



The Denver Police Protective Association



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RESUME AND TESTIMONY OF NICK ROGERS

I, Detective Nick Rogers, am a police officer for the City and County of Denver, and have been employed by the Police Department for the past 32 years. My first assignment was uniformed patrol for six years. In 1992, I was promoted to detective (Narcotics Bureau). Currently and for the past 20 years, I have been assigned as a detective to the District 4 Narcotics Investigations Unit of the Denver Police Department. The City and County of Denver has six districts, each with their own general assignment and narcotics detectives. The District 4 Narcotics Unit consists of four detectives and one sergeant.

In 2016, the District 4 Narcotics Unit made approximately 268 drug-related arrests, recovered 52 firearms, \$326,080 in currency, 2800 grams of methamphetamine, 2021 grams of cocaine, 1554 grams of heroin, and 5031 grams of marijuana.

In 2017, the District 4 Narcotics Unit made approximately 170 drug-related arrests, recovered 25 firearms, \$103,930 in currency, 6511 grams of methamphetamine, 1,295 grams of cocaine, 1440 grams of heroin, and 53,378 grams of marijuana.

As an investigator, I have received training in the area of drug identification, undercover techniques, surveillance techniques, and identification of narcotic traffickers, as well as the procedures in which narcotics are bought and sold. I attended and completed an 80-hour course on drug task force investigations sponsored by the St. Petersburg Junior College in Florida. I have also attended two other 40-hour classes sponsored by the Western States Vice Investigators Association in the area of vice and drug-related crimes. Additionally, I have continued my education through online required POST certified courses.

Also, I have personally participated in the execution of hundreds of search warrants: Most of these search warrants were for controlled substances in which drugs, documents, weapons, assets, vehicles, and large sums of money were seized. I have also arrested and assisted in the arrest of hundreds of individuals involved in the manufacture, sale, distribution, and transportation of controlled substances.

I have debriefed, interviewed and discussed with hundreds of defendants, confidential sources, and highly experienced narcotics investigators, the techniques and methods of illegal drug distribution. I have also continued to keep himself abreast of current trends in trafficking of controlled substances by continually talking with other law enforcement officials at the state and federal levels.

Because of my training and experience, I am familiar with the material and paraphernalia used in the sale, packaging for sale, and use of narcotics, and the appearance of illegal drugs, as well as the practices of drug dealers in financing and handling the proceeds of their trade.

I am recognized in the State of Colorado as an expert witness regarding the sale, manufacturing and distribution of controlled substances, and have testified in court as an expert witness on numerous of occasions.

MY HISTORY WITH, AND CURRENT DUTIES AS, PRESIDENT OF THE DPPA:

I was elected to the Denver Police Protective Association 17 years ago and have been the President of the Association for the past 10 years. The DPPA represents 1500 Denver Police officers for the collective bargaining of wages and benefits, as well as many other police-related issues.

DPPA President Duties

- Oversees and coordinates the work of an executive board to run the DPPA effectively
- Presides at DPPA board and association meetings
- Serves as the official contact, communicator and representative of the DPPA
- Establish effective procedures to track grievances and contract timetables
- Oversee the budget of the Association
- Supervise staff
- Act within the confines of the Bylaws and the policies established by the membership and the Executive Committee
- Ensure vigorous defense of any member whose civil liberties or job rights have been threatened
- Supervise implementation of Executive Board decisions
- Supervise day-to-day implementation of Association policy and programs
- Represent the members before the Department administration, community organizations, legislative officials, news media
- Oversee the negotiation and enforcement of the collective bargaining agreement
- Assist and tutor all bargaining unit members, strengthen their professional knowledge and practices, and mentor and support the less experienced
- Serve as a liaison with the Mayor, Chief, District Attorney, City Attorney, and other government officials and report to the Executive Board

IMMIGRATION AND THE OPIATE CRISIS

Beginning in 2006, I began to see heroin on the streets of Denver. As the arrests grew and I was able to interview both the sellers and buyers, it became apparent the source of the heroin was coming from Mexico and the parties selling it were also from Mexico and Honduras. Early on, I found that almost all the buyers of the heroin were middle class, white, young adults from the suburbs. Each one had a story to tell but the overwhelming consistent part of the story was that they started their own opiate addiction by taking their parents left over pain pills -- slowly becoming addicted to them. Some had been involved in an accident or had surgery, with the

common thread of taking oxycodone and becoming addicted to it. Each of the stories wound up on the streets of Denver because buying pills on the street is too expensive and they all turned to the cheaper opiate, heroin.

The heroin dealers also had a common story. They were mostly young, 18 to 25-year-old, illegal aliens from mostly Mexico, but as the years went by, some started coming from Honduras and Nicaragua. They were all in possession of several ounces of heroin and a fake ID from Mexico (Sinaloa was most common). Some of these arrests led to what was known as "the office." A location, usually a higher end apartment, which was used only to stash the heroin and money. Many of these "offices" produced tens of thousands, if not hundreds of thousands, of dollars in cash waiting to be sent back to Mexico. Each office also produced an average of one pound of heroin located there.

I began to see a disturbing trend. I started to arrest the same parties twice. For example, working in an undercover capacity, I bought heroin from an illegal alien, arrested him, charged him with distribution of a controlled substance, and had an immigration detainer placed on him, believing this would end that suspect's involvement in the narcotics trade. Several months, to a year or so later, I arrested the same suspect who was now wanted for failing to appear on the first case, and now in possession of heroin a second time. The only change was the suspect was now in possession of a fake ID, with a different name. This became common practice in my unit, as well as other narcotics units around the City: Arresting illegal aliens for possession of large amounts of heroin, cocaine, and methamphetamine who were now living under fake names, all the while being wanted on failing to appear on other drug charges.

During a typical heroin arrest as described, I would contact one of two ICE agents, Nick Fowler or Kevin Cruz, both of whom I worked closely here in Denver. These two ICE agents did a fantastic job, and were invaluable to us during these early years. They would respond any time of day or night to assist us. They would interview the suspects and ultimately put a detainer on those suspects if they were indeed here illegally. They often found that the person they were interviewing had been deported before, sometimes they had been deported several times.

In October of 2017, this all changed. The City and County of Denver placed severe restrictions on all Denver Police officers, forbidding them to contact ICE as we had done so many times before. The City adopted an Ordinance placing these restrictions on DPD officers. We were informed that if we communicated with ICE, we were subject to discipline, up to and including termination. We were also told that if we violated the Ordinance we were subject to criminal prosecution and may be fined up to \$999.00 and a term of incarceration not to exceed 300 days in jail. I have provided the actual Ordinance for you to read.

The individuals I am speaking about did not just sell and distribute narcotics, they committed burglaries, auto thefts, and robberies, just to name a few of the crimes.

I think it should be noted that in all the years I have dealt with ICE, I cannot remember a single time our coordinated efforts were targeting minor offenses. In short, the only parties we ever worked together on were felons, who had committed very serious crimes.

I also need to emphasize that illegal aliens are only a small percentage of individuals I deal with daily. Each day brings a new case, a new set of suspects, who span the entire gambit of all walks of life.

I think it would also be helpful to discuss oxycodone and other opiates in the pill form. We see many individuals still using and addicted to pills from all walks of life. Not all users make the switch to heroin. Pill form opiates are sold on the streets for one dollar a milligram, so a single 20 milligram oxycodone sells for \$20 on the street. Many of the people we arrest selling pills come straight from the pharmacy. Those individuals have legitimate prescriptions but sell them for profit. In other words, the suspect gets prescribed 120, 20 milligram oxys, pays nothing for the prescription due to being on government assistance, and makes \$2400 for the pills. There is also a whole other segment of the opiate crisis -- that is forged and stolen prescriptions, as well as complicit doctors, which is far too complicated to elaborate in this forum.

The Ordinance has had a chilling effect on our daily operations. We can no longer call and share information with ICE. They can no longer call and ask for assistance, or ask for intel on suspects involved in criminal activity. This Ordinance has created, in my opinion, a City that is much less safe than it was prior to this Ordinance.