

**Denver Police Department
Internal Affairs Bureau
Complaint Summary**

How Complaint Was Received: Fax

Date Received: 11/14/2006

Requesting Station Officer: Montoya, Joseph (P91011)

Date Closed: 11/28/2006

Type of Complaint: Unnecessary Force

RR Code: 306

OMS Code:

Taken By: Montoya, Joseph (P91011)

Officer: Ryan, Michael (P97020)

Assign: Vice/Drug Control Bureau

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Officer: Lopez, Jay (P01014)

Assign: District 3

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Officer: Jensen, Ronald (P01006)

Assign: District 3

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Complainant	D.O.B.	Home Address	Home Phone	Notify Date
██████	██████	████████████████████ Denver, CO 80205	() -	

Complainant Officer(s)	Badge #	Assignment
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Witness Officer(s)	Badge #	Assignment
Edwards, Clarence	P77006	District 3
Hernandez, Philip	P87008	Crimes Against Persons Bureau

Complainant	Type	Address	City	State	Phone
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Place of Occurrence:	Second Street	Date	Time	District
E Colfax AV	Wabash ST	07/29/2006		3

Incident Summary:

The complainant alleged that several Denver Police Officers beat him and maced him for no reason.



JOHN W. HICKENLOOPER
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

November 21, 2006

Mr. [REDACTED]
[REDACTED]
Denver, CO 80205

RE: P 2006 11 046

Dear Mr. [REDACTED]

The Internal Affairs Bureau of the Denver Police Department received your complaint. The purpose of this correspondence is to inform you your complaint was declined for further investigation.

In your complaint, you state Denver Police Officers contacted you regarding a stolen car on 07/29/06. Furthermore, you reported you were then "slammed to the ground, maced and beaten".

This complaint was assigned to Sergeant Julie Wheaton, of the Internal Affairs Bureau. Sgt. Wheaton located the USE OF FORCE Report associated with your arrest and reviewed it. The USE OF FORCE Report established the following and is the basis for declining the case:

- You were observed, by two Denver Police Officers, exiting the driver's seat of a stolen car and leaving the vehicle in the middle of the street
- The car was stolen out of Greenwood Village, CO, case number 06-6939
- You were lawfully contacted by the officers and rightfully patted down
- The two contacting officers reported you spun and ran from them during the pat down search
- The two contacting officers tackled you and attempted to take you into custody and you resisted arrest by flailing your arms and elbows, and head butting the officers
- The two contacting officers attempted to use a chemical agent (mace) to get you to stop resisting arrest. The mace was not effective
- This resistance was witnessed by an off duty Sergeant (supervisor) and another off duty officer, who came to the officers aide
- The resistance was also witnessed by an on-duty detective who also attempted to assist the now 4 officers, who were trying to take you into custody
- The off duty officer reported seeing you trying to head butt the officers

- All 5 officers reported you were violently resisting arrest and it took all five of them to get you into custody
- Lastly, another Sergeant responded to the scene and attempted to interview you regarding the incident and you ignored him and hummed as if you were listening to music
- Per Denver Police Department Operations Manual, 102 104.01(2)b, "all necessary and reasonable force may be used in making an arrest"
- There is no evidence the officers violated any rule or regulation and on the contrary it appears all 5 officers used great restraint in taking you into custody

The Denver Police Department takes these types of allegations very seriously. If you have any questions please feel free to contact Internal Affairs Bureau at (720) 913-6019.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lamb", written in a cursive style.

John Lamb, Commander, Internal Affairs Bureau

**Denver Police Department
Internal Affairs Bureau
Use of Force Incident Summary**

Witness Name**Address****Phone**

CASE SUMMARY

The officer made contact with the suspect. The officer was attempting to place the suspect into custody when the suspect took off running from the officer. The officer then chased the suspect and tackling him to the ground the suspect immediately began to resist. The officer then sprayed the suspect with mace which this had no effect on the suspect and he continued to resist. The officer then used his sap in the shoulder area but, the suspect continued to fight. With the help of several officers they were able to take the suspect into custody.