

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

How Complaint Was Received: Letter

Date Received: 05/26/2009

Requesting Station Officer:

Date Closed: 06/12/2009

Type of Complaint: Unnecessary Force

RR Code: 306

OMS Code:

Taken By: Castellano, Gerylann (CASTEG)

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 |
|-------------|--------|--------------|------------|-------------|
|-------------|--------|--------------|------------|-------------|

| Complainant Officer(s) | Badge # | Assignment |
|------------------------|---------|------------|
|------------------------|---------|------------|

| Witness Officer(s) | Badge # | Assignment               |
|--------------------|---------|--------------------------|
| OBannon, Daniel    | P95009  | Vice/Drug Control Bureau |

| Complainant    | Type    | Address            | City   | State | Phone      |
|----------------|---------|--------------------|--------|-------|------------|
| ██████, ██████ | Witness | ██████████████████ | Denver | CO    | ██████████ |

| Place of Occurrence: | Second Street | Date       | Time  | District |
|----------------------|---------------|------------|-------|----------|
| N Broadway           | 16TH AV       | 05/22/2009 | 17:45 | 6        |

**Incident Summary:**

Complainant is a witness to the alleged incident. Complainant saw an unmarked green SUV stop in the street and 3 plain clothes officers ran out of the vehicle toward an elderly man on a bike, one of the officers allegedly pointing a taser or gun at the man. They yelled at him to stop and he did, however, one of the other officers knocked the man to the ground with the bicycle still between his legs. The witness believes this was unnecessary and excessive.

**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 80204-278  
PHONE: (720) 913-2000

June 8, 2009

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

Dear [REDACTED]

The purpose of this correspondence is to inform you that your complaint was declined. A preliminary investigation of your complaint disclosed that no misconduct occurred and the officers were within the policies of the Denver Police Department.

Your complaint was received by the Denver Police Internal Affairs Bureau on June 4, 2009, and was assigned to Sergeant Kimalee A. Hull with case number P2009-05103

After reviewing all the evidence, your case has been declined for the following reasons:

- You observed three plain clothes officers run towards an elderly man on a bicycle at 16th Avenue and Broadway.
- You stated that one of the officers pointed a taser or gun at the man.
- You stated that the officers yelled at the man to stop, and when he didn't stop one of the officers knocked him to the ground.
- This individual was identified and contacted by Sergeant Kimalee Hull on June 5, 2009.
- In a taped phone conversation with this individual, he stated that the officers that arrested him treated him fairly and did not act inappropriately.
- The individual was arrested as a result of a lawful investigation.

Based on the arrestee's statement and those of the involved officers, it was determined that there was no misconduct and this complaint has been declined.

I want to assure you that the Denver Police Department takes all complaints very seriously. Thank you for your time and bringing this to our attention.

If you have any questions, please feel free to contact the Office of the Independent Monitor at 720-913-3306.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cardi J. Burbach 3/7/05". The signature is written in a cursive style with a large initial "C".

John Burbach

Commander, Internal Affairs Bureau

Status: Open - Assigned

Case No: P200905103

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

How Complaint Was Received: Letter

Date Received: 05/26/2009

Requesting Station Officer:

Date Closed:

Type of Complaint: Unnecessary Force

RR Code: 306

OMS Code:

Taken By: Castellano, Gerylann (CASTEG)

Officer: OBannon, Daniel (P95009) Assign: Vice/Drug Control Bureau

Notify Date: 06/09/2009

Case Type: Formal

Assign To: IAB

| Complainant | D.O.B. | Home Address | Home Phone | Notify Date |
|-------------|--------|--------------|------------|-------------|
|-------------|--------|--------------|------------|-------------|

| Complainant Officer(s) | Badge # | Assignment |
|------------------------|---------|------------|
|------------------------|---------|------------|

| Witness Officer(s) | Badge # | Assignment |
|--------------------|---------|------------|
|--------------------|---------|------------|

| Complainant | Type    | Address    | City   | State | Phone      |
|-------------|---------|------------|--------|-------|------------|
| ██████      | Witness | ██████████ | Denver | CO    | ██████████ |

| Place of Occurrence: | Second Street | Date       | Time  | District |
|----------------------|---------------|------------|-------|----------|
| N Broadway           | 16TH AV       | 05/22/2009 | 17:45 | 6        |

**Incident Summary:**

Complainant is a witness to the alleged incident. Complainant saw an unmarked green SUV stop in the street and 3 plain clothes officers ran out of the vehicle toward an elderly man on a bike, one of the officers allegedly pointing a taser or gun at the man. They yelled at him to stop and he did, however, one of the other officers knocked the man to the ground with the bicycle still between his legs. The witness believes this was unnecessary and excessive.

**Internal Affairs Bureau Command Review**

Assigned By: Perry, Leslie (P87034)

Case Assigned To: Hull, Kimalee

Assigned On:

**DENVER POLICE DEPARTMENT  
INTERNAL AFFAIRS BUREAU  
STATEMENT**

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|                  |                        |
|------------------|------------------------|
| <b>Case No.</b>  | <b>P200905103</b>      |
| <b>Date:</b>     | <b>06/09/2009</b>      |
| <b>Time:</b>     | <b>1800</b>            |
| <b>Taken By:</b> | <b>Sgt. Hull 78020</b> |
| <b>Location:</b> | <b>IAB</b>             |

Complainant  
 Witness  
 Officer

|                        |                                       |
|------------------------|---------------------------------------|
| <b>Name:</b>           | <b>Detective Daniel O'Bannon</b>      |
| <b>Serial No:</b>      | <b>95009</b>                          |
| <b>Assignment:</b>     | <b>Vice &amp; Drug Control Bureau</b> |
| <b>Business Phone:</b> | <b>720-913-6763</b>                   |

On May 22, 2009 at approximately 1740 hours, members of the Denver Police Department's Vice and Drug Control Bureau (50 Team) with the assistance of uniformed arrest teams conducted an undercover narcotics buy/bust operation in Civic center Park located at 1499 Broadway. This operation was in response to numerous complaints and knowledge of narcotics sales and usage in the park.

I (Call sign Zebra 51) was assigned to monitor the operation both visually and audibly (recorded) through the kel-kit. Officer Brian Pacelko, 00019, was assigned the role of the undercover officer and provided prerecorded funds with which to purchase narcotics.

U/C Officer Pacelko contacted and purchased an amount of marijuana from a white male, later identified as [REDACTED], who was riding a gray bicycle. Once U/C Officer Pacelko gave the predetermined bust signal, I relayed the information to the uniformed arrest team members. Uniformed arrest team members were responding when [REDACTED] rode off to West Colfax Avenue and Broadway out of Civic Center Park. I maintained visual surveillance of [REDACTED] and gave responding arrest team members continual updates via the radio of his location and where he was heading.

I lost a visual of [REDACTED] as he rode north bound on Broadway in the 1500 block which Broadway is a one way street south bound. I parallel [REDACTED] in the same direction and was able to reacquire a visual of [REDACTED] at the south east corner of E. 16<sup>th</sup> Avenue and Broadway. I saw no uniformed arrest team members in the area and exited my undercover vehicle. I pulled my handgun to the low ready and gave [REDACTED] commands, "Stop, Police, and Don't Move!" [REDACTED] stopped at which point Detective Michael Ryan, 97020, whom was riding in the vehicle with me, grabbed [REDACTED] off his bicycle and laid [REDACTED] on the ground. I then holstered my weapon, came up and placed [REDACTED] into handcuffs for Sales/Possession of Marijuana. I turned custody of [REDACTED] over to the uniform officers whom eventually responded and returned to my vehicle.

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

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

*Daniel O'Bannon 95009*

**DENVER POLICE DEPARTMENT  
INTERNAL AFFAIRS BUREAU  
STATEMENT**

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██████ was arrested and jailed for Sales/Possession of Marijuana on case# ██████████. This ended my contact with ████████ during this event.

Q. Did the suspect get injured?

A. No *2095-9*

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

Signature: *David O'Bannon 95009*