

**Case Number:** P200610084

**Date of Violation:** 10/30/2006

**Date Closed:** 11/24/2006

**Date Received:** 10/30/2006

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**Complainant(s):**

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**Involved Officers:**

**Ryan, Michael (P97020)**

<u>Violation</u>	<u>RR Code</u>	<u>OMS Code</u>	<u>Other Desc</u>	<u>Disposition</u>	<u>Penalty</u>	<u>Fined</u>	<u>Suspended</u>	<u>Abeance</u>
Discourtesy	140			Not Sustained				



John W. Hickenlooper  
Mayor

# CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT  
ADMINISTRATION BUILDING  
1331 CHEROKEE STREET  
DENVER, COLORADO 80204-278  
PHONE: (720) 913-2000

November 13, 2006

Mr. [REDACTED]  
[REDACTED]  
Wheatridge, Colorado 80033

Dear Mr. [REDACTED]

The complaint which you filed against an officer of the Denver Police Department (P-200610084) has been thoroughly investigated by the Internal Affairs Bureau and the command staff of the Vice/Drug Control Bureau.

Included in this investigation case file were formal statements written by you and the officer in question. In order to sustain a violation against an officer, I must be able to show by a preponderance of the evidence, that a violation of department policy or procedure was committed by the officer. Based on the available evidence, I am unable to sustain any disciplinary action against the officer.

This decision was based on the following facts:

- There was substantial divergence between your perception of the incident and the officer's own account.
- There were no identified objective witnesses to this event; hence no opportunity to substantiate one particular point of view at the expense of the other.

In conclusion, I wish to assure you that the Denver Police Department is strongly committed to the investigation of citizen complaints against its police officer members. Deliberate wrong doing on the part of Denver Police Officers is not tolerated

I also wish to thank you for bringing this matter to my attention. Should you have need for additional information or assistance with regard to this situation, please contact Captain John F. Kilpatrick, 71021, commander, Vice/Drug Control Bureau, 720-913-6738.

Sincerely,

Gerald R. Whitman  
Chief of Police

*John F. Kilpatrick*  
John F. Kilpatrick  
Commander, Vice/Drug Control Bureau

2006 NOV 24 11:21 AM  
INTERNAL AFFAIRS BUREAU

**DENVER POLICE DEPARTMENT  
INTER-DEPARTMENT  
CORRESPONDENCE**

**TO:** Division Chief David A. Fisher Jr.  
Criminal Investigation Division  
**FROM:** Captain John F. Kilpatrick, 71021 *JFK 11/13/06*  
Commander Vice/Drug Control Bureau  
**DATE:** November 13, 2006

**SUBJECT:** Internal Affairs Bureau Case #P-200610084  
**Complaint:** Discourtesy  
**Complainant:** [REDACTED] [REDACTED]  
**Officer:** Detective Michael Ryan, 97020

On 10-30-2006, the Internal Affairs Bureau of the Denver Police Department received a walk-in complaint from a Mr. [REDACTED] [REDACTED] against Detective Michael Ryan, 97020. The complaint, which alleged discourtesy on the part of Detective Ryan, was taken by Lieutenant Mark Chuck of the Internal Affairs Bureau. A preliminary case file was created and forwarded to the Vice/Drug Control Bureau for further investigation.

**Incident:**

On 10-30-2006, at approximately 1330 hours, complainant [REDACTED] [REDACTED] and Detective Michael Ryan became involved in a traffic dispute while both were traveling eastbound in the 700 block of E. 17<sup>th</sup> Avenue.

**Complaint:**

Complainant [REDACTED] [REDACTED] alleged that Detective Michael Ryan confronted him as the complainant drove his motorcycle eastbound on E. 17<sup>th</sup> Avenue. Complainant [REDACTED] stated that Detective Ryan took issue with Mr. [REDACTED] driving behavior, and then insulted him by calling him obscene names. Mr. [REDACTED] also alleged that Detective Ryan abused his police authority by displaying his badge.

**Investigation:**

Shortly after the confrontation, complainant [REDACTED] [REDACTED] responded to the District 6 Station to lodge a formal complaint. The District 6 personnel in turn notified the Internal Affairs Bureau. Lieutenant Mark Chuck responded from the Internal Affairs Bureau to the District 6 Station to take the formal complaint. He directed the complainant to give an oral and written statement describing the incident. The complainant complied with this request.

████████ stated that he was driving his motorcycle eastbound on E. 17<sup>th</sup> Avenue from Broadway, looking for an open parking space in close proximity to Broadway. Mr. ██████ stated that he "jumped" a lane of traffic after visually checking that it was safe to do so, and continued to search for an open parking space.

At this point, a black pick up truck drove past him in traffic, and the driver told him that he was a "fucking idiot." When the truck stopped some 50 to 100 yards up the street, ██████ pulled up alongside the vehicle, but did not engage the driver in conversation.

At this point, the driver of the truck lowered his window and told Mr. ██████ that he "drove like an idiot." When ██████ made no reply, the driver of the truck asked him if he "had a problem."

At this point, ██████ made a reply, telling the other motorist, "let's go." He then began to drive away on his motorcycle, whereupon the other driver exhibited a police badge and said, "okay, you fucking idiot, let's go. Pull over right there, and we'll go."

The other driver then pointed to a nearby police patrol car and said that he could get them (meaning the attendant police officers) to help him. When Erick ██████ asked the other driver if he was a cop, the driver replied in the affirmative.

At this point, Mr. ██████ pulled in behind the pick up truck and noted the vehicle's license number. As he pulled away from contact with the truck, the driver told him to "have a nice day." ██████ replied in kind, and then drove to the District 6 police station to lodge a formal complaint.

When being interviewed by Internal Affairs Bureau Lieutenant Mark Chuck, ██████ identified his specific complaint as being offended that a police officer would verbally insult him in moving traffic. He stated that he considered the officer's display of his badge as an attempt at intimidation. He felt that such action was a blatant abuse of police power and authority. He completed a formal written statement regarding this incident.

Detective Michael Ryan, 97020, completed a formal written statement on 11-8-2006, regarding this incident. Detective Ryan verified that he was the Denver Police Officer involved in this incident.

Detective Ryan stated that on 10-30-2006, at approximately 1405 hours, he was driving eastbound on E.17<sup>th</sup> Avenue from Broadway enroute to the District 6 Police Station. Detective Ryan stated that he was off-duty and on vacation at this time.

Detective Ryan stated that he observed a motorcycle approaching his vehicle from behind, and being driven very recklessly by a young white male. The motorcyclist was weaving in and out of traffic as he drove.

The driver passed Detective Ryan on the left as both vehicles approached the intersection at Sherman Street. The driver suddenly changed lanes without using a traffic signal, cut in front of Detective Ryan's vehicle, and entered the number 3 traffic lane.

At this point, an unknown motorist in a late 1990's model Toyota narrowly avoided striking the motorcyclist. The driver of the vehicle immediately began to verbally berate the motorcyclist for driving so erratically.

As the vehicles continued eastbound on E. 17<sup>th</sup> Avenue, the motorcyclist continued to abruptly change lanes as the traffic approached Logan Street. The driver in the white Toyota was positioned behind the motorcycle, and continued to loudly express his dissatisfaction with the operator's driving behavior.

At this point, the motorcyclist again abruptly changed lanes, crossing into lane number one and very nearly coming into contact with the vehicle of Detective Ryan. The motorcyclist then pulled to the north curb line of E. 17<sup>th</sup> Avenue and appeared to be parking.

Detective Ryan was moving past the motorcyclist at this point, and shouted at him to watch where he was going. The driver of the small white car continued to admonish the motorcyclist.

The motorcycle operator then left the curb, drove adjacent to Detective Ryan's vehicle, and began to challenge him to a fight. He told the detective, "Pull over, let's do this, come on, let's go. Fuck you; I'll kick your ass."

Detective Ryan then identified himself as a police officer, and displayed his police badge. He advised the motorcyclist about his behavior, then suggested that he take his problem to a police cruiser parked a short distance east on E. 17<sup>th</sup> Avenue.

Detective Ryan also advised this party that Detective Ryan was enroute to the District 6 Station, and that he could follow if he wished. Detective Ryan told the motorcyclist to have a nice day, and then drove directly to the District 6 Station.

Detective Ryan waited at District 6 Station parking lot for a short time to await the other driver. He then entered the District 6 Station, and attempted to locate a police supervisor to make notification of the incident.

At this point, Detective Ryan was informed that the motorcyclist was present at the District 6 Station and was waiting to talk to Commander Deborah Dilley. Commander Dilley in turn advised Detective Ryan that she had notified the Internal Affairs Bureau, and that they were responding to District 6 Station.

Detective Ryan concluded his statement by emphasizing that he did not threaten, challenge, or make an aggressive gesture or move toward the complainant. He stated that he displayed his badge

and his police status only after the motorcyclist pulled alongside his vehicle and became aggressive toward him.

Points to Consider:

Did Detective Michael Ryan, 97020, violate:

Specification #1

RR - 140:

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

Recommendation: **Not Sustained.** That is, insufficient evidence is available to either prove or disprove the allegation.

The separate accounts submitted by complainant [REDACTED] [REDACTED] and Detective Michael Ryan regarding this traffic mishap vary rather widely with regard to what was said by who to whom. The absence of any identified objective witnesses only compounds the issue. After conducting a complete review of the available information, Captain Kilpatrick is not able to make a determination of fault in this case. **Not Sustained.**

I have read the above letter with regard to this case.

*Michael Ryan 97020*  
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Detective Michael Ryan, 97020

*RR-140 DISCONTINUED - NOT SUSTAINED*  
*David A. Fisher Jr. 11/22/06*  
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Division Chief David A. Fisher Jr.  
Criminal Investigation Division

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Deputy Chief Michael Battista