



Stephanie Y. O'Malley, J.D.
Executive Director of the Department of Safety

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January 30, 2015
DEPARTMENTAL ORDER OF DISCIPLINARY ACTION
Case No. P2014-0369

CHAD SINNEMA (P08029)
Officer in the Classified Service
of the Denver Police Department

This is before the Executive Director of the Department of Safety to approve, modify or disapprove the Chief of Police's Written Command ordering disciplinary action for Officer Chad Sinnema. The Chief has determined that Officer Sinnema violated RR-306, Inappropriate Force, of the Denver Police Department Operations Manual, when he improperly placed pressure on a suspect's neck with his knee while restraining him. The Written Command determined that this was Conduct Category D violation for which the mitigated penalty of four (4) days suspension without pay was imposed. Officer Sinnema agrees with this penalty determination.

On August 22, 2014, officers were investigating a disturbance on the 16th Street Mall. While conducting their investigation, they arrested a party for an outstanding warrant and domestic violence related charges. The officers had the handcuffed suspect sit on the ledge of a planter box while they waited for a car to respond to transport him to jail. The suspect, who was agitated and was yelling at the officers, stood up and aggressively approached Officer Sinnema. Officer Sinnema and Officer Adam Paulsen responded to the suspect's actions and a struggle ensued with the officers. Officer Gene Sharla then assisted the officers and, while attempting to control the suspect, the suspect kicked Officer Sharla in the face and also kicked Officer Paulsen. The suspect was on his stomach and continuing to struggle and disobeyed the officers' commands. Officer Paulsen controlled his legs, Officer Sharla controlled the mid section of the suspect, and Officer Sinnema controlled his upper body and head.

Officer Sinnema gave the following explanation of what happened:

We brought the suspect to the ground, which was in the flower bed of the park. I initially held him down by placing my knee on the back of his upper shoulders and held his head down with my hand. I believed the suspect was relaxing and shifted my hand off his head and repositioned myself. When I did, the suspect began grabbing officers with his hands and continued to try to fight his way up and kick officers. So in response, I again applied pressure to his upper shoulders with my knee as instructed in DPD arrest control when a subject is being proned [sic] out and handcuffed.

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While Officer Sinnema was restraining the suspect with his knee, the complainant in this case was recording the incident. The complainant yelled, "police brutality," multiple times and alleged that Officer Sinnema had his knee on the suspect's neck. Officer Sinnema indicated that his knee was not on the suspect's neck, but on the top of his shoulder blades.

Video from Officer Jarrod Tinnins's body worn camera indicates that Officer Sinnema was mistaken when he stated that his knee was not on the suspect's neck. During the IAB interview, Officer Sinnema was asked if the suspect was still able to breathe while being restrained. Officer Sinnema replied, "I only placed enough pressure on [him] to keep him from being able to get up. [He] was talking during the incident which requires the ability to breathe so I knew I was not restricting [his] ability to breathe." Officer Sharla confirmed that the suspect was still able to breathe. He indicated that, "[the suspect] was still talking, yelling at us during the whole time we were holding him down. Officer Tinnin agreed stating, "I heard [the suspect] continue to talk to officers while he was on the ground."

RR-306 – Inappropriate Force, of the Denver Police Department Operations Manual, provides that:

Officers shall not use inappropriate force in making an arrest or in dealing with a prisoner or any other person.

OMS 105.01(2)b, of the Denver Police Department's Operations Manual, states in part, "The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties. The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is necessary and within the range of 'objectively reasonable' options..."

Officer Sinnema violated the departmental rules and regulations when he restrained the arrestee by placing his knee on the suspect's neck. This method of restraining a suspect is contrary to the training officers receive. Although the suspect was still able to breathe, Officer Sinnema failed to use "only the force necessary to perform [his] duties." Officer Sinnema had other force options available that did not require the level of force he used. In restraining the arrestee in this manner, Officer Sinnema used "inappropriate force in making an arrest or in dealing with a prisoner."

A violation of RR-306 appears in Conduct Categories D through F in the disciplinary matrix. By using inappropriate force and placing his knee on the suspect's neck, Officer Sinnema's misconduct was "substantially contrary to the values of the Department [and] substantially interfer[ed] with its mission, operations [and] professional image, [and] involv[ed] a demonstrable serious risk to officer or public safety."

Officer Sinnema has no prior sustained Conduct Category D, or higher, violations within the specified time-frame of seven (7) years that mandatorily raises the discipline level from a level 5. Pursuant to the disciplinary matrix, for a discipline level of 5, the mitigated penalty is a four (4) to six (6) day suspension, the presumptive penalty is ten (10) days suspension


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and the aggravated penalty is fourteen (14) to sixteen (16) days suspension. There are no aggravating factors to consider, however, there are weighty mitigating factors that compel a mitigated penalty. The suspect was able to breathe and speak the entire time that Officer Sinnema had him in the prone position and the suspect did not sustain any injuries due to the inappropriate use of force. Additionally, it should be noted that the physical altercation started when the suspect aggressively approached Officer Sinnema. All officer statements and video evidence support that the suspect was the aggressor. Officer Sinnema has no significant disciplinary history. Finally, Officer Sinnema has acknowledged the inappropriateness of his actions and has taken complete responsibility. Thus, a mitigated penalty is warranted.

Accordingly, the Written Command is hereby approved. Officer Sinnema shall receive the mitigated penalty of four (4) suspended days without pay for the violation of RR-306. The four (4) day suspension shall begin on Sunday, March 8, 2015, through and inclusive of Wednesday, March 11, 2015.

Please be advised that the discipline enumerated in this Order is based upon the Executive Director of the Department of Safety approving Officer Sinnema's agreement to accept the discipline as stated above and waive further disciplinary process.

BY ORDER:



Deputy Director of Safety

1-30-15

Date

OFFICER'S RETURN

I hereby certify that I received the within Departmental Order of Disciplinary Action and have delivered a true copy thereof to the within-named Chad Sinnema this ___ day of _____, 2015.
