

## INITIAL INQUIRY REPORT

Date Received: 10/10/04	Time: 1051	Complaint: Station Informal: <input checked="" type="checkbox"/> Station Formal: <input type="checkbox"/> IAB Formal: <input type="checkbox"/>	
Incident Date: 10/10/04	Time: 0215	Complaint Nature: Procedural Questions and Discourtesy Issues	
Incident Location: E. 29 <sup>th</sup> Ave @ Monroe St	Internal Affairs Number:	Initial Inquiry Number: 1228	
Complainant #1: [REDACTED]	Home Address: [REDACTED]	Home Phone: 303 [REDACTED]	
	City, State, Zip: Denver, CO 80205		
	Work Address:	Work Phone:	
Complainant #2: [REDACTED]	Home Address: [REDACTED]	Home Phone: 303 [REDACTED]	
	City, State, Zip: Denver, CO 80205		
	Work Address:	Work Phone:	
Witness #1: [REDACTED]	Home Address: [REDACTED]	Home Phone: 303 [REDACTED]	
	Work Address: Denver, CO	Work Phone:	
Witness #2:	Home Address:	Home Phone:	
	Work Address:	Work Phone:	
Officer #1: P. Streate	Badge: 01070	Assignment: 2212A	
Officer #2: J. Burdett	Badge: 01067	Assignment: 2212A	
Officer #3: M. Nuanes	Badge: 00109	Assignment: 2214A	
Officer #4: J. Vincent	Badge: 01042	Assignment: 2214A	

### Complaint Narrative

I received the initial complaint in the form of a DPD 200 (copy attached) and made telephone contact with the complainant [REDACTED] on 10/11/04 at approximately 2130 hours. She asked several questions about the traffic stop of her son by the above listed Officers. Mrs. [REDACTED] had questions about the procedures used such as how the suspect's speed was estimated by officers and why they did not immediately initiate emergency lights and sirens prior to making contact with the suspect. Mrs. [REDACTED] then stated she had concerns regarding the Officers alleged use of profanity, the fact that her son was arrested at gun point and degrading comments made to the suspect about needing to "return home to his mommy." Some more specific concerns were expressed in the initial letter received from Sgt. Chaffin who talked to the complainants at District Two the morning of 10/10/04.

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

### Action Taken

PLEASE SEE ATTACHED NARRATIVE

Improper Procedure - Exonerated  
Discourtesy - Not Sustained

DBA 70145

**D/C Recommendation:** Unfounded  Exonerated  Not-Sustained  Sustained

Report Completed by:	Sergeant Tony Gallawa 95069	District Two/Detail One/Sector One
Reviewed By:	District/Unit Lieutenant: [Signature]	District/Unit Commander: [Signature]
Division Chief:	[Signature]	
Copy forwarded to IAB on:	Copy Received by PSU on: 041808-24304007	

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.

**DENVER POLICE DEPARTMENT  
INTER-DEPARTMENT  
CORRESPONDENCE**

**TO:** Rhonda Jones, Commander, District Two  
**FROM:** R.T. "Pete" Conner, Jr., Lieutenant, 89046, District Two  
**DATE:** November 8, 2004  
**SUBJECT:** Initial Inquiry Report by Sergeant Barry Gallawa

Sergeant Gallawa was assigned an IIR for Officers P. Streate, 01070, J. Burdett, 01067, M. Nuanes, 00109 and J. Vincent, 01042. The nature of the complaint was for a procedural question and discourtesy. The party filing the report, [REDACTED] is the mother of the person who was contacted by the officers, [REDACTED]. Sergeant Gallawa explained the procedures of the high risk stop to Mrs. [REDACTED] but informed her that he needed to speak with [REDACTED] concerning the discourtesy complaint. Mrs. [REDACTED] and later Mr. [REDACTED] stated that it would not be a problem. Sergeant Gallawa attempted several times to arrange a meeting with [REDACTED] for either a phone interview or a face-to-face interview. He was either reluctant to be or refused to be interviewed, because he never return Sergeant Gallawa's calls.

Sergeant Gallawa kept me informed of the progress throughout. I reviewed the statements made by the officers and there is nothing in any of their statements that would be a cause for concern. All of the officers denied using profanity or belittling [REDACTED] as was alleged by Mrs. [REDACTED]. Therefore I concluded that this case should be carried as **Not Sustained**.

*Concurs*  
*Cmdr R Jones 79025*

## ACTION TAKEN

**10/11/04** – Received complaint in form of DPD 200 from Sgt. Chaffin which stated complainants identified as [REDACTED] ([REDACTED] and his mother [REDACTED] came into District Two to voice concerns regarding a traffic stop of [REDACTED] on 10/10/04 at 1050 hours. Letter summarized concerns of the complainants and indicated that they were told they would be contacted by me no later than 10/12/04. I contacted [REDACTED] at the home phone number provided 303 [REDACTED] at approximately 2130 hours. Mrs. [REDACTED] indicated [REDACTED] was unavailable and asked me questions about the stop such as why officers didn't use lights and sirens upon seeing [REDACTED] driving? She also asked how officers gauged [REDACTED] speed and why he was arrested at gunpoint. I advised Mrs. [REDACTED] I would have to talk to the officers involved and would call her back. Sgt. Chaffin attached a copy of the citation issued and log sheets of the involved officers to the letter. The officers were identified as P. Streate 01070 and J. Burdett 01067 both working car 2212A and M. Nuanes 00109 and J. Vincent 01042 working car 2214A.

I talked to the involved officers and got a synopsis of the event. The officers were partnered up due to the Columbus Day planning. On 10/10/04 at approximately 0215 hours Streate and Burdett stated they saw the suspect driving E/B on E. 26<sup>th</sup> Ave from York St at a high rate of speed. Officers attempted to catch up to the suspect and didn't initiate emergency equipment as they felt the suspect was unaware of their presence and didn't want him to try to elude them. The officers also stated they paced the suspect's speed with their patrol car's calibrated speedometer in excess of 80mph and quite possibly over 100mph in a residential area. The officers were able to get close enough to the suspect to initiate a stop at the 2800 block of Monroe St. As both officers approached the vehicle on foot the vehicle sped away and turned E/B onto E. 29<sup>th</sup> Ave. The officers returned to their vehicle and followed the vehicle to E. 29<sup>th</sup> Ave where they initiated a second stop. Officers Nuanes and Vincent had arrived on scene at this point and assisted with a felony stop of the suspect. The suspect was removed from the vehicle at gun point, placed into handcuffs and put in the back of one of the patrol cars. Further investigation revealed the suspect was in a hurry to get home due to parental curfew issues and was very apologetic. The suspect apparently failed to recognize the severity of his actions. After being cleared the suspect was issued citation #B040951 for 54-158 Careless Driving and 54-183 Operation on Approach of Emergency Vehicle. The suspect was then allowed to return home without further delay.

I then contacted Mrs. [REDACTED] by phone again and attempted to explain several of the tactics used by the officers during the stop. She seemed to understand but stated she would need to follow up with her husband and would call me back.

**10/18/04** – I received a voice mail from Mrs. [REDACTED] during the day and returned her call when I arrived at work for my shift that night at approximately 2130 hours. I again provided some procedural guidance in relation to tactics used during the stop that night. Mrs. [REDACTED] stated her son had a different version of events and understood that she had not been a witness to the events of the stop but had to side with her son. [REDACTED] was

again not available. Mrs. [REDACTED] stated she now had concerns with the profanity used by officers and a demeaning comment one of the officers at the scene made regarding [REDACTED] needing to "return home to his mommy." Mrs. [REDACTED] further stated she had some police officer friends at her church and had asked them about the incident. Despite being assured by these officers that the incident was minor Mrs. [REDACTED] stated she was concerned about the mocking and profanity and felt she "didn't want this kind of thing to happen to anyone else." I told Mrs. [REDACTED] that [REDACTED] could pursue a discourtesy complaint but I would need to interview him and get a statement about his version of the traffic stop. Mrs. [REDACTED] stated that would be fine but she wanted to be present during the interview. I assured her that would not be a problem and asked when would be the best time to get this accomplished. She told me Monday nights would be best around 2100 hours and that she would call me to set up a date.

10/19/04 – I called Mrs. [REDACTED] and left a message after not hearing anything regarding a meeting day. I didn't get a call back.

10/28/04 – I called again to arrange a meeting at approximately 1635 hours; I left a message and was called back by the suspect's father, [REDACTED] [REDACTED] I explained the situation with [REDACTED] and asked him or Mrs. [REDACTED] or [REDACTED] to call me back to arrange a meeting. I provided [REDACTED] with my work and work cell numbers. I also explained that I would be on vacation for an extended period of time after 11/04/04 and needed to have the meeting prior to this date. He indicated that would not be a problem. I never heard back from any of them.

11/02/04 – I called home number at approximately 2139 hours and left work and work cell numbers for call back but didn't receive a response.

11/04/04 – I called home number at approximately 1325 hours again left work and work cell numbers but didn't receive a response.

11/05/04 – At approximately 0400 hours I closed this investigation as I was unable to verify complaint from suspect who was the only witness to the event other than police officers. I was also unable to contact the mother and father of the suspect for explanation of failure to contact or be contacted by [REDACTED]



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

November 16, 2004



Dear Mr. [REDACTED]

Your complaint alleging improper conduct by several Denver Police officers, Officer Paul Streate (01070), Officer James Burdett (01067), Officer Michael Nuanes (00109) and Jason Vincent (01042) have been thoroughly investigated by members of the District Two Police Station command staff. Command officers of the Denver Police Department have reviewed the results of that investigation.

Included in the results of this investigation was a review of your complaint made to the intake sergeant, the officers' statements and the report submitted by the investigating sergeant. Mr. [REDACTED] the investigating sergeant made several attempts to contact you, but was unsuccessful. Therefore a disposition was made regarding this matter without your input. There must be a preponderance of evidence that any officer violated certain Denver Police Department standards, rules and regulations in order to discipline that officer. This was not the case in this incident. There was not enough evidence to sustain this complaint. Therefore no formal disciplinary action will be taken in this case.

I am sorry that your encounter with members of the department was not satisfactory. I hope that any future contact you may have with any member of the Denver Police Department will be a positive experience. A copy of your complaint will be maintained in the officer's files in the event there is similar conduct in the future.

If you have any questions concerning this matter, you may contact Lieutenant R.T. "Pete" Conner, Jr. at 720-913-1047.

Sincerely,

Gerald R. Whitman  
CHIEF OF POLICE

By:

Commander Rhonda Jones, District Two Station

2004 DEC -8 AM 8:40

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