

Case Number: P201003007

Date of Violation: 03/02/2010

Date Closed: 07/21/2010

Date Received: 03/02/2010

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>Hours</u>		
						<u>Fined</u>	<u>Suspended</u>	<u>Abeyance</u>
Conduct Prejudicial	105			Exonerated				
Date Sustained:								
Disposition Category:								
Disposition Level:								

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: David Fisher, Division Chief of Criminal Investigations
FROM: William Nagle, Captain, Vice/Drug Control Bureau *WN*
DATE: May 5, 2010
SUBJECT: Internal Affairs Case P2010-03-071⁰⁰⁷

This memorandum is to explain my reasons for disagreeing with the findings of Lieutenant Mark Fleecs in Internal Affairs Case Number P2010-03-071. This is a very complex case that is continuing to develop. Lt. Fleecs finds the case as **Not Sustained**. A **Not Sustained** finding would apply if the case investigation lead to an inconclusive result, not resulting in a preponderance of the evidence to sustain the allegations, or exonerate the allegations. A preponderance of the evidence is a "feather's weight" more than 50-50. I believe that the evidence clearly indicates by a preponderance of the evidence that Detective Ryan acted appropriately and should be **Exonerated**.

Lt. Fleecs lists the complaints of Dr. [REDACTED] to include:

- Detective Ryan contacted Dr. [REDACTED] in an unofficial capacity using his official title and position.
- Detective Ryan contacted Dr. [REDACTED] on his personal cellular telephone to conduct official business.
- Detective Ryan is a personal friend of [REDACTED] [REDACTED] and is trying to intimidate him through his official capacity.
- Detective Ryan abused his position by threatening to arrest Dr. [REDACTED] personally and come to his office at Children's Hospital.

An additional complaint alleged by Dr. [REDACTED] not covered by Lt. Fleecs was that Detective Ryan did not reveal his name and badge number in his conversations with him and hang up on [REDACTED] [REDACTED]

Relationship with [REDACTED] [REDACTED]

The investigation reveals that Detective Mike Ryan does not have an on-going relationship with [REDACTED] [REDACTED]. His only contact with her has been at a prior incidence when [REDACTED] [REDACTED] was investigating a prostitution story. She recently ran into him at the [REDACTED] Trial. When [REDACTED] [REDACTED] first became concerned with the situation with Doctor [REDACTED] she called a friend who is a "commander" in the Denver Police Department. She declined to name this party. Her first inclination was not to call Detective Ryan, but instead she called someone else. She only thought of contacting Detective Ryan when she inadvertently ran into him at the [REDACTED] trial.

████████ Sherman contacted Detective Ryan three times. On the first two contacts ██████████ ██████████ expressed her concern and declined Detective Ryan's advice to make a police report. ██████████ ██████████ related that in her one face-to-face meeting she thought he was a creeper and wanted to end the meeting, agreeing to possibly meet him in the future to just get rid of him. This was a meeting arranged through an internet site. She only gave her first name to Dr. ██████████ in order to maintain her anonymity. The next day she called him and said she did not want to see him again. Instead she got another call from him where he related he knew her full name, legal and stage, he knew where she worked, where she lived, her child's name and other personal information. This was very unsettling, but she continued to refuse to make a police report citing a book on dealing with celebrity stalking situations that advised to ignore provocations.

The third call was at 0430 hours in the morning while she was in Mexico on vacation. In this call she related to Detective Ryan that Dr. ██████████ had called her and accused her of harassing his friend and having her news organization bug his office at ██████████ hospital. She was frightened at his raving and accusatory manner. Ryan characterized her demeanor as being in "a state of panic". She thought he was acting so irrationally that he may be on drugs. Detective Ryan again advised her to make a police report as soon as she got back from Mexico. Detective Ryan also offered to call Dr. ██████████ and advise him not to call her any more. This is what led to the subsequent contact between Dr. ██████████ and Detective Ryan.

Unofficial Capacity/Personal Cell Phone

Detective Ryan directed Ms. ██████████ to make a police report and got the name of a detective in the Crimes Against Persons Bureau to receive the complaint. Detective Ryan did not offer to take the report himself, but directed it to the correct bureau. Detective Ryan made the call to Dr. ██████████ to alleviate Ms. ██████████ fears and to try to keep the incident from expanding. In this conversation with Dr. ██████████ Detective Ryan told Dr. ██████████ that he was a Denver Police officer and was contacting him relative to his harassment of ██████████ ██████████. He stated that he should have no further contact with her and that if he continued to harass her he could be arrested. He also advised him that Ms. ██████████ had stated she was going to make a police report when she returned from Mexico. Detective Ryan took the time to explain the legal ramifications of the crime of harassment. He gave Dr. ██████████ his cell phone number, name and badge number to call if he had any other questions. Detective Ryan characterized the conversation as beginning very cordially, but as the conversation continued Dr. ██████████ became more and more loud, rambling and disconnected.

Dr. ██████████ characterizes this contact differently. He states that Detective Ryan said HE would come down there to the hospital and personally arrest him, purposely to embarrass him at work. Detective Ryan had three contacts with Ms. ██████████ who refused to make a police report in two. She had promised to make a police report when she returned, but days later, she may change her mind after having calmed down, common in domestic type situations. Detective Ryan had no reason to overstate his case.

His purpose was to advise Dr. ██████████ to discontinue any contact with Ms. ██████████. This was apparently effective. In subsequent conversations with Sergeant Shanna Clark, Dr. ██████████ continually tries to get Sergeant Clark to say that it is okay for him to contact Ms. ██████████ and her

place of work. Sergeant Clark gives Dr. [REDACTED] the same advice Detective Ryan gave him, not to have any contact. It is clear Detective Ryan directed the investigation to the appropriate bureau and his only reason for contacting Dr. [REDACTED] was to assure Ms. [REDACTED] she was safe and to end the harassment, to try to head off the situation from getting worse. If Detective Ryan were to make a personal crusade of this incident he could have taken the case via telephone and filed it himself. Detective Ryan acted appropriately and well within his discretion.

The phone number he gave was also a DPD NEXTEL number. Dr. Hamper's efforts to characterize this as a personal cell phone are to try to indicate that Detective was acting out of his official capacity. He was incorrect.

Name and Badge Number

During conversations with Sergeant Clark Dr. [REDACTED] related that Detective Ryan did not divulge his name badge number and assignment. He further related that when his friend [REDACTED] [REDACTED] ([REDACTED] called Detective Ryan on his behalf, Detective Ryan hung up on her when she asked for his name and badge number. [REDACTED] [REDACTED] ([REDACTED] however, stated she never called or spoke to Detective Ryan. She did call the Denver Police non-emergency line to confirm that Detective Mike Ryan 97020 worked for the DPD. She got his name and badge number from Dr. [REDACTED]. He was trying to fabricate a rule violation against Detective Ryan.

Subsequent Events

How could Dr. [REDACTED] interpret Detective Ryan's words and intent so differently? He did so by design. He was trying to create an alternate reality where he was the victim of a conspiracy to defame him and ruin his career. Ms. [REDACTED] and Detective Ryan both thought him irrational and possibly on drugs. Subsequent investigation has found that he is being investigated by the DEA for 400 possible bad scripts. He is also charged with stealing drugs from one of his alleged witnesses ([REDACTED]) in Colorado Springs. Dr. [REDACTED] fears of a sex scandal were fueled by drug abuse. I listened to the tapes of his conversations with Sergeant Clark and I too thought he was suffering from drug problems.

Dr. [REDACTED] has harassed [REDACTED] [REDACTED] ([REDACTED]) in an attempt to have her make false statements at civil and criminal hearings. He has broken her car window, taken her anti-seizure drugs (Colorado Springs charges) and made veiled threats to hurt her in her custody battle for her daughter. [REDACTED] [REDACTED] has since sought a restraining order against Dr. [REDACTED] and has turned over evidence of his witness tampering efforts over to Ms. [REDACTED] lawyers.

[REDACTED] [REDACTED] now wonders if the phone calls she received, the alleged harassment of Dr. [REDACTED] friend ([REDACTED] [REDACTED]) that precipitated his early morning call to Mexico was not a set up from Dr. [REDACTED] trying to manipulate her into being a witness on his behalf. Listen to the tape of the conversation between Lt. Fleets and [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] also suspects she knows the castoff characters who made the calls that began her part in this ordeal. She believes they are associates of Dr. [REDACTED] who have subsequently contacted her in other aspects of this saga. [REDACTED] ([REDACTED]) believes she was manipulated by fictitious phone calls and direct appeals and threats to make false statements. Dr. [REDACTED] even delivered \$2,000 to her to

make false statements. When this did not work he broke her car window and told [REDACTED] ([REDACTED]) that Ms. [REDACTED] did it, but agreed to pay for the damage. [REDACTED] [REDACTED] ([REDACTED]) has become an unwitting and unwanted player in a saga orchestrated by Dr. [REDACTED] in an effort to cover up his sexual peccadilloes. It is Dr. [REDACTED] altered reality fueled by his apparent drug abuse that has led to the pass he is in today.

The important thing to take note of, is that prior to Detective Ryan becoming involved, Dr. [REDACTED] was already partaking in a series of actions to manipulate [REDACTED] [REDACTED] ([REDACTED]) toward being an adverse witness against Ms. [REDACTED], and as soon as Detective Ryan came on the scene, Dr. [REDACTED] tried to get her to make false statements about Detective Ryan. Fortunately for Ms. [REDACTED] and for Detective Ryan, [REDACTED] [REDACTED] ([REDACTED]) had the courage to stand up to the manipulation and say, "No!"

Suborning false testimony, witness intimidation, lies, threats, theft of drugs, etc., certainly these facts exceed a feather's weight in the preponderance of evidence that Detective Ryan is innocent of any wrong doing. His actions were appropriate. This case should be carried with a finding of **Exonerated**. This is not a mere "He said/She said" situation. Dr. [REDACTED] rapid spiral is unfortunate and sad. To some there is no difference between a **Not Sustained** and **Exonerated** finding, but when the facts abundantly support a finding of **Exonerated** we owe it to the officers to recognize the fact.

Concur: *Harold A. Fisher*
07/28/10

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: David A. Fisher, Jr., Division Chief, Criminal Investigation Division

THRU: Chain of Command

FROM: Mark Fleecs, Lieutenant, Front Range Task Force

DATE: May 4, 2010

SUBJECT: Internal Affairs Bureau Complaint #P201003007
Complainant: [REDACTED]
Type of Complaint: Conduct Prejudicial
Subject Officer: Michael Ryan 97020

INCIDENT

The complainant, [REDACTED] reported he received a telephone call from Detective Michael Ryan on March 2, 2010. Dr. [REDACTED] stated Detective Ryan informed him a harassment complaint had been filed against him by [REDACTED]

COMPLAINT

- That Detective Ryan contacted Dr. [REDACTED] in an unofficial capacity using his official title and position.
- That Detective Ryan contacted Dr. [REDACTED] utilizing his personal cellular telephone to conduct official business.
- That Detective Ryan is a personal friend of [REDACTED] and is trying to intimidate him through his official capacity.
- That Detective Ryan abused his position by threatening to arrest Dr. [REDACTED] personally and come to his office at [REDACTED] to embarrass him.

IAB INVESTIGATION

The complaint in this case was made on March 2, 2010, and on March 4th was assigned to Sergeant Shanna Clark of the Internal Affairs Bureau for investigation. Sgt. Clark conducted interviews with the following individuals:

- | | | |
|---------------------------|-------------|---------------------------|
| • [REDACTED] | Complainant | Telephone, audio recorded |
| • [REDACTED] ([REDACTED]) | Witness | Telephone, audio recorded |

- | | | |
|------------------------------------|-----------------|------------------------------|
| • [REDACTED] [REDACTED] [REDACTED] | Witness | Video interview, recorded |
| • James Medina | Witness Officer | Interview, written statement |
| • Michael Ryan | Subject Officer | Video interview, recorded |

It is necessary to review all recordings and written statements in their entirety to have a complete understanding of this case. The following are summaries of these interviews:

Dr. [REDACTED]

Dr. [REDACTED] was interviewed three separate times by Sgt. Clark; on March 2nd, 4th and 5th. All three conversations were audio taped.

March 2nd

On March 2nd Dr. [REDACTED] [REDACTED] informed Sgt. Clark that Detective Mike Ryan had called him regarding a harassment complaint, and did this from his private cellular telephone in an unofficial capacity. Dr. [REDACTED] stated that Detective Ryan gave him a call-back number ([REDACTED]), and had told him it was his personal cell phone number. Dr. [REDACTED] stated Detective Ryan threatened to come to his place of employment ([REDACTED]) to embarrass him. Dr. [REDACTED] stated Detective Ryan told him that [REDACTED] had filed a harassment complaint against him, and instructed him not to contact Ms. [REDACTED] or he would be arrested by Detective Ryan. When asked, Dr. [REDACTED] stated that Detective Ryan identified himself by saying "My name is Mike Ryan, and I'm with the Denver Police". Dr. [REDACTED] and Detective Ryan called each other four times that day:

1. 1130 hrs – Detective Ryan called Dr. [REDACTED] to advise him of the complaint and to not contact [REDACTED]
2. 1330 hrs – Dr. [REDACTED] called Detective Ryan to report suspicious activity in his office earlier that morning by leaving a voice message.
3. 1515 hrs – Detective Ryan returned the 1330 phone call and told Dr. [REDACTED] that the suspicious office activity was probably coincidental to a series of harassing phone calls made to his friend – [REDACTED] Detective Ryan repeated that [REDACTED] was scared and wanted Dr. [REDACTED] to leave her alone.
4. 1900 hrs – Dr. [REDACTED] called Detective Ryan to ask for his badge number and the District he worked.

Dr. [REDACTED] explained he met [REDACTED] [REDACTED] through the [REDACTED] website, and communicated with her approximately a dozen times on-line before they met in person. They met once in person on January 12, 2010, and subsequently spoke twice over the telephone; once shortly after they met and once on March 2, 2010 at approximately 0400 hours. Dr. [REDACTED] contacted [REDACTED] [REDACTED] on March 2nd because a friend ([REDACTED] aka [REDACTED]) had received three phone calls the previous day from two different individuals identifying themselves as being from Channel 9. The first call [REDACTED] received revealed a caller ID. Dr. [REDACTED] after receiving this number from [REDACTED] called this number and connected to [REDACTED] [REDACTED] voice mail. Dr. [REDACTED] felt that [REDACTED] [REDACTED] was orchestrating these phone calls as a way of preempting what she feared Dr. [REDACTED] would do; publicizing their activity on an adult web site. He stated that both he and [REDACTED] [REDACTED] had much to lose if their adult activity became known; he could be negatively impacted in his profession as an emergency room physician if his superiors found out and she could be damaged as a public figure.

Dr. [REDACTED] stated he asked [REDACTED] [REDACTED] to call Detective Ryan in an effort to verify his information and obtain his badge number. According to Dr. [REDACTED] Ms. [REDACTED] called Detective Ryan at approximately 6pm on March 2nd on [REDACTED]. Detective Ryan said "Hello", and [REDACTED] responded, "Is this Officer Ryan...Mike Ryan?" Detective Ryan answered, "Yes", and [REDACTED] continued, "Ok, before I talk with you I would like to know your badge number and district". Detective Ryan then hung up on [REDACTED] without giving her any further information.

March 4th

Dr. [REDACTED] called Sgt. Clark and asked for an update on the case. During this 30 minute phone call, Dr. [REDACTED] informed Sgt. Clark that [REDACTED] [REDACTED] had received repeated harassing phone calls averaging 60 calls per hour the previous day. He reported that an Aurora police officer reportedly responded and advised that without threats to her life there was nothing the police department could do. Sgt. Clark advised Dr. [REDACTED] to tell [REDACTED] to again report this activity to the Aurora Police Department, and Dr. [REDACTED] advised that [REDACTED] is in the middle of a custody battle and was reluctant to have more police involvement. Dr. [REDACTED] repeatedly expressed a desire to contact [REDACTED] [REDACTED] or her work supervisor, but Sgt. Clark advised against it each time. Dr. [REDACTED] was critical of the hypocrisy shown by [REDACTED] [REDACTED] an [REDACTED] [REDACTED] who broke a story on [REDACTED] [REDACTED]. Dr. [REDACTED] repeated he felt it was a violation of his civil rights to have a police officer, in response to a personal request from [REDACTED] [REDACTED] to help her chase him away, threaten to arrest him.

March 5th

In this 37 minute call, Dr. [REDACTED] informed Sgt. Clark that he was having difficulty obtaining call records from his cell phone provider in order to prove that the calls to him from Detective Ryan had occurred. He felt that Detective Ryan might have blocked his number to hide evidence of his calls. Dr. [REDACTED] expressed concern over questions asked by Sgt. Clark to [REDACTED] [REDACTED] regarding Dr. [REDACTED] ex-wife - [REDACTED]. ([REDACTED] had mentioned [REDACTED] name during her interview when talking about the harassing phone calls) Dr. [REDACTED] thought that [REDACTED] would be harmed if she became aware of Dr. [REDACTED] adult swinging activity, and stated that he would drop the complaint against Detective Ryan if it was determined that [REDACTED] would have to be contacted as a step in the investigation. Dr. [REDACTED] advised Sgt. Clark that [REDACTED] [REDACTED] supervisor had contacted him, and he informed this supervisor of the calls that his friend [REDACTED] had been receiving and his suspicion that [REDACTED] [REDACTED] was behind these calls. Dr. [REDACTED] reported that he threatened the supervisor with exposing [REDACTED] [REDACTED] [REDACTED] and to go to [REDACTED] with the story if the harassment doesn't stop or if he received another call from the detective.

[REDACTED] [REDACTED] aka: [REDACTED]

[REDACTED] [REDACTED] was interviewed three times by Sgt. Clark; on March 4th and twice on April 7th. All three conversations were audio taped.

March 4th

[REDACTED] [REDACTED] told Sgt. Clark that she met Dr. [REDACTED] on January 2, 2010 through a "swingers website". With regard to the harassing phone calls mentioned by Dr. [REDACTED] [REDACTED] informed Sgt.

Clark that she had received three telephone calls on Monday, March 1st. The first call was from a female who said she was an [REDACTED] on Dr. [REDACTED] and asked [REDACTED] if she knew [REDACTED]. When [REDACTED] responded affirmatively, the female asked if [REDACTED] had met Dr. [REDACTED] on [REDACTED]. [REDACTED] responded by saying "neither", that she didn't want to be involved, and then hung up. This caller gave no name or news agency affiliation. [REDACTED] later gave the caller ID number [REDACTED]. [REDACTED] later clarified this number to be [REDACTED] from this call to Dr. [REDACTED]. A few hours later, [REDACTED] received another call from an unknown male who stated he was calling to "get clarification for [REDACTED]", and that if she had any pictures of [REDACTED] or any information to please call [REDACTED]. [REDACTED] told this caller that she didn't want to be involved. Both of these calls were received on [REDACTED] home telephone, which [REDACTED] said was unlisted.

On Tuesday, March 2nd [REDACTED] was asked by Dr. [REDACTED] to call Detective Ryan's cellular phone to confirm his status as a police officer. [REDACTED] refused to call Detective Ryan, but instead called the police department to ask about Detective Ryan. [REDACTED] was told by an unknown person that Detective Ryan did, in fact, work for the police department and that he was a narcotics detective. When [REDACTED] relayed this information to Dr. [REDACTED] he apparently didn't believe her and decided to call the police department himself to confirm the status.

April 7th

Sgt. Clark called [REDACTED] to ask about telephone records that she had requested during the March 4th interview. [REDACTED] promised to email the records to Sgt. Clark that afternoon. [REDACTED] called Sgt. Clark later in the day to inform her that she had been contacted by Dr. [REDACTED] attorneys, and that they had asked her not to speak with Sgt. Clark anymore or send any records without going through their office.

[REDACTED] aka: [REDACTED]

[REDACTED] ([REDACTED]) was interviewed by Sgt. Clark on March 11, 2010. This interview was video tape recorded.

[REDACTED] stated she met Dr. [REDACTED] on an internet site and communicated with him approximately ten times through emails prior to meeting him in person in January/2010. She stated this lunch date lasted 59 minutes before she became so uncomfortable she ran out and ended the date. Ms. [REDACTED] stated that the meeting "creeped me out" because Dr. [REDACTED] visibly shook the entire time, and she suspected that he was on drugs. Prior to leaving Ms. [REDACTED] agreed to a second date on Saturday night, but did so only because she was uncomfortable telling him no. Ms. [REDACTED] waited a day, then texted Dr. [REDACTED] and told him that she didn't want to see him again.

Shortly after sending the text, Ms. [REDACTED] received a phone call from Dr. [REDACTED]. Previously, Ms. [REDACTED] had only identified herself to Dr. [REDACTED] as [REDACTED] and had mentioned that she and her mother had run the [REDACTED] Race. During this conversation he told her that he knew her real last name, her television name, her social security number, her birth date, where she lives, and her child's name. Ms. [REDACTED] became frightened and angry, and then told Dr. [REDACTED] never

to call her again. In subsequent emails, Dr. [REDACTED] informed Ms. [REDACTED] that he learned who she was by searching the [REDACTED] website and matching names with approximate ages.

Ms. [REDACTED] stated Dr. [REDACTED] started e-mailing her up to three times a day. She described these emails as angry and threatening. Ms. [REDACTED] stated she contacted a "friend" in the Denver Police Department to discuss this situation, ultimately deciding to "wait him out" rather than filing a criminal complaint. (Ms. [REDACTED] declined to provide the name of the "commander" she met with.) After employing the strategy of ignoring the emails from Dr. [REDACTED] the emails began to decrease. However, shortly after Ms. [REDACTED] signed up for the [REDACTED] Climb event as part of the [REDACTED], then subsequently received an email from Dr. [REDACTED] who wrote that he knew she was going to participate in the Stair Climb event.

After receiving the latest email, Ms. [REDACTED] realized she was being tracked by Dr. [REDACTED] and became frightened. At this point, in the last week of February, she decided to contact Detective Ryan. [Ms. [REDACTED] explained that she had met Detective Ryan at the [REDACTED] trial, but knew of him prior to that due to [REDACTED] about prostitution. After publishing the prostitution story she began receiving threats, and while monitoring various prostitution web sites Detective Ryan observed these threats. [REDACTED] informed Ms. [REDACTED] that Detective Ryan had knowledge of the threats, and wanted her to know that if she ever needed any assistance she could contact him.] Ms. [REDACTED] told Detective Ryan about the stalking situation and her suspicion about drug use by Dr. [REDACTED] and was advised by Detective Ryan to file a police report. However, she was not yet ready to file a police report.

While vacationing in Mexico, Ms. [REDACTED] received a phone call from Dr. [REDACTED] at approximately 0430 hrs. Dr. [REDACTED] accused Ms. [REDACTED] of stalking his girlfriend, and [REDACTED] of breaking into and bugging his office. Ms. [REDACTED] was scared, so she called Detective Ryan. Detective Ryan advised her to notify her station and to file a police report immediately after her return from Mexico. Ms. [REDACTED] gave Detective Ryan the name of Dr. [REDACTED] and his phone number. After returning from Mexico, Ms. [REDACTED] learned that Dr. [REDACTED] had spoken with her supervisors at [REDACTED] Detective Ryan also notified her that he had contacted Dr. [REDACTED] and informed him to stop contacting Ms. [REDACTED] and informed him that if the behavior continued he would arrest him. Detective Ryan had also arranged for Ms. [REDACTED] to speak with Detective Mike Kellogg to take a report. Ms. [REDACTED] filed the complaint with the police department on Monday, March 8th.

Detective James Medina

On March 12th Detective James Medina responded to the Internal Affairs Bureau and completed a written statement.

Although he does not recall the time or date, Detective Medina stated he was stopped in the hallway by Detective Ryan on a Friday or Saturday and was asked to take a report from a female [REDACTED] who was in Mexico but would be returning on the following Monday. Detective Medina told Detective Ryan that he would not be working on Monday, but that a book detective would take the report.

Detective Michael Ryan

On March 22, 2010 Detective Michael Ryan was interviewed by Sgt. Clark at the Internal Affairs Bureau. This interview was video recorded.

Please refer to the summary completed by Sgt. Clark of this interview. Key points are as follows:

- Detective Ryan has no personal relationship with [REDACTED]
- Detective Ryan was familiar with who [REDACTED] was as a result of a [REDACTED] regarding an internet prostitution case that Detective Ryan has worked on.
- Approximately two years later, Detective Ryan gave Ms. [REDACTED] a business card when he met her in the gallery of the [REDACTED] trial. She recognized his name from the prostitution investigation.
- Ms. [REDACTED] contacted Detective Ryan in late January or early February/2010 asking questions about an investigation. Detective Ryan told her he couldn't comment and she mentioned the problems she was having with an unknown gentleman, but didn't give much detail.
- Ms. [REDACTED] called Detective Ryan again on February 24th and told him about concerns she had with someone who was stalking her – a doctor at [REDACTED] who she suspects may be abusing drugs. At that time she didn't want to file a police report.
- Ms. [REDACTED] called Detective Ryan again on March 2nd at approximately 0430 hrs. in a "state of panic" – she was vacationing in Mexico when she received a disturbing phone call from Dr. [REDACTED]. Detective Ryan advised her to make a police report when she returned to Denver, and told Ms. [REDACTED] he would call Dr. [REDACTED] in the meantime.
- On March 2nd at approximately 1130 hrs Detective Ryan called Dr. [REDACTED] on the number provided by Ms. [REDACTED]. Detective Ryan identified himself as a detective with the Denver Police Department and called to inform him that he had advised [REDACTED] to file a police report based upon inappropriate contacts by Dr. [REDACTED] and that it was her intent to do so. Detective Ryan explained to Dr. [REDACTED] that his conduct toward Ms. [REDACTED] could be criminal harassment, and that he could be arrested for it – "not that he was going to be and not that I was going to do it". The purpose of this phone call was to make Dr. [REDACTED] aware of police involvement in an attempt to get him to stop the harassing behavior and alleviate the immediate fear Ms. [REDACTED] had regarding this behavior. This call was very cordial, and during the call Dr. [REDACTED] agreed that the contacts he had made with Ms. [REDACTED] were inappropriate. Detective Ryan provided his work cell number to Dr. [REDACTED]
- Dr. [REDACTED] called Detective Ryan back two times that day, each time appearing increasingly unstable and paranoid. In subsequent telephone calls that day, Dr. [REDACTED] speech became erratic with a quickening tone. He appeared scared, was rambling and nonsensical at times – accusing [REDACTED] of breaking into his office to plant bugs.
- Detective Ryan referred information regarding these incidents to Detective James Medina and Mike Kellogg, both of whom are assigned to the Crimes Against Persons Bureau. He also notified Detective Terry Demmel, who is assigned to investigate prescription drug crimes, and informed him of suspicions surrounding Dr. [REDACTED]'s drug abuse.

ADDITIONAL INVESTIGATION BY LT. FLEECES

On April 20, 2010 I received this case for review. In this review process, I have read every document and report and listened to all recordings included with this case.

On April 21st I received a copy of an email forwarded to me by Sgt. Shanna Clark that was originally sent to Detective Jay Spitzer and Sgt. Clark from [REDACTED]. This email contained an audio attachment of a recorded conversation between [REDACTED] and [REDACTED] recorded by Ms. [REDACTED]. [REDACTED] had called Ms. [REDACTED] and introduced herself as [REDACTED] ex-girlfriend. She informed Ms. [REDACTED] that she had filed a restraining order against Dr. [REDACTED] and that he is also being investigated for assault by Aurora Police Department and for other criminal activity by the Colorado Springs Police Department. [REDACTED] informed Ms. [REDACTED] that Dr. [REDACTED] had asked [REDACTED] to testify against Ms. [REDACTED] in a restraining order hearing, and to say certain things that she was not comfortable saying because she "didn't want to take the stand and lie". [REDACTED] also stated both she and her daughter had been threatened by Dr. [REDACTED]. Ms. [REDACTED] feeling uncomfortable with the conversation because of on-going court proceedings, ended the call and promised to have her attorney call [REDACTED] back.

On April 22nd I called [REDACTED] [REDACTED] to inquire about her telephone call with [REDACTED] [REDACTED]. This conversation was recorded. The following are key points from that call:

- [REDACTED] stated she was dating Dr. [REDACTED] during the time he met [REDACTED] [REDACTED]
- [REDACTED] confirmed that she has never spoken to Detective Mike Ryan, nor had she ever told Dr. [REDACTED] that she had spoken with Detective Ryan.
- [REDACTED] stated that Dr. [REDACTED] attempted to bribe her, offering \$2,000 in return for false testimony in a restraining order hearing involving Dr. [REDACTED] and [REDACTED] [REDACTED]. Dr. [REDACTED] explained that he would be negatively affected at his workplace and with his children's custody situation if he lost at the restraining order hearing.
- [REDACTED] stated that Dr. [REDACTED] wanted her to testify that [REDACTED] had been harassing her with repeated hang-up telephone calls, even though [REDACTED] told Dr. [REDACTED] that the phone calls were received from blocked numbers and she didn't know who was making the calls.
- [REDACTED] stated that her truck windshield was recently broken, and a signed note from Dr. [REDACTED] was left on the windshield reading, "[REDACTED] broke that....I'm going to pay to get it repaired". [REDACTED] stated she received text messages after this incident from Dr. [REDACTED] indicating he would pay for the windshield repair in exchange for her testimony during the restraining order hearing that [REDACTED] [REDACTED] broke it.
- [REDACTED] is now suspicious that the numerous harassing telephone calls she previously informed Sgt. Clark and the Aurora Police Department of might have been made by Dr. [REDACTED]. She suspects this because he always called when they were occurring and asked if she was getting them, then suggested she call the police to report that [REDACTED] [REDACTED] was making the calls.
- [REDACTED] stated Dr. [REDACTED] had never asked her to lie about information related to the investigation conducted by Sgt. Clark.
- [REDACTED] has given several pieces of evidence related to Dr. [REDACTED] to the attorney for [REDACTED] [REDACTED] - [REDACTED]

On April 30th I spoke with [REDACTED] – the attorney representing [REDACTED] Ms. [REDACTED] affirmed that she had photographic evidence to support claims made by [REDACTED] accusing Dr. [REDACTED] of witness tampering. On May 3rd I responded to the [REDACTED], [REDACTED] to receive a packet containing copies of this evidence. This packet included copies of emails between [REDACTED] and Dr. [REDACTED] as well as photographs of text messages from [REDACTED] cell phone. This evidence appeared to corroborate at least some of [REDACTED] claims during my interview with her. On the same day I handed this packet over to Detective Jay Spitzer, who is handling the harassment investigation involving Dr. [REDACTED] as a suspect. I also provided Detective Spitzer a copy of the audio recorded interview I conducted with [REDACTED]

On May 1st I learned that [REDACTED] had conducted an internal investigation of Dr. [REDACTED] and had turned over evidence related to prescription drug fraud to the Drug Enforcement Administration. Dr. [REDACTED] has reportedly been suspended from his position at [REDACTED]. [REDACTED] Detectives Terry Demmel and Dale Wallis are currently conducting an investigation into approximately 400 suspicious prescriptions involving Dr. [REDACTED]. They are also investigating an incident that occurred on April 3rd at a Walgreens located at 1111 South Colorado Blvd. On that date someone attempted to use a fraudulent ID to pick up a Vicodin prescription. The name on the ID was [REDACTED] but the photograph and license number was that of Dr. [REDACTED]

Three additions to the case include:

1. Audio recorded CD between [REDACTED] and [REDACTED]
2. Audio recorded CD between Lt. Fleecs and [REDACTED] dated 04/22/10
3. Copy of email from [REDACTED] to Detective Spitzer.

CONCLUSION

In reaching my conclusion regarding this complaint, I first examined specific points articulated by the Complainant:

1. *That Detective Ryan contacted Dr. [REDACTED] in an unofficial capacity using his official title and position.*

Detective Ryan was contacted on three separate occasions by [REDACTED] regarding the harassing behavior of Dr. [REDACTED]. The first was in late January or early February when Ms. [REDACTED] called with questions about an unrelated investigation. When Detective Ryan informed her that he couldn't comment on the case, Ms. [REDACTED] mentioned problems she was having with someone but didn't elaborate. The second contact occurred on February 24th, when Ms. [REDACTED] called specifically about concerns she had with a doctor from [REDACTED] who was stalking her and whom she suspected to be abusing drugs. Even though Detective Ryan urged her to file a police report, Ms. [REDACTED] elected not to at that time. The third contact occurred during the early morning hours of March 2nd. By this time Ms. [REDACTED] had already expressed concern on two previous occasions, and Detective Ryan observed that Ms. [REDACTED] was distraught and frightened due to a phone call she had received from Dr. [REDACTED]. Detective Ryan advised Ms. [REDACTED] who was in Mexico vacationing at the time, to file a police report

immediately upon her return. In an attempt to alleviate Ms. [REDACTED] immediate fears, he offered to call Dr. [REDACTED] to advise him to stop contacting Ms. [REDACTED]. Detective Ryan called Dr. [REDACTED] later that morning, and according to statements made by Dr. [REDACTED] to Sgt. Clark, identified himself as "Mike Ryan with the Denver Police". According to Dr. [REDACTED] Detective Ryan told him that [REDACTED] [REDACTED] had filed a harassment complaint against him and then advised him of the rules of harassment. Detective Ryan explained to Dr. [REDACTED] that it didn't necessarily mean that he had done or said anything threatening, but that the person filing the complaint felt threatened. He was told by Detective Ryan not to call [REDACTED] [REDACTED] again or he would be arrested.

There is nothing to suggest that Detective Ryan contacted Dr. [REDACTED] in an unofficial capacity. Detective Ryan was responding to someone who had, on more than one occasion, expressed fear and concern by Dr. [REDACTED] behavior toward her. It wasn't until the third call – when Ms. [REDACTED] appeared to be in a "state of panic", that Detective Ryan decided the best immediate course of action was to contact Dr. [REDACTED] and advise him to stop contacting Ms. [REDACTED]. Detective Ryan identified himself to Dr. [REDACTED] as a police officer and explained that he was calling in response to a report of harassment. Detective Ryan even explained the legal definition of harassment so that Dr. [REDACTED] would have an understanding of the legalities surrounding this crime. According to Detective Ryan, during his initial phone call to Dr. [REDACTED] he informed Dr. [REDACTED] that he had advised [REDACTED] [REDACTED] to file a police report and it was her intent to do so when she returned to Denver. Detective Ryan stated that he told Dr. [REDACTED] he could be arrested if the harassing behavior continued. Detective Ryan facilitated events that led Ms. [REDACTED] to respond to the Denver Police Crimes Against Persons Bureau and file a police report.

2. *That Detective Ryan contacted Dr. [REDACTED] utilizing his personal cellular telephone to conduct official business.*

The number given to Dr. [REDACTED] by Detective Ryan was [REDACTED]. This number is, in fact, assigned to a department issued cellular telephone; not his personal cell phone. Dr. [REDACTED] told Sgt. Clark that Detective Ryan identified this number as his private cell phone. There is no evidence to support this claim, and there would be no benefit derived by Detective Ryan by telling someone that his work cell phone is his personal cell phone.

3. *Detective Ryan is a personal friend of [REDACTED] [REDACTED] and is trying to intimidate him through his official capacity.*

Detective Ryan has no personal relationship with [REDACTED] [REDACTED]. In separate interviews, both Detective Ryan and Ms. [REDACTED] were consistent in identifying the manner in which they met as well as describing the substance of their communication throughout the time they have known each other. With regard to the allegation of intimidation, there is no evidence to indicate Detective Ryan said or did anything that was inappropriate or meant to bully Dr. [REDACTED]. Using the word arrest in any context is inherently and unavoidably intimidating. The claim by Dr. [REDACTED] that Detective Ryan threatened to come to [REDACTED] for the sole purpose of embarrassing him professionally would, if true, constitute intimidation and inappropriate

conduct on the part of Detective Ryan. Detective Ryan denied saying this, and there simply is no evidence to support that claim.

4. *That Detective Ryan abused his position by threatening to arrest Dr. [REDACTED] personally and come to his office at [REDACTED] to embarrass him.*

Dr. [REDACTED] stated that Detective Ryan threatened to embarrass him at his place of employment, and to personally arrest him if he continued the harassing behavior. The alleged threats to embarrass Dr. [REDACTED] are addressed in #3. Detective Ryan stated that while he informed Dr. [REDACTED] arrest was a potential consequence of committing the crime of harassment, he didn't tell him that arrest was imminent or that he was going to be the one to arrest him. [REDACTED] recalled that Detective Ryan had told her he had informed Dr. [REDACTED] that he would arrest him if Dr. [REDACTED] made contact with Ms. [REDACTED] again. While inconsistencies do exist surrounding the exact comments made by Detective Ryan with regard to arrest, there is no dispute that Detective Ryan did present arrest as a consequence. Using threats to arrest Dr. [REDACTED] at his place of employment simply as a tactic for gaining cooperation might, if true, constitute intimidation and inappropriate conduct. However, Dr. [REDACTED] never stated that he was threatened with arrest at his place of employment – just that Detective Ryan indicated he would come to [REDACTED] if Dr. [REDACTED] did not have enough time to speak with him over the telephone during their initial conversation.

When attempting to determine the truth when content of communication is disputed, credibility becomes important. In this case, Dr. [REDACTED] has significantly damaged his credibility. Below are instances that illustrate these credibility issues:

Example #1

In a statement made to Sgt. Clark, Dr. [REDACTED] described, with a fair amount of detail, a supposed conversation that had taken place between [REDACTED] and Detective Ryan:

Dr. [REDACTED] stated he asked [REDACTED] to call Detective Ryan in an effort to verify his information and obtain his badge number. According to Dr. [REDACTED] Ms. [REDACTED] called Detective Ryan at approximately 6pm on March 2nd on 7 [REDACTED] Detective Ryan said "Hello", and [REDACTED] responded, "Is this Officer Ryan...Mike Ryan?" Detective Ryan answered, "Yes", and [REDACTED] continued, "Ok, before I talk with you I would like to know your badge number and district". Detective Ryan then hung up on [REDACTED] without giving her any further information.

Both Ms. [REDACTED] and Detective Ryan unequivocally deny that this conversation ever occurred. Furthermore, both have stated they have never spoken to each other. It appears that Dr. [REDACTED] fabricated this information. Statements made by [REDACTED] to me during the phone interview on April 22nd also cast serious doubt on Dr. [REDACTED] credibility.

Example #2

In a statement made to Sgt. Clark, Dr. [REDACTED] stated he had obtained a telephone number from [REDACTED] that appeared on her caller ID from the first call [REDACTED] received on March 1st, then called that number back and was connected to [REDACTED] voice mail:

Dr. ██████ contacted ██████ ██████ on March 2nd because a friend (█████ ██████) aka ██████ had received three phone calls the previous day from two different individuals identifying themselves as being from ██████. The first call ██████ received revealed a caller ID. Dr. ██████ after receiving this number from ██████ called this number and connected to ██████'s voice mail.

█████ stated she informed Dr. ██████ of the phone calls on March 1st, and gave him the number that appeared on her caller ID – ██████. This is a general number to ██████ not a direct number for ██████. During the second call, from an unknown male, ██████ was given a number ██████ to call if she had any information or pictures of Dr. ██████. This number is a direct number for ██████ but did not appear on her caller ID. During this call the unknown male referred to a ██████ which happens to be the first name of Dr. ██████ ex-wife:

With regard to the harassing phone calls mentioned by Dr. ██████ ██████ informed Sgt. Clark that she had received three telephone calls on Monday, March 1st. The first call was from a female who said she was an ██████ doing a story on Dr. ██████ and asked ██████ if she knew ██████. When ██████ responded affirmatively, the female asked if ██████ had met Dr. ██████ on ██████. ██████ responded by saying "neither", that she didn't want to be involved, and then hung up. This caller gave no name or news agency affiliation. ██████ later gave the caller ID number ██████. ██████ later clarified this number to be ██████ from this call to Dr. ██████. A few hours later, ██████ received another call from an unknown male who stated he was calling to "get clarification for ██████" and that if she had any pictures of ██████ or any information to please call ██████. ██████ told this caller that she didn't want to be involved. Both of these calls were received on ██████ home telephone, which ██████ said was unlisted.

POINTS TO CONSIDER

SPECIFICATION #1

RR-105 Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

- (a) May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- (b) Causes harm greater than would be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

There is **not** a preponderance of evidence in this case to support a conclusion that Detective Ryan engaged in conduct that was detrimental or damaging to the Department.

FINDINGS

With regard to the violation of **RR-105; Conduct Prejudicial**, by Detective Michael Ryan, I find the complaint should be carried as: **Not Sustained**.

Mark Fleecs 91010
Lieutenant Mark Fleecs 91010

5/4/10
Date

COMMANDER FINDINGS AND RECOMMENDATIONS

I HAVE REVIEWED Lt. Fleecs' summary of this complaint and ~~CONCUR~~ **DISAGREE** with the findings. *I believe a finding of Exonerated is appropriate. See attached justification.*

RR-105; Conduct Prejudicial

Penalty

I recommend _____

Capt. William Nagle *SECRET*
Captain William Nagle, Vice/Drug Control Bureau

5-5-2010
Date

Subject Officer Notification:

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

Michael Ryan 97020
Detective Michael Ryan #97020

062010

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: David Fisher, Division Chief of Criminal Investigations

FROM: Aaron Sanchez, Lieutenant (Acting Captain), Vice/Drug Control Bureau

192047

DATE: July 1, 2010

SUBJECT: Internal Affairs Case P2010-03-007

On July 1, 2010, a follow up investigation was conducted on Internal Affairs Case # P201003-007, subject officer, Detective Mike Ryan, 97020. The follow up investigation was in relation to 62 telephone calls made between Detective Mike Ryan and [REDACTED]. The area of concern addressed in this follow up investigation is:

- What was the nature of these telephone calls and were they of a prejudicial or personal nature.

Detective Mike Ryan was given an Advisement Pursuant to Internal Investigation on July 1, 2010 at 1315 hours by Lieutenant Marc Fleecs. Lieutenant Fleecs then asked the following Question, Phone records from your police assigned cellular phone show a total of sixty-two phone calls, incoming and outgoing, between your phone and Ms. [REDACTED]'s phone. Can you explain these calls?

Detective Ryan stated that during a three week period, he had conversations about another Vice related investigation in an attempt to obtain information about different parties, subjects and witnesses involved. Detective Ryan also stated he did have conversations with Ms. [REDACTED] about Dr. [REDACTED] in an effort to receive information about the stalking/harassment case and a PCS investigation. Detective Ryan reiterated the he did not disclose investigative information and was only attempting to gather information. Detective Ryan stated the calls were professional and not of a personal nature.

Conclusion

Detective Mike Ryan did have 62 phone calls made between he and Ms. [REDACTED] between February 15, 2010 and April 2, 2010. Of these 62 calls, 36 of them were less than 2 minutes long. It is reasonable to believe that these 36 calls were either telephone messages or very short conversations. There is no indication that these calls were of a prejudicial or personal matter.

Respectfully Submitted,

Lieutenant Aaron Sanchez, 92047, (Acting Captain).