

**Case Number:** 2004C0064  
**Date of Violation:** 05/02/2004  
**Date Received:** 05/03/2004  
**Date To Station:** 04/07/2005

**How Received:** Not Specified  
**Type of Complaint:** IAB  
**Date Back from D/C:** 04/07/2005

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**Complainant(s):** Mr [REDACTED] [REDACTED] DOB: [REDACTED]  
Mr [REDACTED] [REDACTED] DOB: [REDACTED]

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	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	90012	Unnecessary Force	306		Not Reviewed	Property Crimes Bureau
<b>Condition Attached:</b>		Officer resigned prior to the review of the case				
2	90012	Discourtesy	140		Not Reviewed	Property Crimes Bureau
<b>Condition Attached:</b>		Officer resigned prior to the review of the case				

LAB REVIEW		
	Initial	Date
Capt.	<i>Que</i>	<i>3-31-05</i>
Lt.	<i>MC</i>	<i>3-30-05</i>

**DENVER POLICE DEPARTMENT  
INTER-DEPARTMENT  
CORRESPONDENCE**

**2004C0064**

**TO:** John Lamb, Commander, Internal Affairs Bureau

**FROM:** Sergeant Walter Greene/91068, Internal Affairs Bureau

**DATE:** March 17, 2005

**SUBJECT:** Case Number: 2004C0064  
Complainant: Mr. [REDACTED]  
Mr. [REDACTED]  
Type of Complaint: Unnecessary Force  
Subject Officer: Detective Michael Rossi/90012

**INCIDENT**

On Sunday, May 2, 2004, at approximately 0110 hours, Mr. [REDACTED] Ms. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] were in the Lower Downtown Denver area.

They were waiting in line, to enter the Market 41 Bar, located at 1941 Market Street. Ms. [REDACTED] was allowed into a non-paying customer line. The security guard/doorman placed a barrier rope in front of Mr. [REDACTED] stopping him from entering the bar.

A fight ensued. At least two security guards and Detective Rossi took custody of Mr. [REDACTED] An ambulance arrived. Mr. [REDACTED] was transported to Denver Health Medical Center (DHMC).

**COMPLAINT**

Mr. [REDACTED] alleges that he was struck in the head and face by Detective Rossi after he was handcuffed and lying on the ground.

Mr. [REDACTED] alleged that Mr. [REDACTED] was lying on the ground handcuffed. Detective Rossi kicked Mr. [REDACTED] in the head.

Mr. [REDACTED] attempted to talk to the detective about his treatment of Mr. [REDACTED] Detective Rossi struck Mr. [REDACTED] twice.

## INVESTIGATION

On Thursday, May 6, 2004, at approximately 1400 hours, I received this case for investigation and reviewed all related documentation. Included with the Complaint Summary were numerous documents containing a variety of information. These and other pertinent documents including possible audiotape and/or videotape are included in the case for your review.

For a complete understanding of this case, it is necessary that all statements and/or tapes be reviewed in their entirety.

## COMPLAINANT STATEMENT

On Monday, May 3, 2004, at approximately 1630 hours, Mr. [REDACTED] responded to the Denver Police Department, Internal Affairs Bureau. He wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he and friends were in the line to enter the Market 41 Bar. At approximately 0110 hours, on Sunday, May 2, 2004, the Security Guard allowed his friends, Ms. [REDACTED] and Mr. [REDACTED] entry to the cashier. Ms. [REDACTED] the girl friend of Mr. [REDACTED] was allowed to enter the bar through a separate V.I.P. door, without paying. The Security Guard stopped Mr. [REDACTED] from entering the bar, by placing a barrier rope in front of him.

Mr. [REDACTED] stated that he knew that the Security Guards usually stopped people from entering due to capacity, but he was not aware that they split up people who were together.

Mr. [REDACTED] attempted to explain that he was with Ms. [REDACTED]. He stated, *"That's my girl friend"*. The Security Guard, later identified as Mr. [REDACTED] stated, *"She ain't your girlfriend anymore"*. Mr. [REDACTED] stated, *"That's bull shit"*. He leaned his upper body over the rope to speak with Ms. [REDACTED]

Mr. [REDACTED] was assaulted by two bar Security Guards. He fell to the ground and the guards punched and kicked him. An unknown person placed Mr. [REDACTED] in a headlock and rendered him unconscious. He was handcuffed with his hands behind his back.

Mr. [REDACTED] was lying with his right side on the ground. Detective Rossi using his fist punched him three times on the left side of his face. The right side of Mr. [REDACTED] head was forced into the concrete. Mr. [REDACTED] was rendered unconscious a second time.

When he regained consciousness, Ms. [REDACTED] was screaming loudly and talking on a cell phone. Mr. [REDACTED] heard Detective Rossi referring to Ms. [REDACTED] state, *"I would really like to punch that bitch in the face"*.

Detective Rossi showed Mr. [REDACTED] the damage to his (Detective Rossi's) eye and stated that Mr. [REDACTED] would be going to jail for assaulting an officer. Mr. [REDACTED] stated he was doubtful that he struck the officer. *"I had no ability to move when I was on the ground. The blow probably came from another bouncer or officer"*.

Mr. [REDACTED] was taken to DHMC. Following his treatment he was taken to Denver City Jail.

In follow-up questioning, Mr. [REDACTED] stated that the first Security Guard, Mr. [REDACTED] initially grabbed him by his shirt with one hand and his neck with the other hand. A second Security Guard assisted Mr. [REDACTED]. Mr. [REDACTED] stated that he would not be able to recognize the men

When asked what caused the Security Guards to attack him, Mr. [REDACTED] stated that initially he made a move to go under the barrier rope. He decided against the action and leaned over the rope to talk to his girl friend and was attacked by the men.

Mr. [REDACTED] was asked why Detective Rossi punched him. He stated that Detective Rossi thought that he (Mr. [REDACTED]) struck him. The officer struck him below his left, causing right side of his head to impact with the concrete.

Mr. [REDACTED] was asked if he hit Detective Rossi. He stated, *"I don't know. I was trying to defend myself by blindly swinging"*.

On Wednesday, May 19, 2004, at approximately 2050 hours, I contacted Mr. [REDACTED]. He gave me an audio statement concerning this case. The following is a summary of that statement. **(The audio statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he was placed into Denver City Jail, from Sunday, morning, May 2, 2004 until Monday, May 3, 2004. His booking photograph did not indicate the injury to his eye that was visible when he responded to the DPD, Internal Affairs Bureau. Mr. [REDACTED] stated that he was not involved in any altercations following the incident with the Market 41 Security Guards and Detective Rossi.

Mr. [REDACTED] [REDACTED] – (Friend of Mr. [REDACTED])

On Sunday, May 2, 2004, at approximately 0115 hours, as a part of the Use of Force Report, Mr. [REDACTED] wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Mr. [REDACTED] stated that his friend, Mr. [REDACTED] was handcuffed and lying on the ground. An officer, later identified as Detective Rossi, kicked Mr. [REDACTED] in the head and slammed him into a wall. Mr. [REDACTED] raised his voice and told the officer to stop. Detective Rossi struck Mr. [REDACTED] in the left eye with the palm of his hand. The officer also struck him on the left side of his face.

An unknown Market 41 Security Guard placed Mr. [REDACTED] in a headlock and pulled him away from the incident.

Mr. [REDACTED] did not see what initiated the incident between Mr. [REDACTED] the Security Guards, and Detective Rossi.

On Wednesday, May 5, 2004, at approximately 1700 hours, Mr. [REDACTED] gave me an audio statement concerning this case. The following is a summary of that statement. **(The audio CD statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he was in line at the Market 41 Bar with Ms. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED]. He and Ms. [REDACTED] were allowed in the bar first and walked into the line to pay the cover charge.

There was an unknown disturbance outside of the bar. Mr. [REDACTED] came out of the bar and saw Mr. [REDACTED] lying on the ground with his hands behind his back. There was an officer and some security guards standing around him. The officer was restraining Mr. [REDACTED] by placing his knee and forearm on Mr. [REDACTED] body.

The security guards were just standing by. Detective Rossi grabbed Mr. [REDACTED] by his clothing. The officer picked him up by the shoulders and slammed him forcibly into the wall, causing Mr. [REDACTED] to strike his head on the wall.

Mr. [REDACTED] attempted to get Detective Rossi's attention. The officer ignored or did not hear him.

Detective Rossi stood up and stomped on the head of Mr. [REDACTED]. Mr. [REDACTED] yelled at the officer and stated, "Hey". Detective Rossi turned around and palmed him in the left eye. Using his fist, the officer punched him on his left jaw. Security Guards pulled Mr. [REDACTED] away from the incident.

Mr. [REDACTED] did not see what initiated the incident between Mr. [REDACTED] the security guard, and Detective Rossi.

#### WITNESS STATEMENTS

Ms. [REDACTED] [REDACTED] (Girl friend of Mr. [REDACTED])

On Sunday, May 2, 2004, at approximately 1015 hours, as a part of the Use of Force Report, Ms. [REDACTED] wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Ms. [REDACTED] stated that she did not have to pay the cover charge to enter the Market 41 Bar. The Security Guard, later identified as Mr. [REDACTED] told Mr. [REDACTED] he could not enter.

The two men exchanged words. Mr. [REDACTED] grabbed Mr. [REDACTED] by the neck and Mr. [REDACTED] punched Mr. [REDACTED]. Four unknown security guards came to the assistance of Mr. [REDACTED]. The guards kicked, punched, and used their knees to strike Mr. [REDACTED].

Mr. [REDACTED] raised his voice in protest of the assault. Detective Rossi punched Mr. [REDACTED] in the face twice. Ms. [REDACTED] did not see anyone jump on Detective Rossi's back.

On Monday, May 3, 2004, at approximately 1520 hours, Ms. [REDACTED] responded to the Denver Police Department, Internal Affairs Bureau. She wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Ms. [REDACTED] stated that she and Mr. [REDACTED] were in the line to enter the bar, at 1941 Market Street. Two friends entered the bar before them. A Security Guard, later identified as Mr. [REDACTED] checked Ms. [REDACTED] identification. Mr. [REDACTED] used the word "baby" in his conversation and told her to go to the door, where she did not have to pay for entry.

Mr. [REDACTED] stopped Mr. [REDACTED] from entering the bar. Mr. [REDACTED] attempted to inform Ms. [REDACTED] that he was not entering the bar with her. He told Mr. [REDACTED] that Ms. [REDACTED] was his girl friend. Mr. [REDACTED] stated, "She's not your girlfriend anymore".

Mr. [REDACTED] grabbed Mr. [REDACTED] by the neck. Mr. [REDACTED] struck Mr. [REDACTED]. Three Market 41 Security Guards responded to assist Mr. [REDACTED]. The men assaulted Mr. [REDACTED]. Detective Rossi did not stop the assault.

Another male, later identified as Mr. [REDACTED] [REDACTED] attempted to speak with Detective Rossi to stop the assault in progress. Detective Rossi struck Mr. [REDACTED] in the face twice.

In follow-up questioning, Ms. [REDACTED] stated that she did not know why Mr. [REDACTED] stopped Mr. [REDACTED]. Ms. [REDACTED] thought that Mr. [REDACTED] grabbed Mr. [REDACTED] because he leaned over the barrier rope to speak to her. She turned and spoke with Ms. [REDACTED] and Mr. [REDACTED]. Ms. [REDACTED] did not witness the contact or words that initiated the fight between Mr. [REDACTED] and Mr. [REDACTED].

When Mr. [REDACTED] was being assaulted by the Market 41 Security Guards, Detective Rossi did not strike Mr. [REDACTED] but he did not attempt to stop the fighting. Ms. [REDACTED] did not see Detective Rossi strike Mr. [REDACTED].

Ms. [REDACTED] stated that she drank three rum and cokes before the incident. Mr. [REDACTED] drank approximately three drinks of an unknown alcoholic beverage.

Ms. [REDACTED] [REDACTED] (Girl friend of Mr. [REDACTED])

On Sunday, May 2, 2004, at approximately 0100 hours, Ms. [REDACTED] called the Denver Police Department 911 Communications Bureau. The following is a summary of that call. **(The audio CD is contained in this case file for review.)**

Ms. [REDACTED] spoke to agent Ryan. She stated that a friend was handcuffed, lying on the ground, and a police officer kicked his head into a brick wall. She requested assistance.

On Sunday, May 2, 2004, at approximately 0115 hours, as a part of the Use of Force Report, Ms. [REDACTED] wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Ms. [REDACTED] stated that she saw Mr. [REDACTED] handcuffed. He was lying on the ground and Detective Rossi kicked him in the head.

Mr. [REDACTED] verbally protested the treatment of Mr. [REDACTED]. Detective Rossi struck Mr. [REDACTED].

Ms. [REDACTED] did not see what initiated the incident between Mr. [REDACTED] the Security Guards, and Detective Rossi.

On Wednesday, May 5, 2004, at approximately 1635 hours, I spoke with Ms. [REDACTED]. She gave me an audio statement concerning this case. The following is a summary of that statement. **(The audio CD is contained in this case file for review.)**

Ms. [REDACTED] and Mr. [REDACTED] walked into the Market 41 Bar. They went into the line to pay a cashier. Ms. [REDACTED] was allowed to walk into the free door with no cover charge.

There was a disturbance and Ms. [REDACTED] saw Mr. [REDACTED] lying on the ground against a wall, with Detective Rossi and Bar Security Guards around him. The officer used his foot and stomped down on the head of Mr. [REDACTED] two or three times.

Mr. [REDACTED] [REDACTED] protested the treatment of Mr. [REDACTED] and attempted to talk to the officer. Detective Rossi struck Mr. [REDACTED] in the face twice. A security guard pulled Mr. [REDACTED] away. Ms. [REDACTED] was moved down onto the sidewalk area. She called 911 for assistance.

In follow-up questioning, Ms. [REDACTED] stated that she did not see what started the incident between the Security Guard and Mr. [REDACTED]. She did not see anyone jump on Detective Rossi's back or physically interfere with the arrest of Mr. [REDACTED]. Ms. [REDACTED] saw a cut on Detective Rossi's head when she came out of the bar.

Ms. [REDACTED] stated that she had approximately three drinks during the evening and she was not drunk.

**Mr. [REDACTED] [REDACTED] – (Security Guard, Market 41 Bar)**

On Sunday, May 2, 2004, at approximately 0155 hours, as a part of the Use of Force Report, Mr. [REDACTED] wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Mr. [REDACTED] stated that due to capacity of the Market 41 Bar, he had temporarily stopped people in the line from entering the bar. Mr. [REDACTED] girlfriend entered the bar. He was angry because he was not allowed to enter with her.

Mr. [REDACTED] related that he told Mr. [REDACTED] that he would be allowed entry into the bar when some of the patrons exited. Mr. [REDACTED] struck Mr. [REDACTED] in the left eye. A fight ensued. Both men fell to the ground. Detective Rossi arrived.

Mr. [REDACTED] did not see Mr. [REDACTED] strike Detective Rossi.

On Friday, May 7, 2004, at approximately 2100 hours, I responded to the Market 41 Bar, located at 1941 Market Street. I spoke to Mr. [REDACTED] [REDACTED]. He wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he was working at the door, at the Market 41 Bar, on Sunday, May 2, 2004. He let three people in and stopped the fourth person, later identified as Mr. [REDACTED] [REDACTED].

Mr. [REDACTED] became angry that he did not get in with his friends. Mr. [REDACTED] informed him that the wait would not be long. Mr. [REDACTED] began to curse.

Mr. [REDACTED] refused Mr. [REDACTED] entry into the bar and asked him to leave. Mr. [REDACTED] struck him in the eye. A fight ensued. Security Guards and Detective Rossi took custody of Mr. [REDACTED]. During the struggle Detective Rossi was struck in the eye.

Mr. [REDACTED] stated that he did not see the punch, but there was a bump on Detective Rossi's forehead. There were no Security Guards at the door and people began to run into the bar. Mr. [REDACTED] left Detective Rossi and controlled the entry door.

In follow-up questioning, Mr. [REDACTED] stated that he allowed five or six people in the bar. Mr. [REDACTED] was the cut-off at that particular time. Mr. [REDACTED] was not flirting with Ms. [REDACTED] and did not remember stating, "*She's not your girlfriend anymore*".

Mr. [REDACTED] stated that Mr. [REDACTED], Ms. [REDACTED] and Ms. [REDACTED] all entered the bar through the pay line. Ms. [REDACTED] was not allowed to go to the free (V.I.P.) line.

Mr. [REDACTED] was asked why Mr. [REDACTED] struck him. He stated, "*I refused him from getting into the club. I went to take him out of line. He pushed me then hit me in the left eye with his fist*". Mr. [REDACTED] was not injured by the blow.

Mr. [REDACTED] did not see Mr. [REDACTED] handcuffed and did not see anyone punch or kick him. Mr. [REDACTED] did not know if Mr. [REDACTED] was injured, did not know if an ambulance responded, did not know if Detective Rossi cursed, and did not know if anyone interfered with the arrest.

Mr. [REDACTED] [REDACTED] – (Security Guard, Market 41 Bar)

On Friday, May 7, 2004, at approximately 2100 hours, I responded to the Market 41 Bar, located at 1941 Market Street. I spoke to Mr. [REDACTED]. He wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he came out of the bar and observed Mr. [REDACTED] attempting to strike other bar Security Guards as they attempted to escort him down the stairs.

Detective Rossi intervened and stated, "*I'm an officer it's over*". Detective Rossi and the security guards took Mr. [REDACTED] to the ground and attempted to restrain him. Mr. [REDACTED] was combative and Mr. [REDACTED] helped the officer handcuff Mr. [REDACTED].

Mr. [REDACTED] stated that he saw Mr. [REDACTED] strike Detective Rossi. Mr. [REDACTED] did not see anyone interfere with the arrest of Mr. [REDACTED]. He stated the Ms. [REDACTED] was verbally involved in the arrest.

Mr. [REDACTED] did not appear to be injured. Mr. [REDACTED] thought the ambulance that responded was for Detective Rossi. He did not see Detective Rossi or the involved security guards kick or hit Mr. [REDACTED]. The officer was not Discourteous and did nothing improper or wrong.

Ms. [REDACTED] [REDACTED] (Cashier, Market 41 Bar)

On Friday, May 7, 2004, at approximately 2210 hours, I responded to the Market 41 Bar, located at 1941 Market Street. I spoke to Ms. [REDACTED]. She wrote a statement concerning this case. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Ms. [REDACTED] stated that she observed a male, later identified as Mr. [REDACTED] [REDACTED] and a female, later identified as Ms. [REDACTED] [REDACTED] who were causing a disturbance. Ms. [REDACTED] was escorted out of the bar. Mr. [REDACTED] was standing in the exit doorway. Both were instructed to leave the property by Market 41 Security Guards.

Ms. [REDACTED] walked toward Detective Rossi. An unknown Security Guard restrained her.

Mr. [REDACTED] charged at Detective Rossi and struck him in the forehead. Detective Rossi pushed Mr. [REDACTED] back. He attempted to attack the officer again. Security Guards assisted in removing Mr. [REDACTED] from the property.

Ms. [REDACTED] did not see bar Security Guards fighting with Mr. [REDACTED]. She did not witness anyone strike, kick, or punch Mr. [REDACTED] after he was taken into custody. Detective Rossi did not curse or yell at Mr. [REDACTED].

Ms. [REDACTED] admitted that she did not witness the entire incident. She saw an ambulance, but did not know who was treated.

Mr. [REDACTED] [REDACTED] (unrelated witness)

On Wednesday, May 5, 2004, at approximately 1605 hours, Mr. [REDACTED] gave me an audio statement concerning this incident. The following is a summary of that statement. **(The audio CD statement is contained in this case file for review.)**

Mr. [REDACTED] stated that a female friend he was with left her credit card in the bar. Mr. [REDACTED] was standing next to the entry door of the Market 41 Bar smoking a cigarette, waiting for her return.

The disturbance between Mr. [REDACTED] Detective Rossi, and the security guards occurred in the area where he was standing.

Mr. [REDACTED] did not see the actions that initiated incident. He saw a security guard, later identified as Mr. [REDACTED] [REDACTED] attack Mr. [REDACTED]. Mr. [REDACTED] retaliated and struck Mr. [REDACTED]. The two men struggled with one another. A second security guard assisted Mr. [REDACTED]. Mr. [REDACTED] grabbed Mr. [REDACTED] from behind. Mr. [REDACTED] was attempting to hit Mr. [REDACTED] by throwing punches behind him.

Detective Rossi arrived and attempted to break up the disturbance. The officer was struck by Mr. [REDACTED]. The blow caused a large bump on the officer's forehead.

Mr. [REDACTED] states that Mr. [REDACTED] could not see who was behind him and was punching to his rear. He did not think that Mr. [REDACTED] knew that Detective Rossi was an officer, or that he struck an officer. Detective Rossi identified himself as an officer after he was struck by Mr. [REDACTED]

Mr. [REDACTED] continued to struggle with Detective Rossi and Mr. [REDACTED] during the incident. Detective Rossi identified himself as a Police Officer several times during the struggle. Mr. [REDACTED] was taken to the ground and taken into custody. Mr. [REDACTED] was handcuffed or zip ties were used to restrain his hands.

Detective Rossi walked back over to Mr. [REDACTED] who was in custody and yelled, "Didn't you know I was a cop". The officer punched Mr. [REDACTED] three times in the face/head with his fist.

A male, later identified as Mr. [REDACTED] [REDACTED] and female, later identified as Ms. [REDACTED] [REDACTED] arrived and attempted to talk to Detective Rossi. Mr. [REDACTED] was pushed and struck in the head twice by Detective Rossi. An unknown security guard escorted Mr. [REDACTED] away from Detective Rossi and Mr. [REDACTED]

The Security Guards and Officer Rossi stood in the area discussing the situation. Mr. [REDACTED] was not moving. Detective Rossi walked over to Mr. [REDACTED] and stated, "Didn't you know I was a cop". The officer used the heel of his foot and stomped on the head of Mr. [REDACTED]. Mr. [REDACTED] stated, "I could feel it (the impact) come through the cement into my legs". He stated three punches pushed the limit, but the stomp on Mr. [REDACTED] head was unnecessary and wrong.

On Wednesday, May 5, 2004, at approximately 1905 hours, Mr. [REDACTED] gave me an audio statement concerning this incident. The following is a summary of that statement. **(The audio CD statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he did not observe any one physically interfere with Detective Rossi's arrest of Mr. [REDACTED]. He stated that Ms. [REDACTED] was screaming hysterically and got close to the officer, but she did not touch Detective Rossi.

Mr. [REDACTED] observed Detective Rossi strike Mr. [REDACTED] in the head only. He did not see the officer strike Mr. [REDACTED] in the body area.

Ms. [REDACTED] [REDACTED] – (unrelated witness)

On Wednesday, May 5, 2004, at approximately 1900 hours, Ms. [REDACTED] gave me an audio statement concerning this incident. The following is a summary of that statement. **(The audio CD statement is contained in this case file for review.)**

Ms. [REDACTED] stated that she did not see the actions that initiated this incident. She saw Detective Rossi and Mr. [REDACTED] [REDACTED] take Mr. [REDACTED] into custody. Mr. [REDACTED] was lying on the ground, was handcuffed, and had given up.

There were some unknown words exchanged between the three men. Detective Rossi walked over to Mr. [REDACTED] and using his right foot, the officer stomped on the head of Mr. [REDACTED]

In follow-up questioning, Ms. [REDACTED] saw Ms. [REDACTED] move toward a railing, within two to three feet of Detective Rossi, but she did not physically touch the officer.

Ms. [REDACTED] saw fists being thrown, but she was unsure of who was fighting. Ms. [REDACTED] did not see Detective Rossi strike Mr. [REDACTED] with his hand or fist.

Mr. [REDACTED] [REDACTED] – (Friend of Ms. [REDACTED] [REDACTED])

On Sunday, May 2, 2004, at approximately 0100 hours, Mr. [REDACTED] called the Denver Police Department 911 Communications Bureau. The following is a summary of that call. **(The audio CD statement is contained in this case file for review.)**

Mr. [REDACTED] spoke to the 911 call taker. He stated that an officer and a bouncer, at Market 41, are beating a man for no reason and kicking him in the face.

Mr. [REDACTED] related that the officer, Detective Rossi, was injured. Mr. [REDACTED] and the officer were bleeding. Mr. [REDACTED] was placed on hold and transferred to Denver Health Paramedics. He related the details of the incident. The 911 call taker instructed Mr. [REDACTED] to speak with the officers at the location.

On Wednesday, May 6, 2004, at approximately 1735 hours, Mr. [REDACTED] gave me an audio statement concerning this incident. The following is a summary of that statement. **(The audio CD statement is contained in this case file for review.)**

Mr. [REDACTED] stated that he was in line to enter the Market 41 Bar, with Ms. [REDACTED] and Mr. [REDACTED]. He [REDACTED] realized there was a cover charge, he jumped over the railing and got out of line.

Mr. [REDACTED] related that he did not see the actions that initiated the fighting. As he walked away he heard Ms. [REDACTED] screaming.

He returned to the bar and saw people punching. He observed an officer, later identified as Detective Rossi, with a cut above his eye. There were several bouncers fighting. Mr. [REDACTED] was handcuffed.

The bouncers and the police officer were kicking Mr. [REDACTED]. There was nothing Mr. [REDACTED] could do. Mr. [REDACTED] called 911. He pulled Ms. [REDACTED] away from the fight.

Mr. [REDACTED] stated that he saw Detective Rossi being very physical with Mr. [REDACTED]. I asked Mr. [REDACTED] to elaborate on what he meant by this statement. He related that it was dark. He could not be sure who was kicking Mr. [REDACTED]. Mr. [REDACTED] also stated that he was not sure if Detective Rossi's actions were reasonable or not.

In follow-up questioning, Mr. [REDACTED] stated that he did not see Detective Rossi strike or kick Mr. [REDACTED] after he was handcuffed. He did not see Mr. [REDACTED] strike anyone during this incident.

**Unknown Female Caller**

On Sunday, May 2, 2004, at approximately 0103 hours, an unknown female caller contacted the Denver Police Department Communications Bureau 911 operator. **(The audio CD statement is contained in this case file for review.)**

The unknown female caller stated that there was a man knocked out at the Market 41 Bar. The cell phone connection was unclear and the call was abruptly disconnected. There were no further details about the incident and there was no call back telephone number.

**WITNESS OFFICER STATEMENTS**

**Sergeant R. Steinke/94025**

On Sunday, May 2, 2004, at approximately 0230 hours, Sergeant Steinke completed a letter as part of the Use of Force Report. The following is a summary of that letter. **(The letter is contained in this case file for review.)**

Sgt. Steinke stated that he responded to 1941 Market Street, on a Use of Force Report. Upon arrival, Detective Rossi explained the incident between the security guards and Mr. [REDACTED]

Detective Rossi explained that he struck Mr. [REDACTED] with several closed fist blows, to the upper body region. The strikes to Mr. [REDACTED] were administered to gain compliance with the arrest. Mr. [REDACTED] was handcuffed.

Mr. [REDACTED] was transported to DHMC by ambulance #4. He was charged with Assault to a Peace Officer.

Sgt. Steinke related that the Use of Force Report was consistent with the incident as described by Detective Rossi. The officer's Secondary Employment Request was also examined.

Sgt. Steinke reviewed statements by Mr. [REDACTED] [REDACTED] Ms. [REDACTED] [REDACTED] and Mr. [REDACTED] [REDACTED]. The statement by Mr. [REDACTED] was consistent with Detective Rossi's statement. Ms. [REDACTED] and Mr. [REDACTED] witnessed the incident after Mr. [REDACTED] was on the ground. The Sergeant spoke with Mr. [REDACTED]. He admitted striking Mr. [REDACTED] and Detective Rossi. Mr. [REDACTED] was angry that he was not allowed admittance to the bar with Ms. [REDACTED] [REDACTED]

Sgt. Steinke recommended: No further investigation of the incident.

On Wednesday, May 19, 2004, at approximately 2200 hours, Sergeant Steinke completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Sgt. Steinke stated that at approximately 0104 hours, on Sunday, May 2, 2004, the off-duty officers at 1941 Market Street, requested a supervisor.

Upon arrival Sgt. Steinke spoke with Detective Rossi. The officer had a bump over his left eye.

Detective Rossi told him that a bar patron, later identified as Mr. [REDACTED] assaulted a security guard/doorman. When he (Detective Rossi) attempted to intervene, Mr. [REDACTED] struck the officer. Following a short struggle Mr. [REDACTED] was taken into custody.

Mr. [REDACTED] was seated in an ambulance. He told Sgt. Steinke that he struck Mr. [REDACTED] and Detective Rossi. Sgt. Steinke took written statements from Ms. [REDACTED] and Mr. [REDACTED]

Sgt. Steinke had no evidence that Mr. [REDACTED] was assaulted by Detective Rossi after he was handcuffed. Sgt. Steinke stated, "*I believe Detective Rossi stated he struck Mr. [REDACTED] several times with his closed fist to gain his compliance. On one occasion he was struck in the face*". Mr. [REDACTED] was asked if he was aware that he struck the bouncer and a uniformed officer. He replied, "Yes".

Sgt. Carroll informed Sgt. Steinke that he was in the back of the bar. He did not witness the incident between Mr. [REDACTED] Mr. [REDACTED] and Detective Rossi.

No photographs were taken at the time of this incident. Sgt. Steinke did not have access to a camera. Detective Rossi told him that he (Det. Rossi) would get pictures taken if he decided to seek medical attention.

#### **Officer Gene Sharla/01076**

On Monday, May 17, 2004, at approximately 1720 hours, Officer Sharla completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Officer Sharla stated that he responded to the area of 1941 Market Street, at approximately 0110 hours, to assist with the out-crowd in the lower downtown area. An off-duty officer, later identified as Detective Rossi, called for assistance, at the Market 41 Bar.

Officer Sharla assisted with moving the crowd in front of the bar. He observed Detective Rossi standing on the balcony area in front of the bar. Officer Sharla observed a cut above one of Detective Rossi's eyes. His eye and forehead area were swollen. An unknown sergeant took photographs of Detective Rossi's eye.

Mr. [REDACTED] was in the ambulance. Officer Sharla followed the ambulance with Mr. [REDACTED] to DHMC. The officer observed Mr. [REDACTED] placed into an emergency room bed.

Officer Sharla related that while in the presence of Mr. [REDACTED] he detected the strong odor of an alcoholic beverage. Mr. [REDACTED] speech was slurred and he appeared to be extremely intoxicated. Mr. [REDACTED] did not complain of any injuries suffered in his arrest or fight with the security guard.

Officer Sharla did not speak to witnesses or bar staff members. While at the scene there were no accusations made that Detective Rossi assaulted Mr. [REDACTED] Officer Sharla did not know why Mr. [REDACTED] was in an ambulance or why he was transported to DHMC. Mr. [REDACTED] had no visible injuries.

Mr. [REDACTED] asked why he was arrested, but did not explain details about the incident at Market 41, involving Detective Rossi and Mr. [REDACTED]

**Officer Dwayne Roybal/00101**

On Tuesday, May 18, 2004, at approximately 2230 hours, Officer Roybal completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Officer Roybal stated that he responded to 1941 Market Street, on a report of an Assault to a Peace Officer. Upon arrival Officer Roybal saw Mr. [REDACTED] in handcuffs, sitting upright against a wall. He assisted with witness statements and crowd control.

The officer observed a golf ball sized lump over Detective Rossi's left eye. Detective Rossi told Officer Roybal that Mr. [REDACTED] struck him. During the conversation Mr. [REDACTED] who overheard the conversation, stated, *"I didn't know he was a cop, when someone grabbed me I hit them"*.

Ms. [REDACTED] told Officer Roybal that she wished to file a complaint against Detective Rossi. Officer Roybal instructed Ms. [REDACTED] to contact the Internal Affairs Bureau.

An ambulance arrived and Mr. [REDACTED] was examined by the Paramedic. Mr. [REDACTED] [REDACTED] contacted Officer Roybal. Speaking about Mr. [REDACTED] Mr. [REDACTED] stated, *"He was out of line, he just totally hit that cop for no reason, I can't believe he did that"*.

Officer Roybal did not see the incident between Mr. [REDACTED] Mr. [REDACTED] and Detective Rossi. There was no conversation that Detective Rossi assaulted Mr. [REDACTED]

Officer Roybal saw Mr. [REDACTED] in the ambulance. The officer stated that he didn't see any visible signs of injury to Mr. [REDACTED] He was unsure of why Mr. [REDACTED] was transported to DHMC.

**Officer Robert Pine/93002**

On Wednesday, May 19, 2004, at approximately 2103 hours, Officer Pine completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Officer Pine stated that he was working off-duty at 1610 Little Raven Street. He was not in the lower downtown area and did not respond to the incident involving Detective Rossi. His shift was 2200 hours, on Saturday, May 1, 2004 through 0600 hours, on Sunday, May 2, 2004.

Officer Pine related that a dispatcher may not have assigned the off-duty numbers properly and in error, listed his name and badge number on the C.A.D. report for 1941 Market Street.

**Sergeant Kevin Carroll/92050**

On Thursday, May 20, 2004, at approximately 1515 hours, Sgt. Carroll completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Sgt. Carroll stated that he was working off-duty on Sunday, May 2, 2004, at 1941 Market Street, with Detective Rossi.

The sergeant was in the back of the bar. During his routine patrol of the bar he walked to the front. He observed Detective Rossi with an unknown male, later identified as Mr. [REDACTED] [REDACTED] in custody. Detective Rossi had a large bump over his left eye.

Detective Rossi told Sgt. Carroll that he (Rossi) saw Mr. [REDACTED] strike a doorman. When Detective Rossi attempted to stop the fight, Mr. [REDACTED] also struck him. Sgt. Carroll notified dispatch. He requested an on-duty supervisor and an ambulance.

Sgt. Steinke responded and completed the Use of Force paperwork.

In follow-up questioning, Sgt. Carroll stated when he initially observed the incident Mr. [REDACTED] was on the ground, lying on his side. He was handcuffed and Detective Rossi was standing next to him.

Sgt. Carroll did not see any one physically touch Detective Rossi. There were friends of Mr. [REDACTED] at the scene. They were upset about the treatment of Mr. [REDACTED]. They attempted to approach Detective Rossi, but were pushed back by bar staff members.

Sgt. Carroll could not recall the circumstances of how Mr. [REDACTED] was struck by Detective Rossi.

When asked how Detective Rossi was struck by Mr. [REDACTED] Sgt. Carroll stated that Mr. [REDACTED] was on the ground. Detective Rossi identified himself as an officer and told Mr. [REDACTED] to calm down. Mr. [REDACTED] struck the officer with a fist or elbow.

Sgt. Carroll received no information that Detective Rossi assaulted Mr. [REDACTED] after he was handcuffed. He received no information about Detective Rossi striking Mr. [REDACTED]. The officer did not see any injuries to Mr. [REDACTED]. Sgt. Carroll called an ambulance for Detective Rossi. He did not know why the Paramedics examined Mr. [REDACTED].

**Officer Scott Mattos/01051**

On Thursday, May 20, 2004, at approximately 2240 hours, Officer Mattos completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Officer Mattos stated on Sunday, May 5, 2004, at approximately 0105 hours, he was working precinct car 623A. He responded to 1941 Market Street, on a report of an off-duty officer involved in a fight.

Upon arrival he observed Detective Rossi standing on the front steps of the Market 41 Bar. The officer had a large red bump on his forehead, above his left eye. There was also an unknown male, later identified as Mr. [REDACTED] [REDACTED] handcuffed. He was sitting against a wall. Mr. [REDACTED] also had a bump on his forehead.

Officer Mattos escorted Mr. [REDACTED] to the ambulance without incidence and assisted with processing paperwork.

Officer Mattos stated that he did not witness the incident between Mr. [REDACTED] Mr. [REDACTED] and Detective Rossi. Mr. [REDACTED] was in custody upon Officer Mattos's arrival.

Officer Mattos was not given information that a person jumped on the back of Detective Rossi during the arrest of Mr. [REDACTED]. There was no information that Mr. [REDACTED] was assaulted by Detective Rossi after he was handcuffed. Ms. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] were unhappy with the treatment of Mr. [REDACTED] but they did not make a specific complaint. Officer Mattos related that they were hysterical and intoxicated. He directed the group to speak to a supervisor.

#### **Officer Cody Quick/00061**

On Tuesday, May 25, 2004, at approximately 2050 hours, Officer Quick completed an Advisement Pursuant to Internal Investigation. He wrote a statement concerning this case. The following is a summary of that statement. **(The statement is contained in this case file for review.)**

Officer Quick stated that he was working precinct car 624, on Sunday, May 2, 2004. At approximately 0100 hours, the officer responded to the 1900 block of Market Street, on a call from an off-duty officer, later identified as Detective Rossi.

Upon arrival Officer Quick observed Detective Rossi standing on the Market 41 platform with several other officers. Detective Rossi had a bruise on his eye. Officer Quick heard another officer state that the Detective had been punched.

Mr. [REDACTED] was transported away from the area prior to Officer Quick's arrival. The officer had no contact with Mr. [REDACTED] or Detective Rossi.

Officer Quick remained in the area until approximately 0315 hours assisting with crowd control.

Ms. [REDACTED] spoke with Officer Quick. She wanted to complain that Detective Rossi hit her boyfriend. Officer Quick stated that she was very intoxicated and upset. He referred Ms. [REDACTED] to an on scene supervisor.

#### **MEDICAL RECORDS**

##### **DHMC Paramedics Division/EMS**

**Patient: Mr. [REDACTED] [REDACTED]**

On Sunday, May 2, 2004, at approximately 0136 hours, Paramedics Stephen Kelley/0109 and Bobby Putnam/9539 responded to 1941 Market Street, on a call of an Assault.

The Paramedics examined Mr. [REDACTED] [REDACTED]. The report related that Mr. [REDACTED] was involved in a police resistance. He denied any loss of consciousness, neck and back pain. Mr. [REDACTED] had a hematoma (localized swelling filled with blood) under his left eye and an abrasion to the right side of his head. His speech was slurred and the attendant could smell the odor associated with drinking an alcoholic beverage on his breath. Mr. [REDACTED] was transported to [REDACTED]

[REDACTED]  
**Patient: Mr.** [REDACTED] [REDACTED]

On Sunday, May 2, 2004, at approximately 0154 hours, Mr. [REDACTED] was admitted to the [REDACTED] Emergency Room. He was examined by [REDACTED]

[REDACTED]  
**Patient: Mr.** [REDACTED] [REDACTED]

**DHMC Paramedics Division/EMS**  
**Patient: Detective Michael Rossi/90012**

On Sunday, May 2, 2004, at approximately 0136 hours, Paramedics Stephen Kelley/0109 and Bobby Putnam/9539 responded to 1941 Market Street.

[REDACTED]  
There were no medical reports from the Paramedics Division.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**EVIDENCE**

The C.A.D., Details, and Log Sheets are consistent with the written statements by officers that responded and performed duties regarding this case.

On Wednesday, May 12, 2004, at approximately 2030 hours, I responded to 1949 Market Street, The Soiled Dove Bar. A visual survey of the area revealed a surveillance camera on the roof, with a view of the Market 41 bar, located next door. I spoke with the manager. He gave me a tour of the system and informed me that the camera system was installed during the week of May 10, 2004 through May 14, 2004. No video surveillance was available of the area during the week of this incident.

On Friday, May 7, 2004, I obtained the mug shot and record for Mr. [REDACTED]. The documents revealed that Mr. [REDACTED] has no criminal record prior to this incident.

On Sunday, May 2, 2004, Mr. [REDACTED] was charged with Assault to a Peace Officer, on Incident Report #200419565. Detective Greg Vacca/89058 is the assigned investigator for the case. Mr. [REDACTED] is scheduled for a preliminary hearing, on Friday, July 23, 2004, at 1330 hours, in court room 472W. **(The Incident and Detective's Supplementary Reports are contained in this case file for review.)**

On Friday, July 23, 2004, Mr. [REDACTED] appeared in Court Room 472W, for Court Case #02004F01736. The charge of Assault to a Peace Officer was: Dismissed Without Prejudice. **(The court records are contained in this case file for review.)**

On Tuesday, August 24, 2004, at approximately 1037 hours, a case was entered against Mr. [REDACTED] of Assault in the 3<sup>rd</sup> Degree. Mr. [REDACTED] is scheduled for an arraignment, on Thursday, September 30, 2004, at approximately 0800 hours, in Court Room 11S. **(The County Court records are contained in this case file for review.)**

On Sunday, May 2, 2004, Sergeant Randy Steinke/94025 was the responding supervisor to 1941 Market Street. He completed a letter concerning this incident and reviewed the Use of Force Report completed by Detective Rossi. **(The Use of Force Report is contained in this case file for review.)**

On Monday, May 3, 2004, at approximately 1730 hours, Mr. [REDACTED] [REDACTED] completed a Photographic Lineup Admonition. After reviewing the photographs in lineup "A", he was unsuccessful in identifying Detective Rossi in position #5.

On Friday, May 7, 2004, at approximately 1530 hours, Mr. [REDACTED] [REDACTED] completed a Photographic Lineup Admonition. After reviewing the photographs in lineup "A", he was successful in identifying Detective Rossi in position #5.

On Monday, May 3, 2004, at approximately 1715 hours, Ms. [REDACTED] [REDACTED] completed a Photographic Lineup Admonition. After reviewing the photographs in lineup "A", she was successful in identifying Detective Rossi in position #5.

On Friday, May 7, 2004, at approximately 2130 hours, this investigator responded to the area of the 1900 block of Market Street. I took Digital Photographs of the patio area, of the Market 41 Bar where this incident occurred. **(The photographs are contained in this case file for review.)**

On Monday, May 3, 2004, digital photographs were taken of Mr. [REDACTED]. The photographs revealed an injury to his left eye. See medical reports for diagnosis. **(The photographs are contained in this case file for review.)**

On Tuesday, May 4, 2004, the Denver Police Department, Crime Laboratory took photographs of Detective Rossi's injury. The photographs revealed an injury to his left eye. See medical reports for diagnosis. **(The photographs are contained in this case file for review.)**

The Secondary Employment Request authorizing Detective Rossi to work at the Market 41 Bar is contained in this case file for review.

On Thursday, May 13, 2004, Detective Rossi gave me photographs of the injury to his left eye. He attached a letter in which he stated that he was examined by an eye specialist, was prescribed medication, and lost three days of work as a result of the incident at the Market 41 Bar. **(The letter is contained in this case file for review.)**

Officer Robert Pine/93002 in his statement related that he was not working in the lower downtown area on the date of this incident. The Secondary Employment Request for Officer Pine showed that he was working for the River Front Park Association, located on Little Raven Street. **(The Secondary Employment Job Schedule is contained in this case file for review.)**

Medical Reports for Detective Rossi do not indicate a loss of consciousness during the struggle with Mr. [REDACTED].

Photographs of Detective Rossi do not indicate a laceration to his left eye brow, eye, or forehead area. Medical reports do not indicate a laceration to the eye of Detective Rossi.

On Monday, July 29, 2004, at approximately 1625 hours, this investigator responded to the Denver Police Department, Property Bureau. The search for clothing or a towel containing the blood of Detective Rossi was negative.

The officer was also served with a Chief's Order, which changed the provisions of his employment with the Classified Service of the Denver Police Department. **(The documents are contained in this case file for review.)**

On Monday, August 16, 2004, at approximately 1145 hours, the CS & C, Statement of Probable Cause, and List of Witnesses were delivered to the Records Section of the Denver Police Department.

On Friday, September 17, 2004, the attorney's office of Frank and Finger, P.C., has been retained by Mr. [REDACTED] [REDACTED]. Ms. Elaine Gosnell/Paralegal requested a copy of the Internal Affairs Bureau, investigative records involving Mr. [REDACTED]. The request was forwarded to Sgt. Ron Lopez/81004, of the Civil Liability Bureau. **(The letter is contained in this case file for review.)**

On Wednesday, September 22, 2004, Sgt. Lopez sent a letter to Frank and Finger Attorneys at Law. The Denver Police Department, Civil Liability Bureau denied the request for investigative records. **(The letter is contained in this case file for review.)**

On Thursday September 30, 2004, at approximately 0830 hours, Mr. [REDACTED] appeared in Court Room 11S. He was issued a new court date, for a Plea and Setting Hearing, on October 27, 2004.

On Wednesday October 27, 2004, at approximately 0900 hours, Mr. [REDACTED] appeared in Court Room 186L, case number 04M07118, 3rd Degree Assault. He was issued a new court date, for Thursday, December 16, 2004, in court room 186L.

On Thursday, December 16, 2004, at approximately 0900 hours, Mr. [REDACTED] appeared in Court Room 186L. A disposition was set for Friday, February 4, 2005. A trial date was set for Monday April 18, 2005.

On Monday, January 31, 2005, at approximately 0830 hours, Mr. [REDACTED] appeared in Court Room 186L. The charge of 3<sup>rd</sup> Degree Assault was Dismissed, by Judge Breese. The court dates on February 4 and April 18, 2005 were vacated.

Detective Rossi completed a letter of resignation effective Wednesday, February 15, 2005. **(The letter is contained in this case file for review.)**

#### **DISTRICT ATTORNEY REVIEW**

This case was presented to Chief Deputy District Attorney Doug Jackson on Tuesday, May 11, 2004, at approximately 1700 hours. He was given a complete copy of this case for review, on Tuesday, July 30, 2004 at approximately 1400 hours.

Following a review of this case Deputy D.A. Jackson accepted prosecution, for Assault in the third degree, Colorado Revised Statute 18-3-204, a class 1 misdemeanor.

On Monday, August 16, 2004, at approximately 1130 hours, Detective Rossi was served a Criminal Summons and Complaint (CS & C), for C.R.S. 18-3-204, Assault in the Third Degree, a class 1 misdemeanor. Detective Rossi is scheduled for an arraignment on Wednesday, September 8, 2004, at approximately 0800 hours, in Court Room 11S. **(The court documents are contained in this case file for review.)**

On Wednesday September 8, 2004, at approximately 0800 hours, Detective Rossi appeared in Court Room 11S. He was served a Protection Order and issued a new court date, for a Plea and Setting Hearing, on October 8, 2004.

On Friday, October 8, 2004, at approximately 0845 hours, Detective Rossi appeared in Court Room 186L. He entered a plea of "not guilty". A disposition date was set for Monday, December 6, 2004. A Trial date was set for Monday, February 14, 2005.

The disposition date set for Monday, December 6, 2004, was vacated and changed to Wednesday, December 8, 2004, in Court Room 186L.

On Wednesday, December 8, 2004, at approximately 0800 hours, Detective Rossi appeared in Court Room 186L. A Motions Hearing was set for Friday, February 11, 2005. A trial date for Monday, February 14, 2005, remained in place.

On Friday, February 11, 2005, at approximately 1000 hours, Detective Rossi appeared in Court Room 186L. He entered a plea of Guilty, to the charge of Assault, in the Third Degree, a Class 1 misdemeanor. Detective Rossi agreed to resign from the Denver Police Department, Tuesday, February 15, 2004. In consideration of a guilty plea and resignation, for a Deferred Judgment, Judge Breese set a new court date, for March 18, 2005, at 0900 hours.

On Thursday, March 17, 2005, at approximately 0830 hours, Detective Rossi appeared in Court Room 186L. Based on the guilty plea, Detective Rossi was granted a one year Deferred Judgment, to expire February 7, 2006. Ms. Anita Klein, of the Probation Department, will supervise his probation. Additionally, Detective Rossi was ordered to serve forty (40) hours Community Service and pay court fees of, three hundred and thirty one dollars (\$331.00). **(The County Court Records are contained in this case file for review.)**

Note: The March 18, 2005 court date was vacated.

### SUBJECT OFFICER

#### **Detective Michael Rossi/90012**

On Sunday, May 2, 2004, at approximately 0200 hours, Detective Rossi completed the narrative statement for the Use of Force Report concerning this incident. The following is a summary of that statement. **(The written statement is contained in this case file for review.)**

Detective Rossi stated that he was working off-duty at the Market 41 Bar. He observed a fight between Mr. [REDACTED] and an employee of the bar.

The officer found that Mr. [REDACTED] was stopped from entering the bar. His girl friend, Ms. [REDACTED] was allowed to enter the bar without him. Mr. [REDACTED] was angry and struck the security guard/doorman.

Mr. [REDACTED] was taken to the ground by Detective Rossi and Mr. [REDACTED]. Detective Rossi identified himself as an officer and instructed Mr. [REDACTED] to stop fighting. Mr. [REDACTED] struck the officer in the left eye.

Detective Rossi attempted to take Mr. [REDACTED] into custody. The officer ordered Mr. [REDACTED] to place his hands behind him several times. Mr. [REDACTED] refused. Detective Rossi used several strikes to Mr. [REDACTED] upper torso area in order to get him to place his hands behind him.

Detective Rossi stated that during the arrest of Mr. [REDACTED] Ms. [REDACTED] jumped on the officer's back. An unknown person removed Ms. [REDACTED] from the Detective.

On Thursday, July 8, 2004, at approximately 0915 hours, Detective Rossi gave a video/audio taped statement concerning this case. The following is a summary of that statement. **(The video/audio CD statement is contained in this case file for review.)**

Note: In an error by this investigator Detective Rossi was not advised of his Miranda Rights. However, Detective Rossi was not in custody, was armed during the interview, and his attorney, Mr. Dave Bruno was present.

**(Transcripts of Detective Rossi's statement are contained in this case file for review.)**

Detective Rossi related that he was working off-duty at 1941 Blake Street, the Market 41 Bar.

He was sitting at a table near the front door watching television. The officer noticed the bouncers struggling with a person. Detective Rossi came out of the bar and observed Mr. [REDACTED] on his hands, knees, with his feet near a wall.

The friends of Mr. [REDACTED] interfered with the bouncers. Ms. [REDACTED] was on the back of a bouncer. Detective Rossi stated that he moved Mr. [REDACTED] away from the area. He lifted Ms. [REDACTED] off of the bouncer. A bouncer was on Mr. [REDACTED] right and one was on his left.

Detective Rossi walked up behind Mr. [REDACTED] and instructed them to take him to the ground. The men took Mr. [REDACTED] to the ground. He rolled to his right side with Detective Rossi lying on the back of Mr. [REDACTED]. The officer stated to Mr. [REDACTED] *"The fight's over, enough is enough"*. Mr. [REDACTED] replied, *"Who the fuck are you"*. Detective Rossi identified himself as a police officer. Mr. [REDACTED] used his fist and struck the officer above his left eye. The officer stated, *"I think he knocked me out, when I came too, I was seeing these black lines in my eyes..."*. The officer was bleeding from the wound.

Mr. [REDACTED] fell to the prone position. Detective Rossi ordered Mr. [REDACTED] to surrender his arms/hands for handcuffing. Mr. [REDACTED] refused. The officer struck Mr. [REDACTED] with palm strikes to his back. Mr. [REDACTED] was taken into custody. Detective Rossi stated that Mr. [REDACTED] was restrained with his handcuffs, but the officer did not remember who handcuffed Mr. [REDACTED].

The officer stood up and walked to a table. Blood ran from the wound to his forehead/eye onto his uniform and the table. Mr. [REDACTED] gave Detective Rossi a towel. Detective Rossi was dazed but heard discussion coming from where Mr. [REDACTED] was seated against a wall. The officer was unsure, but thought he heard an unknown person slap Mr. [REDACTED].

Sgt. Carroll exited the bar and spoke to Detective Rossi. Sgt. Steinke, the on duty supervisor, was notified of the incident.

In follow-up questioning, Detective Rossi stated that he did not see or hear what caused the initial disturbance between Mr. [REDACTED] and Mr. [REDACTED]. The officer intervened immediately and did not allow the security guards to assault Mr. [REDACTED].

Detective Rossi stated that Mr. [REDACTED] did not acknowledge that he was an officer, but Mr. [REDACTED] knew from the officer's announcement that he was an officer and deliberately struck him. Mr. [REDACTED] was not swinging wildly attempting to defend himself against the security guards.

Detective Rossi did not apply a head lock or Carotid Hold on Mr. [REDACTED]. The officer stated that he did not stomp on, hit, punch, kick, or strike Mr. [REDACTED] before or after he was handcuffed, except that he struck Mr. [REDACTED] between his shoulder blades with palm strikes, to gain compliance in getting Mr. [REDACTED] to place his hands behind his back.

The security guards did not hit, punch, kick, or strike Mr. [REDACTED]. The officer heard conversation among unknown people regarding Ms. [REDACTED]. He was unable to see the action, but thought he heard someone slap Mr. [REDACTED]. Detective Rossi did not strike Mr. [REDACTED].

The officer stated that he thought that the blow by Mr. [REDACTED] caused him to be mentally unconscious for a short period of time. He did not know how Mr. [REDACTED] was handcuffed, but the officer was positive that he did not assault Mr. [REDACTED] during the time he was mentally unconscious.

Detective Rossi initially stated that he lifted Ms. [REDACTED] off of a bouncer. In his Use of Force Report he stated that Ms. [REDACTED] jumped on his back and had to be pulled off of him. When asked about this difference in accounts of this portion of the incident, Detective Rossi stated that both incidents occurred.

The officer stated that he wrote that Ms. [REDACTED] jumped on his back because another unknown bouncer told him that the incident occurred. Detective Rossi did not charge Ms. [REDACTED] with interference because he was not positive that she jumped on his back.

A break was taken from this interview at approximately 0945 hours. The interview continued at 0955 hours. Mr. Dave Bruno was present.

Detective Rossi stated that he was examined by DHMC Paramedics on the night of this incident. The attending Paramedic told the officer that it was not necessary for him to be transported to the hospital immediately, but that he should be examined by a physician on Monday, May 3, 2004.

Sunday evening the officer was at dinner with his family and experienced nausea and dizziness. He responded to Skyridge Hospital that evening, Sunday, May 2, 2004. He was examined by an Emergency Room Physician. Detective Rossi was referred to the Denver Eye Cline, Mark C. Lobanoff, M.D.

I informed the officer that no loss of consciousness (loc) is recorded in the medical reports. Detective Rossi stated that he informed the physician at the hospital and at the clinic that he lost consciousness when he was struck.

Detective Rossi stated that he was bleeding from a laceration in his eyebrow. Stitches were not required to close the wound.

The interview was concluded at 1002 hours, on Thursday, July 8, 2004.

**It is necessary that the reviewer read the interviews in their entirety, and review all audiotapes and videotapes for a comprehensive understanding of this case.**

Respectfully Submitted,

*Sgt W. Greene / 91068*

Sergeant W. Greene/91068  
Internal Affairs Bureau

**POINTS TO CONSIDER**

Points to be considered, in addition to any other violations that may be deemed appropriate:

**Did Officer Michael Rossi, 90012 violate:**

**SPECIFICATION #1:**

**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.

**SPECIFICATION #2:**

**RR-# 115**

Law Violations

As it pertains to: **Assault**

Colorado Revised Statutes Section # **C.R.S. 18-3-204,**

which states: A person commits the crime of assault in the third degree if he knowingly or recklessly causes bodily injury to another person or with criminal negligence he causes bodily injury to another person by means of a deadly weapon. Assault in the third degree is a class 1 misdemeanor.

**SPECIFICATION #3:**

**RR-# 140**

Discourtesy

Officers shall at all time 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.