. 16th ST		Work Phone: 719 671 8303	
Complainant #2:		Home Address:		Home Phone:	
		City, State, Zip: PUEBLO, CO 81003 - PARKVIEW HOS,			
		Work Address:		Work Phone:	
Witness #1: BENJAMIN MASSEY II 10-22-87		Home Address:		Home Phone:	
		Work Address:		Work Phone:	
Witness #2: HARRISON MASSEY 6-2-91		Home Address:		Home Phone:	
		Work Address:		Work Phone:	
Officer #1: JOHN WITKOWSKI		Badge:		Assignment:	
Officer #2:		Badge:		Assignment:	
Officer #3:		Badge:		Assignment:	
Officer #4:		Badge:		Assignment:	

Complaint Narrative

THE DOCTOR WAS ON THE PHONE WITH A PATIENT REFERENCE A MEDICAL EMERGENCY. THE OFFICER WAS ALLEGED TO BE RUDE TO DOCTOR BEN MASSEY. THE DOCTOR FELT HE HAD AN OBVIOUS REASON TO SPEED. THE OFFICER ALLEGEDLY CITED MR. MASSEY WITHOUT EXPLAINING THE CITATION.

Police Commander's Name & Phone # given to Complainant as a Contact: Commander's Name: **LT. MIKE GIBSON**

Action Taken

After review of the investigation, I changed the recommendation from exonerated to Unfounded. The officer's statement is consistent with the complainant. There was no discourtesy on the part of the officer. Letter to complainant attached MBR 83013

D/C Recommendation: Unfounded <input checked="" type="checkbox"/> Exonerated <input type="checkbox"/> Not <input type="checkbox"/> Sustained <input type="checkbox"/>	
Report Completed by: LT. MIKE GIBSON 8512	8/26/03 1000 hours
Reviewed By: MSJ	District/Unit Commander: 9/10/03
Division Chief: MBK	10/1/03
Copy forwarded to IAB on: 10/1/03	Copy Received by PSU on:

Instructions: A copy of this completed report, a 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 correctness.

Initial Inquiry Report

Complaint Dr. [REDACTED]

RE: John Witkowski 93012

Complaint nature: Discourtesy

00049

Incident:

On 08/19/03 Technician J. Witkowski initiated a traffic stop at Inter State 25 and 58 Th. Ave. Technician Witkowski contacted Dr. [REDACTED] and issued him a citation for driving in excess of the posted speed limit.

Complaint:

On 08/26/03 Dr. [REDACTED] phoned Lieutenant M. Calo 85012 at the Traffic Operations Bureau and related that Technician Witkowski had acted in a discourteous manner during the above traffic enforcement encounter.

Investigation:

Technician Witkowski while on duty and assigned to highway unit 731 contacted Dr. [REDACTED] Technician Witkowski by use of radar clocked Dr. [REDACTED] at 78 MPH in a 55-MPH zone. When Technician Witkowski contacted Dr. [REDACTED] to obtain his drivers license to issue the appropriate traffic citation, Dr. [REDACTED] was talking to a third party on his cell phone and refused to speak with Technician Witkowski. When Technician Witkowski completed the citation and made service to Dr. [REDACTED] the Doctor became upset and demanded to see the radar gun. By this point Technician Witkowski had been dispatched to an injury accident and he informed Dr. [REDACTED] that he must leave to handle this emergency. There was no further contact with Dr. [REDACTED]

Dr. [REDACTED] complaint to Lieutenant Calo was that Technician had failed to explain the citation and therefore Technician Witkowski had acted in a discourteous manner. Dr. [REDACTED] had also indicated the he was speaking on the phone to a patient in reference to a medical emergency. However, Dr. [REDACTED] disputed that his speed was as high as 78 MPH and demanded to see the reader gun. Dr. [REDACTED] demands to see the radar gun would certainly demonstrate that he understood that he was receiving a citation for exceeding the speed limit.

Dr. [REDACTED] indicated to Lieutenant Calo that he had an obvious reason to speed. This believe that he as a doctor has the right to travel at 20 MPH over the posted speed in an non-emergency vehicle is not a recognized action under any provisions of the traffic codes.

Dr. [REDACTED] related to Lieutenant Calo that he wished to make his complain by e-mail. To date, Dr. [REDACTED] has not forwarded his E-mail. Therefore this complaint has been processed from the information supplied to Lieutenant Calo

Conclusion:

0004

Technician Witkowski attempted to explain the citation to Dr. [REDACTED]. He then became irate over the citation charging him with exceeding the speed limit by 23 MPH. Dr. [REDACTED] complaint appears to stem from the belief that doctors are or should be allowed to endanger the public's safety by driving at excessive speeds. Technician Witkowski was forced to end the contact with Dr. [REDACTED] due to the need to respond to an emergency situation. Technician Witkowski acted in a professional manner demonstrating restraint.



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

October 1, 2003

Dr. [REDACTED]

Dear Dr. [REDACTED],

The command officers at the Traffic Operations Bureau have investigated your complaint regarding a traffic stop in Denver on August 19, 2003. After reviewing, both your statements to Lieutenant Calo and the officer's statement about the traffic contact, it is clear that the officer was not intentionally discourteous. He received an emergency call of an injury traffic accident and left to handle that incident. I am sorry that you felt you did not receive an adequate explanation of the speeding citation you were issued on that date.

Thank you for bringing this matter to my attention. I hope that any future contact you may have with Denver Police Officers is more positive in nature. If you have any further questions or concerns, please contact Division Chief of Special Operations, Mary Beth Klee, at 720-913-6530.

Sincerely,

Gerald R. Whitman
Chief of Police

By:


Mary Beth Klee
Division Chief of Special Operations

2003 OCT -7 AM 8:51

PROFESSIONAL STANDARDS UNIT