

Case Number: 2000C0092
Date of Violation: 04/11/2000
Date Received: 04/11/2000
Date To Station: 05/19/2000

How Received: Not Specified
Type of Complaint: IAB
Date Back from D/C: 07/31/2000

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	95105	Discourtesy	140		Not Sustained	District 6
2	95105	Unnecessary Force	306		Exonerated	District 6
3	95105	Improper Procedure - Other Oral Reprimand	102	OMS-104.50.5	Sustained	District 6

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
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WELLINGTON E. WEBB
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (303) 640-2011

July 13, 2000

[Redacted]
[Redacted]
Denver, CO. 80218

Dear Mr. [Redacted]

The complaint you initiated on April 11, 2000, Case #2000C0092, was received by the Internal Affairs Bureau of the Denver Police Department. The Denver District Attorney's Office and the involved officer's commanders then reviewed the case.

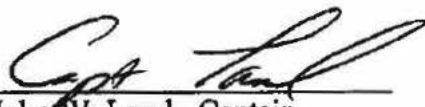
Included in the case were statements from you, the involved officer and other witnesses. Taking into consideration the totality of the circumstances, it was found there is not sufficient evidence to support your allegations that the officers physically abused you, or called you derogatory names. There was a violation of departmental policy, which was dealt with appropriately.

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 Lieutenant Jimmy Martinez of District Six station at 303-839-3624.

Sincerely,

Gerald R. Whitman
Chief of Police

By: 
John W. Lamb, Captain
Commander, District Six

JL/jm

Aug 4 11 23 AM '00
INTERNAL AFFAIRS
DENVER POLICE
DEPARTMENT

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Captain John Lamb

FROM: W. David Abrams, Deputy Chief of Operations

DATE: August 2, 2000

SUBJECT: ORAL REPRIMAND CASE NUMBER: 2000C0092
RE: Officer Todd Rounph, 95105

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

This letter is to serve as an ORAL REPRIMAND for the violation(s) of Rules and Regulations Section 102, as it pertains to Operations Manual Section 104.05 (5), 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:

104.50 Domestic Violence

5) When probable cause does exist, the officer shall arrest and charge the suspect(s) with the appropriate offense(s) (such as assault, disturbance, threats, etc.) in addition to any other outstanding wants or warrants.

Your recommendation that the officer receive an Oral Reprimand for this violation has been reviewed and approved.

Please enter this disciplinary action in the Supervisor's Situation Record, DPD Form #127, then forward a copy of this entry to the Internal Affairs Bureau.


W. David Abrams, Deputy Chief of Operations

cc: Todd Rounph
Captain Daniel O'Hayre, Acting Division Chief of Patrol
Human Resource Management Bureau
Internal Affairs Bureau

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

REVIEWED BY		
	INITIAL	DATE
CAPT.	<i>[Signature]</i>	8/1/00
LT.	<i>[Signature]</i>	7/31/00

TO: John W. Lamb, Captain, Commander District Six
FROM: Jimmy Martinez, Lieutenant, District Six, Sector Three Commander
DATE: July 13, 2000
SUBJECT: IAB Complaint #2000C0092
Re: Officer Rounph #95105

COMPLAINT

The complainant, Mr. [REDACTED] alleges that the officers used derogatory language towards him and his boyfriend (Mr. [REDACTED] while arresting Mr. [REDACTED]. He also claims that the officers used excessive force in making the arrest of Mr. [REDACTED] who was arrested on a warrant, not for domestic violence.

INVESTIGATION

This case originated when Mr. [REDACTED] responded to the Internal Affairs Bureau and filed a letter of complaint. The case was assigned to Sergeant Bridges and then forwarded to me for my review. A synopsis of the case is as follows:

Mr. [REDACTED] related that he and Mr. [REDACTED] had become involved in a domestic dispute. During this time Mr. [REDACTED] had struck him in the head with a plate of chili and had choked him. He called the police and Officers Rounph and Parsons responded. The officers entered their apartment and threw Mr. [REDACTED] to the floor, placing him in handcuffs. The officers kicked, punched and called Mr. [REDACTED] a "fag." Mr. [REDACTED] related that it was Officer Rounph who was verbally and physically abusive and that he had slammed the screen door in his face, which caused his arm to get hurt.

Mr. [REDACTED] related that he and Mr. [REDACTED] had been involved in domestic dispute when Officers Rounph and Parsons arrived. He stated that words were exchanged between him and the officers. They called him a "faggot" and he called them bitches. He was thrown to the ground and had a foot put on the back of his neck, which caused him to become very irate. He was taken outside to a police car and was struck in the back of the head, which caused him to kick one of the officers.

Sergeant Sullivan related that he had responded to assist the officers on a report of a resistance. Upon arrival the officers advised him that Mr. [REDACTED] had been arrested on a warrant. Mr. [REDACTED] kicked Officer Parsons in the leg and shoulder and had to be physically restrained. Mr. [REDACTED] told Sergeant Sullivan that he had no injuries and Sergeant Sullivan did not observe any injuries.

Officer Parsons related that he and Officer Rounph had responded on a call of a domestic. Mr. [REDACTED] met them and related that Mr. [REDACTED] had poured a plate of spaghetti over his head after the two had been arguing. They contacted Mr. [REDACTED] and were waiting for clearance information when Mr. [REDACTED] began to breathe heavily and started clenching his fists. Officer Parson felt threatened and attempted to put him in a twist lock. Mr. [REDACTED] pulled away began to resist, at which time he was taken to the ground and handcuffed. Mr. [REDACTED] was carried out to the police car, as he refused to walk. When they attempted to

place him in the car, Mr. [REDACTED] kicked Officer Parsons in the leg and shoulder. Mr. [REDACTED] was hobbled and transported to District Six where they met Sergeant Sullivan.

During the Q&A period, Officer Parsons related that he had not arrested Mr. [REDACTED] for domestic violence because "[REDACTED] said he didn't want to do anything and the only thing we could have cited him for would have been disturbing the peace." He also added that Officer Rounph did not have any physical contact with Mr. [REDACTED]

Officer Rounph related a comparable version of the incident, as was given by Officer Parsons. He further stated that it was determined that no domestic violence had taken place, as there had only been an argument between Mr. [REDACTED] and Mr. [REDACTED]

Chief Deputy District Attorney Diane Balkin refused prosecution, citing "insufficient evidence to support claimants' version of the incident."

Medical Records: Mr. [REDACTED] stated that he was treated at Presbyterian St. Luke's' Hospital on April 11, 2000. The hospital had no records of such treatment.

CONCLUSION

Mr. [REDACTED] claims that the officers repeatedly assaulted Mr. [REDACTED] and that Officer Rounph had slammed the door in his face, causing injury to his arm. He stated that he was treated at a hospital, yet there was no record of this treatment. Mr. [REDACTED] also claims to have been assaulted by the officers. It was this assault that caused him to kick Officer Parsons. Sergeant Sullivan did not observe any injuries to Mr. [REDACTED] who admitted to kicking Officer Parsons. Mr. [REDACTED] and Mr. [REDACTED] both admit that Mr. [REDACTED] was combative. Both officers also agree that he was resisting arrest. The officers used the force necessary to control the situation.

The officers claim that they did not use derogatory language towards Mr. [REDACTED] or Mr. [REDACTED]. Mr. [REDACTED] and Mr. [REDACTED] claim that the officers referred to them as "fags and faggots." There are no independent witnesses to support either version of the incident.

Mr. [REDACTED] and Mr. [REDACTED] both admit that they were involved in a domestic dispute and that Mr. [REDACTED] had poured a plate of food over Mr. [REDACTED] head. Officer Parsons related that "[REDACTED] said he didn't want to do anything and the only thing we could have cited him for would have been disturbing the peace." By his own admission, there was a violation of the law and based on the relationship of Mr. [REDACTED] and Mr. [REDACTED] this did constitute a case of domestic violence. Only Officer Rounph felt that no domestic violence had taken place.

FINDINGS

My findings are as follows:

As to whether Officers Roumph and Parsons violated **RR-102 Violation of Any Departmental 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 104.50.5 **Domestic Violence**, which states: When probable cause does exist, the officer shall arrest and charge the suspect(s) with the appropriate offense(s) (such as assault, disturbance, threats, etc.) in addition to any other outstanding wants or warrants.

I find the allegation should be carried as **SUSTAINED**.

As to whether Officers Parsons and Roumph violated **RR-140, Discourtesy**.

Officers shall at all times be courteous and civil to the public and to one another. They shall be quiet, orderly, attentive, respectful, and shall exercise patience and discretion in the performance of their duties.

I find the allegation should be carried as **NOT SUSTAINED**. R

As to whether Officers Parsons and Roumph violated **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 find the allegation should be carried as **EXONERATED**.


Respectfully submitted,

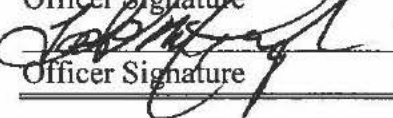
Lt. Jimmy Martinez 82028
Lieutenant Jimmy Martinez

I agree/disagree with the findings of Lieutenant Martinez Capt Lamb Date 7-14-00
Captain John W. Lamb

Recommended Penalty: oral reprimand BOTH OFFICERS
ON RR 102 OMS 104.50.5

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



Officer Signature


Officer Signature


07-17-00
Date
07-17-00
Date

95105

Concur IN PART - RR 306 is NOT SUSTAINED - THE OTHER POINTS TO CONSIDER AND PENALTY I CONCUR WITH.

Capt Samuel J. O'Hayre 7030
Division Chief Daniel O'Hayre, Patrol Division

7-31-00
Date

 7163 8/3/00