

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

How Complaint Was Received: Letter

Date Received: 02/18/2009

Requesting Station Officer:

Date Closed:

Type of Complaint: Law Violation - Theft      Theft

RR Code: 115.1

OMS Code:

Taken By: Clemmons, Ajenai (CLEMMA)

Officer: Ryan, Michael (P97020)

Assign: Vice/Drug Control Bureau

Notify Date:

Case Type: Formal

Assign To: IAB

Complainant	D.O.B.	Home Address	Home Phone	Notify Date
██████████	02/20/1948	██████████ #9 Denver, CO 80237	(303) ██████████	

Complainant Officer(s)	Badge #	Assignment

Witness Officer(s)	Badge #	Assignment

Complainant	Type	Address	City	State	Phone
██████████	Complainant	██████████ #9	Denver	CO	██████████

Place of Occurrence:	Second Street	Date	Time	District
7755 E Quincy AV		10/23/2008	22:10	3

**Incident Summary:**

The complainant is alleging that officers conducted an illegal search of her business adding that money was taken. She further alleges that officers knew that she struggled with the English language and did not provide any interpreter, then lied about her giving consent. OIM is not automatically referring for mediation because of the search and seizure issue.

**Internal Affairs Bureau Command Review**

Assigned By: Perry, Leslie (P87034)

Case Assigned To: Jimenez, Paul

Assigned On: 02/26/2009

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

How Complaint Was Received: Letter

Date Received: 02/18/2009

Requesting Station Officer:

Date Closed: 06/30/2009

Type of Complaint: Improper Procedure - Other      Search and Seizure

RR Code: 102.1

OMS Code: 104.11.12

Taken By: Clemmons, Ajenai (CLEMMA)

Officer: Ryan, Michael (P97020)

Assign: Vice/Drug Control Bureau

Notify Date:

Case Type: Decline

Assign To:

Decline Reason: No Misconduct

Complainant	D.O.B.	Home Address	Home Phone	Notify Date
██████████	██████████	██████████ Denver, CO 80237	(303) ██████████	

Complainant Officer(s)	Badge #	Assignment

Witness Officer(s)	Badge #	Assignment

Complainant	Type	Address	City	State	Phone
██████████	Complainant	██████████ #9	Denver	CO	██████████

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**Internal Affairs Bureau Command Review**

Assigned By:

Case Assigned To:

Assigned On:



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: 720-913-6019

June 30, 2009

Ms. [REDACTED]  
[REDACTED]  
[REDACTED]

Denver, CO 80237

Dear Ms. [REDACTED]

Re: Case P200902063

The purpose of this correspondence is to inform you that a preliminary investigation of your complaint has been completed. Your complaint was received by the Internal Affairs Bureau of the Denver Police Department and was assigned to Sgt. Paul Jimenez on February 26, 2009.

In the complaint you and your son filed, you claimed that Denver Police Officers conducted an illegal search of your residence and that they lied about you giving them consent to search. In addition, you claimed that you were missing \$910 and that a translator should have been provided for you. After a preliminary investigation and reviewing all of the available evidence, your complaint has been declined for further investigation due to the following reasons:

- Your contention that your command of the English language was not sufficient enough to understand the investigating detectives is simply not true. I conducted an entire interview with you in English and you did not indicate to me that you had any problems understanding my questions. To the contrary, you answered all of my questions sufficiently and I understood what you were saying to me as well. If there would have been any language barrier, Detective Ryan would have provided you with a translator as he has done in past investigations where it was an issue. In addition, a number of the Detectives including the operation supervisor, Sgt. Dan Steele, indicated that you did not have any problems speaking or understanding English.
- Your claim that you never provided consent to the detectives is contradicted by several detectives and Sgt. Dan Steele who all say that you acknowledged your Miranda Advisement, waived it, and then gave the detectives verbal consent to search. They all state that at no time during the search, did you revoke your consent.
- All of the detectives state that other than the pre-recorded buy money, the amount of money that was recovered in the search was \$890. This was documented in photographs by the recovering detectives and then placed into the Denver Police Department Property Bureau.

- Detective Ryan's investigation was initiated by a citizen complaint alleging that he was offered a sexual act during his massage at your residence. The investigation confirmed illegal acts of prostitution were in fact taking place at your residence. In addition, you plead guilty to Keeping a place of Prostitution on 02-24-09.
- It should also be noted that this complaint was presented to the District Attorney who refused charges against the officers, citing no reasonable likelihood of conviction.

I want to assure you that the Denver Police Department takes all complaints of officer misconduct very seriously, and that a thorough preliminary investigation was conducted. Based on the preliminary investigation and the lack of evidence to support your allegations (as well as evidence that directly contradicts your allegations), the involved officers did not violate any policies or procedures of the Denver Police Department. Therefore, your complaint has been declined for further investigation and no further action will be taken

If you have any questions feel free to contact Sergeant Paul Jimenez at (720) 913-6019 or the Office of the Independent Monitor at (720) 913-3306.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Burbach", with a stylized flourish at the end.

John Burbach, Commander, Internal Affairs Bureau

**DENVER POLICE DEPARTMENT  
INTERNAL AFFAIRS BUREAU  
STATEMENT**

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<b>Case No.</b>	<b>P2009-02063</b>
<b>Date:</b>	<b>June 12, 2009</b>
<b>Time:</b>	<b>2100 hours</b>
<b>Taken By:</b>	
<b>Location:</b>	

- Complainant  
 Witness  
 Officer

<b>Name:</b>	<b>Detective Michael D. Ryan</b>
<b>Serial No:</b>	<b>97020</b>
<b>Assignment:</b>	<b>Vice and Narcotics Control Bureau</b>
<b>Business Phone:</b>	<b>720-913-6347</b>

On October 23, 2008, at approximately 2140 hours, myself, Detective Michael D. Ryan, 97020, along with other members of the Denver Police Department's Vice and Narcotics Control Bureau, conducted an undercover enforcement action at the location of 7755 East Quincy Avenue, apartment #9, on complaints received of prostitution and prostitution related activity.

In completing such investigation, I proceeded to approach the location under audio and visual surveillance, and was then allowed entry by a subject later identified as [REDACTED] [REDACTED] [REDACTED]. In doing so, I was then led to a downstairs (basement area) room, and then provided \$40.00 in pre-recorded United States currency to the suspect in exchange for one (1) hour of massage time. In completing the massage, I engaged the suspect in conversation (in English), to which she had no problem speaking or understanding.

The suspect would then solicit me for a sexual act of masturbation in exchange for an additional \$40.00. In doing so, an audio arrest signal was provided to cover detectives, who would then make entry and take the suspect [REDACTED] into custody without incident.

I then contacted the party as she had been moved to the living room area, where I then provided her with her verbal Miranda advisement, with her full acknowledgement and waiver. This was witnessed by other Detectives who were at the location, including Daniel O'Bannon, 95009, and I believe Sergeant Daniel Steele, 99023, as well as Bruce Kay (badge unknown).

In doing so, the suspect again understood and spoke English without issue. It was at that time I then asked for and received permission to search the location, as again witnessed by other officers. When asked, [REDACTED] would state in English that we could search and to "Go Ahead." In receiving the verbal authorization, other officers would then complete the search while I proceeded to interview the party. She would then make admissions including "I know it was wrong, I'm sorry, I don't do that no more" in reference to pantomimed actions of masturbation she was making.

*This statement, consisting of 2 page(s), is a true and correct account of the incident in question.*

Signature: \_\_\_\_\_

*M. D. Ryan 97020*

DPD214 (Rev. 10/2001)

**DENVER POLICE DEPARTMENT  
INTERNAL AFFAIRS BUREAU  
STATEMENT**

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The subject would make additional statements as well as officers were completing the search. I did not take part in the search, but did observe items consistent with prostitution being recovered including miscellaneous paperwork, lotions and oils, and currency. In making specific reference to the currency, \$890.00, I know that Detective O'Bannon located the items concealed inside of the suspect's bedroom area, photographed the items, and then released them to Officer Kay, who later placed the items into property on invoice #245077.

The suspect was later jailed for Soliciting for Prostitution, Keeping a Place of Prostitution and Prostitution. She would later plea guilty in court (316R) to the Keeping a Place or Prostitution, with an asset/forfeiture action being completed as well by the Denver District Attorney's Office. While at court, I had contact with her and her attorney, the conversations took place in English, and [REDACTED] thanked me when I left.

In noting the consent, she completely understood her rights without reservation and provided the consent as well. If not, we have access to language speakers through different sources and would have made arrangements to communicate with her through them, as we have done in the past.

In noting the search, if she would have not provided consent, or would have revoked her consent at any time, I would have simply written a warrant for the location with more than enough probable cause. Again, this is something I have done in the past and would have done this time as well if there was any concern.

In noting the allegation on the theft of money, I was not involved in the search, but did witness the currency being recovered from her bedroom area by O'Bannon, and know the amount of \$890.00 to be accurate.

*This statement, consisting of 2 page(s), is a true and correct account of the incident in question.*

Signature: \_\_\_\_\_

*M. J. Kelly 97020*