

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

How Complaint Was Received: Walk In

Date Received: 07/13/2010

Requesting Station Officer:

Date Closed: 08/31/2010

Type of Complaint: Discourtesy

RR Code: 140

OMS Code:

Taken By: Castellano, Gerylann (CASTEG)

Officer: Ballinger, James (P05172) Assign: District 6

Notify Date: 07/20/2010

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Officer: Southern, Robert (P06061) Assign: District 6

Notify Date: 07/20/2010

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

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

Notify Date: 07/20/2010

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Officer: Ulrich, Darren (P97001) Assign: District 6

Notify Date: 07/20/2010

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Complainant	D.O.B.	Home Address	Home Phone	Notify Date
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	

Complainant Officer(s)	Badge #	Assignment

Witness Officer(s)	Badge #	Assignment

Complainant	Type	Address	City	State	Phone
[REDACTED]	Complainant	[REDACTED]	[REDACTED]	CO	[REDACTED]
[REDACTED]	Complainant	[REDACTED]	[REDACTED]	CO	[REDACTED]
[REDACTED]	Witness	[REDACTED]	[REDACTED]	CO	[REDACTED]
[REDACTED]	Witness	[REDACTED]	[REDACTED]	NM	[REDACTED]

Place of Occurrence:	Second Street	Date	Time	District
Colfax AV	Broadway	07/13/2010	12:10	6

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

Incident Summary:

Complainant alleges that he was stopped by offices and illegally searched. He states when officers see him they call him slob, crab and use his first name even though he asks them to call him by his last name. He also alleges that he needed to ask them many times to get their names and badge numbers.

Internal Affairs Bureau Command Review

Assigned By:

Case Assigned To:

Assigned On:



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

August 31, 2010

[REDACTED]

Re: Case # P201007056

Dear [REDACTED]

The purpose of this correspondence is to inform you that your complaint was received and investigated by Lt. Catherine Davis of the District Six Substation.

In your complaint, you alleged that you were contacted and searched illegally while you were standing at a bus stop. You also alleged that the officers that contacted you called you names and that you had to repeatedly ask them for business cards.

The investigation revealed that the officers had probable cause to contact and search you. This was due to the behaviors that they observed, as well as your admission that you were in possession of marijuana.

All of the officers stated that their contact with you was going smoothly until it was interrupted by Mr. [REDACTED] of Cop Watch. The officers adamantly denied calling you any names. They also stated that when you asked for business cards, after you conferred with Mr. [REDACTED] they provided them to you.

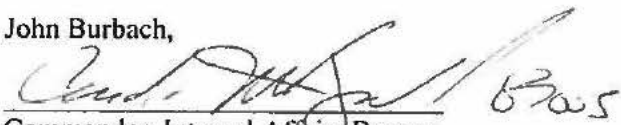
Based on the information that was obtained, we cannot conclude that the officers violated any policies or procedures during their contact with you. Therefore, this complaint will be declined and no further action will be taken.

We recognize and appreciate your willingness to call the police department when you feel that there is a problem and we welcome you to call again. We hope your next experience with us is a positive one.

If you have any questions, please feel free to contact the Office of the Independent Monitor at (720) 913-3306.

Sincerely,

John Burbach,


Commander, Internal Affairs Bureau

COMMENDATION/COMPLAINT INTAKE FORM

Date Received: 07/13/2010		Complaint Nature: Discourtesy/Search Procedures	
Incident Date: 07/13/2010	Time: 12:10	Applicable OMS Code(s):	
Incident Location: Colfax & Broadway		How Complaint Received: Hotline <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> OIM	Complaint Number: P201007056
Complainant #1: (Name and DOB)	Home Address: [REDACTED]		Home Phone: [REDACTED] 2
	City, State, Zip: [REDACTED]		
	Work Address:		Work Phone:
Complainant #2: (Name and DOB)	Home Address:		Home Phone:
	City, State, Zip:		
	Work Address:		Work Phone:
Witness #1: (Name and DOB)	Home Address: [REDACTED]		Home Phone: [REDACTED] 3
	Work Address: [REDACTED]		Work Phone:
Witness #2: (Name and DOB)	Home Address: [REDACTED]		Home Phone: [REDACTED] 2
	Work Address:		Work Phone:
Officer #1: James Ballinger	Badge: P05172	Assignment: District Six	
Officer #2: Robert Southern	Badge: P06061	Assignment: District Six	
Officer #3: Michael Pineda	Badge: P04096	Assignment: District Six	

Complaint Narrative

Officer # 4 Darren Ulrich, # P97001

The complainant stated that the above listed officers contacted him while he was at the bus stop and searched him illegally. The complainant also stated that during the contact, the officers called him names and disrespected him and the complainant had to request the names and badge numbers multiple times.

Follow-up/Investigation

This case was assigned to Lieutenant Davis for follow-up investigation. This lieutenant reviewed the statements obtained from the complainants (██████████ and ██████████ and witnesses (██████████) by the Office of the Independent Monitor.

Mr. ██████████ related that he was standing at the bus stop at Colfax and Broadway waiting for the bus when he was contacted by the listed officers. He related that he was illegally searched and treated unprofessionally. He related that the officers called him names like slob and crab and addressed him by his first name rather than his last name despite him asking that they use his last name. Mr. ██████████ related that the same officers harass him every time they see him and during this contact he had to ask for their names and badge numbers several times before they provided the information.

Mr. ██████████ related that he approached the 'scene' to determine whether or not the three parties the officers were talking to were in custody. He says that Officer Ballinger rudely told him that he would be arrested for harassment even though he was doing nothing wrong. He said that he witnessed Mr. ██████████ ask Officer Pineda for a card and saw the officer rudely snatch a card from ██████████ hand and write his name and badge number on it.

Witness ██████████ related that he approached the bus stop and saw the officers had three parties in handcuffs. He said that he was witness to the officers being very unprofessional with the suspects by using a sarcastic tone of voice and a demeaning manner. He stated that Officers Ballinger and Pineda were the most disrespectful.

Witness ██████████ stated that he saw Officer Pineda grab the card from the man's (██████████) hand in an unprofessional manner and that Officer Ballinger was rude and loud when talking to Mr. ██████████

All four officers involved were interviewed after receiving an Advisement Pursuant to Internal Investigation:

Officer Pineda related that he was at District Six monitoring the HALO (High Activity Location Observation) camera situated at Colfax and Broadway for illegal activity at the location when he observed two black males involved in suspected drug dealing at the bus stop. Officer Pineda stated that he observed the first black male, who was sitting at the bus stop, remove a round container from inside his back pack. The first black male opened the container and removed suspected narcotics from the container and handed it to the second black male. Officer Pineda aired the description of these parties and related what he had observed to the Urban Bike officers (Ballinger, Southern, and Ulrich) patrolling the area. The bike officers made contact with the parties, who were identified as ██████████ and ██████████. Officer Pineda related that he responded to the scene to assist. Officer Pineda related that he asked the three parties where they lived and advised them that the location was known for high narcotic activity. Officer Pineda said that he conducted a pat down search of ██████████ ██████████ not realizing that he had already been searched by Officer Ulrich. Officer Pineda said that shortly after he arrived, CopWatch arrived on scene and began yelling that they were harassing people at the bus stop and violating their civil rights. He said that when asked for a business card, he realized that he was out and wrote his name and badge number on the back of Officer Ulrich's card.

Officer Ulrich related in his statement that Officer Pineda directed them (him and Ballinger and Southern) to the bus stop at Colfax and Broadway after observing two black males selling weed. Officer Pineda described the parties to them and related that they had just sold some marijuana to a third described party. Officer Ulrich said that he made contact with one of the described black males (later identified as [REDACTED] [REDACTED] and was told by Officer Pineda that this party had marijuana in his pants. Officer Ulrich said that he explained to [REDACTED] why he was being contacted and asked him whether or not he had any marijuana on him. Officer Ulrich said that [REDACTED] told him that he 'had a little bud' in his pocket. [REDACTED] was placed into custody and a baggie of marijuana was removed from [REDACTED] right front pocket. Officer Ulrich related that he had [REDACTED] sit down on the bus stop bench.

Officer Ballinger related also that he and Officer Southern and Ulrich, working bicycle patrol, were directed to the bus stop at Colfax and Broadway by Officer Pineda, who had observed a drug sale take place involving two black males and a third party. Officer Ballinger said that he contacted the first described black male, later identified as [REDACTED]. Officer Southern contacted [REDACTED], who had been observed purchasing the marijuana. Officer Ulrich contacted [REDACTED] [REDACTED] and asked him if he had any weed on him, to which he replied, "I have a little bud on me right now". Officer Ballinger said that [REDACTED] [REDACTED] of Cop Watch arrived and began to question the parties they had in custody about whether they were being detained even though they were clearly in handcuffs and not free to leave. Officer Ballinger said that he advised Mr. [REDACTED] that he was interfering and to not speak to the parties and let him know that the officers would talk to him once they were done. Mr. [REDACTED] then began to yell at people at the bus stop that the people being detained were part of the Denver Police Department's war on drugs, the Mayor's Broken Windows campaign targeting the poor people of Denver, etc. Officer Ballinger said [REDACTED] [REDACTED] actions escalated their contact from one in which they had a working rapport with the suspects in custody to the point where [REDACTED] [REDACTED] became highly agitated. Officer Ballinger said that once they released the parties, [REDACTED] [REDACTED] approached [REDACTED] and escorted him away from the officers. They immediately returned and [REDACTED] asked for business cards, which were provided. He said that [REDACTED] then yelled at him that he could no longer call him [REDACTED] and that he was to now call him Mr. [REDACTED]. Officer Ballinger explained to Lieutenant Davis that he knows [REDACTED] from several prior contacts and has always been on a first-name basis with him and said that [REDACTED] even calls him James.

Officer Southern stated that when he arrived at the bus stop, he took control of the party who had purchase marijuana, [REDACTED], who was sitting at the stop rolling a 'blunt' as officers rode up. This party was arrested a search subsequent to arrest revealed [REDACTED] had several baggies of marijuana from both back pockets. [REDACTED] admitted to having just purchased the marijuana but would not identify who had sold it to him. Officer Southern said that during the contact, [REDACTED] [REDACTED] arrived on scene and interrupted their contact with the suspects by asking them if they were in custody and why. Officer Ballinger told [REDACTED] he was interfering and that they would speak to him once they were done. Officer Southern said that [REDACTED] began preaching to the crowd that they were engaging in Manifest Destiny, calling for Chief Whitman's firing, and telling the crowd that their actions were a result of Mayor John Hickenlooper's failed broken windows policing to oppress minorities and the poor. Officer Southern said that as soon as the parties were released, [REDACTED] [REDACTED] ran up to [REDACTED] [REDACTED] and while they were talking, [REDACTED] became increasingly angry toward the officers. [REDACTED] walked off with [REDACTED] [REDACTED] and immediately returned asking for business cards, which were provided. Officer Southern said that it was his impression that [REDACTED] [REDACTED] was coaching [REDACTED] on what to yell at officers and then walked away with him toward 201 W. Colfax. Officer Southern said that prior to [REDACTED] [REDACTED] arrival the contact between the officers and the suspects, including [REDACTED] was smooth and professional. The suspects were compliant and showed no aggression toward the officers.

All officers relate that they had sound probable cause for the contact with all three parties ([REDACTED] and [REDACTED] [REDACTED] and [REDACTED]) and the search of [REDACTED] [REDACTED] was based on the probable cause for the contact and a search incident to arrest after his admission that he did indeed have marijuana on his person. All officers also related that prior to the arrival of [REDACTED] [REDACTED] the contact and arrest of these parties was going smoothly. Everyone involved was compliant and the contact between the officers and parties was professional. All three officers deny any discourtesy and adamantly deny any name-calling. The actions by [REDACTED] [REDACTED] as described by the officers

Report Completed by: Lt. Marcus L. Fountain, # 91036 & Lt. C. DAVIS/83001

Reviewed By:	District/Unit	Concur <input checked="" type="checkbox"/>	District/Unit	Concur <input checked="" type="checkbox"/>
	Lieutenant: H. DAVIS/83001	Not Concur <input type="checkbox"/>	Commander: [Signature]	Not Concur <input type="checkbox"/>

IAB RECOMMENDATION

Commendation IAB Formal Station Formal Service Complaint Mediation Requested

Complaint Narrative (Continued)

Follow-up/Investigation (Continued)

borders on interference. It is apparent to this lieutenant that [redacted] [redacted] injected himself into the situation and sought to incite bystanders with his comments. [redacted] [redacted] has a long-standing history of filing complaints against District Six officers, primarily for failing to provide name and badge number, and it is apparent that he used [redacted] [redacted] to further this agenda. The officers' account show that [redacted] [redacted] directed [redacted] [redacted] to ask for business cards, which were readily provided, thus negating the complaint of failure to provide name and badge and forcing [redacted] to say that, while the officers did provide business cards, that they did so only after having been asked more than once.

I recommend that this case be **DECLINED**.