

Case Number: P200907001

Date of Violation: 06/01/2009

Date Closed: 10/08/2009

Date Received: 07/01/2009

Complainant(s):

██████████

Involved Officers:

Palomares, Jose (P00133)

<u>Violation</u>	<u>RR Code</u>	<u>OMS Code</u>	<u>Other Desc</u>	<u>Disposition</u>	<u>Penalty</u>	<u>Hours</u>		
						<u>Fined</u>	<u>Suspended</u>	<u>Abeysance</u>
Inappropriate Force	306			Not Sustained				
Date Sustained:								
Disposition Category:								
Disposition Level:								

Paez, Hector (P06146)

<u>Violation</u>	<u>RR Code</u>	<u>OMS Code</u>	<u>Other Desc</u>	<u>Disposition</u>	<u>Penalty</u>	<u>Hours</u>		
						<u>Fined</u>	<u>Suspended</u>	<u>Abeysance</u>
Inappropriate Force	306			Not Sustained				
Date Sustained:								
Disposition Category:								
Disposition Level:								

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Rudy Sandoval, Commander, District Four

FROM: Lieutenant Mark Marshall, Detail Three

DATE: September, 16, 2009

SUBJECT: Internal Affairs Bureau Case # P200907001
Complainant: [REDACTED] [REDACTED]
Type of Complaint: Inappropriate Force
Subject Officer: Officer Jose Palomares # 00133
Subject Officer: Officer Hector Paez # 06146

Conclusion:

I reviewed this case and have determined that no further investigation is necessary.

There are several points to consider in this complaint. The first is the reason for the contact. The officers responded to the complainant's location because the complainant was in the daily bulletin. Mr. [REDACTED] had an outstanding warrant for sexual assault. From this point on, Mr. [REDACTED] and the officer's version of the arrest differ greatly. Mr. [REDACTED] states that he answered the door while seated in his wheel chair. He states the officer hit him in the face while he was in his chair. The officers deny this allegation and stated that he was standing when he answered the door. It should be noted that when the Internal Affairs Investigator responded to interview the complainant, he stayed behind the door and his face was near the door edge. If this is how he answered the door then he could have been hit with the door when the officers entered the residence. The officers also stated that the complainant attempted to hold the door closed and they were pushing on the door. This also could have caused the complainant to be struck by the door. The complainant related the officer that struck him had five diamond rings on his hand. I have never observed either officer to wear five rings and they both deny wearing rings. The complainant stated the officers handcuffed his wrists and shackled his ankles. This is a function performed by the sheriff's department personnel not by the police officers. The complainant also stated the officers transported him to the District Four station and then to the city jail He related the officers beat him all the way to the jail. The sheriff's department transported him from District Four to the city jail. The arrest slip states under the remarks category, no visible injuries and no complaints of injuries. If the complainant had injuries the sheriff's department personnel would have brought this to the clerk's attention prior to transporting him to the city jail. It was noted at the city jail that the complainant had swelling in his right cheek.

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Because of the discrepancies in the complainant's description of the event and the possibility that he confused police officers and sheriff's deputies, I cannot sustain the allegation of Inappropriate Force against the officers.

Findings:

For: Officer Jose Palomares # 00133

RR: 306 Inappropriate Force: Officers shall not use unnecessary force or violence in making arrest or in dealing with a prisoner or any persons. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed, or taunted.

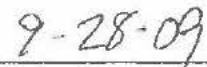
Not Sustained

For Officer Hector Paez # 06146

RR: 306 Inappropriate Force: Officers shall not use unnecessary force or violence in making arrest or in dealing with a prisoner or any persons. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed, or taunted.

Not Sustained


Lieutenant Mark Marshall # 86020


Date

Case # P200907001

Commander Finding and Recommendation

I have reviewed Lieutenant Marshall's summary of this complaint and CONCUR DISAGREE with the findings.

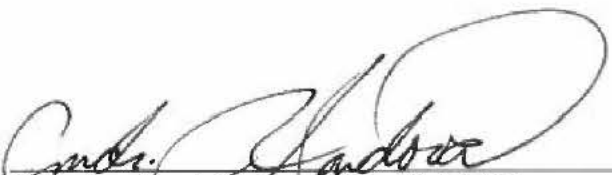
For Officer Jose Palomares # 00133

RR- 306 Excessive Force : Not Sustained

I have reviewed Lieutenant Marshall's summary of this complaint and CONCUR DISAGREE with the findings.

For Officer Hector Paez # 06146

RR- 306 Excessive Force : Not Sustained



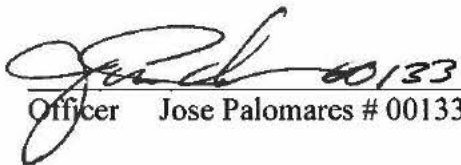
Rudy Sandoval, Commander, District Four

9-25-09
Date

Comments:

Subject Officer Notification:

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



Officer Jose Palomares # 00133

9-28-09
Date

Subject Officer Notification:

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



Officer Hector Paez # 06146

09/28/09
Date

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Division Chief Findings and Recommendations:

I Concur / Disagree with finding.

I Concur / Disagree with penalty recommendation.

Comments:

S/C M. Klee 83013
Division Chief Klee, Patrol Division

10/7/09
Date



John W. Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

September 8,
2009

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000



Dear Mr. [REDACTED]

The complaint you initiated on June 19, 2009, was investigated by the Internal Affairs Bureau of the Denver Police Department and assigned Case # P200907001. The involved officer's commanders then reviewed the case.

Included in the case were statements from the complainant, and the involved officers. Taking into consideration the totality of the circumstances it was found that there is not sufficient evidence to support your allegation that the officers used inappropriate force.

The following are the reasons for this decision:

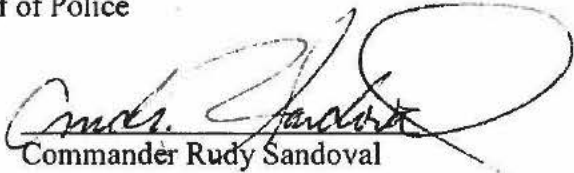
- Conflicting versions of the incident between the complainant and the officers.
- Statements made about the officer wearing rings.
- The lack of any independent witnesses.
- The statement made about the officers using leg shackles.
- The possibility of misidentification between police officers and sheriff's deputies.

Thank you for bringing your concerns to our attention. It is through input from citizens such as yourself that we are better able to identify training and disciplinary needs of the Department.

If you have any further questions regarding this matter, please feel free to contact Commander Rudy Sandoval 720-913-0200.

Sincerely,

Gerald R. Whitman
Chief of Police

By: 
Commander Rudy Sandoval
District Four

EL/mm

19:04 8-1306002

RECEIVED
SEP 10 2009