

Status: Open - Assigned

Case No: P200611025

**Denver Police Department  
Internal Affairs Bureau  
Complaint Summary**

How Complaint Was Received: Phone

Date Received: 11/07/2006

Requesting Station Officer: Davis, Catherine (P83001)

Date Closed: 11/08/2006

Type of Complaint: Improper Procedure - Other

RR Code: 102

OMS Code:

Taken By: Shaklee, Nicole (P89042)

Officer: Vasquez, Joseph (P99039) Assign: District 6

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Officer: Manzanares, Rudy (P04077) Assign: District 6

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Officer: Pineda, Michael (P04096) Assign: District 6

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Complainant	D.O.B.	Home Address	Home Phone	Notify Date
██████████		██████████ Denver, CO	(720) ██████████	

Complainant Officer(s)	Badge #	Assignment

Witness Officer(s)	Badge #	Assignment

Complainant	Type	Address	City	State	Phone

Place of Occurrence:	Second Street	Date	Time	District
3001 N Fox ST	Apartment #315	10/24/2006	02:00	6

**Incident Summary:**

Complainant alleges officers entered her apartment unlawfully and destroyed her personal belongings while inside. Officers responded to a loud party complaint. They left after no one answering the door. When officers were leaving, they witnessed a large fight breakout inside the residence, with one male exiting the party with a cut arm. All parties taken into custody without further incident. The destruction to the complainant's apartment occurred during the fight. The complainant returned after parties were in custody and not a witness to the cause of damage. No misconduct. Declined.

I talked with [redacted] [redacted] on the phone and then went over to her apartment to talk with her in person. She said that she had a small gathering of friends over at her apartment tonight. She did not think that they were loud, but one of the neighbors must have called the police. She said that she turned off the music and did not answer the door when the officers knocked. The officers then went away. She then went to a neighbor's apartment, leaving her own with several of her guests still inside. When she returned, the police were inside her apartment, uninvited, and her guests were all handcuffed. She went on to say that her apartment was now destroyed. There was broken glass and spilled alcohol on the floor. Someone had jumped on her bed and thrown her telephone across the room. In the bathroom, someone had knocked her necklaces off of their hanger.

[redacted] said that she was sure that the officers came back to her apartment and forced their way in because she did not let them in the first time. She then said that she is sure that the officers arrested her friends for no reason and then the officers tore up her apartment. She wanted these officers to be punished and then wanted them to clean up the mess. She did admit that she was not present when the officers entered her apartment and she did not see them ransack her place, but she was still adamant that this is what occurred.

I then talked to the officers involved in this incident. They said that they were dispatched to this apartment because of two separate calls on a loud party / disturbance. They said that they knocked at the door for about five minutes, but no one answered. They did not have a signed complaint and the apartment was quiet at this time. Therefore, they decided to leave.

While they were logging-up, the officers noticed that the disturbance had started again. They decided to go back up to the door and knock some more. However, when they got to the door, they could hear what sounded like a struggle going on inside. They heard wrestling, furniture moving, and glass breaking. The apartment door then burst open and a male with a cut on his arm rushed out. The officers grabbed a hold of him and then went inside the apartment.

The officers found two other males and a female inside the apartment. The apartment was already trashed at this point. The officers were able to take all parties into custody without incident. It was at this point that [redacted] returned to her apartment. The officers obtained medical treatment for the male with the cut on his arm, they issued GD-976454 and GD-976455 to the two males who were involved in the fight, and they detoxed all three of the males.

Finally, I talked with [redacted] about her complaint. The first part of her complaint is that the officers did not have her permission or a warrant to be inside her apartment. I explained to her that even if she did not want the officers in her apartment and even if they did not have a warrant, they are still obligated to come inside if they believe that there is a fight or assault taking place. The second part of her complaint is that the officers trashed her apartment. In my opinion, it is much more reasonable to believe that her drunken / fighting guests destroyed her apartment and not the officers. I also tried to explain this to her.

Therefore, it is my opinion that these officers were using proper procedure and were acting within the Denver Police Department's policy. I would not recommend any further investigation into this matter.

Informal Investigation (Indicate actions taken below)

Debrief/Counseling     Policy Provided     Training Scheduled     Other

Report Completed by: Sergeant Ryan R. Kaspersen, 91062 *Sgt. Ryan R. Kaspersen 91062*

Reviewed By:	District/Unit	Concur <input checked="" type="checkbox"/>	District/Unit	Concur <input checked="" type="checkbox"/>
	Lieutenant: <i>LT JH 89</i>	Not Concur <input type="checkbox"/>	Commander: <i>10126106</i>	Not Concur <input type="checkbox"/>

**IAB RECOMMENDATION**

Commendation     IAB Formal     Station Formal     Service Complaint     Mediation Requested



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 8, 2006

Ms. [REDACTED]  
[REDACTED]  
Denver, CO 80202

RE: P200611025

Dear Ms. [REDACTED]

The Internal Affairs Bureau of the Denver Police Department received your complaint. The purpose of this correspondence is to inform you that your complaint was declined for further investigation. The actions of the officers were within the policies of the Denver Police Department.

In your complaint, you state that the officers unlawfully entered your home on a loud noise complaint. You also state the officers 'trashed' your residence, causing damage to the interior. Lieutenant James Henning investigated your concerns. His investigation disclosed the following facts.

- The officers were called to a loud party. When they attempted to contact you, no one answered the door. You confirm this in your own statement. The officers eventually left. You also state that you left for a period of time, only to return when the officers had already returned and arrested parties inside your residence.
- According to the officers, they returned due to a fight had broken out within the apartment. When they approached your residence, the apartment door burst open, and a male with a cut arm rushed out. The officers detained this male, along with others in your apartment who were fighting. The officers obtained medical treatment for the person with the cut arm.
- By law, an officer does have the right to enter a residence if they know that a crime is occurring, about to occur and has occurred in their presence. The officers deny causing damage to your residence. It is much more reasonable to believe that your guests who were fighting caused the damage. By your own admission, you were gone during the fight and did not witness officers causing any damage to your property.

The Denver Police Department takes these types of allegations very seriously. We are sorry that your experience with our police department was less than positive. If you have any questions please feel free to contact Internal Affairs Bureau at (720) 913-6019.

Sincerely,

John Lamb, Commander  
Internal Affairs Bureau