

Case Number: 96090001

How Received: Not Specified

Date of Violation: 8/24/96

Type of Complaint: IAB

Date Received: 8/27/96

Date Back from D/C: 10/23/97

Date to D/C:

Complainant(s): Mr [REDACTED] [REDACTED] DOB: [REDACTED]

<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1 90012	Unnecessary Force	306		Not Sustained	District 4
2 90012	Improper Procedure - Other	102	OMS-105.01(1)c	Sustained	District 4
	Fined Time Suspended: 0 Fined: 1 Abeyance: 0				

<u>BADGE</u>	<u>VIOLATION</u>	<u>RR</u>	<u>OMS</u>	<u>DISPOSITION</u>	<u>ASSIGNMENT</u>
1 92007	Unnecessary Force	306		Not Sustained	District 4
2 92007	Law Violation - Assault	115		Sustained	District 4
	Fined Time Suspended: 0 Fined: 2 Abeyance: 0				
3 92007	Improper Procedure - Other	102	OMS-105.01(1)c	Sustained	District 4
	Fined Time Suspended: 0 Fined: 1 Abeyance: 0				
4 92007	Improper Procedure - Other	102	OMS-104.03(5)a	Sustained	District 4
	Fined Time Suspended: 0 Fined: 1 Abeyance: 0				
5 92007	Improper Procedure - Other	112		Sustained	District 4
	Suspended Time Suspended: 5 Fined: 0 Abeyance: 0				



Wellington E. Webb  
Mayor

## CITY AND COUNTY OF DENVER

AGENCY FOR HUMAN RIGHTS  
AND COMMUNITY RELATIONS  
Philip A. Hernandez, Executive Director

PUBLIC SAFETY REVIEW COMMISSION  
Denise DeForest, Chair

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January 30, 2001

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

Re:  
Complaint of [REDACTED] [REDACTED]  
Case No. 96-09-01

Dear Chief Whitman:

We here focus on the allegation of the use of unnecessary force made against Officer Scott Blatnik ("Officer 1"). The Denver Police Department found that the allegation should not be sustained. The Public Safety Review Commission ("PSRC"), on the other hand, recommends that this officer be disciplined for the unnecessary use of force against the Complainant and the Complainant's wife.

The incident giving rise to this allegation occurred on August 24, 1996, outside the home of Mr. and Mrs. [REDACTED]. The couple had called the police following an argument with their adult daughter. Officer 1 arrived first on the scene. Several physical confrontations then occurred, resulting in the arrests of Mr. and Mrs. [REDACTED] and their daughter. Officer 2 arrived on the scene and handcuffed Mr. [REDACTED] (we agree with the Department in its exoneration of Officer 2 regarding allegations of unnecessary force in this incident). The actions of Officer 1 resulting in our recommendation of discipline will be highlighted below, but first, we will mention how the Denver Police Department and the Denver City Attorney's Office dealt with this incident.

The Department recommended discipline against Officer 1 on several counts. It sustained violations for (1) assault, (2) failure to file a use of force report, (3) failure to deliver personally a summons to the Complainant's wife, instead leaving it in a mailbox, and (4) departing from the truth. The Department also found that Officer 2 had failed to file a use of force report. The Department did not sustain allegations of unnecessary force against either officer.

Chief Gerald Whitman  
January 30, 2001  
Page Two

Case No.: 96-09-01

The Department referred this matter to the Denver City Attorney's Office, which filed charges against Officer 1 for three counts of assault and three counts of disturbing the peace. As the result of a plea agreement, all charges were dropped in return for the officer's plea of guilty to one count of disturbing the peace, for which the officer received a deferred judgment and one year probation.

The linchpin in our analysis is the Department's finding that Officer 1 departed from the truth, with which we agree. What swayed the Department? A civilian ride-along passenger with Officer 2 observed Officer 1 knock Mrs. [REDACTED] down. Officer 1 in his statement to Internal Affairs stated that he did not push Mrs. [REDACTED] or restrain her in anyway and that Mrs. [REDACTED] did not grab either officer. On the summons for interference issued to Mrs. [REDACTED] however, Officer 1 wrote that Mrs. [REDACTED] kept grabbing onto Officer 1 thus hindering the arrest of Mr. [REDACTED]

Officer 1 denied as well that he stuck Mr. [REDACTED]. In stark contrast, Mr. [REDACTED] alleged that Officer 1 hit him in the face and in the stomach, knocking him to the ground. Mr. [REDACTED] also alleged that Officer 1 struck Mrs. [REDACTED]. Mrs. [REDACTED]'s statement supports her husband's allegations. The daughter of the [REDACTED] also supports Mr. [REDACTED]'s allegations. Two neighbors who witnessed the incident also support Mr. [REDACTED]'s allegations. The Department, in its analysis, chose to discount these eyewitness accounts. Our review of the files, however, convinced us that these eyewitness accounts present the better picture of what occurred; better indeed than that offered by Officer 1 who apparently failed to tell the truth in documents relating to the incident.

For the foregoing reasons, the PSRC recommends that Officer 1 be appropriately disciplined for the use of unnecessary force against Mr. and Mrs. [REDACTED]

Sincerely,

*Rose E. Cija-Arayon*  
for Denise DeForest  
PSRC Chair

DDF/rca

**DENVER POLICE DEPARTMENT  
INTER-DEPARTMENT  
CORRESPONDENCE**

REVIEWED BY		
	INITIAL	DATE
CAPT.	JKR	10/22/97
LT.	CS	10-20-97

**TO:** David L. Michaud, Chief of Police

**FROM:** Timothy J. Cuthrie, Division Chief, Patrol Division

**DATE:** 10-16-97

**SUBJECT: I.A.B. Case 96-09-0001**

Re: Officer Scott Blatnik 92007  
Officer Michael Rossi 90012

I have reviewed the case investigation and supporting documentation regarding this complaint. I have determined in my review as follows:

**Officer Scott Blatnik 92007**

Specification 1 - **SUSTAINED - SUSPENSION OF FIVE (5) DAYS**

**RR-115 Law Violations**

Officers shall obey the Charter of the City and County of Denver, all City Ordinances, and all State or Federal Statutes.

Specification 2 - **SUSTAINED - FINE OF ONE (1) REGULAR DAY OFF**

**RR-102 Violation of Any Department Rule**

Officers shall obey all departmental rules, duties, procedures, instructions, or orders, and the provisions of the Operations Manual.

As it pertains to:

OMS 105.01(1) c, **Use of Force in Making Arrest**, which states:

(1) Officers shall immediately report the circumstances of all resistance incidents to a command or supervisory officer who shall respond to the scene or personally contact the officers immediately after the incident.

c. The UOF Report shall be completed by a supervisor in the following circumstances:

3. A person receives an injury, or complains of injury, when an officer applies force through the use of a lethal or non-lethal weapon or procedure to effect arrest, prevent the escape of

a person in custody, or to protect the officer or a third party from imminent physical force.

Specification 3 - **SUSTAINED - FINE OF TWO (2) REGULAR DAYS OFF**

✓ **RR-102 Violation of Any Department Rule**

Officers shall obey all departmental rules, duties, procedures, instructions, or orders, and the provisions of the Operations Manual.

As it pertains to:

OMS 104.03(5)a - **General Session Summons and Complaint**

(5) Service and Distribution of Summons and Complaint

- a. When the General Session Summons and Complaint Form is completed, and it has indicated the date, time, and by whom it was served, the Defendant copy shall be given to the defendant.

Specification 4 - **SUSTAINED - SUSPENSION OF FIVE (5) DAYS**

**RR-112 Departing from the Truth**

Officers shall not willfully depart from the truth, either in giving testimony or in connection with any official duties.

Specification 5 - **NOT SUSTAINED**

**RR-306 Unnecessary Force**

Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed or taunted.

**Officer Michael Rossi 90012**

Specification 1 - **NOT SUSTAINED**

**RR-112 Departing from the Truth**

Officers shall not willfully depart from the truth, either in giving testimony or in connection with any official duties.

Specification 2 - **UNFOUNDED**

**RR-306 Unnecessary Force**

Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed or taunted.

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**RR-102 Violation of Any Department Rule**

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c. The UOF Report shall be completed by a supervisor in the following circumstances:

3. A person receives an injury, or complains of injury, when an officer applies force through the use of a lethal or non-lethal weapon or procedure to effect arrest, prevent the escape of a person in custody, or to protect the officer or a third party from imminent physical force.

**WRITE UP COMPLETION SIGN OFF FORM**

96-09-0001

The attached "write-up" for case 96-01-0001, involving Michael D. Rossi has been reviewed and approved by:

Sergeant Steven J. Tokarski  
Internal Affairs Bureau Investigator

Date: 12-08-97

Charles P. Smith 71111

Lieutenant, Internal Affairs Bureau

Date: 12-9-97

CAPT Steve Allen

Commander, Internal Affairs Bureau

Date: 12-9-97

**APPROVED FOR PRESENTATION AT THE CHIEF'S HEARING**

Det. J. Cuthrell

Subject Officer's Commander or Division Chief

Date: 1/16/98

**DENVER POLICE DEPARTMENT  
INTER-DEPARTMENT  
CORRESPONDENCE**

**TO:** Captain Rudy Sandoval, Commander, District Four

**FROM:** Lieutenant J. Black, Detail Three Shift Commander

**DATE:** December 10, 1997

**SUBJECT:** IAB Complaint #96-09-0001

**Incident**

On August 24, 1996, Officer Blatnik and Rossi responded to a domestic violence call at [REDACTED]. Upon arrival, Officer Blatnik contacted [REDACTED] and [REDACTED], the father and daughter involved in the domestic. There was an altercation between the officers, [REDACTED] and his daughter. Both were arrested for assault and disturbance.

**Complaint**

On August 27, 1996, Mr. and Mrs. [REDACTED] and their daughter responded to IAB to complete a written statement regarding the incident that occurred on August 24, 1996. Mr. [REDACTED] stated that Officer Blatnik slapped and struck him with his fists. [REDACTED] further stated that Officer Blatnik hit and knocked his wife to the ground, as well as slapping his daughter and knocking her to the ground.

Mr. [REDACTED] stated that Officer Rossi choked him and slammed him down on his knees. Rossi also twisted his wrists and neck as hard as he could.

**Investigation**

The case was not assigned to an investigator until September 13, 1996. The case was investigated by IAB personnel and sent to the Denver District Attorney's office for review. On September 20, 1996, the case was presented to the Denver District Attorney's office for review. D.A. Balkin advised the investigator to give Officers Blatnik and Rossi a Miranda advisement prior to making a statement.

On December 5, 1996, after reviewing the officers' statements D.A. Balkin refused state charges against either officer and recommended that city charges might be in order.

On January 16, 1997, the facts of the case were presented to Assistant City Attorney Jim Thomas. He accepted a city charge of Assault on Officer Blatnik. In May 1997, the City Attorney's office added two more counts of assault and three counts of disturbing the peace against Officer Blatnik.

On July 18, 1997, a plea agreement was reached. Officer Blatnik pled guilty to one count of Disturbing the Peace. He received a deferred judgement and one year probation. The case was sent to District Four for a follow up review.

**Conclusions**

Due to the complexity of the case the conclusions will be broken down by each officer and the points to consider made against them.

**Officer Michael Rossi - RR-306 Unnecessary Force**

Officer Rossi was the cover officer at the scene and arrived after Officer Blatnik made contact with the [REDACTED]. In his statement to Internal Affairs, Officer Rossi stated that he heard a lot of yelling coming from the area where Officer Blatnik was located. Rossi jogged up the driveway and observed Mr. [REDACTED] walking away from Officer Blatnik. The [REDACTED] family was yelling and screaming. Officer Blatnik told Officer Rossi to handcuff Mr. [REDACTED].

Officer Rossi approached Mr. [REDACTED] from behind, placed his right arm over the top of Mr. [REDACTED] right shoulder and placed his left arm around Mr. [REDACTED] upper left arm. Officer Rossi joined hands together in front, placing his thumbs in Mr. [REDACTED] chest. Officer Rossi told Mr. [REDACTED] to go to his knees, after he complied he was handcuffed and taken to the police car without further incident.

On page A-3 of the IAB case, Mr. [REDACTED] related that Officer Rossi put him in a choke hold, and slammed him down on his knees. Mr. [REDACTED] complained that he had bad knees and a bad neck. Mr. [REDACTED] also related that Officer Rossi threw his eyeglass case in the trash and drove in a dangerous, erratic manner to District Four.

On September 19, 1996, Mr. [REDACTED] told IAB that he admitted raising his voice to Officer Blatnik and denied that any family members struck anyone, including other family members, at the scene. Mr. [REDACTED] stated that Officer Rossi stood on his legs while choking him, before slamming him down on his elbows and face.

[REDACTED] on page A-4 of the case, told IAB that her daughter had been told to leave the home. Mr. [REDACTED] daughter refused, so Mr. [REDACTED] pulled her out of the home by her legs.

On September 19, 1996, during a taped telephone conversation with IAB, Mrs. [REDACTED] stated that during this family squabble, the daughter broke out a window of the house.

[REDACTED], Mrs. [REDACTED] daughter, stated that she grabbed her mother's arms and struck her hand when the family fight began. She stated that Officer Rossi stepped on Mr. [REDACTED] legs, choked him and handcuffed him. On September 19, 1996, during her conversation with IAB, Ms. [REDACTED] stated that she struck her mother's arm and did "high karate" on her. She stated that Officer Rossi threw her father to the ground and choked him after he handcuffed him.

[REDACTED], a neighbor, told IAB during a telephone conversation that Officer Rossi choked Mr. [REDACTED] until he turned blue. The narrative can be found on page A-7 of the case. He described Officer Rossi as a blonde. Both officers have dark, almost black hair.

[REDACTED] his wife, stated that Officer Rossi had Mr. [REDACTED] in a choke hold. [REDACTED]

Page Three

who lives with the [REDACTED] at [REDACTED] stated that Officer Rossi handcuffed Mr. [REDACTED] after being struck by Officer Blatnik.

[REDACTED] Officer Rossi's sister and a rider told IAB that Officer Rossi asked the man to get on his knees, put his hand in the middle of Mr. [REDACTED] back and pushed him to his knees.

Lieutenant Black conducted some follow-up investigation as a result of some discrepancies found in the case.

On August 26, 1997, Lieutenant Black directed Sergeant C. Duncan to respond to the Denver Health Medical Center and question the chief ER physician regarding choking a person and observing a person turning blue. [REDACTED] stated that a person would start turning "blue" in approximately 2-4 minutes. If the oxygen supply was cut off, the person would become agitated when they cannot breathe. [REDACTED] stated it would be difficult to determine if a person was turning blue from a distance of 22 feet away.

Lieutenant Black directed Y-91 to respond to [REDACTED] to take pictures of the scene. Photo three shows the place where [REDACTED] was alleged to be standing when the incident occurred. As one can see from photo four, it is quite difficult to determine a person's color from that distance and if Mr. [REDACTED] would have been "choked out" he would have had convulsions and would have been groggy and disoriented. Neither police or civilians present at the scene made any type of statement to support his "eye-witness" account.

[REDACTED] on page A-8, told IAB that she observed a police officer at the [REDACTED] house. Her children were over at the [REDACTED] house, so she told her husband to direct the children to come home. After a period of time, she went outside and approached the fence. [REDACTED] observed Officer Rossi have Mr. [REDACTED] in a choke hold and stated that no one else was hit or pushed.

There is no mention by either Mr. or Mrs. [REDACTED] of where their spouse was when the incident occurred. It would be consistent to state, "my husband and I" watched this, or my wife and I". There exists a possibility to suppose that [REDACTED] may have observed a part of the incident and related the information to her husband and Mrs. [REDACTED]. The CAD information related on page D-3 of the case that the officers arrived at 1513 hours and left at 1518 hours. This is a total of 5 minutes.

Mr. [REDACTED] was arrested on August 24, 1996, and placed in the Denver City Jail. Page D-28 of the case showed that there were no injuries visible or complained of by Mr. [REDACTED] when placed in City Jail. There was no complaint made in the holding cell that he was injured. There was a small abrasions noted on the left elbow and right knee. Mr. [REDACTED] stated that he struck his left elbow on the cement of his front porch and his knee hit the gravel of the driveway. It is possible that most of his injuries occurred when fighting with the daughter and attempting to pull her out of his house.

Page Four

This is quite a strenuous endeavor for a person born in 1935.

Mr. [REDACTED] was given a non narcotic muscle relaxant and told to return for a follow-up checkup. Mr. [REDACTED] did not show for his appointment.

There are no independent witnesses to corroborate Mr. [REDACTED] allegation that Officer Rossi drove in a reckless manner, told him rude things or threw his eyeglass case away.

As it has been shown, some physical action was taken by Officer Rossi to handcuff Mr. [REDACTED]. The "independent" witnesses appeared incredible in their description of what occurred. Mrs. [REDACTED] appears to be the only witness that did not embellish what she believed to be a "choke hold". Officer Rossi's detailed explanation found on page C-1 of the case, could appear like a choke hold to the untrained, civilian eye. There were no abrasions to Mr. [REDACTED] face which would have corroborated his claim that Officer Rossi slammed him to the gravel driveway, as stated in the case. All in all, there is insufficient evidence to support the claim of unnecessary force.

On September 16, 1996, IAB contacted [REDACTED] a neighbor who resides at [REDACTED]. Ms. [REDACTED] stated that the [REDACTED] family is always fighting and it is common to hear them yelling. On August 28, 1996, Mrs. [REDACTED] came to her home and told Ms. [REDACTED] that her husband was thrown to the ground and kicked by police. As a result, his neck hurt and he could not work. Ms. [REDACTED] was never told that Mrs. [REDACTED] or her daughter were pushed or struck by officers, nor did Mrs. [REDACTED] state that her husband was choked. Mrs. [REDACTED] told Mrs. [REDACTED] that they were planning on suing the department.

RR-306, Unnecessary Force, shall be carried as UNFOUNDED regarding Officer Michael Rossi, #90012.

#### **Officer Michael Rossi - Departing from the Truth**

Officer Rossi admitted placing his arms around Mr. [REDACTED] and taking him to the ground. He admits to having his right arm coming over the right shoulder and connecting with his left arm which is located near Mr. [REDACTED] solar plexus area. To a civilian this could be construed as a "choke". There has been no evidence to suggest trauma to Mr. [REDACTED] trachea or any witnesses mentioning any gagging or choking sound made by Mr. [REDACTED].

Although it seems quite incredible that in broad daylight, Officer Rossi did not observe any actions that Officer Blatnik took during this incident which could negate or corroborate Officer Blatnik's version, it is possible that Officer Rossi was focused on the arrest of Mr. [REDACTED] and was oblivious to his surroundings.

It could be the investigator believed that Officer Rossi departed from the truth regarding whether or not the incident constituted a resistance. It should be noted that many officers do not make a Use of Force report when the subject has a minor struggle and there are no obvious or complaints of injuries.

If that were true, then every time someone struggled and pressure is applied in a rear wrist lock before the handcuffs are placed, a Use of Force report would be required. This is not practical and as a rule a Use of Force report is not made for minor "struggles".

The deciding factor would have been made easier had a supervisor been called to the scene and let the supervisor make the determination whether or not to make a report.

On page A-10 of the case, Officer Rossi stated that it had appeared that Officer Blatnik had been in an altercation. His hair was messed up and he was putting on his glasses.

Officer Rossi's force used to arrest Mr. [REDACTED] required taking Mr. [REDACTED] to his knees on the ground before handcuffing. Since this action is more than a simple handcuffing procedure and due to Mr. [REDACTED] age, it would have been prudent to make a Use Of Force report. Officer Rossi's sister, in her statement to IAB, stated that Mr. [REDACTED] put up a struggle because he felt he should not have been arrested. Officer Rossi lost his name tag and Officer Blatnik lost two service medals as a result of the physical contact with the [REDACTED] family. Officer Blatnik later recovered his two service medals. There is no evidence to prove or disprove Officer Rossi departed from the truth. There is sufficient evidence and witness testimony to sustain a failure to make a Use of Force report.

RR-112, Departing from the Truth shall be carried as NOT SUSTAINED, regarding Officer Michael Rossi, #90012.

RR-102, Violation of Any Department Rule, as it pertains to OMS 105.10(1)C, Use of Force in Making an Arrest, shall be carried as SUSTAINED, regarding Officer Michael Rossi, #90012.

**Officer Scott Blatnik - RR-115, Law Violation**

On July 18, 1997, Officer Blatnik pled guilty in Denver County Court to one count of Disturbing the Peace. Officer Blatnik received a deferred judgement and one year of probation.

RR-115, Law Violation, shall be carried as SUSTAINED regarding Officer Scott Blatnik, #92007

RR-102, Violation of Any Department Rule as it pertains to OMS, 105.01(1)c, Use of Force in making an arrest, shall be carried as SUSTAINED, regarding Officer Scott Blatnik, #92007, for the same reasons outlined on page Five of this document regarding Officer Rossi.

RR-102, Violation of Any Department Rule as it pertains to OMS, 104.03(5)a, GSS&C, DPD form #287, shall be carried as SUSTAINED, regarding Officer Scott Blatnik.

On page C-46 of the case, Officer Blatnik admitted leaving Mrs. [REDACTED] copy of the GSS&C in the mailbox. Per the Operations Manual, this is not proper procedure. Furthermore, a supervisor should have been notified to approve the charge of Interference against Mrs. [REDACTED]

**Officer Scott Blatnik - RR-306, Unnecessary Force**

On page A-3 of the IAB case, Mr. [REDACTED] stated that Officer Blatnik slapped the left side of his face. He raised his hands and knocked Officer Blatnik's glasses off. Officer Blatnik punched him several times in the stomach and back with a closed fist.

Mr. [REDACTED] also stated that he struck Mrs. [REDACTED] with a fist, knocking her to the ground. Officer Blatnik also slapped the [REDACTED] daughter to the ground and handcuffed her. On September 19, 1996, in a taped interview with IAB, Mr. [REDACTED] stated that he raised his voice at Officer Blatnik. Mr. [REDACTED] also stated that no family member struck anyone.

Mrs. [REDACTED] version is the same as Mr. [REDACTED]. The exception is Mrs. [REDACTED] made no mention of Officer Blatnik striking her daughter to the ground. During her taped conversation which was on the same day as Mr. [REDACTED] Mrs. [REDACTED] stated that her daughter broke out their window during the confrontation with her father. Mrs. [REDACTED] stated that she was pushed from behind and again there was no mention of any officer having physical contact with her daughter.

[REDACTED] stated that she and her father were yelling at each other when speaking with Officer Blatnik. She stated that Officer Blatnik struck her father in the face. Mr. [REDACTED] stumbled and Officer Blatnik struck Mr. [REDACTED] twice to the ground. Ms. [REDACTED] stated that Officer Blatnik pushed her mother, knocking her to the ground. She made no mention of Officer Blatnik striking her.

[REDACTED] stated that Officer Blatnik struck Mr. [REDACTED] with his fist in the face. The punch knocked Mr. [REDACTED] off balance. Officer Blatnik pushed the daughter down to the ground, causing her to fall to the ground. Mrs. [REDACTED] was pushed over the daughter and fell to the ground.

[REDACTED] was at the fence. She was told that she would be put in jail if she interfered. She did not see anyone get pushed or hit.

[REDACTED] stated that she looked out the kitchen window and observed Officer Blatnik take three steps and strike Mr. [REDACTED]. He was held by Officer Blatnik and handcuffed by the other officer.

[REDACTED] was at the driveway when the initial contact with Officer Blatnik and Mr. [REDACTED] occurred. See photo two for reference. Ms. [REDACTED] stated that she followed her brother up the driveway to the scene. She stated that there was no physical contact made with Ms. [REDACTED] except to handcuff her. Officer Rossi did not observe the initial contact with the [REDACTED] and Officer Blatnik.

Officer Blatnik stated that he did not strike Mr. [REDACTED] in the face or body. He stated that he was between Mr. [REDACTED] and his daughter. They were yelling back and forth. Mr. [REDACTED] reached around to grab his daughter. In the process, two of Officer Blatnik's medals were knocked off. Officer Blatnik stated that his thumb came up and he knocked his own glasses off. Officer Blatnik stated that Mr. [REDACTED] tripped over a board and fell on the ground. Photographs show that one year later, there is still debris and trash in the backyard. Officer Blatnik denied making physical contact with

Ms. [REDACTED] except to handcuff her.

As previously mentioned, it is doubtful that Mr. [REDACTED] was physically present during the altercation. He was incredible in his description of Mr. [REDACTED] turning blue. He stated that Officer Blatnik punched Mr. [REDACTED] in the face. Officer Blatnik is in tremendous physical condition. Had he punched or slapped Mr. [REDACTED] in the face, there would have been evidence of some sort of trauma. There was none complained of or medically checked on the part of Mr. [REDACTED]. His medical reports revealed that it was his right knee and neck that were the problem. Mr. [REDACTED] also knew that Mr. [REDACTED] had a "bum leg". Mr. [REDACTED], Mr. and Mrs. [REDACTED] and Mrs. [REDACTED], all state the Officer Blatnik took three to five steps before striking Mr. [REDACTED]. Based on the embellishment of the [REDACTED] and their neighbors, there are no true independent witnesses to corroborate Officer Blatnik's or the [REDACTED]'s version of what occurred.

RR-306 Unnecessary Force, shall be carried as NOT SUSTAINED, regarding Officer Scott Blatnik, #92007.

#### **Officer Scott Blatnik - RR-112, Departing from the Truth**

It is this portion of the case that I have some concerns about. As previously mentioned, had a supervisor been called to the scene, the outcome of this case would probably have been different.

Although many of the [REDACTED]'s allegations are incredible, they are all consistent that Officer Blatnik pushed Mrs. [REDACTED] who fell to the ground.

Officer Rossi saw none of the incident. [REDACTED] in her statement to IAB in November 1996, stated that Officer Rossi told Officer Blatnik to move the mother away while trying to make the arrest of Mr. [REDACTED]. [REDACTED] stated that Officer Blatnik put his arm out to full length and pushed the mother away. Mrs. [REDACTED] fell on her buttocks and then on her left side.

[REDACTED] has a bruised left hip and several one and one half inch red marks. Had Mrs. [REDACTED] not had violent physical contact with her daughter prior to the officers arrival, this may have been a sustained Unnecessary Force. Mrs. [REDACTED] stated that the injuries were caused by an officer grabbing her.

In page A-12 of the case, Officer Blatnik stated that at no time did he reach forward and push Mrs. [REDACTED].

It seems evident that Mrs. [REDACTED] was physically close to Officer Rossi which compromised his safety while arresting Mr. [REDACTED]. There was and are significant items on the ground which could be used as weapons by the [REDACTED]. Officer Blatnik felt strongly enough to cite Mrs. [REDACTED] after the fact for Interference, but denied making physical contact with her even when a civilian police rider gave

**IAB Complaint #96-09-0001  
Page Eight**

**written testimony to the contrary.**

**RR-112 Departing from the Truth, shall be carried as SUSTAINED, regarding Officer Scott Blatnik, #92007.**

**Respectfully Submitted,**

**Lieutenant J. Black**



# CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

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

WELLINGTON E. WEBB  
Mayor

August 19, 2001

Denise DeForest, Chair  
Public Safety Review Commission  
303 West Colfax Avenue  
Denver, CO 80204

Dear Ms. DeForest:

I apologize for the delay in responding to your letter dated January 30, 2001 regarding case number 96-09-01. Unfortunately, part of the delay is due to processing of the letters when they are sent from your office to the Department. To avoid any further delays of this nature I have asked your office to send me the original of all correspondence with a copy to the Civil Liability Bureau, both of which will be time and date stamped.

Paragraph three of your letter regarding the [REDACTED] complaint indicates that the Department sustained a violation for "(1) Assault" against the officer, this is not supported by the documents in the case that I reviewed. A violation of Rule and Regulation number 115 "Law Violation" was sustained but it was for the officers plea to one count of Disturbing the Peace, all assault charges were dismissed.

This incident took place on August 25, 1996 and was disposed of by the court on July 18, 1997. Four separate violations of Department policy were sustained against the officer for his conduct and the officer was disciplined by the Manager of Safety on August 24, 1998. As corrective action the officer served his suspension related to this discipline in March of 1998. Your letter to me requesting additional discipline is dated January 30, 2001 and was received by me in March of 2001; some three years after the subject officer had been disciplined for an event that has now occurred nearly five years ago.

I have reviewed Internal Affairs Bureau case number 96-09-01 in its entirety. The case includes recommendations made and already carried out by then Chief of Police David Michaud and Manager of Safety Fidel Montoya. Given the totality of the circumstances, and the fact that it appears that the officer has already been reasonably and appropriately disciplined some three years ago, I do not accept your recommendation for corrective action which requests that the officer "be appropriately disciplined" subsequent to your review of the case.

Sincerely,

Gerald R. Whitman  
Chief of Police