

Case Number: 98C0235

How Received: Not Specified

Date of Violation: 8/7/98

Type of Complaint: IAB

Date Received: 8/7/98

Date Back from D/C: 2/19/99

Date to D/C: 11/16/98 1:42:05 P

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

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	90012	Improper Procedure - Other Written Reprimand	102	OMS-105.01	Sustained	District 4
2	90012	Improper Procedure - Other	129		Not Sustained	District 4
3	90012	Improper Procedure - Other	306		Not Sustained	District 4

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	93030	Improper Procedure - Other	102	OMS-105.01	Unfounded	District 3
2	93030	Improper Procedure - Other SSR Entry	129		Sustained	District 3
3	93030	Improper Procedure - Other	306		Unfounded	District 3

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Officer Michael Rossi, 90012, District Four

FROM: W. David Abrams, Deputy Chief of Operations

DATE: February 23, 1999

SUBJECT: WRITTEN REPRIMAND

CASE NUMBER: 98C0235

RE: Officer Michael Rossi, 90012

By authority of the Chief of Police, I am issuing the following Written Reprimand:

This letter is to serve as a WRITTEN REPRIMAND to you for violation of Rules and Regulations Section RR-102, which reads as follows:

RR-102 Violation of Any Department Rule

Officers shall obey all departmental rules, duties, procedures, instructions, or orders, and the provisions of the Operations Manual.


as it pertains to:

105.01 Use of Force in Making Arrest (See RR-300 Series)

- (1) Officers shall immediately report the circumstances of all resistance incidents to a command or supervisory officer who shall respond to the scene or personally contact the officers immediately after the incident.

This written reprimand is the result of your actions of August 7, 1998.

Let this reprimand serve as encouragement to insure your future adherence to the Rules and Regulations of the Denver Police Department.


W. David Abrams, Deputy Chief of Operations

cc: Captain Rudolf Sandoval
Division Chief Gerald Whitman
Human Resource Management Bureau
Internal Affairs Bureau

DENVER POLICE DEPARTMENT
INTER-OFFICE
CORRESPONDENCE

REVIEWED BY		
	INITIALS	DATE
CAPT.	<i>[Signature]</i>	11/16/98
LT.	<i>[Signature]</i>	11/13/98

TO: Captain Mary Beth Klee, District Three Commander

FROM: Lieutenant Charles F. Smith 71111

DATE: October 24, 1998

**SUBJECT: Internal Affairs Complaint # 98C0235 involving the following officers:
Alexander Golston Jr. (93030)
Michael Rossi (90012)**

INCIDENT:

██████████ was involved in a disturbance at the Baja Beach Club located at 2229 Blake Street on 08-07-98. He had to be physically escorted out of the club by Officer Rossi and several club employees.

COMPLAINT:

Mr. ██████████ alleges he got into a shoving match with another patron of the bar and was asked to leave by the club's bouncers. He states he was surrounded by five or six bouncers and was walking out of the club. As he neared the exit, he attempted to grab his dancing partner's hand and was immediately shoved forward by a bouncer. When he reached the front door, an officer placed a forearm hold around his neck and slammed him face first into the ground. Three officers and several club employees held him on the ground and handcuffed him. One of the bouncers "crushed" his hand with his knee into the floor. He was stood up and escorted to an office inside the club. Once in the office, he refused to sit down; and stated a black officer slammed him to the ground and placed a knee in his throat. The officer then placed a chair over him and made him lay on the floor. While on the floor, he asked the black officer for his name and badge number; and the black officer replied, "You don't have to worry about that, all you need to know is that your going to jail." After a short time, the officers let him sit in the chair and took the handcuffs off of his wrists. He was then given a ticket and escorted out of the club.

INVESTIGATION:

This investigation was originally assigned to Sergeant Keesee on 08-17-98, and later assigned to Sergeant Stager on 09-16-98. The investigation was complete, thorough; and no additional interviews needed to be conducted.

Mr. ██████████ first complaint is that Officer Rossi placed a forearm hold around his neck and deliberately slammed him face first into the ground. This is disputed by Officer Rossi and two club employees, Danny Eddy and Mike Minyard. Their statements all concur that Officer Rossi grabbed hold of Mr. ██████████ arm in an attempt to keep him from swinging at the officer and club employees. Mr. ██████████ was struggling as they exited the club and tripped on a stanchion

located just outside of the door. This caused Mr. [REDACTED] Officer Rossi, and the two club employees to fall to the ground. Officer Rossi stated that no one placed a knee on Mr. [REDACTED] hands during the arrest. While on the ground, Officer Rossi handcuffed Mr. [REDACTED] stood him up, and then escorted him back into the club with the assistance of Officer Golston, who had arrived after Mr. [REDACTED] had been handcuffed. ***The outside of the club is a concrete sidewalk, which should have caused some noticeable injury to Mr. [REDACTED] face or forehead if he was in fact slammed down face first. During the physical examination conducted at [REDACTED] on 08-08-98, the doctor made no mention of any injuries, bruising, or discoloration of this area.***

Once inside the office, Mr. [REDACTED] kept charging at Officer Golston and made several racial slurs. When asked to sit down and calm down, Mr. [REDACTED] refused, so Officer Golston placed his hands on Mr. [REDACTED] shoulders and forced him to the ground. Neither officer had any hobbles, so Officer Golston placed a chair over Mr. [REDACTED] to restrain him. Officer Golston stated that the chair never touched Mr. [REDACTED] and he had several inches of room between himself and the chair. Officer Golston denies ever placing his knee in the throat of Mr. [REDACTED] ***It should be noted that Mr. [REDACTED] never complained to the doctor of any injury to his throat on 08-08-98.***

In reference to Mr. [REDACTED] claim that the officers refused to give their name and badge number when he asked, Officer Golston advised that he showed him the arrest slip with their name and badge numbers on it; and he seemed okay with that.

In regards to the possible injury to Mr. [REDACTED] back, he was involved in a fight with two patrons inside the bar, prior to the officers or club employees contacting him. However, it is possible he could have received an injury when he fell to the ground along with Officer Rossi as he was being escorted out of the club. Both Officer Rossi and Officer Golston stated that at no time did Mr. [REDACTED] complain of any injuries to his back; he simply stated that the handcuffs were too tight. When he did this, Officer Golston removed the handcuffs. Both Officers stated Mr. [REDACTED] had no visible injuries.

A party, who identified himself as [REDACTED] [REDACTED] [REDACTED] sent a letter to Internal Affairs claiming he witnessed two officers beating a young man outside the Baja Club. He states in his letter that he was 60-70 feet away and could hear and see everything. He stated that an officer was pulling and twisting the young man's arms while he was handcuffed, but he didn't know if it was the white officer or the black officer. When the officers took the young man back into the club, Mr. [REDACTED] stated he went to the rear of the bar, looked through a window, and could see the black officer assaulting someone on the floor of an office. He states that although he could not see the black officer hitting, kicking, or jumping on the victim; he was sure that the officer was assaulting someone. Mr. [REDACTED] would not agree to an interview, and stated that he had helped as much as he would. On 11-15-96, [REDACTED] [REDACTED] filed an internal affairs complaint against Officer Gerald Thomas for perjury, case # 96110085. Mr. [REDACTED] was issued a citation for speeding and lost at trial. At that time he was advised that Internal Affairs would only investigate perjury complaints referred to them by the courts. Mr. [REDACTED] was upset with this decision and feels the Denver Police Department did him a great injustice. ***On 10-13-98, I responded to the Baja Club and located the window Mr. [REDACTED] claims to have looked through. The window is approximately 20 feet off the ground, and the only thing visible would be the head and shoulders of a person if he were standing.***

Based on all of the available information, I believe the following findings are appropriate concerning the actions of Officer Golston.

Officer Rossi will not be addressed as he works for a different Commander.

Did Officer Alexander Golston Jr., (93030) violate:

SPECIFICATION #1:

RR-102 Violation of Any Department Rule

Officers shall obey all departmental rules, duties, procedures, instructions, or orders, and the provisions of the Operations Manual.

As it pertains to:

Operations Manual Section, 105.01 Use of Force in Making Arrest (1), which states: Officers shall immediately report the circumstances of all resistance incidents to a command or supervisory officer who shall respond to the scene or personally contact the officers immediately after the incident. And **(1) a.**, which states: The primary involved officer will prepare DPD Form 12, Report of Use of Force/Injury Prior to Arrest (UOF), paying particular attention to the facts of the incident. And **c. 2 and 3.**, which state: **c.** The UOF report is required in the following circumstances: **2.** The officer takes any official action that results in, or is alleged to have resulted in, the injury or death of another person. **3.** A person receives an injury, or complains of injury, when an officer applies force through the use of a lethal or non-lethal weapon or procedure to effect arrest, prevent the escape of a person in custody, or to protect the officer or a third party from imminent physical force.

I recommend this specification be **Unfounded** for the following reasons. The complainant had no visible injuries at the time of the incident, nor did he complain of any injuries. He was simply escorted out of the club by the officers and all parties fell to the ground after tripping on a stanchion. While in the office of the club, the complainant was placed on the ground and had a chair put over him to prevent him from charging at Officer Golston. Since the complainant was handcuffed at the time, this was done to prevent possible injury to both the complainant and Officer Golston. Also the complainant was eventually released with an order-in, and not jailed.

SPECIFICATION # 2:

RR-129 Giving Name and Badge Number

Members shall give a business card with their names, badge numbers, and other pertinent information to any violator or other person when requested to do so, unless such action is likely to jeopardize the successful completion of a police assignment.

I recommend this specification be **SUSTAINED**, with a penalty of **SSR ENTRY**.

SPECIFICATION # 3:

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.

I recommend this specification be **UNFOUNDED**.

Respectfully submitted,



Lieutenant Charles F. Smith 71111