

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Captain Michael Battista, Commander, District Six

FROM: W. David Abrams, Deputy Chief of Operations

DATE: March 27, 2002

SUBJECT: ORAL REPRIMAND CASE NUMBER: 2001C0296
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 104.35 (5) a,b, 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:

104.35 Enforcement of Restraining Orders

- (5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:
- a. The officer's supervisor must be called to the scene for verification or assistance.
 - b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.

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: Officer Todd Rounph
Division Chief Daniel O'Hayre
Human Resource Management Bureau
Internal Affairs Bureau

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Captain Michael H. Battista, Commander, District Six

FROM: Lieutenant Patrick Carver, 74039, Commander Details One and Four,
District Six

DATE: 2-12-2

SUBJECT: I.A.B. Complaint #: C2001C0296
Complainant: [REDACTED] [REDACTED]
Type of Complaint: Improper Procedures
(Enforcement of Restraining Orders)
Subject Officers: Todd Rounph, 95105
Charles Wingard, 99043

Conclusion:

I have read the complaint made by [REDACTED] [REDACTED] to the Internal Affairs Bureau. I have also read Sgt. J. Goodfellow's investigation of this complaint, as well as all statements and documentation available to me, appertaining to this incident.

It is worth noting that this complaint is against Detective Michael Hall, 89050 as well as Officers Rounph and Wingard. The portion of the complaint against Detective Hall is not addressed in this letter, as he is not under the command of District Six. This letter only addresses the portion of the complaint involving Officers Rounph and Wingard.

It is easy to see why Officers Rounph and Wingard doubted the validity of the restraining order, and why they would suspect the credibility of Ms [REDACTED] allegations against Ms. [REDACTED]. However, both officers knew that Ms [REDACTED] stated she had a restraining order against Ms [REDACTED] and that she had produced what she claimed to be a valid restraining order. Therefore, whether the restraining order was valid or not they were required by the Operations Manual 104.35(5)a. to call a supervisor to the scene. Neither officer did this.

Officer Rounph was the officer who was physically in contact with Ms [REDACTED] and stated that it was his choice not to act on the restraining order violation. Officer Wingard was with Ms [REDACTED] and was in contact with Officer Rounph during the time of the incident. He stated that it was a joint decision not to act on the restraining order violation. Either officer could have called in a supervisor.

It is worth noting that they did take action on the assault and completed the paperwork and order-ins connected to the assault minus the restraining order violation. So it was not that they disregarded the incident or failed to act.

Findings:

In relation to whether **Officer Todd Rounph, 95105**, violated:

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 applies to:

Operations Manual # 104.35 (5) a & b Enforcement of Restraining Orders

(5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:

- a. The officer's supervisor must be called to the scene for verification or assistance.
- b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.

Sustained

In relation to whether **Officer Charles Wingard, 99043**, violated:

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 applies to:


Operations Manual # 104.35 (5) a & b Enforcement of Restraining Orders

(5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:

- a. The officer's supervisor must be called to the scene for verification or assistance.
- b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.

Sustained

Respectfully Submitted


Lieutenant Patrick E. Carver, 74039
District Six

3-11-2
Date

COMMANDER FINDING AND RECOMMENDATIONS:

I have reviewed Lt. Carver's summary of this complaint and concur/disagree with his findings.

In relation to whether **Officer Todd Rounph, 95105**, violated:

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 applies to:

Operations Manual # 104.35 Enforcement of Restraining Orders

- (5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:
 - a. The officer's supervisor must be called to the scene for verification or assistance.
 - b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.

Sustained

Penalty:

Comparative Discipline for this violation ranges from Minimum to Maximum.

There is no comparative discipline for this violation over the past three years.

I recommend: *Oral Reprimand*

Capt. Mike Butts 8/2015

In relation to whether Officer Charles Wingard, 99043, violated:

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 applies to:

Operations Manual # 104.35 5 a & b Enforcement of Restraining Orders

- (5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:
- a. The officer's supervisor must be called to the scene for verification or assistance.
 - b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.

Sustained

Penalty:

Comparative Discipline for this violation ranges from Minimum to Maximum.

There is no comparative discipline for this violation over the past three years.

I recommend: *Oral Reprimand*

Capt. Mike Battista 82015
Captain Michael H. Battista
Commander, District Six

3/15/02
Date

Subject Officers Notification:

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

T. Roumph 98105
Officer T. Roumph, 98105

032002
Date

C. Wingard 99043
Officer C. Wingard, 99043

3-16-02
Date

DIVISION CHIEF'S FINDINGS AND RECOMMENDATIONS:

Concur / Disagree with the findings

Concur / Disagree with the recommendations

Comments

D. O'Hayre 70030
Division Chief Daniel O'Hayre
Patrol Division

3-16-02
Date

concur w/ Abrams 7163 4/12/02



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

March 11, 2002

[REDACTED]
[REDACTED]
[REDACTED]

Dear Ms [REDACTED]

The complaint you initiated on 12-31-01, was received by the Internal Affairs Bureau of the Denver Police Department. The case was then reviewed by the District Attorney's Office and the involved officer's commanders.

This investigation disclosed that certain violations of Denver Police Department rules were committed. As a result, the complaint against Officers T. Rounph and C. Wingard has been sustained. The Denver Police Department is taking the appropriate actions with Officers T. Rounph and C. Wingard and it will become a part of their permanent employment record.

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 Patrick Carver of District Six at 303-839-2100.

Sincerely,

Gerald R. Whitman
Chief of Police

By: Mike Battista 82015
Michael Battista, Captain
Commander, District Six

MAY 28 9 29 AM '02

INTERNAL AFFAIRS
DENVER POLICE
DEPARTMENT



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: (720) 913-2000

May 21, 2002

Ms. [REDACTED]

Re: Internal Affairs Complaint C 20010296

Complaint: Improper Procedure -
Responsibility to Serve Public
Officer: Detective Michael Hall, 89050

Dear Ms. [REDACTED]

Your complaint regarding Detective Michael Hall was received in the Denver Police Department Internal Affairs Bureau on 12/31/01. A case file was initiated at that time, and the case was sent to the Criminal Investigation Division for a complete investigation. The results of this inquiry were thoroughly reviewed by the command staff of the Denver Police Department.

After conducting a careful review of the entire contents of the completed case file, I have determined that this case shall be categorized as "Not Sustained." That is, there is not sufficient evidence to either prove or disprove the allegations of "use of improper procedure" and "failure to serve the public."

I would like to thank you for bringing this matter to my attention. Should you have need for further information or assistance with regard to this incident, please contact Captain John F. Kilpatrick, 71021, Property Crimes Bureau, 720.913-6729.

Sincerely,

Gerald R. Whitman
Chief of Police

By: Captain John F. Kilpatrick 710 21
Captain John F. Kilpatrick, 71021
Property Crimes Bureau

JFK:kah

MAY 28 9 22 AM '02
INTERNAL AFFAIRS
DENVER POLICE
DEPARTMENT