

**Case Number:** 96080117

**How Received:** Not Specified

**Date of Violation:** 8/8/96

**Type of Complaint:** IAB

**Date of Received:** 8/16/96

**Date Back from D/C:**

**Date Received by D/C:** 12/18/96

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**Complainant(s):** Mr Joel Gonzales, DOB: 2/28/57

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	<b><u>BADGE</u></b>	<b><u>VIOLATION</u></b>	<b><u>RR</u></b>	<b><u>OMS</u></b>	<b><u>DISPOSITION</u></b>	<b><u>ASSIGNMENT</u></b>
1	95105	Improper Procedure - Other SSR Entry	805		Sustained	District 6
2	95105	Law Violation - Other	115		Not Sustained	District 6

**DENVER POLICE DEPARTMENT  
INTER-OFFICE  
CORRESPONDENCE**

REVIEWED BY		
	INITIAL	DATE
CAPT.	<i>[Signature]</i>	12/18/96
LT.	<i>[Signature]</i> 7579	12/18/96

**TO: Captain G. Whitman, Commander District Six**

**FROM: Sergeant Paul A. Berdahl, Detail Four**

**DATE: December 9, 1996**

**SUBJECT: IAB Complaint #96080117, Officer Todd Rounph #95105**

**Complaint**

The complaint alleges the other party involved threatened him with a gun. The vehicle the other party was driving lists to Officer Todd Rounph, 95105.

**Investigation**

This investigation was initiated when the complainant called uniform officers on the 8th of August, 1996 to report that he had been involved in a traffic dispute with the driver of a black Ford pick-up. In that dispute the complainant alleges that the driver of the pick-up told him "I'll put you down" twice and that the same party then showed a gun which he allegedly held in his left hand. This case was then turned over to the assault bureau and was investigated by Det. Rino, 74053. Through his investigation it was determined that the suspect vehicle was owned by Denver Police Officer Todd Rounph. The case was then given over to the Internal Affairs Bureau and was continued by Sergeant Ruiz.

The following is an overview of the statements obtained in this investigation:

The complainant related that he was traveling in his vehicle when the driver of a Ford pick-up pulled up to his car showed a gun and said "I'll put you down" twice. He gave a description of the alleged suspect and the vehicle which included a license plate number.

Detective Rino submitted a written statement in which he related the allegations of the complainant and added that the complainant felt that he was in fear of his life and also had his ten year old daughter in his car during the incident. He related that the complainant indicated that the alleged suspect simply held the gun up so he could see it, and that the complainant did not say the gun was pointed at him.

After numerous attempts to contact the complainant, via phone and registered mail, which were not successful, Sergeant Ruiz brought this case to the District Attorney for review. Deputy DA Balkin reviewed and refused to file this case with the notation that the complainant has not cooperated with our investigation.

Officer Rounph's IAB statement revealed that he was involved in a traffic dispute with the complainant on the alleged date, time and location. He relates that they exchanged profanities and that the complainant then started to get out of his car. To avoid a physical confrontation, Officer Rounph related that he pulled out a can of pepper mace and told the complainant to get back into his car. He states that the incident then ended with the parties going in separate directions. Rounph states that he never used the mace and that he did not show a pistol because he was not armed at this time. He related in his written statement that he did not have his pistol or badge with him as required by RR-805.

Tanya Diblosi was also contacted by Sgt Ruiz reference this investigation. She is Officer Roumph's girlfriend and she does verify that Officer Roumph did not have his weapon with him on this day.

**Conclusion**

Because of the complainants refusal to cooperate with this investigation, he never identified Officer Roumph's vehicle or Officer Roumph as being involved in this incident. It was Officer Roumph who places himself at the scene of this incident and gives a reasonable explanation for what the complainant alleges to have seen. There are no other independent witnesses to this event on S. Colorado Blvd. Officer Roumph does admit to violating RR-805 in his statement.

**Findings**

My findings are as follows:

As to whether Officer Roumph violated **RR-115, Law Violations**, Officers shall obey the charter of the City and County of Denver, All City Ordinances, and all State or Federal Statutes.

I find the allegation should be carried as **Not Sustained**.

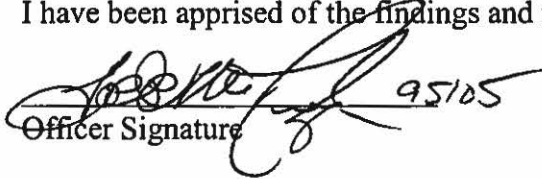
As to whether Officer Roumph violated **RR-805, Equipment Carried on Person**, Officers shall carry their badge and ID card and be armed at all times, except as provided by the Operations Manual.

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

Respectfully Submitted,

Sergeant Paul A. Berdahl, 86059

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

  
Officer Signature

121596  
Date

Concur:

  
Lieutenant Cooper

12.9.96  
Date

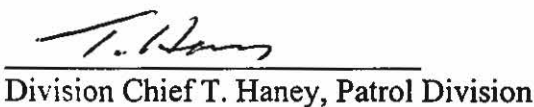
Concur:

  
Captain G. Whitman

121196  
Date

Recommended Penalty:  
SSR ENTRY

Concur:

  
Division Chief T. Haney, Patrol Division

12/10/96  
Date



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

11 December, 1996

Joel Gonzales  
1830 S. Garfield Street  
Denver, CO 80210

Dear Mr. Gonzales:

The complaint you initiated on 08-16-96, Case #96080117, was received by the Internal Affairs Bureau of the Denver Police Department. The case was then reviewed by the involved officer's commanders.

You were contacted by the Denver Police Department on August 9, 1996. Subsequent to that date, and up to and including September 20, 1996, the Denver Police Department made several unsuccessful attempts to contact you for follow-up investigation. These attempts included sending you a registered letter. The department then proceeded with review of the case.

Included in the case were statements from yourself, any other witnesses, and the involved officers. Taking into consideration the totality of the circumstances it was found there is not sufficient evidence to support your allegations that the involved officer committed a law violation.

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 Steve Cooper of District Six station at 839-4779.

Sincerely,

David L. Michaud  
Chief of Police

By:

G.R. Whitman, Captain  
Commander, District Six

GW/sc

DEC 20 4 07 PM '96

RECEIVED  
INTERNAL AFFAIRS  
DENVER POLICE DEPARTMENT  
1331 CHEROKEE STREET  
DENVER, CO 80204