

**Case Number:** P200707085

**Date of Violation:** 05/03/2007

**Date Closed:** 02/04/2008

**Date Received:** 07/31/2007

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**Complainant(s):**

No Complainants

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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>Hours</u>		
						<u>Fined</u>	<u>Suspended</u>	<u>Abeyance</u>
Improper Procedure - Other	102	307.08	Meeting with Confidential Informants	Not Sustained				
Improper Procedure - Other	102	307.09	Paying Confidential Informants	Exonerated				

**DENVER POLICE DEPARTMENT  
INTER-DEPARTMENT  
CORRESPONDENCE**

**TO:** Captain K. Kroncke, 82082, Vice /Drug Control Bureau

**FROM:** Lieutenant A. Sanchez, 92047 *hz 92047*

**DATE:** December 20, 2007

**Case Number:** P200707085

**Type of Complaint:** Improper Procedure: Meetings with Informants

Improper Procedure: Payments

**Subject Officer:**

Detective Mike Ryan, 97020

**INCIDENT**

On July 25, 2007, Lieutenant A. Sanchez, 92047 and Captain K. Kroncke 82082, were notified by Vice Sergeant, D. Steele, 99023, of potential improper procedures by Detective M. Ryan, 99023. Information was alleged that Detective Ryan had met with a confidential informant outside of the Denver Police Department's Rules and Regulations, specifically, meeting with a confidential informant of another sex without a second officer present. Information was also alleged Detective Ryan may have used personal funds or monies outside of the Denver Police Department's payment policy to pay the confidential informant.

**COMPLAINT**

On July 21, 2007, Detective D. O'Bannon, 95009, informed Sergeant D. Steele, 99023, he (O'Bannon), had received information from Detective N. Ikeda, 00059, while Detective O'Bannon was the Acting Sergeant, that Detective Ryan was meeting with a female informant by himself and that he had used improper funds to pay the informant for information and work accomplished by the informant.

On July 22, 2007, Sergeant Steele, contacted Lieutenant Sanchez, 92047, about the information received and Sergeant Steele was advised to research the information and contact Detective Ikeda to substantiate the information. On July 24, 2007, Sergeant Steele met with Detective Ikeda who confirmed he believed Detective Ryan was meeting with his informant outside the Denver Police Department's informant policy and had paid her with monies outside the payment policy. Sergeant Steele immediately contacted Lieutenant Sanchez and an investigation to the allegation was opened.

## INVESTIGATION

On July 24, 2007, Lieutenant Sanchez and Sergeant Steele contacted members of the Vice Section and conducted a formal investigation addressing the following issues:

- Did Detective Ryan meet with [REDACTED] outside of the of the Denver Police Department's policies and procedures; specifically did Detective Ryan meet with his confidential informant alone outside the District Two Station, Headquarters or at a public restaurant at any time while utilizing the informant in an investigation.
- Did Detective Ryan use personal funds or monies not authorized by the Denver Police department to pay for work conducted by a confidential informant.

Each officer and detective was advised of their Advisement Pursuant to Internal Investigation and questioned regarding Detective Ryan's actions involving his confidential informant. After interviewing and taking statements from all members of the Vice section and interviewing the confidential informant, the following issues were revealed:

Detective M. Ryan, 97020, was involved in a long term Escort Service investigation involving a confidential informant, hereafter known and referred to as [REDACTED]. The investigation had been approved by the Assistant U.S. Attorney and was being investigated on the Federal level by the Internal Revenue Service. Detective Ryan had previously arrested [REDACTED] for prostitution and he and Detective N. Ikeda, 00059 had signed her up as a confidential informant, following all the Denver Police Department's requirements for informants. [REDACTED] was to assist with other investigations for consideration by the District Attorney's Office on her prostitution case. Between March 2007 and June 2007, Detective Ryan had used [REDACTED] approximately ten different times in a variety of different capacities from meetings to confidential informant deals. Several accounts of Detective Ryan meeting with [REDACTED] were discussed by members of the Vice Section; however, exact dates and times were not given. On one occasion occurring sometime while the Vice section was still assigned to District Two, members of the Vice team observed [REDACTED] vehicle in the District Two parking lot. Officer Schwartz and Officer Maher observed [REDACTED] vehicle in the lot and Officer Maher observed Detective Ryan walk outside of the building with her toward her vehicle. On another occasion, sometime in June, [REDACTED] was observed at Headquarters on a day when the team was not utilizing [REDACTED] as an informant. Detective Ryan was also observed meeting with [REDACTED] for an unknown amount of time, before other members of the Vice team arrived for a scheduled meeting with [REDACTED] at a restaurant in the Stapleton District.

Detective Ryan was questioned about each occasion and explained each circumstance as follows:

Detective Ryan met with [REDACTED] on several occasions, always in a public place and with others in the area. Detective Ryan did meet with [REDACTED] at Headquarters on a day when they were not utilizing her as an informant because she had received a parking citation that she assumed she received while working as a confidential informant. Detective Ryan met [REDACTED] in the lobby of Headquarters, reviewed the date and determined she was not working that day explaining to her she had to pay the ticket on her own. Detective Ryan also met with [REDACTED] before other team members for a briefing at a restaurant but explained that it was very brief and the time and place had been pre-determined and he was on time for the meeting while other detectives were late. Detective Ryan stated he did not meet with [REDACTED] at any time outside the Denver Police Department's confidential informant policy at any time.

As the Federal criminal investigation Detective Ryan was being conducted, Detective Ryan contacted Lieutenant K. Bancroft, 88034, and requested a pre-paid credit card to be used for undercover transactions at the suspected prostitution location. Lieutenant Bancroft approved the credit card and money was taken from the Street Fund Safe Account under voucher #200705007 on May 4, 2007. An undercover operation was set up a couple days later and the credit card was used by Detective Ryan. Initially, the credit card was accepted however, there was a problem with the card two days later and the house of prostitution would not accept the credit card. Detective Ryan contacted Sergeant D. Watts, and explained the failure of the credit card. Sergeant Watts approved Detective Ryan to use his own money and that Ryan would be reimbursed later. Ryan did in fact use his own money for the undercover transaction and was reimbursed later.

## WITNESS STATEMENTS

Confidential Informant [REDACTED] # 2007037

On July 27, 2007, [REDACTED] was interviewed by Lieutenant A. Sanchez, 92047 in the presence of Captain K. Kroncke, 82082, at Police Headquarters. [REDACTED] stated she had become a confidential informant in return for consideration on the prostitution case that she was arrested for and had initially been contacted by Detective N. Ikeda who started as her original contact. She stated she couldn't contact him and he did not follow through in regards to allowing her to work in an informant capacity for consideration on her case. She then started to talk with Detective Ryan who was always with Officer T. Worrell, 99050. [REDACTED] stated she met Detective Ryan the night of her arrest and after Detective Ikeda wouldn't contact her, she began speaking to Detective Ryan. She stated she always met Detective Ryan in a public place with at least one officer present. She further related she had met with Detective Ryan alone only on scheduled meeting times where Detective Ryan was the first detective to arrive and then only for a short period of time, approximately five to ten minutes before other detectives arrived.

[REDACTED] was questioned about a parking ticket she had received and whether or not she received it while working in an informant capacity and if Detective Ryan took care of it at a later time. [REDACTED] stated she did receive a parking ticket and believed it to be while she was acting in an informant capacity but was told by Detective Ryan she did not receive it in such capacity and Detective Ryan would not take care of it for her. She was further asked what her relationship was with Detective Ryan and although she believed him to be a friend, their relationship was strictly professional. Lieutenant Sanchez contacted [REDACTED] on October 24, 2007 at 1145 hours at 970-691-0543 to inquire of additional information she wanted to relay regarding Detective Ryan. [REDACTED] stated she had not spoken to Ryan and had nothing further to add.

## OFFICER STATEMENTS

Lieutenant K. Bancroft, 88034

Lieutenant Bancroft approved a long-term investigation started by Detective Ryan regarding an illegal prostitution and Escort service in Denver. The case was presented to the Assistant United States Attorney who approved of the case to be investigated on the federal level. During the course of the investigation Lt. Bancroft related Ryan and Sergeant D. Watts approached her about buying a pre-paid credit card to be used at the house of prostitution so a paper trail could be created for all purchases on the credit card. The credit card was to be used to purchase services from the house of prostitution and specifically from [REDACTED] the confidential informant who had been hired by the house of prostitution but was working for Detective Ryan on the case. Lieutenant Bancroft approved of the card and on May 4, 2007, the credit card was purchased for \$330.00 using Street Fund Safe account monies on voucher #200705007. The credit card was used but was later found to be problematic because Detective Ryan purchased the credit card using his undercover alias and address. The card was refused and the house of prostitution contacted Detective Ryan, working in his undercover capacity and told him that he owed the money from the credit card transaction. At this time Detective Ryan contacted Sergeant Watts and Watts told Detective Ryan to use personal money to pay for the services and he would be reimbursed later. Detective Ryan did in fact use his own funds and was later compensated from the return money for the purchase of the credit card. Lieutenant Bancroft was notified of the transactions and ordered Sergeant Watts to not use monies outside the Denver Police protocol to purchase evidence in the future. Lieutenant Bancroft felt Sergeant Watts understood her demands and that Sergeant Watts had only ordered such a transaction due to the timeliness of the investigation and the high sensitivity to illegal prostitution operations. Lieutenant Bancroft never saw or new Detective Ryan to be out of policy in regards to meeting his informant.

### Detective D. O'Bannon, 95009

Detective D. O'Bannon was contacted and questioned about Detective Ryan's behaviors and actions toward [REDACTED]. Detective O'Bannon stated he became the Acting Sergeant sometime in June and was the supervisor of the Vice team for about nine weeks. During that time, he was contacted by Detective N. Ikeda, 00059 on two separate occasions regarding Detective Ryan and [REDACTED]. Ikeda told O'Bannon that [REDACTED] had been at Headquarters and Detective Ryan reportedly left shortly after she arrived and [REDACTED] vehicle was observed at District Two but Detective Ryan's vehicle was gone. Detective O'Bannon stated he had no first hand knowledge of inappropriate actions by Detective Ryan toward [REDACTED] and stated he had seen Ryan with [REDACTED] and a Lakewood Agent named Brent Struck but that they were at a prearranged meeting location and Ryan had done nothing wrong. O'Bannon further related that Detective Ikeda had general concerns about Detective Ryan and [REDACTED] but not enough information or first hand knowledge to warrant an investigation.

### Detective N. Ikeda, 00059

Detective Ikeda stated he had no first hand knowledge of Detective Ryan meeting with [REDACTED] but had heard from M. Schwartz, 01008, that [REDACTED] was at headquarters on a day when the Vice team was not doing an operation with [REDACTED] and that Ikeda had concerns about the reason she was at headquarters. Detective Ikeda took the information to Detective O'Bannon who found out [REDACTED] was here to see about a parking ticket. Detective Ikeda stated he had concerns because [REDACTED] had a payment of \$195.00 on her informant card when she was working off a case but later was told by Lieutenant Bancroft she had worked her case off and that was her first volunteer operation that she was compensated for. In Fact, [REDACTED] had completed enough informant operations to complete her requirement for consideration on her previous prostitution arrest.

### Officer M. Schwartz, 01008 (Temporary Vice Detective)

Officer Schwartz related he had seen [REDACTED] on two separate occasions during the course of the investigation, once at headquarters and once at District Two. Both times Schwartz was puzzled about her presence because the team was not conducting an operation with her those days. Schwartz stated he had no first hand knowledge of an inappropriate relationship between [REDACTED] and Detective Ryan but there were informal rumors about the relationship. Schwartz did not see detective Ryan alone with [REDACTED] at any time.

### Officer T. Maher, 04008 (Temporary Vice Detective)

Officer Maher had seen [REDACTED] on two different occasions with Detective Ryan. The first meeting was when Detective Ryan was signing [REDACTED] up to be an informant at District Two. Approximately two months after signing her up Maher observed Detective Ryan leaving out the front door of District Two with [REDACTED] but did not see any inappropriate behavior. Officer Maher stated he had no first hand knowledge of Detective Ryan having a personal relationship with [REDACTED] but stated one time during a prostitution sting Detective Ryan showed him a picture of [REDACTED] and told him how good looking he (Ryan) thought she was.

### Officer T. Worrell, 99050 (Temporary Vice Detective)

Officer Worrell stated that he had gone with Detective Ryan on several occasions to meet with [REDACTED]. Worrell stated he observed Detective Ryan alone one time at a public location with [REDACTED] but that it was a predetermined location. Worrell thought they were there long enough to eat and have a non-alcoholic drink. Worrell stated he was uncomfortable by the way Detective Ryan was flirtatious with [REDACTED] and made him uneasy to be around them. Although Detective Ryan made Worrell uncomfortable around [REDACTED] Worrell saw nothing departmentally wrong.

Officer G. Alarcon, 01047 (Temporary Vice Detective)

Officer G. Alarcon stated he had seen Detective Ryan and [REDACTED] at a predetermined location alone together before other team members had arrived. He did not know how long [REDACTED] and Ryan were alone together but believed they had eaten together. Officer Alarcon stated Ryan had expressed he was attracted to [REDACTED] but had not seen an inappropriate relationship between the two.

Officer J. Morgan, 00102 (Temporary Vice Detective)

Officer J. Morgan did not see any inappropriate behavior by Detective Ryan toward [REDACTED]

Sergeant D. Steele, 99023

Sergeant Steele assisted in the investigation and statement gathering of the Vice Team. Sergeant Steele also took the initial information from Detective Ikeda and notified Lieutenant Sanchez, 92047 and Captain Kroncke, 82082 in a timely manner.

Subject Officer

Detective M. Ryan, 97020

Detective m. Ryan was interviewed and questioned on July 25, 2007 regarding his meetings with [REDACTED] and the handling of payments in an official investigation. Detective Ryan related he had been working on a long term investigation in which [REDACTED] was the confidential informant in a prostitution operation in the City and County of Denver. Detective Ryan stated he had met with [REDACTED] in an official capacity at least ten times as support meetings were necessary and approximately five times conducting confidential informant operations. Detective Ryan stated he only met [REDACTED] in a structured environment at prearranged locations following the department's informant policy. Detective Ryan admitted he might have met [REDACTED] at a prearranged meeting place once or twice before other detectives arrived but it was not intentional and only minutes before team members arrived. Detective Ryan stated [REDACTED] had asked him to look into a parking ticket she had received and after doing so informed her she did not receive it during an informant operation and thus he could not do anything about it.

Detective Ryan stated a credit card was purchased for the investigation in the amount of \$325.00, using his undercover identification. Ryan stated he used the credit card on an undercover operation and was later called by the suspect stating the credit card would not accept the transaction and he needed to pay for services rendered. At this time, Detective Ryan spoke with Sergeant D. Watts, (recently retired), and Watts instructed him to use his own monies to pay for the services and Ryan would be compensated by the Street Fund at a later time. Ryan stated he did use his own monies and was in fact paid at a later time after the credit card was returned and a check was made to John Wayne Newton, Detective Ryan's undercover name. Detective Ryan stated he has never had a personal relationship with [REDACTED] and although he was instructed to use personal monies by his sergeant, for the undercover transaction realizes he should have used the PI PE Street Funds to further this investigation.

## CONCLUSION

After reviewing all statements and interviewing all personnel involved including Detective Ryan and Confidential Informant [REDACTED] the following violations are deemed appropriate to consider:

### **SPECIFICATION #1:**

#### **RR# 102 Violation of any Departmental Rule**

Officers shall obey all departmental rules, duties, procedures, instructions, or orders and the provisions Of the Operations Manual. **As pertains to:**

##### **307.08 Meetings with Informants**

- (2) A second officer shall witness all meetings with informants.

### **SPECIFICATION #2:**

#### **RR# 102 Violation of any Departmental Rule**

Officers shall obey all departmental rules, duties, procedures, instructions, or orders and the provisions Of the Operations Manual. **As pertains to:**

##### **307.09 Payments**

- (3) Only official government funds may be used to pay an informant. Personal funds shall not be utilized for the procurement of evidence or information, to make controlled and/or undercover buys Or for the purpose of paying informants.

## FINDINGS

Did Detective M. Ryan, 97020 violate:

### **RR# 102 Violation of any Departmental Rule**

Officers shall obey all departmental rules, duties, procedures, instructions, or orders and the provisions Of the Operations Manual. **As pertains to:**

#### **307.08 Meetings with Informants**

(2) A second officer shall witness all meetings with informants.

Detective Ryan did in fact conduct a long term investigation with [REDACTED] a confidential informant, and did in fact meet with her on several occasions including informant operations as well as case management and intelligence gathering. Detective Ryan did admit that on at least one and maybe two occasions, he met with [REDACTED] at a prearranged meeting place, in a public place a minute or two before other Vice detectives arrived. Detective Ryan stated it was only because he arrived their first and other detectives arrived right after him. [REDACTED] stated she thinks she was alone with Detective Ryan for just a couple minutes at a Starbuck's waiting for other team members to arrive. [REDACTED] stated they were alone in the public place for a very short time, maybe five or ten minutes. Both [REDACTED] and Detective Ryan believed their relationship was strictly professional and Detective Ryan stated he only met with [REDACTED] at prearranged meeting locations and never contacted outside of the policies and procedures. After reviewing all statements from the Vice team personnel, nobody could recall a time they actually saw Detective Ryan alone with [REDACTED] with the exception of prearranged meeting places where Detective Ryan was the first to arrive.

I find the specific allegation of Violation of Departmental Rule to be:

Not Sustained

Did Detective Ryan, 97020 violate:

### **RR# 102 Violation of any Departmental Rule**

Officers shall obey all departmental rules, duties, procedures, instructions, or orders and the provisions Of the Operations Manual. **As pertains to:**

#### **307.09 Payments**

(3) Only official government funds may be used to pay an informant. Personal funds shall not be utilized for the procurement of evidence or information, to make controlled and/or undercover buys Or for the purpose of paying informants.

On May 3, 2007, Detective Ryan purchased a pre-paid credit card for the amount of \$330.00 and used the credit card for an undercover operation at the house of prostitution on the same date. Shortly after the transaction, Detective Ryan was contacted by the house of prostitution and informed the credit card transaction was not accepted and had to make a

payment in cash for the transaction. Detective Ryan notified Sergeant Watts and Sergeant Watts told Detective Ryan to use his own money to make the payment and he would reimburse Detective Ryan at a later time. Detective Ryan did in fact use his own money and paid for the failed credit card transaction. On May 4, 2007, Detective Ryan took \$330.00 out of the Street Fund account on voucher #2007-05-007. At this time the balance of the Street Fund was reconciled and Sergeant Watts notified Lieutenant Bancroft of the transactions. Lieutenant Bancroft verbally reprimanded Sergeant Watts and ordered him to not use monies other than the Street Fund and to follow all Denver Police procedures.

I find the specific allegation of **Violation of Departmental Rule** to be:

**Sustained**

CAPTAIN'S FINDINGS AND RECOMMENDATIONS

I have reviewed Lieutenant Sanchez' summary of this complaint as it pertains to Detective M. Ryan, 97020 and ~~CONCUR~~ **DISAGREE** with the findings.

Comments:

**Penalty Recommendation:**

RR 102 violation of any Department rule #307.08 (not sus)  
RR 102 violation of any Department rule #307.09 Payment.  
(Sustained) Written Reprimand

Comparative discipline for this violation ranges from: No comparative discipline & 3 year date range

Capt KRK 82082 12/28/2007  
Kris Kroncke, Captain Vice/Drug Control Bureau Date

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

M Ryan 97020 122807  
Officer Signature Serial Number Date

Concur w/ Capt. Kroncke

RR-102 as it pertains to OMS 307.08 - NOT SUSTAINED

RR-102 as it pertains to OMS 307.09 - SUSTAINED / WRITTEN REPRIMAND

David Fisher 97020 01/08/08

Disagree: RR 102 Dept Rule #307.08 Not Sustained  
RR 102 Dept Rule #309.09 Payments Exonerated

Dys Chief [Signature] 1/31/08