

Case Number: P200905093

Date of Violation: 04/24/2009

Date Closed: 10/23/2009

Date Received: 05/22/2009

Complainant(s):



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>Hours</u>	
							<u>Suspended</u>	<u>Abevance</u>
Responsibilities To Serve The Public	127			Unfounded				
Date Sustained:								
Disposition Category:								
Disposition Level:								

Steele, Daniel (P99023)

<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>Hours</u>	
							<u>Suspended</u>	<u>Abevance</u>
Inappropriate Force	306			Not Sustained				
Date Sustained:								
Disposition Category:								
Disposition Level:								

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: Lt. Aaron Sanchez, Vice/Drug Control Bureau
FROM: Sgt. Mark Fall, 88036, Supervisor Street 30 *MM*
DATE: 09/17/09
SUBJECT: Case Number: P2009 05093
Complainant: [REDACTED]
Type of Complaint: Responsibility to Serve the Public
Subject Officer: Michael Ryan 97020

Incident

On April 24, 2009, the 50's Vice Team conducted Liquor Age Compliance Operations throughout the City and County of Denver. One of the locations that was checked by the Vice Team was the Aztlan Theater Bar. The operation involved an undercover Denver Police Detective and a twenty year old police cadet that was also working in a controlled plain clothes capacity. The undercover detective and cadet responded to the location and found that the door to the business was locked. The undercover detective and cadet were able to speak with an unknown party inside the establishment and ultimately they were allowed inside the business by the owner (see Vice Case Summary). Once inside the establishment, the cadet and detective sat down at the bar and the owner sold them two beers (Bud Lights) stating that "he recognized them from the neighborhood". The cadet paid for the beers and the owner neglected to ask for either parties' age or ID to verify that both of the parties were at least 21 years of age. Detective Tafoya gave the prearranged bust signal and the arrest teams responded to the location. The arrest team included detectives with raid jackets and Police ID's hanging on chains around their neck and also uniformed Police Officers. Once inside the bar, Sgt. Steele and Detective Ryan took the lead on the investigation as the Sergeant and Detective routinely run these operations. The complainant alleges that when detectives entered that they were rude and that Sgt. Steele used inappropriate force on both the complainant and his wife.

The complainant also alleges that the operation and subsequent arrest was a retaliation for a prior complaint that the complainant filed with Internal Affairs Bureau against the Vice Detectives resulting from a sting operation that occurred on March 13, 2009. The complainant states that Detective Ryan mentioned the letter to his son and that he told his son [REDACTED] (witness) that everybody in the office had read the previous complaint letter and then stated that Detective Ryan told him "yeah they don't like the letter [REDACTED]"

Investigation

This investigation was initially received by the Internal Affairs Bureau and was assigned to Sgt. Jaime Lucero for follow-up investigation on May 5, 2009. Sergeant Lucero conducted a thorough and complete investigation, which included reviewing all pertinent documentation and then conducting extensive interviews including copies of all audio and/or video tapes. At the conclusion of the investigation this case was forwarded to the Vice/Drug Control Bureau for recommendation. Sgt. Mark Fall reviewed this case due to being in a temporary assignment of

Acting Lieutenant. Sgt. Fall reviewed the case and all related materials that were included with this case. The complainant witnesses included the complainant, [REDACTED] the complainant's son [REDACTED] and the complainant's wife, [REDACTED]. There were also two parties acting as security guards inside the establishment (Mr. [REDACTED] and Mr. [REDACTED] as well as two additional parties who were present and all of the above gave statements to Internal Affairs. The case also included interviews and facts related to the first investigation that resulted from the first complaint made to Internal Affairs. Additionally, the investigation included statements from all officers involved as well as a statement from District 6 Precinct Officers who are familiar with the problems at the location and a prior letter that was written to Excise and License by one of those officers.

- Sgt fall reviewed the complaint made by Mr. [REDACTED] and found that the complaint was very specific on some facts, but indecisive on other facts. Witness officers related they observed the complainant (Mr. [REDACTED] and another party allow the undercover detective and Cadet inside the closed business. The complainant relates that "someone" allowed the detective and cadet inside, but he could not remember who that person was.
- After reviewing other statements, [REDACTED] related that she reluctantly let the parties inside and finally in the statement written by [REDACTED] she related that she was somewhat certain that [REDACTED] allowed the parties come inside.
- Mr. [REDACTED] related that he told the parties he was closed, but then admits to the fact that he "served" the male. The witness, [REDACTED] states that [REDACTED] allowed the parties inside because he felt bad for the guy and knew the "guy" (Detective Tafoya) from the neighborhood. The facts of this case are that nobody in the bar knew the detective or cadet, because they are not from the neighborhood.
- [REDACTED] stated that at no time did he refuse to stay seated; however his son stated that his father was asked to take seat, and that "when he stood up" Sgt. Steele approached his father and twisted his arm. The witness, [REDACTED] wrote in her statement that "Mr. [REDACTED] stood up from his bar stool because he was "anxious and upset".
- Sgt. Fall also reviewed the statements related to the complaint against Detective Ryan related to "Responsibilities to Serve the Public".
- The complaint from [REDACTED] implies that as soon as detectives entered the bar that Detective immediately entered the bar and mentioned the previous complaint letter written by [REDACTED]
- The statement by [REDACTED] states that Detective Ryan allegedly told [REDACTED] that the (Vice Bureau) had seen the letter and that it was not true. Mrs. [REDACTED] statement states that she had overheard Detective Ryan discussing the letter to the independent monitor, stating that Detective Ryan said "we read it and we didn't like it, it was full of lies". The witness [REDACTED] related in her statement that she heard [REDACTED] ask Detective Ryan "is this about the letter" and that Detective Ryan stated "oh yeah, we got your letter.

Sgt. Fall reviewed all of the statements of the officers and find that they are consistent in the response to the undercover operation. The statements all agree that there was a sting operation and that during that operation a violation was identified and police action was taken. In reviewing the officer statements only Sgt. Steele and Detective Ryan referred to statements being made about the previous arrest and the subsequent complaint letter and both officers were adamant that any discussions of the previous complaint were initiated by [REDACTED] and [REDACTED] as they accused officers of "setting up the bar" and/or "retaliating against the bar".

Conclusion

After reviewing all the statements from the complainant, civilian witnesses, witness officers and the subject officers, the following conclusions have been determined. Mr. [REDACTED] basic allegations are that he was arrested and set-up by officers from the Vice Bureau due to the fact that he had filed an IAB complaint against Detective Dan O'Bannon after his business was cited for a liquor violation on March 13, 2009. [REDACTED] further alleges that when he was arrested by Sgt. Steel that his arm was twisted violently and that Sergeant Steele also pushed his wife. The complaint further alleges that Detective Ryan was in the business openly admitting that the entire Vice Bureau had read the complainants letter that was written to the Independent Monitor and somehow inferring that this operation was in response to that.

In reviewing the Vice/Drug Case Summary Sheet several facts are immediately evident. The case Summary Sheet was completed on the day of the event and referred to the fact that [REDACTED] was uncooperative and non-compliant from the very beginning of the contact by the police. It appears evident from most of the statements including from the complainant, the witnesses and several officers that [REDACTED] was upset. The complainant and witness statements refer to the complainant only asking questions, but the statement from [REDACTED] refers to [REDACTED] being upset and anxious. The officer statements describe Mr. [REDACTED] as yelling about being targeted and set-up by detectives and also agitated and uncooperative. It appears evident that from the onset of the operation, [REDACTED] would follow-up with a second complaint due to the fact that for a second straight [REDACTED] The establishment had been involved in another violation of City ordinance and the requirements on his license. In the statement by Sgt. Steele he relates that that he had conducted a pre-operational briefing reference this and all location and had reminded all officers to be professional due to the previous incident at this location.

It is the conclusion of this investigation that on April 24, 2009 the Vice Bureau conducted an Underage Liquor Compliance operation at a total of 38 liquor establishments, which included liquor stores and establishments that serve liquor. During that operation, 9 parties were arrested for sale of alcohol to a minor and 4 parties were arrested for no merchant guard license. It is common practice for follow-up investigations to be conducted on locations that had been found to be in a previous violation. It is not disputed that the undercover detective and cadet were allowed inside an allegedly closed business and served alcohol. The witnesses allege that Sgt. Steele used inappropriate force describing a department approved control hold by the phrase of ringing out a rag causing severe pain. If this was the case then due to the complainants age and described use of force, there should have been some physical damage that unquestionably should have required medical attention. If this sting operation was in fact some type of retribution for the previous complaint, it is highly unlikely that officers would have openly discussed that fact or mentioned it in any capacity. It is highly likely that the current complaint is a reaction to the second confirmed violation of the complainant liquor license. Due to this investigation, the following is a determination and recommendation as to the following violations:

Findings

Did Detective Michael Ryan, 97020 violate:

Specification #1

RR-127-Responsibilities to Serve the Public

Members shall serve the public by direction, counsel, and other ways that do not interfere with the discharge of their police responsibilities. They shall respect the rights of individuals and perform their services with honesty, zeal, courage, discretion infidelity, and sound judgment.

I find the specific allegation of Responsibility to serve the Public to be: **Unfounded**

Captains Findings and Recommendations

I have reviewed Sgt. Falls' summary of this complaint as it pertains to Detective Michael Ryan and I **CONCUR / DISAGREE** with the finding.

LT. Sanchez 92017 9/19/2009 Acting Captain
Aaron Sanchez, Lieutenant Vice/Drug Control Bureau Date

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

M. Sedby 97020 100709
Officer Signature Serial Number Date

Concur: RR-127 Responsibilities to
Serve the Public UNFOUNDED
as to Det. Ryan

David A. [Signature] 06270 10/22/09



CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

JOHN W. HICKENLOOPER
Mayor

October 22, 2009



Re: Case P 2009 05 093

Dear Mr. [REDACTED]

The complaint you filed against Sergeant Daniel Steele and Detective Michael Ryan has been thoroughly investigated by command personnel in the Vice/Drug Control Bureau. The results of that investigation have been presented to me for review and recommendations. I wish to share my findings with you.

Included in the investigation were statements by you, other witnesses and officers who were present at the scene. 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 sergeant or the detective. Based on available evidence, I am unable to sustain any disciplinary action against the sergeant or the detective.

I sincerely hope that any future contacts you have with members of the Denver Police Department will be more favorable in nature.

If you have any questions concerning this matter, please feel free to contact Captain William Nagle at the Vice/Drug Control Bureau, (720) 913-6785.

Sincerely,

Gerald Whitman
Chief of Police

By: LT [Signature] 92047 10/22/09
Lieutenant Aaron Sanchez, 92047
Commander, Vice/ Drug Control Bureau