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November 16, 2016  
DEPARTMENTAL ORDER OF DISCIPLINARY ACTION  
Case No. IC2016-0047

**TIMOTHY A. DELSORDO (P03004)**  
Sergeant 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 Sergeant Timothy A. Delsordo. As discussed below, the Chief has determined that Sergeant Delsordo violated several provisions of the Denver Police Department Operations Manual when he frequented a local bar while working on duty and off duty and during the Internal Affairs investigation of his actions when he was at that bar. The Written Command has determined that Sergeant Delsordo violated the following departmental rules for which the following penalties have been imposed:

- **RR-102.1 – Duty to Obey Departmental Rules and Mayoral Executive Orders,**  
as it pertains to  
**OMS-114.00, Employment Outside the Police Department**

The Written Command determined that this was a Conduct Category C violation and imposed an aggravated penalty of six (6) fined days.

- **RR-109.3 – Drinking on Duty**

The Written Command determined that this was a Conduct Category F violation and imposed the presumptive penalty of Dismissal from the Classified Service.

- **RR-402 – Careless Handling of Firearms**

The Written Command determined that this was a Conduct Category D violation and imposed both a ten (10) day suspension without pay and a demotion to the rank/grade of Police Officer 1.

- **RR-112.2 – Commission of a Deceptive Act**

The Written Command imposed the presumptive penalty of Dismissal from the Classified Service for this pre-determined Conduct Category F violation.

- **RR-117 – Disobedience of an Order**

The Written Command determined that this was a Conduct Category D violation and imposed a penalty of ten (10) suspended days without pay.

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- **RR-105 – Conduct Prejudicial**

The Written Command determined that this was a Conduct Category F violation and imposed the presumptive penalty of Dismissal from the Classified Service.

For the reasons discussed below, the Written Command is approved in part and modified in part.

**SUMMARY OF FACTS**

Sergeant Delsordo has been a sergeant with the Denver Police Department (DPD) since 2003. He frequently works off duty at Charlie's, a gay bar located at 900 East Colfax Avenue, and often works Friday nights. His fellow officers, Technician Estevan Valdez and Corporal John Duran, also work off duty at Charlie's. When working off duty, officers must be scheduled and approved for that off-duty shift in the TeleStaff scheduling system. They must also utilize the Computer Aided Dispatch (CAD) system to document what time they report for and depart from their assignments. Moreover, officers working off duty are expected to adhere to all applicable DPD policies and procedures.

On February 1, 2016, Lieutenant Wyatt made a journal entry for Sergeant Delsordo for violating the Department rule prohibiting working more than 16 hours in a 24-hour period. Sergeant Delsordo informed Lieutenant Wyatt that he had previously misunderstood the rule; however, after Lieutenant Wyatt provided Sergeant Delsordo the policy and an explanation of the policy, Sergeant Delsordo informed Lieutenant Wyatt that he now understood the rule in its entirety.

For the calendar week of May 29, 2016 through June 4, 2016, Sergeant Delsordo's TeleStaff indicated 64 scheduled hours of work as follows: 05/29/16--10hrs--RG Hours Worked, 05/30/16--10hrs--RG Hours Worked, 05/31/16--10hrs--RG Hours Worked, 06/01/16--4Hrs--Off Duty, 06/02/16--7hrs--Off Duty, 06/03/16--9hrs--Off Duty and 4hrs--Off Duty.

The TeleStaff entry for June 3, 2016 indicated that Sergeant Delsordo was approved to work off duty at Elitch Gardens from 12:00 p.m. to 9:00 p.m. and off duty at Charlie's bar from 10:00 p.m. to 2:00 a.m. The CAD entry indicated that Sergeant Delsordo reported/arrived for off-duty work at Charlie's bar at 8:26 p.m. and left the bar at 2:32 a.m.

On June 10, 2016, TeleStaff indicated that Sergeant Delsordo was approved to work off duty at Elitch Gardens from 12:00 p.m. to 9:00 p.m. TeleStaff did not include an entry for approved off-duty work at Charlie's. However, the CAD system indicated that Sergeant Delsordo reported to work at Charlie's at 9:58 p.m. and left the bar at 2:41 a.m.

On June 17, 2016, Sergeant Delsordo was approved in TeleStaff to work off duty at Charlie's from 6:00 p.m. to 2:00 a.m. The CAD entry indicated that Sergeant Delsordo reported to work at Charlie's at 11:41 p.m. and departed at 3:23 a.m. Technician Estevan Valdez was also scheduled to work off duty at Charlie's bar. His assignment was from 10:00 p.m. to 2:00 a.m. When Technician Valdez arrived at Charlie's bar, he walked around looking for Sergeant Delsordo but couldn't locate him.

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While working this off-duty shift, Sergeant Delsordo was absent for approximately two hours.<sup>1</sup> Before leaving Charlie's, Sergeant Delsordo removed his gun, gun belt, handcuffs, mace, badge, and uniform shirt, and placed these items in the coat check area, which was unsecured and accessible to the public. During his absence, Sergeant Delsordo took a woman he had met at Charlie's to get some food and then went back to the woman's apartment to have sex with her. When Sergeant Delsordo returned to Charlie's bar, Technician Valdez saw him get out of his car wearing only his t-shirt and uniform pants. Sergeant Delsordo retrieved his items from the coat check area and got dressed into his DPD uniform at the bar so as to continue working the remainder of his shift.

On June 19, 2016, Sergeant Delsordo was approved in TeleStaff to work off duty at Charlie's from 3:00 p.m. to 7:00 p.m., and was also scheduled to work his on-duty shift from 7:30 p.m. to 5:30 a.m.<sup>2</sup> There are no CAD entries indicating what time Sergeant Delsordo reported to or departed from work at Charlie's. Although Sergeant Delsordo worked his off-duty shift at Charlie's bar from 3:00 p.m. to 7:00 p.m., he did not work his on-duty shift from 7:30 p.m. to 5:30 a.m. Sergeant Delsordo claimed, however, that he had worked that on-duty shift when filling out his time sheet.<sup>3</sup>

On June 19, 2016, while working his off-duty job at Charlie's bar, Sergeant Delsordo was observed by a customer of the bar, Dustin Metzler, drinking alcohol from a woman's glass. Mr. Metzler took photographs of Sergeant Delsordo, explaining that he "recognized [Sergeant Delsordo's DPD] uniform ... His uniform was ... kind of un-tucked ... his gun was on him, that's why I took those pictures, and he was drinking on the job." The customer explained that the woman was drinking a liquid from a clear glass and he was "pretty sure it wasn't [water], she was wasted." Mr. Metzler indicated that Sergeant Delsordo "kind of did it slyly ... looked around, took a drink, and dropped it ... right back in front of her." Mr. Metzler added that Sergeant Delsordo's on-duty behavior was inappropriate in that "[t]he way he carried himself professionally was not appropriate ... dancing with ... females, males, mingling with everybody ..."

Corporal John Duran was also approved to work off duty at Charlie's bar on June 19, 2016, from 7:00 p.m. to 2:00 a.m. After being relieved of duty at approximately 7:00 p.m. by Corporal Duran, Sergeant Delsordo removed his gun, gun belt, handcuffs, mace, badge, and uniform shirt, and gave these items to Tyler Loos, the bartender behind the outside bar on the patio of Charlie's bar, which is located in the parking lot of Charlie's bar. This area is unsecured and accessible to the public. Mr. Loos placed these items behind the bar. Corporal Duran indicated that he saw Sergeant Delsordo standing next to the outside bar, talking with people and drinking from a plastic cup.

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<sup>1</sup> Sergeant Delsordo subsequently requested that his pay be reduced to reflect this absence.

<sup>2</sup> This was a day during the Pride celebration weekend.

<sup>3</sup> When confronted, Sergeant Delsordo stated, "I don't know. I don't know why [my timesheet is marked that I worked that time]. I don't know what we normally put for that, but I definitely need to take care of that, I didn't know it was like that." Sergeant Delsordo maintained that "they just told me I couldn't go back to work" after an incident that had occurred while he was on duty the night before, and that he was supposed to go to the employee clinic. Sergeant Delsordo could not remember with whom he had had the conversation about not working due to being heavily sedated that night, but believed it was with Lieutenant Gallawa. Neither Lieutenant Gallawa nor the individual in Risk Management had any information about Sergeant Delsordo being told not to return to work.



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Another individual, Adam Poppens, the assistant manager of Charlie's bar, saw Sergeant Delsordo remove his shirt with his badge and his gun belt. He said Sergeant Delsordo left the gun belt behind the bar and began drinking.

At approximately 9:00 p.m., a female customer approached Corporal Duran and asked if she could buy him a drink as a "thank you." Corporal Duran informed her that, while he appreciated her gesture, he could not drink alcohol while in uniform and on duty. The female customer told Corporal Duran, "Well, I thought I'd ask, because the officer who was working before you was drinking." Corporal Duran then asked the female customer if she was sure that Sergeant Delsordo was not drinking soda or water, and she replied, "Nope, I'm pretty sure it looked like a beer bottle that he was drinking from earlier." Corporal Duran then stated, "Well sure, he's off shift now, so he can have a drink," and the female customer replied, "No, he was drinking earlier in uniform."

Javier Muro, a dayshift manager, indicated that he saw an "unattended gun belt on the patio floor near the Bud Light trailer." He stated that he asked one of the bartenders to store the gun belt in a 'cubby behind the temporary patio bar." Mr. Muro then informed the general manager, Brendan Sullivan, and Corporal Duran.

By approximately 11:00 p.m., Sergeant Delsordo was so "heavily intoxicated" and "all fucked up" that the general manager of Charlie's, Brendan Sullivan, asked his assistant manager, Adam Poppens, to give Sergeant Delsordo a ride home. Mr. Poppens indicated that he was not able, at that time, to drive Sergeant Delsordo home so instead, he removed Sergeant Delsordo to an outside location to get him some fresh air.

At around 11:00 p.m., Mr. Sullivan spoke to Corporal Duran. He told Corporal Duran that several female customers had voiced concerns about Sergeant Delsordo and expressed that he was making them feel uncomfortable by "making passes" at them. Corporal Duran told Mr. Sullivan that a cab should be called to take Sergeant Delsordo home. Corporal Duran indicated that Mr. Sullivan and Mr. Muro had also informed him that Sergeant Delsordo had left his uniform shirt, gun belt, and gun behind the outside bar.

Mr. Sullivan and Mr. Muro told Corporal Duran that they would lock Sergeant Delsordo's items in his trunk and get him a cab home; however, when Mr. Poppens checked, Sergeant Delsordo was no longer inside of Charlie's bar and Sergeant Delsordo's gun belt was no longer behind the bar. Mr. Poppens indicated that he did notice that Sergeant Delsordo's vehicle was still in the parking lot.

Around that time, Mr. Loos indicated that he had observed Sergeant Delsordo in an alley, "just really trashy, you could tell he was just kind of nodding off. He looked like he was sleeping, it definitely looked like he was drunk ... I work at a bar, so I can be pretty sure [that Sergeant Delsordo was drunk]." During the IAB investigation, Sergeant Delsordo denied being intoxicated.

At about 1:00 a.m., Sergeant Delsordo reappeared at Charlie's bar, carrying a pizza and offering pizza to several staff members. Mr. Sullivan stated that when he learned that Sergeant Delsordo had come back to the bar, he "got really pissed off" and asked Sergeant Delsordo to come into



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his office. Mr. Sullivan indicated that he "pretty much chewed him out," and told him that he would not be driving. At 2:30 a.m., Mr. Poppens drove Sergeant Delsordo home in Sergeant Delsordo's vehicle and then took an Uber ride back to Charlie's bar.

On June 21, 2016, Corporal Duran met a friend, Davison Bowman, for coffee.<sup>4</sup> Mr. Bowman and Corporal Duran began to talk about officers who work off duty there. Mr. Bowman then made a comment that Sergeant Delsordo "makes some of the guys at the bar uncomfortable because he drinks there." Corporal Duran asked him to clarify, and Mr. Bowman replied, "When Sergeant Delsordo drinks when he's off duty working at the bar, or when he comes in when he's at his normal shift to hang out and have a drink." Corporal Duran asked Mr. Bowman, "You're telling me that he drinks in uniform when he is working the bar off duty and when he is on duty at work when he comes in?" and Mr. Bowman replied, "Yes."

On June 30, 2016, Technician Valdez was also socializing with Mr. Bowman and discussing Charlie's bar. He told Technician Valdez that Sergeant Delsordo had been drinking while in uniform, while working off duty, and also occasionally while on patrol. Technician Valdez asked Mr. Bowman how he knew that Sergeant Delsordo was working on patrol and Mr. Bowman replied that Sergeant Delsordo would drive his police vehicle to Charlie's bar to get a drink, so it would be parked outside; Sergeant Delsordo would also be wearing all of his police gear. Mr. Bowman further told Technician Valdez that Sergeant Delsordo usually comes into Charlie's bar with a Monster energy drink and asks the bartender to put the drink into a glass while asking for "a little something extra," which was meant to imply vodka. Mr. Bowman also told Technician Valdez that Sergeant Delsordo has placed his uniform shirt, gun belt, and gun behind the bar and in the coat check.

On July 1, 2016, Technician Valdez met with Corporal Duran and discussed Sergeant Delsordo's behavior at Charlie's bar. After that meeting, they informed their command staff, who referred the matter to the Internal Affairs Bureau (IAB) for investigation.

On July 1, 2016, Sergeant Delsordo was assigned to work on standby for the "Trump Visit" detail as supervisor of one of the District Six Field Forces from 3:00 p.m. to 1:00 a.m. Although his supervisor, Lieutenant Gallawa, released the Field Forces from standby "at some point," they were released to the on-duty responsibilities of covering calls for the remainder of their shift. At approximately 11:00 p.m., Lieutenant Steve Addison and Sergeant Kevin Bray of IAB observed Sergeant Delsordo at Charlie's bar. An hour later, at 12:00 a.m., on July 2, 2016, Sergeant Delsordo was escorted to IAB and served with a Chief's Direct Order.

The Chief's Direct Order stated:

Your privilege to work off duty at any liquor establishment is suspended ... While on your regularly scheduled tour of duty, you will not routine any liquor establishment, specifically Charlie's Nightclub located at 900 E. Colfax Ave. ... You are hereby ordered that you are to have no contact with any employee of Charlie's Nightclub. This includes contact in any form, such as in person, written, through others, oral communications, by telephone, or computer generated. You

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<sup>4</sup> Mr. Bowman is a former bartender at Charlie's bar.

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will not go to any location where Charlie's employees may be. If you inadvertently have contact with any Charlie's employee, you will notify the Internal Affairs Bureau immediately.

After receiving the Chief's Direct Order, Sergeant Delsordo spoke to Lieutenant Gallawa about [REDACTED] Sergeant Delsordo told Lieutenant Gallawa that he did not have any alcohol-related issues and that he "couldn't drink alcohol due to having gastric bypass surgery in the past."

On July 3, 2016, Technician Valdez was on his free time at an unrelated location and happened upon a regular customer of Charlie's. Unprompted, the customer told Technician Valdez, "I don't like that cop who works Friday nights." When asked why, the customer said, "I swear I saw him drinking while working." This customer described seeing a woman holding a glass containing what appeared to be alcohol and then handing it to Sergeant Delsordo, who took a drink and handed it back to her. Technician Valdez then obtained the customer's name and contact information.

On July 4, 2016, the Chief's Direct Order was updated to reflect that Sergeant Delsordo was suspended from working "[any] off duty or Department-scheduled overtime."

On July 18, 2016, a CAD entry indicated that Sergeant Delsordo responded to a call at 1:17 a.m. for an intoxicated person at Charlie's bar. Sergeant Delsordo volunteered to handle the incident and pulled the incident from the queue instead of being dispatched to the next pending call. Sergeant Delsordo was on the call for approximately four minutes.

A review of the AVL unit history for Sergeant Delsordo was conducted for the dates of June 3, 2016 through July 18, 2016.<sup>5</sup> It revealed that, for that time period alone, Sergeant Delsordo had spent 478 minutes at Charlie's while in an on-duty capacity. Twenty-three minutes of that time occurred after Sergeant Delsordo received a Chief's Direct Order to stay away from Charlie's.

### The IAB Case

The IAB subsequently investigated the matter and interviewed many witnesses, including patrons, former bartenders, and current employees of Charlie's, as well as Technician Valdez and Corporal Duran.

Mr. Sullivan indicated that although he has not seen Sergeant Delsordo drink alcohol while in uniform, he has heard from "employees and customers that he may be drinking."

Mr. Bowman told IAB that he has witnessed Sergeant Delsordo drink both while on and off duty at Charlie's. Specifically, he saw one bartender add vodka to Sergeant Delsordo's Monster energy drink while Sergeant Delsordo was working off duty. Mr. Bowman also observed "on a couple Friday nights and on Pride weekend ... [Sergeant Delsordo] sitting at the bar in uniform

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<sup>5</sup> This review only accounts for times when the vehicle was stopped. Further, it was determined that Sergeant Delsordo did not use his patrol vehicle during his off-duty working hours.

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drinking with a couple of people and there's been a couple of times that I've seen him come in and he's done with patrol but still in uniform and comes in and gets drinks." When he was asked how he knew that there was alcohol in Sergeant Delsordo's drinks, Mr. Bowman replied, "Because [Sergeant Delsordo] asked the bartenders to put alcohol in it and they have ... vodka ... about one to two drinks a night [while working off duty] ... There are two Fridays that I've worked that he had done it." Mr. Bowman also told IAB that Sergeant Delsordo does not pay for his drinks.

Additionally, Mr. Bowman stated that he has witnessed Sergeant Delsordo place his uniform shirt and gun belt with the gun attached behind the bar and in the coat check unattended. Mr. Bowman saw Sergeant Delsordo place these items behind the bar twice and in the coat check once.

Tyler Todd, the day shift office manager at Charlie's bar, told IAB that he has seen Sergeant Delsordo at the bar in civilian clothes having a few drinks and that these drinks are paid for with a "Charlie's card," or tab, and that Sergeant Delsordo, his friends, and oldest daughter are also covered under the tab.

Jason Palko, a general laborer at Charlie's bar, told IAB that over the last month, he has seen Sergeant Delsordo "maybe four or five times" while on duty and in uniform in Charlie's and when he is in uniform, he is "in and out." The general laborer stated that he has seen Sergeant Delsordo drinking while off duty.

Tyler Hochhalter, a bartender at Charlie's bar, told IAB that he's seen Sergeant Delsordo drinking alcohol while in uniform when he's not working at Charlie's as well, explaining that he doesn't know when Sergeant Delsordo is working at Charlie's or not, "cause he stops in off duty all the time ... in his uniform." Mr. Hochhalter confirmed to IAB that Sergeant Delsordo was, in fact, drinking alcohol because he was the one to serve Sergeant Delsordo the alcoholic drink. When asked how many times this happens, he replied, "Within the last month, probably twice, the month before, probably six times." Mr. Hochhalter informed IAB that Sergeant Delsordo "comes up to the bar and gets a drink ... vodka and Red Bull is usually what he drinks." He stated that he has given Sergeant Delsordo vodka in his Monster energy drink three times. Mr. Hochhalter further told IAB that Sergeant Delsordo also orders drinks for other people while in uniform and does not pay for the drinks because "it's an expectation there to serve him ... he has an open tab."

Mr. Hochhalter further remarked, "I thought it was extremely odd that he was off duty, with an alcoholic beverage in his hand, while he was handling a firearm. That's obviously not safe. Alcohol and firearms don't mix very well." He told IAB that on one occasion, Sergeant Delsordo ordered more than one alcoholic beverage while handling his firearm in the bar. Once Charlie's bar was closed and the staff was cleaning, Sergeant Delsordo gave his unloaded gun to a staff member who wanted to hold it. During the IAB investigation, Sergeant Delsordo acknowledged that this happened.

Mr. Loos indicated that he has never seen Sergeant Delsordo drink while in uniform, but has seen him drink at Charlie's bar. He stated that Sergeant Delsordo does not pay for his drinks. Mr. Loos also stated that he saw Sergeant Delsordo take his gun out of the holster and "was like



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either fixing it or trying to do something with it ... he might have been explaining it to somebody ... [the bar] was closed."

Brett Rollo, another bartender at Charlie's bar, told IAB that he served alcoholic drinks to Sergeant Delsordo while Sergeant Delsordo was in uniform, but that Sergeant Delsordo would give the drinks away to other people in the bar. Those drinks contained vodka and were free to Sergeant Delsordo. Mr. Rollo indicated that he has seen Sergeant Delsordo ask other staff members for alcoholic drinks on occasions when he was off duty.

Jesse Balderrama, a customer at Charlie's, indicated that he saw Sergeant Delsordo talking to a woman in the back patio bar and while doing so, he said that Sergeant Delsordo took a "clear glass" containing a "red liquid" from her, drank from it and then handed it back to her.

#### **Sergeant Delsordo's Statements to IAB**

During his IAB interview, Sergeant Delsordo maintained that he has never consumed alcohol while in uniform and that the people who say that they have seen him do so "were mistaken." Sergeant Delsordo stated that he would "never drink alcohol while I was uniform even in an off-duty capacity." He further stated that he would bring in a Monster energy drink, but that he has never asked for or received vodka in it. He further denied ever taking a drink from a customer's glass or cup while in uniform, stating, "No, never. I always have my own."

Sergeant Delsordo admitted to IAB that he has bought other individuals, including his daughter, drinks while in uniform. He stated that "normally I'll bring them up there [to the bar] because I don't want to handle alcohol." Sergeant Delsordo told IAB that he buys drinks for people every night as "kind of a good will thing." Sergeant Delsordo admitted that Charlie's gives him free drinks, including those he "buys" for other people, and there is no limit on the number of free drinks he gets. He did not know the number of drinks that have been provided free to him, but he reiterated that "every night I work I'll say, 'Hey this round's on me.'"

When asked if he ever removed his gun from his holster while in the bar, Sergeant Delsordo responded, "One time, yes. One of the employees ... said he had never handled a gun ... so I took the magazine out, cleared the chamber ... gave him a quick gun safety demonstration, showed him how to hold it ... and that was it." When asked if he was aware whether that employee had had anything to drink that night, Sergeant Delsordo responded, "I don't know."

Sergeant Delsordo told IAB that he has not been back to Charlie's bar since being issued the Chief's Direct Order, but that he has parked next to Charlie's so he could see his friends. Sergeant Delsordo stated, "I have been close to Charlie's bar, there's people who wanted to say hi and I would go over to the gyro place that's right next door and say hi to the customers that missed me." Sergeant Delsordo also told IAB that he has had contact with a Charlie's employee after being issued the Chief's order and admitted to not giving IAB immediate written notice of that contact.

With respect to the June 17, 2016 incident, Sergeant Delsordo first told IAB that he had taken off his full uniform and gun belt and locked them in his trunk prior to leaving Charlie's with a

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woman for two hours while working off duty. Sergeant Delsordo was later asked if he left the bar at any point on June 17<sup>th</sup> during his off-duty shift. Sergeant Delsordo replied,

I don't recall leaving the bar ... let me think about it ... I honestly don't remember. I know there was ... one time during the weekend that I left to go get some dinner and I told Brendan I was leaving and I'd be back ... I thought it was during the day, very early evening ... [I was gone] maybe 2 hours. I went ... [to] a Kabob place ... I took a girl that I had met there to that spot then over to her apartment for a little bit then I went back to work ... we hung out together, made out a little bit and that's it.

Sergeant Bray stated, "No sex?" and Sergeant Delsordo replied, "Yes, I had sex with her ... I had just met her [that night]."

Q. Were you in full uniform during this?

A. "No, I had taken that all off and locked it in my trunk."

Q. When did you do that exactly?

A. "I think when we went outside to get in the car I put all that stuff in my trunk."

Q. So all of your uniform items and your gun belt were in your car?

A. "Yes."

Q. How did you end up getting re-dressed?

A. "I honestly don't remember whether I took it in the bathroom or if I just parked and threw my shirt on. I don't remember exactly where."

Q. If I'm being told that you showed up back at the bar in your t-shirt and uniform pants with no police shirt and no gun belt and that those items were inside the bar, is that a possibility that you had to go back in to the bar to get dressed?

A. "I'm trying to remember if I just carried my stuff back in or not and I don't remember."

Q. Is it possible those items were left in the bar when you left?

A. "No, I took those with me and locked them in my car."

Q. So the people telling me you walked back in without any uniform items ... then you were dressed when you came back to the door, does that sound like something that could have happened? -- Because that's what I am being told, that you left your stuff at the bar.

A. "I did not leave my stuff at the bar."

Q. So then they would be mistaken, all of them?

A. "Yes, anybody who said that."

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Q. If [Officer Valdez] is saying ... you went in the bar and got dressed, are you calling him a liar?

A. "I'm not calling anybody a liar."

Q. Is there a possibility ...?

A. "I think, let me think about it ... I don't remember where I got dressed. I'm trying to remember ... I very likely walked into the bar without my uniform on."

He avowed that it was not possible that those items were in Charlie's when he left, as "I took those with me and locked them in my car ... I did not leave my stuff at the bar." However, when pressed for a total of 6 minutes and 30 seconds and confronted with contrary witness statements, and after a 20-minute break at the request of Sergeant Delsordo, Sergeant Delsordo changed his position, stating, "I think I did leave my gun, gun belt, and uniform in the coat check and that's why I came in without my uniform." According to Sergeant Delsordo, his gun, handcuffs, mace, and badge were included in the items he placed in the coat check area. Sergeant Delsordo admitted that the coat check area is unsecured and accessible to anyone, including customers.

With respect to the June 19, 2016 incident, Sergeant Delsordo admitted to placing his gun belt and uniform shirt behind the outside patio bar and explained that he did so in order to remain on the patio and monitor it. Sergeant Delsordo also stated that, "I wanted to have it fairly close because it was within days of that ... Orlando shooting at the gay club down there, I had it there for maybe an hour or two." Sergeant Delsordo admitted that his gun was still in his gun belt at the time. Sergeant Delsordo then told IAB that he wanted to have a drink so he "took my stuff and locked it in my trunk, then I had two drinks or whatever."

Sergeant Delsordo was asked, "Have you ever taken a drink from a customer's glass or cup while in uniform?" Sergeant Delsordo replied, "No, never. I always have my own." Sergeant Delsordo was shown a photograph depicting him in his uniform standing beside a female with his arm extended out in front of the women and was asked if he took a drink from the female's glass. Sergeant Delsordo replied, "I don't remember specifically doing that no. I remember I had whatever I was drinking ... I don't remember drinking from her glass what-so-ever."

With respect to the June 19, 2016 incident, Sergeant Delsordo admitted to placing his gun belt and uniform shirt behind the outside patio bar and explained that he did so in order to remain on the patio and monitor it. Sergeant Delsordo then told IAB that he wanted to have a drink so he "took my stuff and locked it in my trunk, then I had two drinks or whatever."

Sergeant Delsordo stated, "I was working during the day, I did stay after and I did have two drinks, maybe two over about a four-hour period, three hour period."

Q. Did anything out of the ordinary happen?

A. "When my shift ended I took off my gun belt and my shirt, they had a temporary bar... Bud Light truck ... I stuck that stuff behind the bar there so I could just be out on the patio ... my gun belt and my shirt. I wanted to have it fairly close because it was within days of that ... Orlando shooting at the gay club down there, I had it there for maybe an hour to two."



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Q. Your gun was still in the gun belt?

A. "Yeah"

Q. Where were you when your equipment was behind the bar?

A. "In the parking lot ... where that bar truck is, socializing ... I felt like I could see what was going on at that bar ... I was monitoring it ... And then I wanted to have a drink so I took my stuff and locked it in my trunk, then I had two drinks or whatever."

Q. Did you feel like you were intoxicated?

A. "No... I don't even think I finished my second drink. I'm extremely intolerant to alcohol because of my surgery ... It makes me sick."

Q. So if I'm getting several people including a police officer telling me they saw you heavily intoxicated in the bar on Sunday night, what would you say to that?

A. "I would say I was not heavily intoxicated, but at the point that I did have my alcoholic beverages, I was affected by them, that is why I didn't want to drive ... I don't know what their perception is ... I don't know how I was feeling that night I could have been even with just a drink and a half, two drinks, I could have been intoxicated to the point where it was noticeable."

Sergeant Delsordo further stated it was a possibility that he had more than two drinks that night because he "wasn't keeping track, but once again, I literally, if I drink more than, I mean I don't measure it, because I take so long to drink a drink."

Q. How did you get home?

A. "I had Adam drive me home ... I had alcohol and I never drive when I have alcohol."

Q. So that was your suggestion to have somebody drive you home?

A. Sergeant Delsordo responded by shaking his head yes.

Later in the interview Sergeant Delsordo was asked if he was the one who sought out a bartender to get a ride home. Sergeant Delsordo stated, "I was talking to Brendan back in the office and I was like, I can't drive. He's like, 'Yeah, I think we should have somebody take you home.'" Sergeant Bray stated, "How did you end up in the office with Brendan?" Sergeant Delsordo replied, "I am always going back in the office and talking to him." According to Sergeant Delsordo, he went back in the office on his own accord and no one asked him to go back there. Sergeant Delsordo stated he does not remember what time he went home or if he went back to the bar after he went home. Sergeant Bray asked, "Do you commonly forget portions of an evening when you've been drinking because your surgery?" Sergeant Delsordo replied, "No, because I don't get ... intoxicated like fall down drunk ... I just don't remember the specifics of the evening."

When asked if he felt like he was intoxicated on June 19, 2016, Sergeant Delsordo answered, "No. I don't even think I finished my second drink. I'm extremely intolerant to alcohol because of my surgery. It makes me sick." Sergeant Delsordo admitted it was possible that he had more than two drinks that night because he "wasn't keeping track." He continued to maintain that it

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was his decision to have the assistant manager drive him home and that he went back into the manager's office of his own accord and no one asked him to go back there. Sergeant Delsordo further admitted to not remembering what time he went home or if he went back to the bar after he went home. He stated, "I just don't remember the specifics of the evening."

With respect to the July 1, 2016 incident, Sergeant Delsordo stated that he spent most of his assigned shift at the "station," but that he did go to Charlie's that night for "an hour or so" to get "some tacos," but does not remember what time that was and does not believe that anyone knew he went to Charlie's.

With respect to the July 2, 2016 incident, Sergeant Delsordo denied telling Lieutenant Gallawa that he "couldn't drink alcohol due to having gastric bypass surgery in the past." Sergeant Delsordo maintained that, "I said I shouldn't drink alcohol definitely not that would make me sick," and that he was certain he did not tell Lieutenant Gallawa he "couldn't" drink alcohol. Sergeant Delsordo told IAB that he maybe "said something that made [Lieutenant Gallawa] think that I absolutely couldn't." Sergeant Delsordo eventually conceded, "I guess it's possible that I said [couldn't]."

With respect to the July 18, 2016 incident, IAB asked Sergeant Delsordo if he has handled any calls at Charlie's bar since being issued the Chief's Direct Order and Sergeant Delsordo replied, "A call came out the other night, I think it was like a [criminal mischief], but the party had departed for, heading towards Argonaut, so I took that call but I never even went to Charlie's. They didn't want contact. I just looked for the suspect over by the Argonaut ... I volunteered for it [the call] ... I never entered their property." When confronted with the information that he was at Charlie's for four minutes, Sergeant Delsordo replied, "At Charlie's, I never contacted anybody at Charlie's. They were long since closed ... I may have been stationary close to the property checking out the queue again ... but there was nobody there. They had long since been closed. They close at 2:00 a.m. I didn't contact anybody there."

### **The Pre-Disciplinary Meeting**

On November 2, 2016, Sergeant Delsordo attended the Chief's hearing/Pre-disciplinary Meeting. He maintained that he had never consumed alcohol while in uniform at Charlie's Bar. He indicated that he is medically unable to consume much alcohol and "very rarely, ever" drinks. He recalled one Sunday during Pridefest that he had one drink and tried to drink a second but "was too drunk" that "they had to help me home." He acknowledged that on two occasions he stored his gun belt and gun at the coat check and behind the bar at Charlie's bar.

### **ANALYSIS AND CONCLUSIONS**

**RR-102.1 – Duty to Obey Departmental Rules and Mayoral Executive Orders**, of the Denver Police Department Operations Manual, as it pertains to

**OMS 114.00 Employment Outside the Police Department**, provides that,

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- 114.01(3)f. Officers off duty due to personal or line of duty illness/injury, extended military leave, leave of absence, suspension, and/or on a limited duty status, will not be permitted to perform secondary employment police work.

And

- 114.02(3)b. All secondary employment work requires approval. Supervisors provide the required approval for secondary employment ... The supervisor will approve the officer's off-duty job through TeleStaff. **All off-duty jobs must be approved by a supervisor in the officer's chain of command before the job is worked.**

Sergeant Delsordo violated this departmental rule when, by his own admission, he worked secondary employment while in an injury status, he exceeded the maximum amount of work hours allowed in a calendar week, and he worked a secondary work shift prior to receiving approval.

A violation of RR-102.1 appears in Conduct Categories A through F of the disciplinary matrix. By exceeding the maximum amount of work hours in a calendar week and working while in an injury status, and working a secondary shift without prior approval, Sergeant Delsordo's misconduct falls under Conduct Category C because it had "a pronounced negative impact on the ... professional image of the Department."

Sergeant Delsordo has no prior Conduct Category C, or higher, violations within the specified time-frame of five (5) years that would mandatorily increase the penalty level. Pursuant to the disciplinary matrix for discipline level of three (3) the mitigated penalty is a written reprimand to one (1) fined day, the presumptive penalty is two (2) fined days, and the aggravated penalty is four (4) to six (6) fined days. There is one significant aggravating factor in this case. The Denver Police Department Discipline Handbook lists several aggravating factors. Paragraph 19.10 reads, "The above potential aggravators are intended as a guide only. It is impossible to list all the circumstances which might be considered aggravating in a particular case ..." In this case the circumstance considered as an aggravator is the number of sustained violations under this specification. As such, the aggravated penalty of six (6) fined days is warranted for Sergeant Delsordo's misconduct.

**RR-109.3 – Drinking on Duty**, of the Denver Police Department Operations Manual, provides that,

Officers shall not consume alcoholic beverages while on duty either in or out of uniform, or off duty while in uniform, except when necessary and authorized in the performance of duty.

As noted above, several individuals with no motive or interest, indicated that they had observed Sergeant Delsordo consuming alcoholic beverages while in uniform in either an on-duty or off-duty capacity while at Charlie's bar. At least two individuals, Brett Rollo and Tyler Hochhalter,



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indicated that they served Sergeant Delsordo alcohol while he was in uniform. Mr. Hochhalter stated that he served him "vodka and Red Bull" and that he has added vodka to a Monster that Sergeant Delsordo provided while he was in his uniform. Mr. Bowman stated that he has seen Sergeant Delsordo drink Monster and vodka drinks while in uniform and that he has seen him sit at the bar and consume drinks while in uniform. Mr. Metzler stated that he saw Sergeant Delsordo drink a clear liquid from a female customer's glass while in uniform. Mr. Sullivan indicated that he has been approached by customers and employees who have told him that Sergeant Delsordo was drinking while in uniform and working off duty. Corporal Duran stated that a woman had approached him while at Charlie's bar and told him that the officer he was there to relieve was drinking alcohol. The preponderance of evidence indicates that Sergeant Delsordo violated this departmental rule because he "consume[d] alcoholic beverages while on duty either in or out of uniform, or off duty while in uniform."

A violation of RR-109.3 appears in Conduct Categories E through F of the disciplinary matrix. As noted above, several individuals reported seeing Sergeant Delsordo consuming alcohol while in uniform. Some individuals indicated that Sergeant Delsordo had a "tab" and that they were expected to serve him. Sergeant Delsordo conducted himself in a manner that suggests that he was entitled to act this way because of his status as a law enforcement official. His conduct was not only severely contrary to the Department's Mission, Vision and Values, it constituted a serious abuse or misuse of his authority. Private citizens openly discussed and complained about his behavior. His actions were damaging to the operations and image of the Department. In engaging in this unprofessional and reprehensible behavior, Sergeant Delsordo committed acts that constituted a "willful or wanton disregard of Department values, demonstrate[d] a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer [and which] involve[d] egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law." As such, this was a Conduct Category F violation.

Pursuant to the disciplinary matrix for discipline level of eight (8) the mitigated penalty is a ninety (90) day suspension and the presumptive penalty is termination. Although Sergeant Delsordo has no significant prior disciplinary history and has several commendations, including two District 5 Top Cop Awards, the mitigating factors present are not sufficiently weighty to warrant any penalty other than the presumptive penalty. Sergeant Delsordo has persisted in denying his drinking behavior, even in the face of substantial and credible evidence to the contrary. He refuses to take responsibility for his conduct. The appropriate penalty is termination.

**RR-402 – Careless Handling of Firearms** of the Denver Police Department Operations Manual, provides that,

Officers shall not carelessly handle a firearm at any time.

Sergeant Delsordo violated this departmental rule on at least three separate occasions. First, Sergeant Delsordo removed his firearm while in Charlie's bar to give a "safety demonstration" to one of the employees. Sergeant Delsordo admitted that this occurred. The preponderance of evidence indicates that this occurred at a time when there were at least fifteen people present. Sergeant Delsordo ostensibly did not care that he was in a bar and that people present were

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likely drinking. Second, Sergeant Delsordo placed his loaded firearm in the coat closet and left it unsecured while he left the location to go have sexual relations with another person. Sergeant Delsordo admits this behavior. Third, Sergeant Delsordo placed his loaded firearm behind a temporary bar in the parking lot of Charlie's bar and left it unattended. Moreover, each time he left his loaded firearm and when he performed the demonstration with his firearm, Sergeant Delsordo was drinking. In fact, Sergeant Delsordo admits that the reason he left his gun in the closet area or behind the bar was so that he could engage in drinking behavior. Each time he retrieved his gun belt and firearm he was in possession of a loaded firearm while having consumed alcoholic beverages. This was egregious misconduct. In engaging in this conduct, Sergeant Delsordo "carelessly handled a firearm at any time."

A violation of RR-402 appears in Conduct Categories C through F of the disciplinary matrix. As noted above, the Written Command determined that this was a Conduct Category D violation for which a suspension and a demotion were appropriate penalties. However, the flagrancy of the rule violation and its repeated nature, coupled with the extreme danger his deliberate and intentional behavior created compels the conclusion this rule violation was a Conduct Category F violation. Sergeant Delsordo is not a rookie cop. He is a command officer who is required to lead by example. His repeated misconduct demonstrates an unwillingness to comply with departmental policy. His behavior was a breach of the Department's Mission, Vision and Values. He left his loaded weapon unattended in a bar where anyone could have access to it. He possessed a firearm while drinking alcoholic beverages. This conduct had an "actual and demonstrable serious risk to officer or public safety." Sergeant Delsordo committed acts that constituted a "willful or wanton disregard of Department values, demonstrate[d] a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer [and which] involve[d] egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law." As such, this too was a Conduct Category F violation. For the reasons discussed above, Sergeant Delsordo's misconduct warrants the presumptive penalty of termination for this rule violation.

**RR-112.2 – Commission of a Deceptive Act**, of the Denver Police Department Operations Manual, provides that,

In connection with any investigation or any judicial or administrative proceeding, officers shall not knowingly commit a materially deceptive act, including but not limited to departing from the truth verbally, making a false report, or intentionally omitting information.

As discussed above, Sergeant Delsordo was given an opportunity during the IAB investigation to give accurate and truthful accounts of his behavior during the relevant time period. He was confronted with the statements several witnesses had provided and, instead of being truthful, he engaged in deceptive conduct as indicated below:

- Sergeant Delsordo stated during the investigation that he has never consumed alcoholic beverages while in uniform. The preponderance of evidence demonstrates otherwise. As discussed above, numerous individuals indicated that

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they either served Sergeant Delsordo alcohol while he was in uniform or saw him drink alcohol while in uniform.

- Sergeant Delsordo denied during the IAB investigation that he was intoxicated on June 19, 2016. He maintained that he had consumed only one drink and started a second one. Several witnesses indicated that he was intoxicated and acting inappropriately.
- Sergeant Delsordo initially denied during the IAB investigation that he came back to the bar on June 19, 2016, about an hour before closing. This is contrary to what several witnesses have stated. He modified his position later and stated that he didn't remember.
- Sergeant Delsordo stated during the IAB investigation that because "he never drive[s] when he has alcohol," he sought out someone to drive him home on June 19, 2016. This is directly contradicted by statements other witnesses have provided. They indicated that because Sergeant Delsordo was intoxicated and acting inappropriately, several individuals, including Corporal Duran, Brenden Sullivan and Adam Poppen intervened and made the decision to have Sergeant Delsordo driven home.
- Sergeant Delsordo indicated during the IAB investigation that on June 19, 2016, he went to Mr. Sullivan's office, on his own accord, to ask for a ride home. This is directly contradicted by Mr. Sullivan who stated that when Sergeant Delsordo reappeared in the bar, he "brought him into the office" and "chewed him out."
- Sergeant Delsordo was shown a copy of his TeleStaff entries for June 17, 2016. He was asked if this reflected the hours he worked on that day. He denied leaving the bar at any time. Eventually, after additional questions were asked, Sergeant Delsordo acknowledged that he had left the bar while on off-duty assignment to have sex.
- Sergeant Delsordo stated that when he left to go have sex with a woman he had just met, he left his locked gun belt and gun in the trunk of his car. He also maintained that he got "dressed" in the car. This is contrary to what witnesses, including Technician Valdez, indicated happened. It was only after twenty (20) minutes of questioning and a break did Sergeant Delsordo back away from these untruthful statements.
- Sergeant Delsordo denied during the IAB investigation that he had been told that females were making complaints about his behavior. This is contradicted by witness statements.

A violation of RR-112.2 appears in Conduct Category F of the disciplinary matrix. By knowingly departing from the truth and not being honest during the course of the investigation, Sergeant Delsordo's conduct was a "violation of...policy which ... constitutes

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a willful and wanton disregard of Department values [and] was substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law.”

In making these false statements, Sergeant Delsordo “knowingly committed a materially deceptive act.” In doing so, he violated this departmental rule.

A violation of RR-112.2 is a pre-determined Conduct Category F violation, pursuant to the disciplinary matrix, because it involved conduct that constituted a “willful or wanton disregard of Department values, demonstrate[d] a serious lack of the integrity, ethics or character related to an officer’s fitness to hold the position of police officer [and which] involve[d] egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law.”

The penalties for this rule violation are set forth above. For the reasons noted above, the appropriate penalty is the presumptive penalty of termination.

**RR-117 – Disobedience of an Order**, of the Denver Police Department Operations Manual, provides that,

Officers shall obey any order lawfully issued by a supervisory or command officer.

Sergeant Delsordo violated this departmental rule when, after being issued a Chief’s order directing him not have contact in any form with any employee of Charlie’s bar, he continued to have contact with Mr. Sullivan on several occasions by telephone, text, and email and he volunteered to take an intoxicated persons call at Charlie’s bar.

A violation of RR-117 appears in Conduct Categories C through F of the disciplinary matrix. By continuing to have contact with Charlie’s employees after being issued a Chief’s order prohibiting that contact, Sergeant Delsordo’s misconduct falls under Conduct Category D because it was “substantially contrary to the values of the Department [and] substantially interfere[d] with its mission, operations, [and] professional image.”

Sergeant Delsordo has no prior Conduct Category D violations. Pursuant to the disciplinary matrix for discipline level of five (5) the mitigated penalty is four (4) to six (6) days suspension, the presumptive penalty is ten (10) days suspension, and the aggravated penalty is fourteen (14) to sixteen (16) days suspension. There are no significant aggravating or mitigating factors for this specification that would justify a penalty outside of the presumptive range. As such, the Presumptive penalty of ten (10) days suspension is warranted for Sergeant Delsordo’s misconduct.

**RR-105 – Conduct Prejudicial**, of the Denver Police Department Operations Manual, provides that,

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



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- a. May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or

Sergeant Delsordo engaged in unprofessional and inappropriate behavior, as discussed above. He drank alcohol while in uniform, he stored his weapon in unsafe places to drink, handled the weapon after drinking and lied about his conduct during an IAB investigation. In doing so, Sergeant Delsordo "engaged in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer."

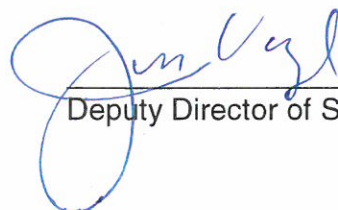
A violation of RR-105 appears in Conduct Categories A through F of the disciplinary matrix. As discussed above, Sergeant Delsordo's behavior breached the Department's Mission, Vision and Values. His actions placed others, including himself, at risk. He disobeyed a direct order. He engaged in deceptive conduct. His behavior was disgraceful. In conducting himself in this manner, Sergeant Delsordo engaged in conduct that constituted a "willful and wanton disregard of Department values [and which] demonstrated a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer [and] involve[d] egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law." As such, this was a Conduct Category F violation.

For the reasons discussed above, the presumptive penalty of termination is appropriate for this rule violation. Sergeant Delsordo is not fit to be a police officer.

Accordingly, the Written Command is approved in part and modified in part. Sergeant Delsordo is hereby dismissed from the Classified Service for violating RR-109.3, Drinking on Duty; RR-402, Careless Handling of Firearms; RR-112.2, Commission of a Deceptive Act; and RR-105, Conduct Prejudicial. Sergeant Delsordo is suspended for ten (10) days without pay for violating RR-117, Disobedience of an Order. Sergeant Delsordo is fined six (6) days for violating RR-102.1 as it pertains to OMS-114.00, Employment Outside the Police Department.

Pursuant to Denver City Charter § 9.4.15(A), Sergeant Delsordo has ten (10) days from receipt of this Order to file an appeal with the Civil Service Commission.

BY ORDER:



Deputy Director of Safety

11-16-16  
Date

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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 Timothy Delsordo this 17 day of November, 2016.

RAO 11/17

Signature

Ron Oreskovich

Printed Name