

Case Number: P200712018

Date of Violation: 09/16/2007

Date Closed: 01/10/2008

Date Received: 09/16/2007

*Review by [Signature]
1/10/08*

Complainant(s):

No Complainants

Involved Officers:

Witkowski, John (P93012)

<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>Abeance</u>
Law Violation - Domestic Violence	115			Not Reviewed				

Status: Open - Assigned

Case No: P200712018

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

How Complaint Was Received: Phone

Date Received: 09/16/2007

Requesting Station Officer: Lamb, John (P82080)

Date Case Closed:

Type of Complaint: Law Violation - Domestic Violence

RR Code: 115

OMS Code:

Taken By: Montoya, Joseph (P91011)

Officer: Witkowski, John (P93012) Assign: District 5

Notify Date:

Case Type: Formal

Assign To: IAB

Name	Badge	Bureau
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Witness Officer(s)	Badge #	Assignment
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Complainant	Type	Address	City	State	Phone
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Place of Occurrence:	Second Street	Date	Time	District
		09/16/2007		

Incident Summary:

Arapahoe County Sheriffs Department arrested and charged Sergeant Witkowski with Felony Domestic Violence.

Internal Affairs Bureau Command Review

Assigned By: Montoya, Joseph (P91011)

Case Assigned To: Penn, Marion

Assigned On: 12/05/2007

<i>IAB REVIEW</i>		
	<i>Initial</i>	<i>Date</i>
<i>Commander</i>		
<i>Lieutenant</i>		
<i>OIM Investigation</i>		
<i>OIM Final</i>		

**DENVER POLICE DEPARTMENT
INTER-DEPARTMENT
CORRESPONDENCE**

TO: John Lamb, Commander, Internal Affairs Bureau

FROM: Sergeant Marion Penn 92067, Internal Affairs Bureau

DATE: January 09th, 2007

SUBJECT: Case Number: P200712018
Complainant: Felony Charges Arapahoe County 18007CR02687
Type of Complaint: Domestic Violence
Subject Officer: Sergeant John Witkowski 93012

INCIDENT

On September 16th, 2007 Sergeant John Witkowski was arrested and charged by Arapahoe County Sheriffs with Felony Domestic Violence.

COMPLAINT

Sergeant Witkowski was charged with the following charges:

- Count1; Menacing-Real OR Simulated Weapon, 18-3-206(1) (a) (b) (F5)**
- Count2; Menacing-Real OR Simulated Weapon, 18-3-206(1) (a) (b) (F5)**
- Count3; Assault in the Third Degree, 18-3-204(M1))**
- Count4; Assault in the Third Degree, 18-3-204(M1))**
- Count5; Telephone service-Obstruction of, 18-9-306.5(M1))**
- Count6; Criminal Mischief Menacing-Under \$500, 18-4-501(M2)**

INVESTIGATION

On December 5th, 2007, I received this case for investigation and reviewed all related documentation. Included with the Complaint Summary were numerous documents containing a variety of information. These and other pertinent documents including possible audiotapes and/or videotapes are included in the case for your review. For a complete understanding of this case, it is necessary that all statements and/or tapes be reviewed in their entirety.

— P200712018.

Note:

On January 2, 2008, this case was closed and never reviewed due to Sergeant Witkowski resigning his employment with the Denver Police Department.

Although this investigation is currently closed, if Sergeant Witkowski applies with the Denver Police Department or another law enforcement agency it is recommended that the case be reopened and fully investigated.

Respectfully Submitted,

Sergeant Marion Penn 92067
Internal Affairs Bureau

P200712018.

January 1, 2008

Chief Gerald Whitman
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

Dear Chief Whitman:

I hereby voluntarily resign my position as a sergeant with the Denver Police Department effective January 4, 2008, in order to pursue other career paths and interests. Thank you for the opportunities you, the Department and the City have afforded me.

Sincerely,



John Witkowski

IN AND BEFORE THE POLICE DEPARTMENT

DIVISION OF THE

DEPARTMENT OF SAFETY

CITY AND COUNTY OF DENVER

City and County of Denver, Colorado)
)
IN THE MATTER OF:)
John Witkowski)
SERGEANT)
IN THE CLASSIFIED SERVICE)
OF THE DENVER POLICE DEPARTMENT)

ORDER OF SUSPENSION

TO: Sergeant John Witkowski, 93012
SERGEANT
In the Classified Service
Of the Denver Police Department

As Chief of Police for the City and County of Denver, Colorado, I received information from the Internal Affairs Bureau that on September 20, 2007, you were charged by Arapahoe County with violation of C.R.S. 18-3-206(1)(a)(b), Menacing – Real or Simulated Weapon, a Class 5 Felony, CRS 18-3-204, Assault in the Third Degree, a Class 1 Misdemeanor, CRS 18-9-306.5, Obstruction of Telephone Service, a Class 1 Misdemeanor, and CRS 18-4-501, Criminal Mischief, a Class 2 Misdemeanor.

Accordingly, pursuant to the authority vested in me by Section 9.4.17 of the Charter of the City and County of Denver, State of Colorado, you are hereby suspended from duty, without pay, effective September 21, 2007, for an indefinite period of time until further order.

It is further ordered that pursuant to the authority vested in me as Chief of Police, your authority to carry a weapon as a member of the Classified Service of the Denver Police Department is hereby suspended until further order.

You are further ordered to contact Detective John Leuthauser (720) 913-6364 or Detective Larry McCune (720) 913-6386 in the Internal Affairs Bureau, every Monday between 9:00 AM and 11:00 AM, until further order.

BY ORDER OF:

CHIEF WHITMAN by Gerald Whitman via ph
Gerald Whitman, Chief of the Police Department

I hereby certify that I have served the within **ORDER OF SUSPENSION**, by delivering a true copy thereof to the within named **Sergeant John Witkowski**, this 20th day of September, 2007.

Sgt John Witkowski 93012
Officer's Signature Serial Number

[Signature]
Served by Internal Affairs Bureau Representative
Det [Signature] 93088

9-20-07
Date

<p>DISTRICT/COUNTY COURT, ARAPAHOE COUNTY, COLORADO 7325 S. Potomac St. Centennial, CO 80112</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO vs. JOHN JAMES WITKOWSKI, Defendant</p> <hr/> <p>Carol Chambers District Attorney, #14948 7305 S. Potomac St., Suite 300 Centennial, CO 80112 Phone Number: (720) 874-8500 FAX: (720) 874-8501</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p> <p>Case Number: 18007CR02687</p> <p>Div: 206</p> <p>Courtroom: 206</p>
<p>COMPLAINT AND INFORMATION</p>	

CHARGES

COUNT 1: MENACING - REAL OR SIMULATED WEAPON, 18-3-206(1)(a)/(b) (F5) [02053]

COUNT 2: MENACING - REAL OR SIMULATED WEAPON, 18-3-206(1)(a)/(b) (F5) [02053]

COUNT 3: ASSAULT IN THE THIRD DEGREE, 18-3-204 (M1) [02031]

COUNT 4: ASSAULT IN THE THIRD DEGREE, 18-3-204 (M1) [02031]

COUNT 5: TELEPHONE SERVICE - OBSTRUCTION OF, 18-9-306.5 (M1) [28131]

COUNT 6: CRIMINAL MISCHIEF - UNDER \$500, 18-4-501 (M2) [0901C]

Warrantless arrest: - Bond set at: _____ CSP/CS/C/P/PR/PR-Co-signer

Charges due: 09/20/2007

Facts forming the basis of the alleged criminal act, if proven, could constitute domestic violence.

People v. JOHN JAMES WITKOWSKI

Carol Chambers, District Attorney for the Eighteenth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the county of Arapahoe.

COUNT 1: MENACING - REAL OR SIMULATED WEAPON (F5)

On or about September 16, 2007, JOHN JAMES WITKOWSKI, by any threat or physical action unlawfully, feloniously, and knowingly placed or attempted to place [REDACTED] [REDACTED] in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon and by representing verbally or otherwise that he was armed with a deadly weapon, namely: handgun; in violation of section 18-3-206(1)(a)/(b), C.R.S.

COUNT 2: MENACING - REAL OR SIMULATED WEAPON (F5)

On or about September 16, 2007, JOHN JAMES WITKOWSKI, by any threat or physical action unlawfully, feloniously, and knowingly placed or attempted to place [REDACTED] [REDACTED] in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon and by representing verbally or otherwise that he was armed with a deadly weapon, namely: handgun; in violation of section 18-3-206(1)(a)/(b), C.R.S.

COUNT 3: ASSAULT IN THE THIRD DEGREE (M1)

On or about September 16, 2007, JOHN JAMES WITKOWSKI unlawfully, knowingly, or recklessly caused bodily injury to [REDACTED] [REDACTED] in violation of section 18-3-204, C.R.S.

COUNT 4: ASSAULT IN THE THIRD DEGREE (M1)

On or about September 16, 2007, JOHN JAMES WITKOWSKI unlawfully, knowingly, or recklessly caused bodily injury to [REDACTED] [REDACTED] in violation of section 18-3-204, C.R.S.

COUNT 5: TELEPHONE SERVICE - OBSTRUCTION OF (M1)

On or about September 16, 2007, JOHN JAMES WITKOWSKI unlawfully and knowingly prevented, obstructed, or delayed the sending, transmission, conveyance, or delivery in this state of a message, communication, or report by or through a telephone or telegraph line, wire, cable, or other facility, or a cordless, wireless, electronic, mechanical, or other device; in violation of section 18-9-306.5, C.R.S.

People v. JOHN JAMES WITKOWSKI

COUNT 6: CRIMINAL MISCHIEF - UNDER \$500 (M2)

On or about September 16, 2007, JOHN JAMES WITKOWSKI, in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of [REDACTED] the aggregate damage being less than five hundred dollars; in violation of section 18-4-501, C.R.S.

All offenses against the peace and dignity of the People of the State of Colorado.

Carol Chambers
District Attorney,

By _____, # _____
Deputy District Attorney