

Case Number: 1999C0181
Date of Violation: 07/09/1999
Date Received: 07/12/1999
Date To Station: 10/18/1999

How Received: Not Specified
Type of Complaint: IAB
Date Back from D/C: 12/21/1999

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

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	73038	Discourtesy	140		Sustained	Crime Laboratory Bureau
		SSR Entry				

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	76005	Discourtesy	140		Sustained	District 6
		Written Reprimand				

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	83016	Discourtesy	140		Not Sustained	Internal Affairs Bureau

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1	95085	Discourtesy	140		Unfounded	District 4

	<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

	<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
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1 95106

Discourtesy

140

Not Sustained

District 5

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

REVIEWED BY		
	INITIAL	DATE
CAPT.	<i>[Signature]</i>	5-4-00
LT.	<i>[Signature]</i>	5/4/00

TO: John W. Lamb, Captain, Commander District Six
FROM: Jimmy Martinez, Lieutenant, District Six, Sector Three Commander
DATE: March 20, 2000
SUBJECT: IAB Complaint #99C0181
Re: Officers Roumph #95105, Murr #95106 and Valerio #76005

COMPLAINT

The complainants, Mr. [REDACTED] Mr. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] allege that Officers Roumph and Valerio used obscene language towards them and threatened to beat them up and throw them to the crocodiles and bugs, after they were contacted about an assault complaint.

INVESTIGATION

This case originated with a complaint being filed with the Internal Affairs Bureau. The case was initially investigated as a law violation (threats) that involved several officers, but was eventually narrowed down to a discourtesy complaint. The case was assigned to Sergeant Towne and then forwarded to me for my review. This case review will only apply to Officers Valerio, Murr and Roumph, as they are the only officers assigned to District Six. A synopsis of the case is as follows:

Mr. [REDACTED] related that he and Mr. [REDACTED] had been at Elitch Gardens Amusement Park, when they were taken to the security office, While at the office, Mr. [REDACTED] stated "I don't know why the fuck were here (sic). At this point several officers, including Officers Roumph and Murr, began making threats about how they would "beat the fuck out of you kids and throw you to the crocodiles and the bugs." Other obscenities and threats were made. During a photo line up, he identified Officer Valerio as the officer who told him "are you eye fucking me. You better quit looking at me before I kick your ass."

Mr. [REDACTED] related that he and his friends were taken to the security office after one of his friends "hit another guy." While in the security office, Officer Valerio told Mr. [REDACTED] "Don't you eye fuck me." Officer Valerio also stated "Who's the liar now, ass hole...you piece of shit." He also went on to say that they were not cooperative with the officers because they did not want to "tell on [REDACTED]" and they were upset about being contacted to begin with. He did not make any complaint against Officer Murr.

Mr. [REDACTED] related the same basic version of the incident as did Mr. [REDACTED] and Mr. [REDACTED] He identified Officer Valerio as the one who made the comments about "eye fucking...beating the shit out of you." He claimed that Officer Roumph made comments about "beat us and throw us to the alligators so they could eat us or put us in a train for the bugs to eat." throw these little bastards in the river and let the crocs deal with them." He did not make any complaint against Officer Murr.

Mr. [REDACTED] related the same basic version as Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] Initially, he claimed that Officer Roumph stated "I'll slap the fucking attitude out of that son of a bitch." Later, he stated that Officer Roumph "really didn't do anything." He claimed that Officer Valerio told Mr. [REDACTED]

that he had better "quit fucking him." He stated that Officer Murr told him that if it were up to him "he would throw us to the gators."

Ms. [REDACTED] is the mother of Mr. [REDACTED]. She was called to Elich Gardens, in order to pick up her son. Her complaint involves Sergeant Sich and does not address Officers Valerio, or Rounph. She was not present when the officers made the alleged comments.

Mr. [REDACTED] was not present when the officers made the alleged comments. His complaint involves Sergeant Sich and does not address Officers Valerio, or Rounph.

[REDACTED] is the father of [REDACTED]; he was not present when the officers made the alleged comments. His complaint involves Sergeant Sich and does not address Officers Valerio, or Rounph.

Mr. [REDACTED] was not present when the officers made the alleged comments. His complaint involves Sergeant Sich and does not address Officers Valerio, or Rounph.

Mr. [REDACTED] was working security at the park but has since left for the Marines and was unavailable for a statement.

[REDACTED] is the is the mother of [REDACTED] [REDACTED] she was not present when the officers made the alleged comments. Her complaint involves Sergeant Sich and does not address Officers Valerio, or Rounph.

[REDACTED] is the niece of [REDACTED] [REDACTED] she was not present when the officers made the alleged comments. Her complaint involves Sergeant Sich and does not address Officers Valerio, or Rounph.

Mr. [REDACTED] who was the captain in charge of Elich security stated that he had responded to the security office where four males were being detained for an assault. He related that the "subjects refused to be cooperative and at times responded with smart aggressive answers...all subjects were determined to not give up the suspect that committed the serious assault resulting in injury." He further stated that at no time did he hear any officer use profanity, or make any threats against anyone.

Mr. [REDACTED] related that he had contacted three individuals who had been involved in an assault. When the officers contacted them they told the officers "You better let us go, or we're going to get lawyers." He further described their conduct as "uncooperative, belligerent." He stated that he was in the security office the entire time that the officers were in the office and at no time did he hear any officer use profanity, or make any threats against anyone.

Officer Parsons related that he was working off-duty at Elitchs, but that he did not have any involvement with the juveniles and did not enter the security office.

Sergeant Sich related that she had responded to the security office, at the request of officers who were already there. She described the parties that were under arrest, as joking and refusing to cooperate. At no time did she hear any officer use profanity, or make any threats against anyone.

Detective Martinez related he was present when the parties were being questioned in the security office. He stated that one of them had told him "fuck you," at which time he responded "no, fuck you and I will with my pen." at no time did he hear any other officer use profanity, or make any threats against anyone.

Officer Rose related that he had responded to the first aid station at the park and had taken an assault report. Later he briefly entered the security office and at no time did he hear any officer use profanity, or make any threats against anyone.

Officer Valerio related that he had gone to the security office in order to deal with the suspects of an assault. He described the suspects as being very cocky and uncooperative. He stated that ^{OFFICER MARTINEZ} he made the comments about "I'll fuck you, but I'll fuck you with my pen." He then related that he had in fact made the statement "Quit eye fucking me...if you have something to say to me, say it." At no time did he hear any other officer use profanity, or make any threats against anyone.

Officer Rounph had also gone to the security to deal with the assault. At no time did he hear any officer use profanity, or make any threats against anyone. He denies threatening, or using profanity against anyone.

Officer Murr related that he was going in and out of the security office, but at no time did he hear any officer use profanity, or make any threats against anyone. He denies threatening, or using profanity against anyone.

CONCLUSION

This case involves many officers, security witnesses, citizen witnesses, at various stages of the incident, with assorted perspectives. There are those who say that the allegations are true and others who deny them. Ultimately, Officer Valerio admits that he used profanity against the complainants, but denies making any threats. Officers Murr and Rounph deny using profanity, or making threats. In their case, there are no unbiased parties who can confirm, or deny the allegations. In their case it becomes the word of one side versus the other.

FINDINGS

My findings are as follows:

As to whether Officer Valerio violated **RR-102** as it pertains to **OMS 116.05 (2), 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 **SUSTAINED.**

As to whether Officers Murr and Roumph violated **RR-102** as it pertains to **OMS 116.05 (2), 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.**

Respectfully submitted,

Lt. J. Martinez 82028
Lieutenant Jimmy Martinez

(OFF. VALERIO:
PENALTY: Written Reprimand)

I agree/disagree with the findings of Lieutenant Martinez.

Captain John W. Lamb
Date 3/20/00

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

Officer Signature [Signature] 95105

Date 032000

Officer Signature [Signature] 9/10/06

Date 032100

Officer Signature [Signature] 76005

Date 04-12-00

Concur:

Capt. Samuel J. O'Hayre 70030
Division Chief Daniel O'Hayre, Patrol Division

5-02-00
Date

Concur [Signature] 7163

6/10/00