

Status: Closed

Case No: P201211029

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

How Complaint Was Received: Phone

Date Received: 11/13/2012

Requesting Station Officer:

Date Closed: 12/10/2012

Type of Complaint: Failure to Make or File Reports

RR Code: 607

OMS Code:

Taken By: Love, Tracy (P95073)

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
██████	██████	██████	██████	

Complainant Officer(s)	Badge #	Assignment

Witness Officer(s)	Badge #	Assignment

Complainant	Type	Address	City	State	Phone
██████	Complainant	██████	Denver	CO	██████

Place of Occurrence:	Second Street	Date	Time	District
██████		10/12/2010	09:00	6

Incident Summary:

The Complainant ██████ related that she called the police on or about October 12, 2010 to report that she was a victim of a sex offense that occurred on October 11, 2010 and the subject officer did not file a report.

Internal Affairs Bureau Command Review

Assigned By:

Case Assigned To:

Assigned On:

COMMENDATION/COMPLAINT INTAKE FORM

Date Received: 11/13/12	Time: 1445	Complaint Nature: RR-607 Failure to Make, File, or Complete Official Reports		
Incident Date: 10/12/10	Time: 0900	Applicable OMS Code(s):		
Incident Location: [REDACTED]	How Complaint Received: Phone	Hotline <input type="checkbox"/>	Complaint #: P201211029	
Complainant #1: (Name and DOB) [REDACTED]	Home Address: [REDACTED]	Home Phone: [REDACTED]		
	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:	Home Phone: () -		
	Work Address:	Work Phone: () -		
Witness #2: (Name and DOB)	Home Address:	Home Phone: () -		
	Work Address:	Work Phone: () -		
Officer #1: Officer Michael Pineda	Badge: 04096	Assignment: District Six		
Officer #2:	Badge:	Assignment:		
Officer #3:	Badge:	Assignment:		

Complaint Narrative

The Complainant [REDACTED] related that she called the police on or about October 12, 2010 to report that she was a victim of a sex offense on October 11, 2010 and the subject officer did not make or file a report.

Follow-up/Investigation

(continue on second page if necessary)

- Informal Investigation (Indicate actions taken below)
 Debrief/Counseling
 Policy Provided
 Training Scheduled
 Other _____

Report Completed by: Sgt. Tracy Love, 95073

Reviewed By:	District/Unit	Concur <input type="checkbox"/>	District/Unit	Concur <input type="checkbox"/>
	Lieutenant:	Not Concur <input type="checkbox"/>	Commander:	Not Concur <input type="checkbox"/>

IAB RECOMMENDATION

- Commendation
 IAB Formal
 Station Formal
 Service Complaint
 Mediation Requested

CUFFS II Citizen/Internal Complaint Screen

Progress Notes For Case: P201211029

User: Tracy Love

Investigator	Date (mm/dd/yyyy)	Time	Notes
Love, Tracy (P95073)	11/13/2012		Intake phone interview with Comp Ms. [REDACTED] stated sex assalut rept not done but she described the incident as a possible indecent exposure. Ms. [REDACTED] in interview related she was training to be a rape crisis counselor but had thoughts on how she could be a good counselor if she didn't report the incident from October 2010.
Love, Tracy (P95073)	11/13/2012		Contact Sex Crimes Sgt Wheaton and Det Bueno spoke with both about the incident . transferred Ms. [REDACTED] to Det Bueno. Det Bueno indicated that Ms [REDACTED] would come in to hq this week when he schedule would allow.
Love, Tracy (P95073)	11/14/2012		Obtained copies of detail as well as Ofc Pineda log confirmed he was the only ofc who responded.
Love, Tracy (P95073)	11/13/2012		obtained CAD information about the incident.
Love, Tracy (P95073)	11/14/2012		Recieved a call from Det Bueno who related Ms. [REDACTED] also recounted the incident as a possible indecent exp . Det related he was awaiting Ms [REDACTED] to arrive at HQ for statement and interview to present to DA on possible misd
Love, Tracy (P95073)	11/15/2012		recieved phone call from Ms. [REDACTED] who stated she felt that the Det was not interested in her case felt like not enough was being done. Also stated she just wanted someone to know who the possible suspect was in case another like incident occurred. Ms [REDACTED] stated she would meet with Det after work. Ms [REDACTED] indicated that there were no independent witnesses to this incident.
Love, Tracy (P95073)	11/16/2012		Received email from Det Bueno who related Ms [REDACTED] had not shown up for interview and had not contacted him. Det Bueno related he contact Ms., [REDACTED] and gave her options on how to report /sign complaint. Ms. [REDACTED] expressed a reluctance to report the incident because she was concerned with violating HIPPA
Love, Tracy (P95073)	11/27/2012		Obtained a statement from Ofc Pineda.



CITY AND COUNTY OF DENVER
DEPARTMENT OF SAFETY
FIRE • POLICE • SHERIFF
9-1-1 • COMMUNITY CORRECTIONS
CRIME PREVENTION & CONTROL • SAFE CITY

Internal Affairs Bureau
Denver Police Department
1331 Cherokee Street
Denver, CO 80204-2720
Phone: (720) 913-6019
Fax: (720) 913-7042

November 30, 2012

[REDACTED]

RE: IAB Case Number P201211029

Dear Ms. [REDACTED]

On November 13, 2012, you reported to the Denver Police Department's Internal Affairs Bureau that in October of 2010 you called the Denver Police Department to report a sex assault and the responding officer did not file a report. After a thorough investigation by Sgt. Tracy Love, your case has been declined for disciplinary review for the following reasons:

- The policies of the Denver Police Department generally require complaints of this nature to be filed within 60 days of the incident. When you initiated your complaint nearly 25 months had elapsed since the day of the incident.
- On November 13, 2012, Sgt Love contacted a supervisor from the Denver Police Department's Sex Crimes Investigation Unit and a detective from the unit contacted you about the incident which occurred on October 14, 2010. To this date you still have not signed a complaint. The detective who spoke with you noted that you expressed to him a reluctance to report the indecent exposure incident because of your concerns of a possible violation of (HIPPA) laws. The detective also noted that even though you failed to show up for a scheduled interview with him he provided you with information on your options to report the incident to the Denver Police Sex Crimes Unit and those options are still available to you.
- The involved officer was interviewed and a review of his daily log sheet for October 14, 2010, was completed. The officer documented the incident on his log sheet; including the name of the suspect which you provided, that the suspect was not allowed to return because he had "inappropriately touched himself," and that no report had been taken.
- The officer denied that he talked you out of making a report and that he compared your place of business to a Chinese massage parlor. Both you and the officer indicated that there are no independent witnesses to this incident.

I want to assure you that the Denver Police Department takes all complaints very seriously and a thorough review of this incident was conducted. There is no evidence of officer misconduct in this case. We regret that you had a negative experience in connection with this incident. If you have further questions or concerns, please feel free to contact the Office of the Independent Monitor at 720-913-3306.

Sincerely,

Mary Beth Klee, Commander
Internal Affairs Bureau