



DENVER

THE MILE HIGH CITY

*OFFICE OF THE INDEPENDENT
MONITOR*

ANNUAL REPORT 2006

RICHARD ROSENTHAL
INDEPENDENT MONITOR



DENVER
THE MILE HIGH CITY

**MESSAGE FROM
THE INDEPENDENT
MONITOR**

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This is the second annual report for the City of Denver's Office of the Independent Monitor (OIM). 2006 marked the first full-year of operation of the Monitor's Office which began operations on August 1, 2005.

The creation of the Monitor's Office brought professional civilian oversight of law enforcement to Denver. Even though the concept of an office that would be imbedded into the Internal Affairs Bureaus for the Police and Sheriff Departments, as well as the Police Department's Critical Incident Roll-Out Team, was a new one, it was quickly accepted by Command Staff, Governmental Officials and the Rank and File. As of the end of 2006, the OIM has become part of the culture of both the Police and Sheriff Departments. We have been given complete and unfettered access to the records and documents necessary to do the job. Our oversight begins with the filing of a complaint, or the occurrence of a critical incident and does not end until findings are made and discipline is imposed.

Although there were a significant number of critical incidents in 2006, none created the type of controversy or community angst that occurred as the result of two DPD shootings (one in 2003 and one in 2004) which were the genesis for Mayor Hickenlooper to create an Advisory Group to come up with a concept for professional oversight. It is my hope, that in the event of a future controversial critical incident, that the existence of the Monitor's Office, in conjunction with the civilian oversight provided by the Manager of Safety's Office, will assist both the community and the Police rank and file in assuaging their concerns about how the incident will be investigated and reviewed.

The mission of this office is to provide fair and objective oversight of the complaint handling and disciplinary processes for Denver's law enforcement agencies. It is also to provide transparency into what was previously a closed process so as to allow City Officials, Department Employees and members of our community the information necessary to decide for themselves how well the Police and Sheriff Departments police themselves. I believe that this Annual Report will show that we have accomplished our mission and provided transparency into these processes as it has never existed before.

Special thanks should be given to the members of the Citizen Oversight Board (COB) for their advice and consult over the past year. I look forward to another year of achieving our goals and objectives.

Sincerely,

Richard Rosenthal
Independent Monitor



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EXECUTIVE SUMMARY

MISSION & RESPONSIBILITIES

The mission of the Office of the Independent Monitor is to provide fair and objective oversight of the Denver Police and Sheriff's Departments. The Monitor's mission is directed at transparency and accountability in order to ensure public confidence in Denver's sworn Safety personnel and the policies which govern them.

The OIM is responsible for: (1) actively monitoring and participating in investigations of sworn personnel in the City and County of Denver's Police and Sheriff Departments; (2) making recommendations to the Manager of Safety, Chief of Police and Director of Corrections (who are responsible for discipline within the departments) regarding administrative action, including possible discipline for such uniformed personnel; and (3) making recommendations regarding broader policy issues.

Core Functions of the Monitor's Office

In 2006, the Monitor's Office "core functions" included:

Monitoring and reviewing Police, Sheriff and Fire Department critical incident investigations, specifically officer-involved shootings, in-custody deaths and uses of force resulting in great bodily injury or death;

Monitoring the Denver Police Department (DPD) and Denver Sheriff Department (DSD) internal affairs assignment decision making processes to ensure fairness and consistency in the handling of citizen and internally-initiated complaints and investigations;

Monitoring and making recommendations regarding formal DPD and DSD internal investigations to ensure the investigations are thorough, fair and complete;

Monitoring and making recommendations on DPD and DSD findings after investigations and the imposition of discipline after sustained findings are made. (This task includes the monitoring of Disciplinary Review Board deliberations and recommendations);

Ensuring the citizen complaint process is accessible to the entire community and making community members aware of how their complaints were handled and why; and,

Improving the timeliness of the entire complaint handling and disciplinary processes for DPD and DSD.

2006 Goals

Goal: Publishing a report relating to DPD officer-involved shooting investigations and deadly force policies.

II Status of Goal: OIM and the Los Angeles-based Police Assessment Resource Center (PARC)

entered into a contract to conduct a review of DPD deadly force policies and investigations in late 2005. The PARC report will be available for public release during the middle of 2007.

Goal: Establishing the Monitor's citizen-police mediation program as the largest per-capita program in the nation.

Status of Goal: The OIM Mediation program conducted 44 community member-police mediations since its inception in November of 2005. Forty of these mediations were conducted during the 2006 calendar year. The mediation program is now the largest per-capita program in the United States.

Goal: Assisting the DPD and the DSD in the implementation of a new *Early Intervention System*.

Status of Goal: OIM and DPD personnel participated in a workgroup to conceptualize and initiate a new Early Intervention Program. As of the end of the year, a new policy was finalized and was to be shared with DPD personnel. The new policy will announce the creation of the *PAS* (Personnel Assessment System).

Goal: Creating Quarterly Reports as required by City Ordinance and posting those reports on the internet.

Status of Goal: As of the end of the first quarter of 2006, the Monitor's Office created a new Quarterly Report wherein every internal affairs case closed that quarter with a finding of "sustained" was reported. The report includes the involved officer's rank, a description of the conduct found to have been committed and the discipline imposed by the DPD or DSD. This report can be found on the Monitor's Website, located at: www.denvergov.org/oim.

Goal: Increasing officer and citizen satisfaction with the complaint handling and disciplinary processes through mediation of complaints; providing more specific disposition letters; and, using a filtering process to improve timeliness in the handling of citizen complaints.

Status of Goal: The Monitor's Office facilitated the creation of complainant and officer survey instruments to measure whether the OIM has been able to increase satisfaction in the complaint handling and disciplinary processes from its 2005 baseline rate. According to survey results, complainant and officer satisfaction with mediation in 2006 was significantly higher than with the traditional complaint handling process.

Goal: Increasing the timeliness of handling of DPD internal affairs investigations, assignments and the imposition of discipline.

Status of Goal: As the result of a new "filtering" process for handling citizen complaints, the average number of days to handle DPD complaints decreased by 10% in 2006. The command review process for making findings on formal complaints also improved dramatically while the timeliness in handling declinations and informal investigations can still be improved.

COMPLAINT ASSIGNMENTS, INVESTIGATIONS, AND FINDINGS

In 2006, the Denver Police Department received 1,078 new complaints encompassing 1,483 allegations. Of the total complaints, 614 were made by community members and 186 involved internally-initiated complaints. A total of 266 complaints involved internal allegations that officers failed to appear in court, were involved in preventable traffic collisions, or failed to qualify with their firearms.

TOTAL COMPLAINTS IN 2006 BY COMPLAINT TYPE AND CASE ASSIGNMENT (DPD 2006)					
COMPLAINT TYPE	CASE ASSIGNMENT				TOTAL
	Formal	Informal	Decline	Service Complaint	
Citizen row %	116 18.9%	114 18.6%	368 59.9%	16 2.6%	614
Internal row %	167 89.8%	14 7.5%	5 2.7%	0	186
Failure to Appear-Court row %	101 100%	0	0	0	101
Traffic Accidents row %	149 100%	0	0	0	149
Failure to Qualify-Firearm row %	16 100%	0	0	0	16
TOTAL	549	128	373	16	1066

In 2006, the Denver Sheriff's Department received 388 complaints. Approximately, 42% of the total complaints received in 2006 were filed by inmates while management accounted for 9%, community members for 18.8%, and employees for 6.7%.

TOTAL COMPLAINTS BY COMPLAINT SOURCE (DSD 2006)		
COMPLAINT SOURCE	Count	Percent
Citizen	73	18.8%
Employee	26	6.7%
Inmate	163	42.0%
Management	35	9.0%
Other	6	1.5%
Unknown	85	21.9%
TOTAL COUNT	388	100.0%

Improper conduct complaints accounted for 51.1% of the total allegations received. Lost property and service complaints each accounted for 17% of the total allegations received.

DISCIPLINE

DISCIPLINE FOR SUSTAINED CASES CLOSED IN 2006 BY COMPLAINT TYPE (DPD 2006)						
DISCIPLINE	COMPLAINT TYPE					TOTAL
	Citizen	Internal	Traffic Accidents	Failure to Appear-Court	Failure to Qualify-Firearms	
Dismissed column %	0 0%	2 2.2%	0 0%	0 0%	0 0%	2
Suspended Time column %	0 0%	2 2.2%	1 0.7%	0 0%	0 0%	3
Fined Time column %	1 7.7%	6 6.5%	6 4.3%	1 1.2%	14 100%	28
Written Reprimand column %	5 38.5%	22 23.7%	50 36.2%	13 16.0%	0 0%	90
Oral Reprimand column %	7 53.8%	61 65.6%	81 58.7%	67 82.7%	0 0%	216
TOTAL	13	93	138	81	14	339

The most common form of discipline for citizen-initiated complaints was an oral reprimand with 53.8% of the sustained allegations receiving this penalty. Written reprimands were second at 38.5%.

Discipline for internal-initiated complaints consisted primarily of oral (65.6%) and written reprimands (23.7%).

One DPD-initiated excessive force complaint was sustained in 2006, resulting in the substantial imposition of discipline.

DSD officers with sustained improper conduct allegations most often received verbal reprimands (31.3%) while those with improper procedure allegations were equally as likely to receive a suspension, written reprimand, or cautionary letter (25%). All of the officers with sustained law violations received suspensions.

DISCIPLINE BY ALLEGATION FOR SUSTAINED CASES (DSD 2006)						
DISCIPLINE	ALLEGATION					TOTAL
	Improper Conduct	Improper Procedure	Law Violation	Service Complaint	Other	
Termination column %	1 1.6%	1 12.5%	0 0%	0 0%	0 0%	2
Resignation column %	3 4.7%	0 0%	0 0%	0 0%	0 0%	3
Suspension column %	13 20.3%	2 25.0%	5 100.0%	0 0%	0 0%	20
Written Reprimand column %	13 20.3%	2 25.0%	0 0%	0 0%	0 0%	15
Verbal Reprimand column %	20 31.3%	1 12.5%	0 0%	1 33.3%	0 0%	22
Cautionary Letter column %	9 14.1%	2 25.0%	0 0%	0 0%	0 0%	11
Counseled column %	4 6.3%	0 0%	0 0%	2 66.7%	0 0%	6
Demotion column %	1 1.6%	0 0%	0 0%	0 0%	0 0%	1
Disqualification column %	0 0%	0 0%	0 0%	0 0%	1 100.0%	1
TOTAL	64	8	5	3	1	81

EARLY INTERVENTION

In 2004, the DPD created of an Early Identification and Intervention System (EIIS). During 2006, representatives of the OIM worked with DPD command staff, union representatives and a member of the Citizen Oversight Board to create a new Early Intervention policy. A draft policy, renamed “the Personnel Assessment System” (PAS) was created and ready by the end of the year to share with all DPD personnel. By the end of the year, the Chief had selected members of a PAS Board, who will meet quarterly to continuously evaluate the system and the triggers that are used by the Professional Standard Unit to assist supervisors in their evaluation of their officers.

COMPLAINT PATTERNS

Of the Police Officers that received a complaint in 2006, 61.4% received only one complaint while 3.2% of the officers received five or more complaints during the course of the year. Eighty-one percent of the officers receiving a complaint in 2006 received one to two complaints.

In 2006, 191 Sheriff Deputies received at least one complaint. Approximately, 78% of those officers received only one complaint while 6.2% received three or more complaints. No officer received more than four complaints in 2006.

SPECIAL INITIATIVES

- The Monitor was concerned that the DPD and DSD currently lack a process by which officer’s “sustained” for “Departing from the Truth” are evaluated to ensure their future testimony will be deemed credible in a court of law.
- Updated training regarding the organization “CopWatch,” and the extent of their right to observe police activities in public was identified as needed due to a pattern of complaints.

- Officer complaints regarding the DPD’s provision of business cards to officers resulted in changes in DPD practices.
- The Gay and Lesbian Fund for Colorado and the Denver Center for Crime Victims fund and administer a private fund to reimburse innocent property owners who have sustained property losses as the result of a police action.

CRITICAL INCIDENT REVIEW

There were ten officer-involved shootings with on-duty Denver Police Department officers in 2006. There was an additional officer-involved shooting with an off-duty officer that took place outside the City of Denver. In addition, there was one in-custody death involving the DPD. OIM personnel responded to the scenes of each incident and monitored the investigations and review process for each incident.

One officer-involved shooting in 2006 was found to be out-of-policy. The involved officer, a probationer, resigned before a disciplinary recommendation could be made.

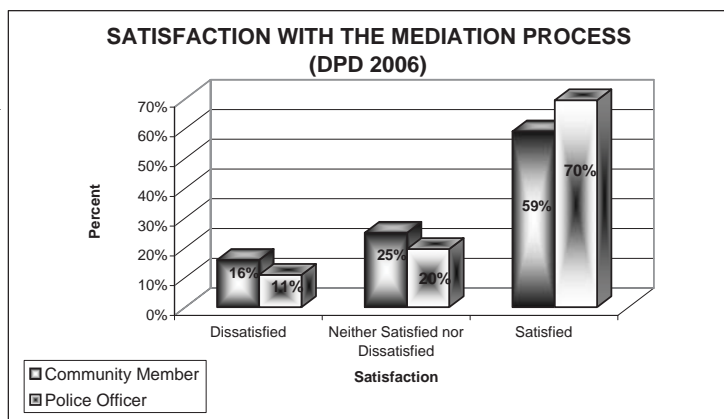
There were three in-custody deaths within custodial facilities administered by the Denver Sheriff’s Department during 2006. Two were by suicide (one in the City Jail and one in the County Jail), and one was the result of injuries sustained prior to the inmate being placed into custody.

The Monitor noted the following concerns regarding the investigation and review of critical incidents in 2006:

- The administrative review of DPD officer-involved shootings was delayed due to Homicide reports not being prepared in a timely fashion.
- The Manager of Safety’s Office was unable to follow through on a promise to prepared public reports regarding Department findings on all Use of Force incidents resulting in serious bodily injury or death.
- Denver Health personnel failed to cooperate in a Sheriff In-Custody Death investigation which negatively impacted on the investigation and the Sheriff’s ability to respond to the incident.

MEDIATION

Mediation is an alternative to the normal complaint handling process. This voluntary program allows a community member and involved officer(s) to sit down face-to-face in a neutral, non-confrontational and confidential environment to talk out their issues with



the facilitation of a professional mediator.

There were a total of 40 mediations conducted in 2006—39 with the Police Department and one with the Sheriff’s Department. As shown in the chart, the majority of mediation participants were satisfied with the process.

COMMENDATIONS AND AWARDS

Denver Police Officers received 572 commendations in 2006. Commendatory action reports were the most frequent type of commendation received accounting for 31.5% of the total. Other frequent commendations included official commendations (22.9%) and commendatory letters (14.3%).

There were 108 commendations and awards given out by the Denver Sheriff Department in 2006. The most frequent awards occurred for supervisory commendations (23.1%) followed by commendations (18.5%) and community service awards (13.9%).

OUTREACH

The Independent Monitor and the Community Relations Ombudsman have met with over 100 community-based organizations, non-profits, service providers, faith-based organizations, activist groups, neighborhood associations, government stakeholders, and interested individuals since August of 2005, when the office opened. By talking to those who live and work in Denver, the OIM stays connected, gaining a better understanding of community concerns and priorities.

Our office also conducts a significant amount of outreach with the police and sheriff departments. Just as our office listens to the community and responds as appropriate, we must also establish open communication with law enforcement in order to make effective and fair policies recommendations and refine existing ones.

TIMELINESS

One of the primary concerns for dealing with complaints is the ability to resolve those complaints in a timely manner. Improving the timeliness of complaint handling is a priority for the Monitor’s Office and the Citizen Oversight Board.

There were 169 DPD internal affairs cases still open as of the end of 2006. Of these cases, four were more than one year old. There were 49 Sheriff internal affairs cases still open as of the end of 2006. Of these cases, none were more than one year old.

The DPD goal of closing all cases within 150 days was not met. 3.3% of the cases closed in 2006 took longer than 150 days to close, with one case taking 306 days to complete. The DSD goal of completing all complaints within 85 days of the complaint being received was not met. 75% of the cases closed in 2006 were closed within 80 days; however, 23% of the cases took longer than 85 days, with one case taking 305 days to complete.



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CHAPTER 1

OVERVIEW

OIM MISSION

"The mission of the OIM is to provide fair and objective oversight of internal investigations of possible misconduct and serious uses of force by sworn personnel of the Denver Police, Sheriff and, in certain positions, Fire Departments."

Overview from the Independent Monitor

The mission of the Office of the Independent Monitor (OIM) is to monitor the Denver Police (DPD), Sheriff (DSD), and Fire Departments, provide for fair and objective oversight of the uniformed personnel of these departments, and to ensure public confidence in the ability of these departments to police themselves.

City Ordinance created the OIM to replace the Public Safety Review Commission (PSRC) as of May 2, 2005, with an office staffed by full-time professionals. As of August 1, 2005, the OIM began monitoring Police and Sheriff internal investigations. OIM staff includes three attorneys (the Independent Monitor, a Senior Deputy Monitor and a Deputy Monitor), as well as a Community Relations Ombudsman, a Research Analyst, and an Office Manager.

The OIM is responsible for: (1) actively monitoring and participating in investigations of uniformed personnel in the City and County of Denver's Police and Sheriff Departments; (2) making recommendations to the Chief of Police, the Director of Corrections and the Manager of Safety (who is responsible for discipline within the Police and Sheriff departments) regarding administrative actions, including possible discipline for such uniformed personnel; and (3) making recommendations regarding broader policy and training issues.

The jurisdiction of the OIM focuses on uniformed personnel: (1) against whom citizen complaints have been brought (Police and Sheriff); (2) who are charged with felonies or certain other serious misdemeanors (Police and Sheriff); (3) who are involved in duty related incidents which result in serious bodily injury or death (Police, Sheriff, and Fire Department Arson Investigators); and (4) about whom either the Citizen Oversight Board or Manager of Safety have requested the Monitor's involvement (Police and Sheriff).

Core Functions of the Monitor's Office:

The Monitor's Office "core functions" for 2006 included:

- Monitoring and reviewing DPD and DSD critical incident investigations, specifically officer-involved shootings, in-custody deaths and uses of force resulting in great bodily injury or death. (This task includes the monitoring of Use of Force Review Board deliberations and recommendations);
- Monitoring the DPD and DSD internal affairs assignment decision making processes to ensure fairness and consistency in the handling of citizen and internally-initiated complaints and investigations;
- Monitoring and making recommendations regarding formal DPD and DSD internal investigations to ensure the investigations are thorough, fair and complete;
- Monitoring and making recommendations on DPD and DSD findings after investigations and the imposition of discipline after sustained findings are made. (This task includes the monitoring of Disciplinary Review Board deliberations and recommendations);
- Ensuring the citizen complaint process is accessible to the entire community and making community members aware of how their complaints were handled and why; and,
- Improving the timeliness of the entire complaint handling and disciplinary processes for DPD and DSD.

Goals for 2006

2006 marked the first full year of the OIM's operation. At the beginning of 2006, the OIM set the following goals for the year:

1. Publish a report relating to DPD officer-involved shooting investigations and deadly force policies;
2. Establish the Monitor's community-police mediation program as the largest per-capita program in the nation;
3. Assist the DPD and the DSD in the implementation of a new *Early Intervention System*;
4. Create and post quarterly reports on DPD and DSD complaint statistics and imposition of discipline;
5. Increase officer and citizen satisfaction with the complaint handling and disciplinary processes through mediation of complaints, providing more specific disposition letters, and using a filtering process to improve timeliness in the handling of citizen complaints; and,
6. Increase the timeliness of handling of DPD internal affairs investigations, assignments and the imposition of discipline.

Status of Goals

In general, the OIM was able to achieve or make significant progress towards the implementation of the aforementioned goals.

- Goal: Publishing a report relating to DPD officer-involved shooting investigations and deadly force policies.
 - Status of Goal: The OIM and the Los Angeles-based Police Assessment Resource Center (PARC) entered into a contract to conduct a review of DPD deadly force policies and investigations in late 2005. It was originally expected that the PARC report would be published in August or September, 2006. It took most of 2006, however, to obtain most of the documentation necessary to complete this review and provide the materials to PARC. As a result, it is now expected that the PARC report will be available for public release during the middle of 2007. (See Chapter 6, entitled: "Critical Incident Review," for more information on the PARC project).
- Goal: Establishing the Monitor's community-police mediation program as the largest per-capita program in the nation.
 - Status of Goal: The OIM Mediation program conducted 44 community member-police mediations since its inception in November of 2005. Forty of these mediations were conducted during the 2006 calendar year. The mediation program is now the largest per-capita program in the United States. Only the New York City Police Department, a Department more than 25 times the size of the Denver Police Department, conducted more mediations than Denver's new program during the 2006 calendar year. As anticipated, complainant and officer satisfaction with the mediation process is significantly higher than satisfaction with the traditional Internal Affairs process. (See Chapter 7, entitled: "Mediation," for more information).

- Goal: Assisting the DPD and the DSD in the implementation of a new *Early Intervention System*.
 - Status of Goal: The OIM and DPD personnel participated in a workgroup to conceptualize and initiate a new Early Intervention Program. As of the end of the year, a new policy was finalized. This new policy will announce the creation of the PAS (Personnel Assessment System). The Department has stated that a PAS Board will be created and will meet in early 2007 in order to develop an implementation and training plan for the upcoming year. (See Chapter 5, entitled: “Early Intervention & Patterns in Complaints,” for details on this new program). After the PAS has been implemented by DPD, the OIM will work with the Sheriff’s Department to initiate a similar program. The creation of an Early Intervention Program for the DSD is a goal for 2007.
- Goal: Creating Quarterly Reports as required by City Ordinance and posting those reports on the internet.
 - Status of Goal: As of the end of the first quarter of 2006, the Monitor’s Office created a new Quarterly Report wherein every internal affairs case closed that quarter with a finding of “sustained” was reported. The report includes the involved officer’s rank, a description of the conduct found to have been committed and the discipline imposed by the DPD or DSD. In addition, the report identifies the results of the handling of each case by the Civil Service Commission (the ultimate arbiter of the fairness of punishment for the DPD) or the Career Service Authority (the ultimate arbiter of the fairness of punishment for the DSD). This report can be found on the Monitor’s Website, located at: www.denvergov.org/oim. (More information regarding the DPD and DSD imposition of discipline for 2006 can be found in Chapter 4, entitled: “Imposition of Discipline”).
- Goal: Increasing officer and citizen satisfaction with the complaint handling and disciplinary processes through mediation of complaints; providing more specific disposition letters; and, using a filtering process to improve timeliness in the handling of citizen complaints.
 - Status of Goal: The Monitor’s Office facilitated the creation of complainant and officer survey instruments to measure whether the OIM has been able to increase satisfaction in the complaint handling and disciplinary processes from its 2005 baseline rate. According to survey results, complainant and officer satisfaction with mediation in 2006 was significantly higher than with the traditional complaint handling process. In addition, officer satisfaction with the reformed complaint handling and disciplinary processes increased from 33% to 43%. Unfortunately, the rate of response to the complainant satisfaction surveys was so low that we are unable to accurately gauge complainant satisfaction rates. According to those surveys received, however, complainant satisfaction dropped from 10% in 2005 to 9% in 2006. (See this Chapter, supra, for a suggested plan to increase complainant satisfaction rates).
- Goal: Increasing the timeliness of handling of DPD internal affairs investigations, assignments, and the imposition of discipline.
 - Status of Goal: As the result of a new “filtering” process for handling citizen complaints, the average number of days to handle DPD complaints decreased by 10% in 2006. The command review process for making findings on formal complaints has also improved dramatically. There are still problems with the timeliness of disciplinary review boards, Chief’s hearings and the subsequent imposition of discipline. (See Chapter 10, entitled: “Timeliness,” for a complete report on timeliness in the complaint handling and disciplinary processes).

Special Projects:

During 2006, there were a number of special projects undertaken by the OIM intended to improve DPD and DSD policies, practices, and procedures.

The Police Property Reimbursement Fund – Private Non-Profits Helping Property Owners Obtain Reimbursement for Property Damage:

The Monitor's Office identified a problem wherein property owners suffering property damage from otherwise necessary police actions were left unreimbursed and ultimately unhappy with police services. After being informed of the problem, the Gay & Lesbian Fund for Colorado (GLF) and the Denver Center for Crime Victims (DCCV) stepped forward to provide private funds to reimburse these property owners. (More information regarding this project can be found in Chapter 5, in the section entitled: "Special Initiatives.")

The Manager of Safety's "Discipline System Advisory Group" – One Step Closer to a New Disciplinary Matrix.

The Monitor's Office actively participated in the Manager of Safety's "Discipline Advisory Group." This group created a proposed disciplinary matrix, which will change how the DPD imposes discipline on officers who have committed misconduct. As of the end of the year, the Manager's Office had not completed a draft report, which is the first step in implementing this new system. (More information regarding this project can be found in Chapter 4, entitled "The Imposition of Discipline)."

Timeliness of Officer-Involved Shooting Investigations and Reporting of Conclusions – Problems Persist:

A significant goal of the Monitor's Office has been to improve the timeliness in the administrative review of officer-involved shootings. Before the creation of the Monitor program, these administrative reviews often took more than a year to complete. Although the timeliness of this review process has improved dramatically, certain systemic delays have made this goal difficult to achieve.

First, it has taken the Homicide Unit anywhere from three to six months to turn over its reports to the Internal Affairs Bureau, which is necessary to initiate the administrative review process. These delays have made timely administrative reviews difficult. On the back end of the process, due to staffing limitations, the Manager of Safety's Office has been unable to complete public reports on any "in-policy" officer-involved shooting since 2005. As such, public accountability in this regard has not been achieved.

(For more information, and the Department's explanation of the difficulties faced by the Homicide Unit, see Chapter 6, entitled "Critical Incident Review.")

DPD and DSD Internal Affairs Investigations & Findings – General Agreement between DSD and DPD with a few notable exceptions:

In general, DPD and DSD internal investigations have been complete and thorough. Furthermore, when the OIM has recommended additional investigation, Police and Sheriff Internal Affairs have actively listened and usually accepted the recommendations. In conducting our reviews, the Monitor's Office has been provided free and unfettered access to all IAB records, as required for the OIM to complete its mission of active and "real time" monitoring of these investigations. Examples of IAB investigations conducted in 2006 and OIM recommendations regarding these investigations can be found in the section of Chapter 3, entitled: "Investigations."

The involved officer's command staff makes findings after an investigation is completed. When reviewing DPD and DSD findings, the OIM looks to determine whether the Commanding Officer's findings and disciplinary recommendations are reasonable. On only a few occasions has the Monitor's Office had concerns about these findings. Detailed discussion of these cases can be found in the section of Chapter 3: entitled "Findings."

In the event of a "sustained" finding (wherein the Department concludes that an officer has violated a law or a policy, procedure, or expectation of the Department), the officer's commander makes a disciplinary recommendation. The Chief of Police for the DPD and the Director of Corrections for the DSD make the final disciplinary recommendation to the Manager of Safety, who makes the ultimate disciplinary decision. Generally the Monitor's Office has concluded that the discipline recommended by the Chief of Police and the Director of Corrections and the discipline imposed by the Manager of Safety have been reasonable. However, there have been instances in which differences of opinion have occurred. These cases are highlighted in Chapter 4, entitled: "Imposition of Discipline."

Disposition Letters – Providing Complainants with Greater Understanding of the Decision-Making Process:

Before the creation of the Monitor's Office, neither the DPD nor the DSD provided any specifics explaining the reasoning for the Department's decision-making processes in their "disposition" letters to citizen complainants. The result was letters providing no objective basis for a complainant to believe that either Department had spent any real time or effort to investigate a complaint.

For all complaints received in 2006, both Departments prepared disposition letters that provided objective explanations of the reasoning behind dismissals and non-sustained findings. The Monitor's Office reviewed all disposition letters before they were sent out to a complainant and made recommendations when improvement was necessary. The Monitor's Office also included a cover letter for all complainants, explaining our role in the complaint handling process. The intent behind the letters was twofold: any objective person reading the "disposition" letters would now understand that their concerns were taken seriously and an appropriate administrative review was conducted.

Departing from the Truth – DPD and DSD Need a Process to Ensure Officer Credibility Is Evaluated:

While reviewing various complaint investigations and findings, the Monitor's Office became aware of a potential problem regarding how the DPD and DSD deal with cases involving officers making false statements during the course of their work or during internal investigations. Many of these cases are labeled by the DPD with the term: "Departing from the Truth." In those cases where an officer is "sustained" for such conduct, but is not terminated by the Department, there appears to be no current process in place to evaluate whether it is necessary to reassign the officer to a position where the officer would not be needed to testify in future judicial proceedings. For a detailed description of this issue, see that portion of Chapter 5 entitled: "Complaint Patterns."

Concerns Regarding the Investigation of an In-Custody Death: The Failure of Medical Staff to Cooperate with an Internal Affairs Investigation:

During the course of an in-custody death investigation, the Monitor's Office was concerned to learn that Denver Health nurses declined to cooperate with an Internal Affairs investigation.

The Monitor's Office learned that, because medical staff are not employees of the Sheriff's Department, there is no legal obligation for them to cooperate with an Internal Affairs investigation. Sheriff employees, on the other hand, are subject to discipline if they fail to cooperate with an investigation after receiving an order to do so.

The result of the nurses' failure to cooperate was an incomplete investigation. It is the Monitor's belief that allowing medical professionals to practice within the jail system without a requirement that they cooperate in any ensuing internal investigation has a potential negative impact on the integrity of the Internal Affairs process. This issue needs to be resolved in favor of thorough and complete investigations of in-custody deaths, regardless of possible civil liability. As of the end of 2006, this issue had not been adequately resolved. (See Chapter 6, entitled: "Critical Incident Review," for more details).

Monitoring Allegations of Child Abuse

The Monitor's Office received advice from the City Attorney's Office that state law may preclude the monitoring of allegations of child abuse against DPD officers and DSD deputies by the OIM without a court order permitting the OIM access to IAB records in such cases.

The OIM will work with the City Attorney's Office in the coming year to create a process by which the OIM can request court permission to conduct monitoring in these important cases on an ongoing basis. In the meantime, the OIM is not in a position to monitor these cases. We will report in next year's report on the progress of this initiative.

How to Increase Complainant Satisfaction: a Proposal Regarding Possible Changes in Complaint Handling:

During 2006, the Monitor's Office attempted to increase complainant satisfaction with the complaint handling process through several initiatives:

1. Making the complaint system more accessible by allowing complaints to be filed on the web with the Monitor's Office, as well as on the websites of the DPD, the DSD, and the Citizen Oversight Board;
2. Making complaint forms available throughout the City with pre-paid postage to the Monitor's Office;
3. Providing the Monitor's Office as an alternative location for the filing of citizen complaints;
4. Improving timeliness in the handling of citizen complaints;
5. Providing disposition letters that explained how and why the DPD and DSD handled each individual complaint;
6. Providing Ombudsman services through the Monitor's Office assisting complainants through the complaint handling process;
7. Ensuring that all complaints were monitored by the OIM with a cover letter to the complainant explaining how the Monitor's Office was involved and explaining that the Department's findings had been approved by the OIM as reasonable and appropriate; and,
8. Providing mediation as an alternative to the traditional complaint handling processes.

Unfortunately, the results of surveys sent to complainants in 2006 did not establish that these efforts actually improved complainant satisfaction in a statistically significant way. Although the small number of responses received (58 responses received, for a response rate of 14%) made it difficult to conduct an appropriate analysis, the reported percentage of complainant satisfaction decreased from 10% to 9%. In 2007, the sociologist who has been managing the satisfaction survey process plans to develop strategies to improve the citizen survey response rate.

The City of Portland, Oregon faced similarly low citizen satisfaction rates with the Portland Police Bureau's complaint handling processes. In an attempt to improve complainant satisfaction, the City of Portland established the Independent Police Review Division (IPR) of the City Auditor's Office as an independent Citizen Complaint Authority. According to the 2004 Annual Report of the IPR, as a result of transferring the responsibility of citizen complaint intake from the Police Department to the IPR (an independent agency), complainant satisfaction increased from 18% to 33% and complainant dissatisfaction decreased from 62% to 51%.

The question presented to the City of Denver is, "How important is it to improve satisfaction when complaints are being appropriately handled by the Police Department, but complainants are unwilling to believe that?" A number of cities (including New York City, Washington D.C., Boise, San Francisco and Portland) have deemed it worthwhile to create an independent office to accept and review (and in some cases, investigate) all citizen complaints. With respect to the Portland experience, after the IPR was fully established, only 38% of citizen complaints were referred to Internal Affairs. The other 62% were handled in alternative ways, resulting in the increased ability of Internal Affairs to conduct timely and thorough investigations of those referred cases.

With an appropriate increase in staffing, a Citizen Complaint Authority could be created within the current Monitor's Office. It would require, however, additional resources to be directed to the Monitor's Office, to hire two or three contract investigators.

The question is whether the goal to increase complainant satisfaction is important enough to spend additional public resources. Currently, the OIM is convinced that the DPD is handling its citizen complaints in an appropriate manner. The perception of citizen complainants, however, appears not to accept this conclusion. It is likely that as long as citizen complainants believe that the DPD is in charge of handling their complaints, they will not accept that they are being treated in a fair and equitable manner, even if that is the case.

The handling of citizen complaints would be an essential function of a Citizen Complaint Authority. One of the primary purposes of a Citizen Complaint Authority would be to increase complainant and officer satisfaction while maintaining the integrity of the complaint handling process.

2006 Outreach

OIM ensures that citizens can make police complaints and commendations via mail, fax, the internet, or e-mail directly to the OIM or the Citizen Oversight Board. Citizens can also make police complaints and commendations in person, by phone, or by mail directly to Internal Affairs, or the various Police Districts. The OIM brochure with information about the OIM and the complaint process is in many locations throughout the city and is available in both English and Spanish. In addition, the Citizen Oversight Board holds regularly scheduled open meetings to the public and the OIM's Ombudsman conducts outreach to diverse organizations throughout the City of Denver.

A full report on outreach can be found in Chapter 8, entitled "Outreach & Ombudsman Work."

2007 Goals & Performance Benchmarks

The OIM has set the following goals for the upcoming year:

1. Publishing the report of the Police Assessment Resource Center (PARC) which will provide recommendations regarding the DPD's current deadly force policies and handling of critical incident investigations;
2. Continuing and expanding the use of the OIM community-police mediation program, while maintaining the program as the largest of its kind in the country;
3. Evaluating the implementation of the DPD Personnel Assessment System and assisting the DSD in the implementation of its own system;
4. Assisting the Manager of Safety in the implementation of a Disciplinary Matrix and assisting the DSD in the evaluation of a similar matrix;
5. Examining the possibility of a new process for handling the intake of community member complaints; and,
6. Increasing the timeliness of formal internal affairs investigations and disciplinary review boards.

The OIM has established the following performance goals for 2007:

- Improve police/citizen satisfaction with the Office of the Independent Monitor. The goal is to achieve a 10% increase in satisfaction over the 2006 baseline percentage.
- Increase the number of police/citizen mediations while maintaining a statistically equal rate of satisfaction. The goal is to increase the number of completed mediations from 28 in the first three quarters of 2006 to 38 in the first three quarters of 2007 (73% increase) while maintaining a statistically equivalent rate of satisfaction.
- Improve the timeliness in the handling of Denver Police Department complaints by decreasing the average days it takes to close a complaint by 10% to 34.3 days through the first three quarters of 2007.
- These performance goals use the first three quarters of 2007 as the measuring period in order to be able to determine, before the end of the year, whether the goals have been achieved.

A Note Regarding Statistics Published in this Report:

Statistics published in this report were obtained from the DPD and DSD Internal Affairs databases. Both agencies have processes in place which have led the OIM to conclude that these figures are generally accurate. The OIM has not audited the databases for accuracy, however. When data entry errors are discovered, the OIM notifies the appropriate department in order to ensure errors are corrected. The OIM cannot state with absolute certainty, however, that all published statistics are 100% accurate.



DENVER
THE MILE HIGH CITY

CHAPTER 2

COMPLAINT HANDLING & INVESTIGATIONS

Stage One: Complaint Intake

A community member who wishes to file a complaint against an officer employed by the Denver Police Department or a Deputy employed by the Denver Sheriff's Department has the following options:

How a Complaint Can Be Made:

1. The OIM has distributed complaint/commendation forms throughout the community, with business reply postage paid envelopes that are received and forwarded as appropriate. (See Appendix to this Chapter for a list of the distribution locations).
2. Complaints and commendations may also be filed via the websites of the Monitor's Office, the Citizen Oversight Board, Denver Police Department and the Denver Sheriff's Department.
3. The OIM also accepts complaints via fax and U.S. Mail.
4. The Police and Sheriff Department's also accept walk-in and telephonic complaints at their various stations and offices, as well as, complaints made directly to their Internal Affairs Bureaus.
5. Complaints received by the Mayor's Office and City Attorney's Offices are forwarded to the OIM, copied and documented and then forwarded to the appropriate agency.

Information and Referrals:

Sometimes, when a community member calls the OIM, the complaint does not relate to an allegation of misconduct against a sworn officer, or another concern under the jurisdiction of the OIM. The OIM will assist such callers by referring them to the appropriate governmental agency that has jurisdiction over their issue of concern.

Internal Complaint Definitions:

- Citizen: A complaint initiated by a community member.
- Court (Failure to Appear): An internal complaint alleging that an officer failed to appear in court without appropriate cause.
- Other-Internal: A department initiated complaint, or complaint initiated by a governmental official acting in their official capacity, that alleges misconduct other than as otherwise listed.
- Accidents: A department initiated complaint filed as the result of an officer being involved in a preventable traffic collision involving a Departmental vehicle.
- Failure to Complete-Education: A department initiated complaint filed as the result of an officer failing to complete continuing education requirements.
- Failure to Qualify-Firearm: A department initiated complaint filed as the result of an officer failing to qualify with a departmentally required firearm.

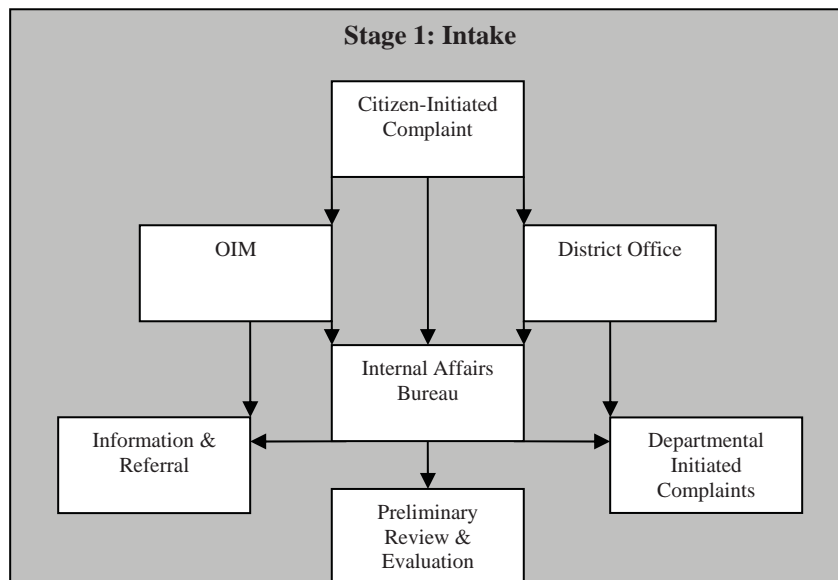
IAB Complaint Intake & Assignment:

Both the Police and Sheriff Internal Affairs Bureaus assign IAB Sergeants to review written complaints filed with the OIM or the IAB or conduct intake interviews of citizen complainants. These interviews are tape recorded if the complaint contains allegations of anything other than minor misconduct. The intake Sergeant’s notes are documented on an intake form and forwarded to IAB command staff for review and an assignment decision.

The assignment decision is forwarded to the OIM in the form of either a closure letter or documentation that a formal investigation has been initiated. Closure letters result from “informal investigations,” an expedited process for handling minor complaints, used by both DPD and DSD. In order for a complaint to be handled as an informal investigation, Internal Affairs has agreed to make a timely notification to the OIM in order to permit monitoring of these assignment decisions. In this way, the OIM can ensure that only appropriate complaints that do not involve patterns of misconduct are handled in such an expedited fashion.

After reviewing the intake investigation (consisting of the statement taken from the complainant, any available police reports, computer aided dispatch records, and other documentation,) the appropriate IAB supervisor makes an assignment decision, which can include any of the following:

- Dismiss the complaint with a letter to the complainant, through the OIM, explaining the reason for the dismissal;



- Assign the complaint for “informal” handling and tracking by the Professional Standards Unit (PSU) for tracking purposes;
- Assign the complaint as a “service complaint” (see “IAB Service/System Complaints,” infra, for a definition of this assignment type;
- Forward the complaint to the OIM for possible mediation and dismissal; or,
- Assign the complaint for a full IAB investigation.

The OIM is notified of all case assignment decisions. To facilitate this process, the OIM staff meets weekly with the command staff of both departments’ Internal Affairs Bureaus. If the OIM disagrees with a case assignment decision, the IAB Commander is notified. If the OIM and IAB cannot agree on a case assignment decision, the OIM will discuss the conflict with IAB’s chain-of-command, and then, if necessary, with the Manager of Safety. By ordinance, the OIM does have the ability to conduct an independent investigation, if the Monitor deems it to be necessary.

IAB Dismissals:

The following definitions for dismissals are further described in the OIM Monitoring Guidelines which are located on the OIM website:

- Complainant Withdrew: The complainant does not wish to pursue the complaint and the withdraw does not negatively impact the Department’s ability to manage its employees;
- False/Trivial: The complaint is false or trivial, not made in good faith, illogical or improbable;
- Judicial Remedy: The complaint is subject to review by a judicial or administrative officer who will refer the complaint back to IAB if objective evidence of officer misconduct is established in court or during a hearing;
- Mediation: The complainant, the involved officer, the Monitor and the IAB Commander agree to allow the complainant and the officer to attempt to resolve the complaint with the assistance of a professional mediator;
- No Jurisdiction: The involved officer has resigned or retired, or the Department lacks jurisdiction to investigate the complaint or impose discipline;
- No Misconduct: The complaint alleges behavior that is not actually misconduct; and,
- Third Party Complaint: The complaint is minor and filed by a third party who was not directly affected by the conduct.

IAB Informals:

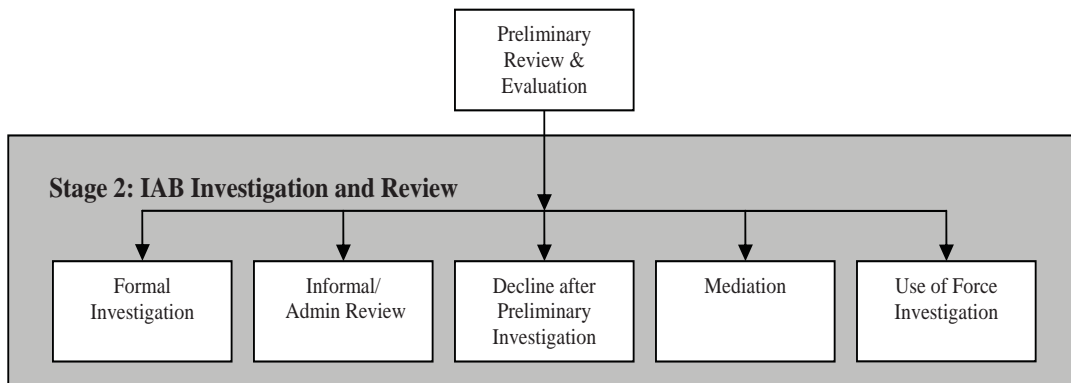
The IAB Commander may assign a complaint to be handled as an “informal” when the complaint involves a minor violation of policy or procedure. A supervisor will discuss the incident and the nature of the complaint with the involved officer(s) as well as the department’s expectations with respect to rules and procedures pertaining to the issues in the complaint, the complainant’s perception of the officer’s behavior, and alternative approaches the officer could have used to improve service. These actions taken by the department will then be communicated to the complainant in a complaint resolution letter.

IAB Service/System Complaints:

Complaints involving policy, procedure, or training will be referred to the appropriate commanding officer. A complaint is categorized as a “service complaint” for the DPD when it relates to a specific policy or procedure that an officer is required to follow. A complaint is categorized as a “service complaint” by the DSD if it involves a deputy’s failure to provide adequate service and requires no more than counseling or a written reprimand.

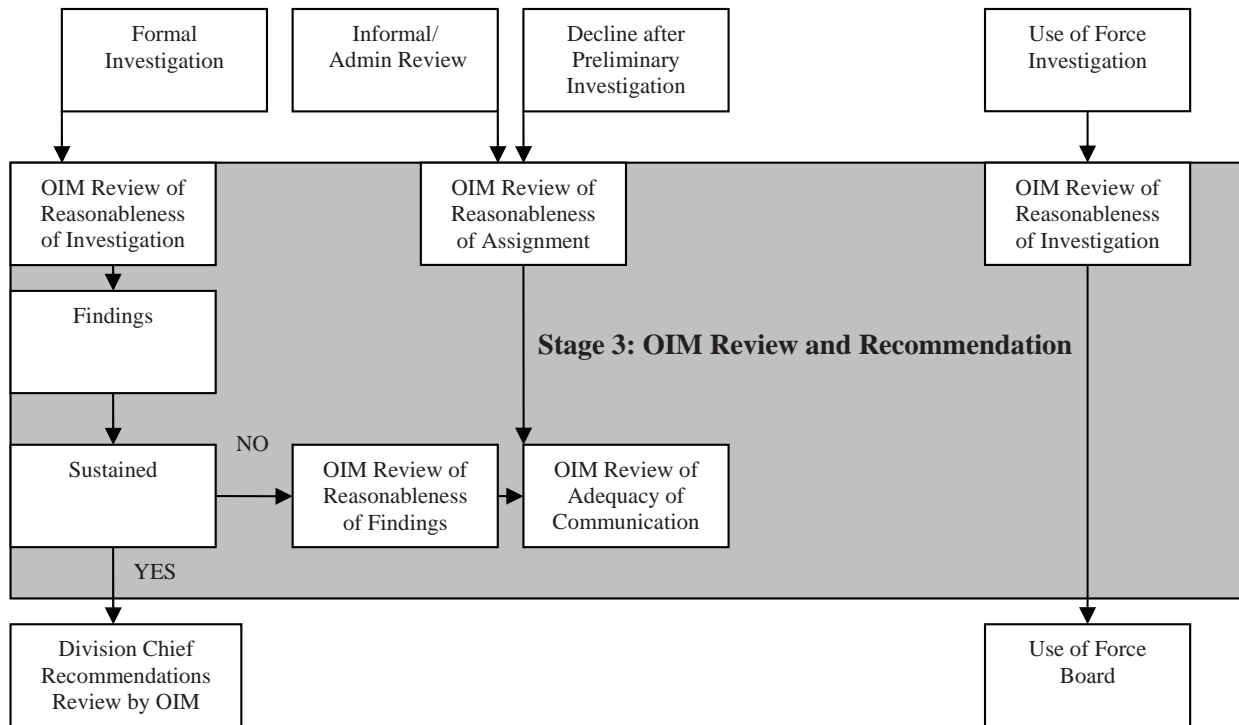
Stage Two: IAB Investigation and Review:

Cases that are sent for a full Internal Affairs investigation are monitored and reviewed by the OIM. The Police and Sheriff departments have slightly differing processes for determining when a full investigation is required. They both use a filtering process to determine which complaints raise issues which would require a full investigation.



Stage Three: OIM Review and Recommendation:

A finished IAB investigation is forwarded to the involved officer’s commander for findings. OIM will request follow up interviews and documentation when necessary and undertake a review of the case findings. In those cases where additional investigation is needed, OIM consults with the command staff in IAB or with the investigating sergeant. In other cases where the investigation is complete and thorough, the case proceeds through the disciplinary process with continued OIM monitoring.



The various possible findings are defined as follows:

Stage Four: Findings and Imposition of Discipline:

Findings for Investigations	
Sustained	The officer's actions were found to have been in violation of Police Bureau policy or procedure.
Not Sustained: Unfounded	The available facts do not support the allegation.
Not Sustained: Exonerated	The actions of the police officer were within the guidelines of Police Bureau policy.
Not Sustained: Insufficient Evidence	There was not enough evidence to prove or disprove the allegations.

Following the completion of the IAB investigation, the first step in the disciplinary process is a review of the case by the subject officer's Chain-of-Command. In incidents where force has been used, DSD has a chain-of-command review of the use of force reports, with questionable reports being referred to IAB. DPD also reviews all of the use-of-force reports and forwards to a Use of Force Review Board (UOF) all incidents: (a) where serious injury or death results from an officer-involved use of force; (b) involving firearm discharges; (c) involving in-custody deaths; and (d) in which the Chief of Police directs the Use of Force Review Board to review the incident.

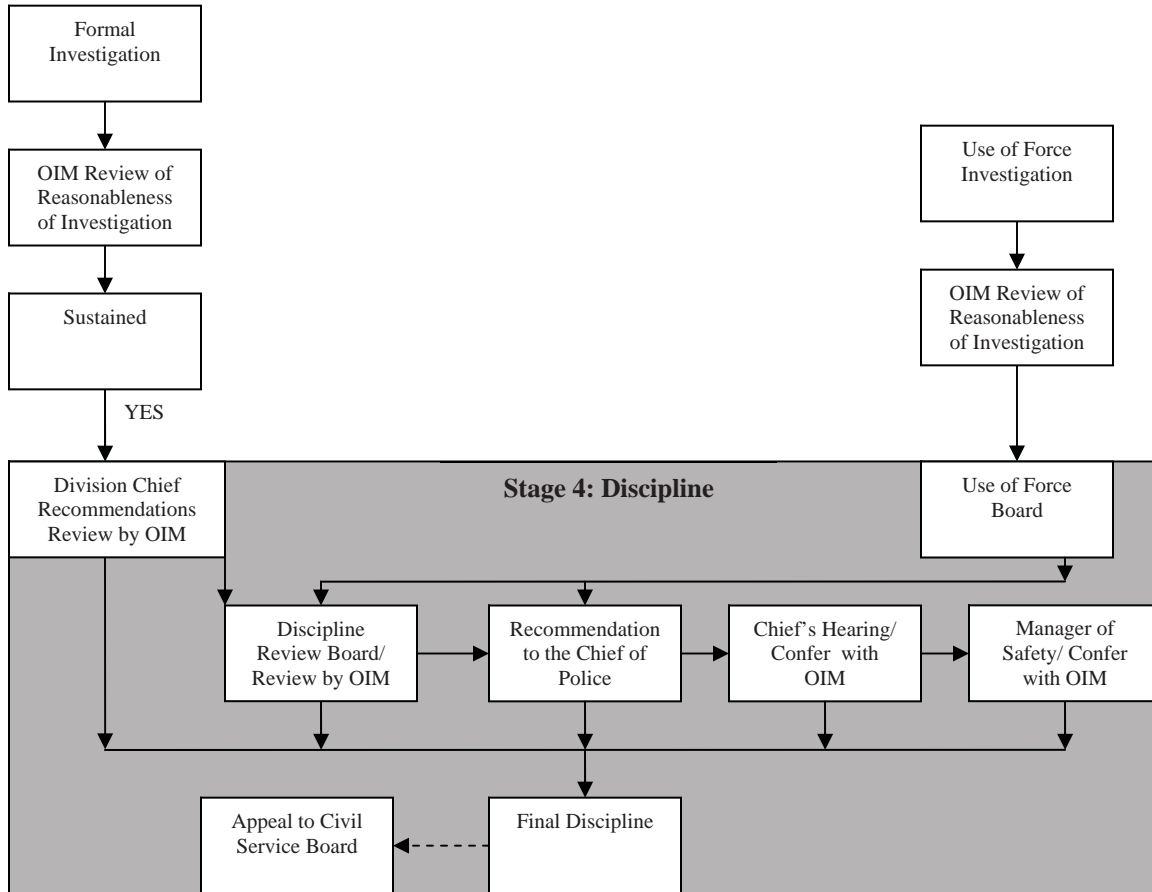
Either the Use of Force Review Board or the officer's chain-of-command will make a recommendation to the Chief of Police or the Director of Corrections (for the Sheriff's Department) regarding whether the subject officer's conduct violated any Department policies or rules.

The next step for the Denver Police Department is a review of the case by the Disciplinary Review Board (DRB), a six-person board consisting of police officers and citizens. A DRB can be convened at an officer's request for any imposition of discipline greater than a written reprimand. A DRB hearing is automatically convened whenever a disciplinary recommendation involves a suspension for ten days or more. The DRB makes a non-binding recommendation to the Chief of Police on the possible disciplinary sanctions. The Denver Sheriff Department does not have the additional step of a DRB, however, it does require a review at the Chief level.

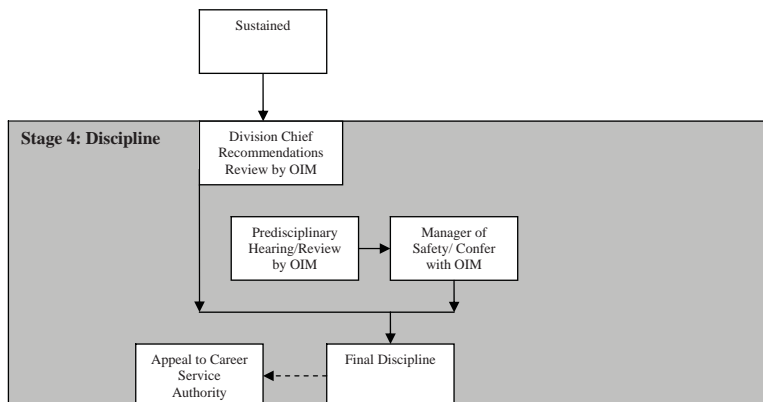
If an officer has been found to have committed a policy violation and discipline is recommended, the officer, in both agencies, is entitled to attend a "pre-disciplinary meeting" (Sheriff's Department) or a "Chief's hearing" (Police Department). At this hearing, the officer can present his or her side of the story and present mitigating evidence. The Chief or Director of Corrections then makes a disciplinary recommendation to the Manager of Safety. The Manager of Safety makes the final decision as to whether the officer has violated any rules and, if so, the proper level of discipline. If the Manager of Safety determines that the officer has violated Department rules, the Manager issues a Departmental Order of Discipline. If the officer disagrees with the Manager's decision, the officer can appeal the matter to the Civil Service Commission (Police Department) or the Career Service Authority (Sheriff's Department) and ultimately to the courts.

The Monitor makes his disciplinary recommendations first to the Chief of Police (for DPD) or the Director of Corrections (for DSD) and then to the Manager of Safety. The OIM will publicly report any time there is a substantial disagreement on the imposition of discipline between the OIM and the Police Chief, the Director of Corrections and/or the Manager of Safety.

DPD



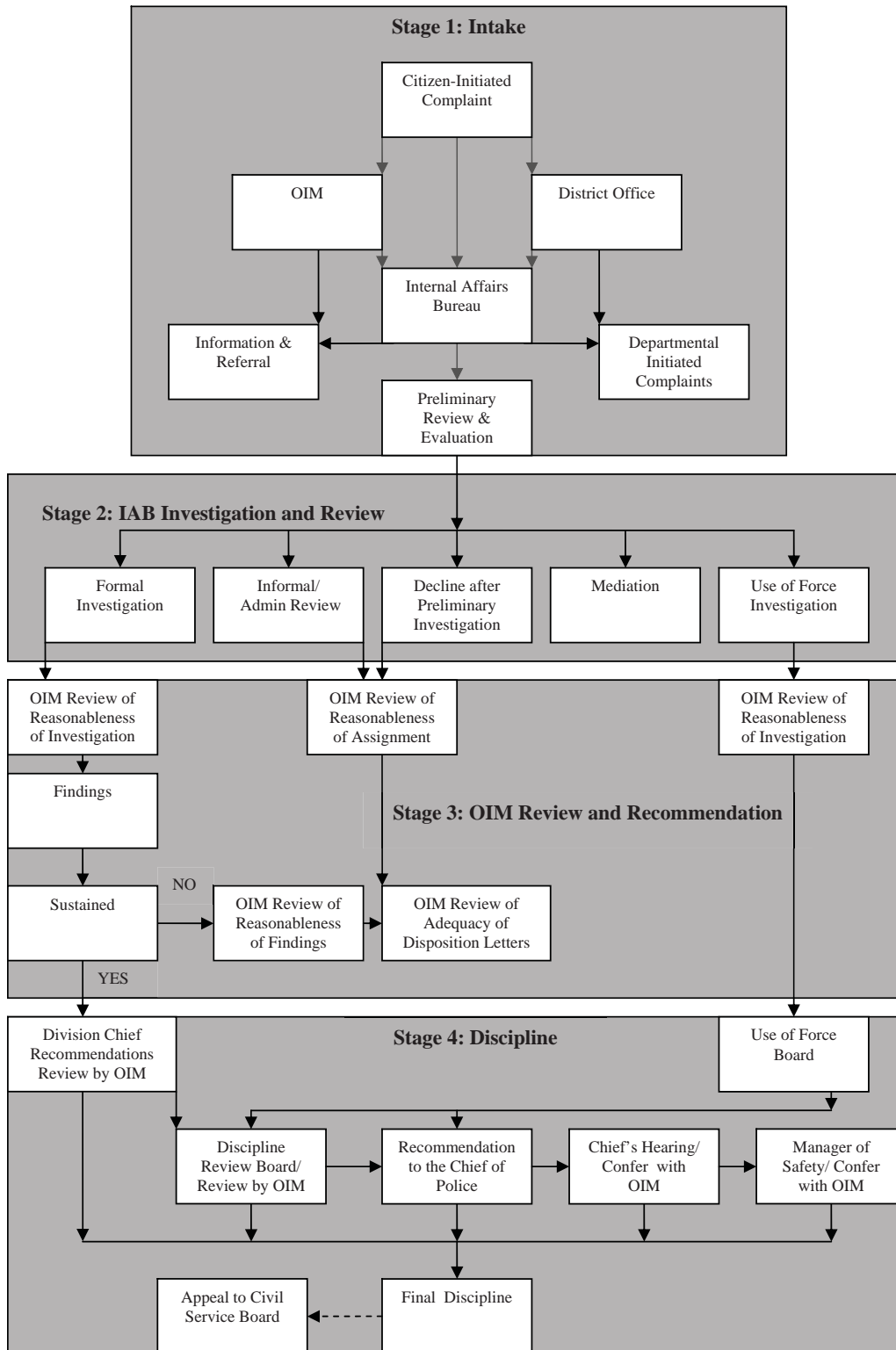
DSD



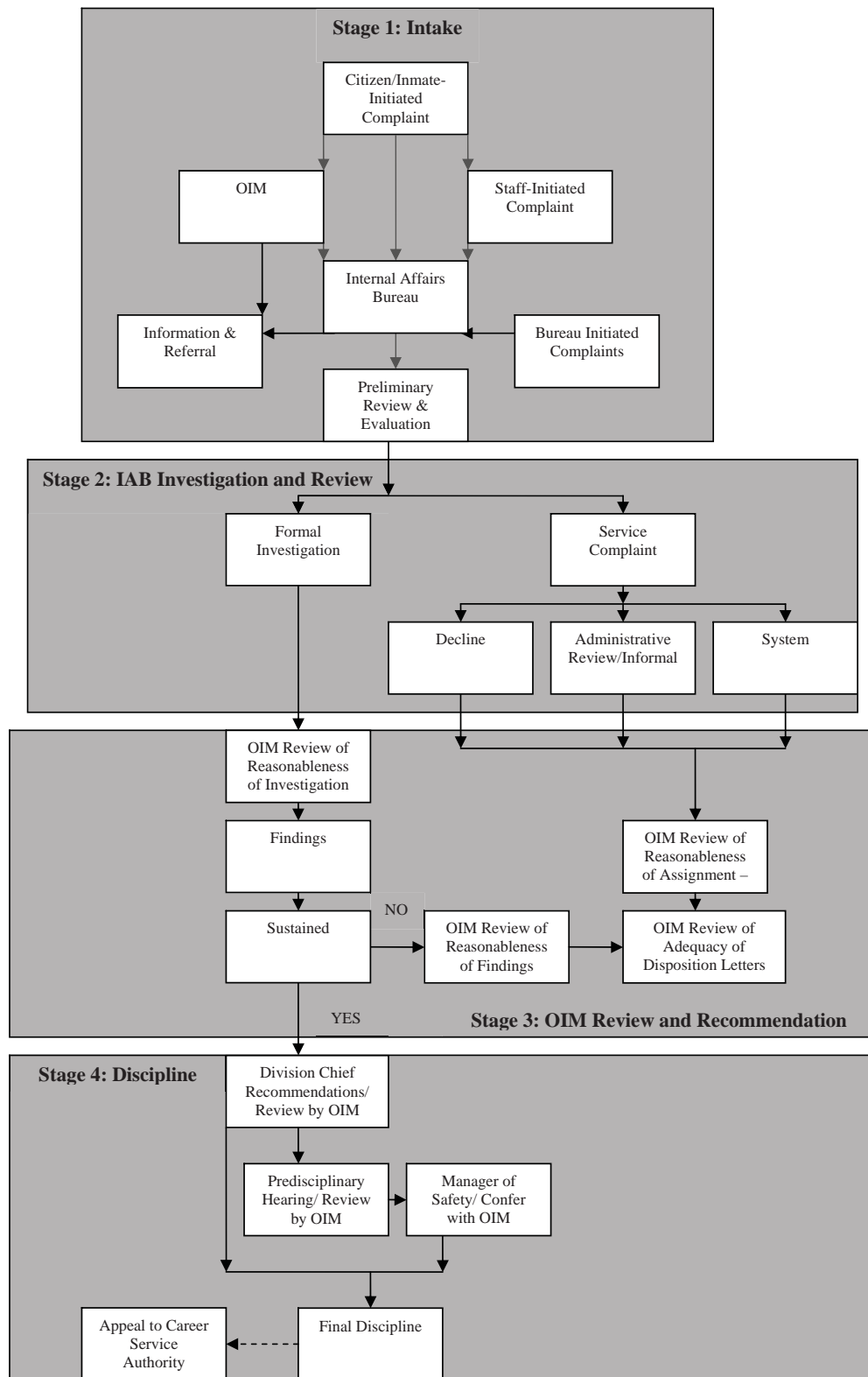
The role of the OIM in the disciplinary process is specifically set forth in Sec. 2-389 of the Denver City Ordinance which governs the office. The ordinance requires that each of the involved agencies establish departmental policies of cooperation with the Monitor's office. The goal is to establish policies which allow the Monitor to actively monitor and participate in disciplinary proceedings. By Ordinance, the OIM receives complete access to the proceedings of departmental boards involved in the disciplinary process (e.g., Use of Force & Disciplinary Review Boards) and all materials to which those Boards have access. The Monitor is also given the opportunity to attend disciplinary proceedings, review disciplinary documents, make recommendations throughout the disciplinary process regarding Departmental findings, and to opine on the appropriateness of disciplinary sanctions, if any.

The OIM is advised of upcoming disciplinary hearings by both departments, including Disciplinary Review Board hearings, Use of Force Board hearings, Pre-Disciplinary Hearings or Chiefs' Hearings. In 2006, OIM staff attended all Chiefs' Hearings, Disciplinary Review Board Hearings and Use of Force Review Board Hearings conducted by the DPD and all Pre-Disciplinary Hearings conducted by the DSD. The OIM will also attend DPD Tactics Review Boards when an officer-involved shooting is referred by the Use of Force Board.

IAB-OIM Process Chart (Police Department)



IAB-OIM Process Chart (Sheriff Department)





DENVER
THE MILE HIGH CITY

CHAPTER 3

COMPLAINT ASSIGNMENTS,
INVESTIGATIONS &
FINDINGS

Complaint Assignments—Denver Police

In 2006, the Denver Police Department handled 1,078 complaints encompassing 1,483 allegations.

Table 3.1 provides a breakdown of these complaints by complaint type and year.

TABLE 3.1 TOTAL COMPLAINTS BY COMPLAINT TYPE AND YEAR (DPD 2006)		
<u>COMPLAINT TYPE</u>	<u>YEAR</u>	
	2005	2006
Citizen column %	502 50.4%	620 57.5%
Internal column %	113 11.3%	115 10.7%
Obedience to Traffic Regulations column %	14 1.4%	76 7.1%
Traffic Accidents column %	122 12.2%	150 13.9%
Failure to Appear-Court column %	180 18.1%	101 9.4%
Failure to Complete-Education column %	44 4.4%	0 0%
Failure to Qualify-Firearm column %	22 2.2%	16 1.5%
TOTAL	997	1078

Table 3.2 shows that 549 or 55% of the complaints received in 2006 were classified as formal complaints compared to 128 (13%) informal complaints.

The most common assignment for citizen-initiated complaints was decline (59.9%) while service complaint was the least common assignment (2.6%).

Formal was the most common case assignment for internally-initiated complaints (89.8%) while decline was the least common case assignment (2.7%).

TABLE 3.2 TOTAL COMPLAINTS IN 2006 BY COMPLAINT TYPE AND CASE ASSIGNMENT (DPD 2006)

COMPLAINT TYPE	CASE ASSIGNMENT				TOTAL
	Formal	Informal	Decline	Service Complaint	
Citizen row %	116 18.9%	114 18.6%	368 59.9%	16 2.6%	614
Internal row %	102 91.9%	8 7.2%	1 0.9%		111
Obedience to Traffic Regulations row %	65 86.7%	6 8.0%	4 5.3%		75
Failure to Appear-Court row %	101 100%				101
Traffic Accidents row %	149 100%				149
Failure to Qualify-Firearm row %	16 100%				16
TOTAL	549	128	373	16	1066

“No misconduct” was the most frequently cited reason for declining complaints, as shown in Table 3.3.

TABLE 3.3 NUMBER OF DPD COMPLAINT DISMISSALS BY AGENCY, REASON, AND YEAR (DPD 2006)

REASON	AGENCY			TOTAL
	DPD	MONITOR	STATION	
Complainant Withdrew % of total	25 6.7%	3 0.8%		28
False/Trivial % of total	34 9.2%			34
Judicial Remedy % of total	18 5.5%			18
Mediation % of total	22 5.9%	39 10.5%		61
No Jurisdiction % of total	2 0.5%			2
No Misconduct % of total	205 55.3%		1 0.3%	206
Third Party % of total	3 0.8%			3
Repeatedly Reviewed % of total	3 0.8%			3
Unable to ID Officer % of total	11 3.0%			11
Untimely % of total	4 1.1%	1 0.3%		5
TOTAL	327	43	1	371

Table 3.4, provides the most frequent complaint allegations received by DPD in 2006 compared with those received 2005.

These allegations are only for citizen and internally-initiated complaints.

Complaints where scheduled discipline is imposed (e.g., failure to appear in court, failure to qualify with a firearm, preventable traffic collisions and photo radar tickets) is not included in this table.

Improper procedure complaint allegations decreased by 34.1% (from 437 in 2005 to 288 in 2006).

Similarly, discourtesy allegations decreased by 1.7%; however, the actual number of allegations only dropped by five.

Approximately, 4.7% of the complaint allegations in 2006 involved some type of law violation which was comparable to the percentage in 2005 (4.6%).

ALLEGATION	YEAR	
	2005	2006
Improper Procedure column %	437 43.1%	288 23.8%
Discourtesy column %	295 29.1%	290 23.9%
Unnecessary Force column %	165 16.3%	206 17.0%
Law Violations column %	47 4.6%	57 4.7%
Obedience to Traffic Regulations column %	21 2.1%	76 6.3%
Conduct Prejudicial column %	19 1.9%	37 3.1%
Other column %	31 3.1%	257 21.2%
TOTAL	1015	1211

Table 3.5 provides a more complete breakdown of citizen-initiated complaint allegations received in 2006.

The top three types of complaints involved allegations of discourtesy, unnecessary force and improper procedure. There were 237 complaints with at least one allegation of discourtesy, 118 complaints with at least one allegation of unnecessary force and 128 complaints with at least one allegation of improper procedure.

TABLE 3.5 <u>CITIZEN-INITIATED</u> COMPLAINT ALLEGATIONS (DPD 2006)		
Complaint Type	Count	Percent
Discourtesy	284	29.8
Unnecessary Force	204	21.4
Improper Procedure - Other	197	20.7
Police Harassment	36	3.8
Conduct Prejudicial	30	3.1
Giving Name and Badge Number	27	2.8
Failure to Make or File Reports	23	2.4
Racial Harassment	22	2.3
Administrative Review	18	1.9
Completing Official Reports	17	1.8
Law Violation - Other	13	1.4
Obedience To Traffic Regulations	13	1.4
Responsibilities To Serve The Public	11	1.2
Evidence Handling Procedures	10	1.0
Impartial Attitude	10	1.0
Law Violation - Theft	9	0.9
Law Violation - Other Traffic	6	0.6
Law Violation - Excessive Force	4	0.4
Intimidation of Persons	3	0.3
Law Violation - Domestic Violence	3	0.3
Personal Family Disputes	3	0.3
Critical Incident Review	2	0.2
Departing From The Truth	2	0.2
Sexual Misconduct	2	0.2
Law Violation - DUI	1	0.1
Reporting Absence Prior to Roll Call	1	0.1
Sexual Harassment	1	0.1
TOTAL	953	100

Table 3.6 provides a complete breakdown of internally-initiated complaint allegations received in 2006.

The top three types of complaints involved allegations of failure to obey traffic regulations, improper procedure, obedience, and pursuit policy violations. There were 63 complaints with at least one allegation of failure to obey a traffic regulation, 50 complaints with at least one allegation of improper procedure and 7 complaints with at least one allegation of a pursuit violation.

TABLE 3.6 <u>INTERNAL-INITIATED</u> COMPLAINT ALLEGATIONS (DPD 2006)		
ALLEGATION	Count	Percent
Improper Procedure - Other	72	27.2
Obedience To Traffic Regulations	63	23.8
Improper Procedure - Pursuit	14	5.3
Departing From The Truth	10	3.8
Law Violation - Other	9	3.4
Respect for Fellow Officer	9	3.4
Discourtesy	8	3
Conduct Prejudicial	7	2.6
Failure to Make or File Reports	6	2.3
Law Violation - Assault	5	1.9
Administrative Review	4	1.5
Law Violation - Domestic Violence	3	1.1
Law Violation - Theft	3	1.1
Sexual Harassment	3	1.1
Unnecessary Force	3	1.1
Drinking to Excess	2	0.8
Improper Procedure - Punctuality	2	0.8
Racial Harassment	2	0.8
Disobedience of an Order	1	0.4
Giving Name and Badge Number	1	0.4
Law Violation - DUI	1	0.4
Personal Family Disputes	1	0.4
Responsibilities To Serve The Public	1	0.4
Sexual Discrimination	1	0.4
Sexual Misconduct	1	0.4
TOTAL	232	100

Complaint Assignments—Denver Sheriff

In 2006, the Denver Sheriff Department received 388 complaints compared to 348 in 2005 representing an 11.5% increase. Approximately, 42% of the total complaints received in 2006 were filed by inmates, while management accounted for 9%, citizens 18.8%, and employees 6.7%.

TABLE 3.7 TOTAL COMPLAINTS BY COMPLAINT SOURCE AND YEAR (DSD 2006)		
COMPLAINT SOURCE	YEAR	
	2005	2006
Citizen column %	53 15.2%	73 18.8%
Employee column %	34 9.8%	26 6.7%
Inmate column %	108 31.0%	163 42.0%
Management column %	72 20.7%	35 9.0%
Other column %	2 0.6%	6 1.5%
Unknown column %	79 22.7%	85 21.9%
TOTAL	348	388

Table 3.8 shows the complaint allegations by year. Overall, the number of allegations increased by 14.4%; from 450 in 2005 to 515 in 2006.

In 2006, improper conduct complaints accounted for 51.1% of the total allegations received.

Excessive force allegations decreased dramatically by 81.3%; from 48 in 2005 to 9 in 2006.

TABLE 3.8 COMPLAINT ALLEGATIONS BY YEAR (DSD 2006)		
COMPLAINT TYPE	YEAR	
	2005	2006
Improper Conduct column %	179 41.7%	263 61.6%
Lost Property column %	82 19.1%	89 20.8%
Improper Procedure column %	88 20.5%	31 7.3%
Excessive Force column %	48 11.2%	9 2.1%
Law Violation column %	22 5.1%	27 6.3%
Other column %	10 2.3%	8 1.9%
TOTAL	429	427

A Report on OIM Recommendations Regarding Police and Sheriff IAB Investigations

The OIM monitors all formal investigations conducted by the DPD and DSD Internal Affairs Bureaus. Formal investigations involve the interview of all material witnesses, including compelled interviews of the involved officers and the compilation of all relevant documents and records.

Overall, the Internal Affairs Bureaus of both the Police and Sheriff's Departments conducted thorough and fair investigations. The quality of police IAB investigations were particularly impressive when the allegations were serious and there was a significant likelihood that discipline would be imposed.

The Monitor's Office reviewed all formal IAB investigations and, on occasion, recommended additional investigation. During the course of the year, both Police and Sheriff IAB Command staff and the OIM were able to reach consensus when additional investigation was necessary in all but one case.

Some of the Investigations Actively Monitored by the OIM in 2006

Domestic Violence Allegation Against a DPD Officer:

An officer was investigated for domestic violence based on his wife's 911 emergency call. The District Attorney's Office with jurisdiction over the case declined to file criminal charges, but an administrative investigation was initiated to determine whether the allegations could be proven under the administrative "preponderance of the evidence" standard. At the conclusion of the investigation, the officer's commander concluded that the domestic violence allegation could not be sustained as the officer's wife refused to cooperate with either the criminal or the administrative investigation. The OIM requested further investigation be conducted – specifically, the OIM recommended that a domestic violence expert be hired by IAB to review the investigation and give an opinion whether the victim's actions in refusing to cooperate in the investigation were consistent with the acts of a victim of repeated acts of domestic violence. An expert was obtained and her report was forwarded to the officer's commander. Based on this new information, the officer's Commander sustained him for the domestic violence allegation.

A Local TV Station Caught a DPD Traffic Supervisor Taking Excessive Dinner Breaks at Home:

An investigation was conducted at the Bureau level and the officer was sustained for misconduct. The OIM reviewed the investigation and concluded that it was not complete. The OIM recommended the investigation be transferred to IAB for further investigation. IAB accepted the case and re-interviewed the officer to gain more information as to why the excessive breaks were being taken. IAB also interviewed all of the officer's subordinates to ensure that the excessive breaks did not have a significant impact on those officers' ability to complete their work. The officer was eventually sustained for misconduct and disciplined accordingly.

DPD Recruit Officer Accused of Lying to His Field Training Officer:

The officers of an employee organization alleged that a recruit officer was not terminated for lying to his field training officer when another recruit of color had been terminated for a similar violation. Due to allegations of racial disparity, the OIM actively monitored this investigation, sitting in on the interview with the subject officer and conferring with the investigator about the questions to be asked and the investigative plan. As a result of the investigation, the allegations were determined to be “unfounded” by the officer’s Division Chief. Although the Monitor would have made a “not sustained” finding, the “unfounded” finding was not found to be unreasonable.

DPD Officer Accused of Sexual Assault While Off Duty But In Uniform:

The OIM participated in an Internal Affairs Bureau rollout of a fresh complaint by two women who alleged they had been sexually assaulted by a uniformed DPD officer. One woman alleged that the officer used his position as an officer to pressure her into giving him oral sex; the other woman alleged the officer inappropriately groped her. IAB personnel extensively interviewed both women and executed a search warrant on the officer’s car. Audio and video evidence was reviewed and the officer was interviewed. The case was submitted to the District Attorney’s Office who declined to file criminal charges. At the conclusion of the administrative investigation, the officer was sustained for a variety of administrative violations, including providing alcohol to a minor and inappropriate sexual behavior.

A “CopWatch” Volunteer Alleged False Arrest Against a DPD Officer:

Due to the severity of the allegations (a violation of Constitutional rights as well as DPD policy), the OIM actively monitored this investigation, sitting in on all interviews and conferring with the investigator about questions to be asked and the investigative plan as a whole. Initially, the complainant, who was represented by counsel, appeared to be planning to sue the City without pursuing an Internal Affairs complaint. The OIM argued to the complainant’s attorney that, if the allegations were true, public policy demanded that the involved officer be held accountable by the Department, not just through the civil litigation process, which could take an inordinate amount of time and still not necessarily result in the imposition of discipline. At the conclusion of the investigation, the officer was sustained for misconduct. As of the writing of this report, the disciplinary recommendation to the Chief of Police by a Disciplinary Review Board was still pending.

A “False Imprisonment” Allegation Against a DSD Deputy:

An inmate alleged that he was falsely imprisoned by a Sheriff’s Deputy who held him in custody after he was approved for release from the City Jail. The inmate alleged that the over-detention was the result of an argument between the inmate and the Deputy about the status of money that had been seized from him at the time of his arrest. The inmate alleged that he was only released after he suffered a seizure and was never provided with needed medical attention. Due to the severity of the allegations, the OIM sat in on all interviews and conferred with the investigator about the investigative plan. The write up of the investigation was still pending as of the end of the year.

A DSD Officer Alleged That He Was Assaulted at a Union Meeting:

DPD Internal Affairs officers rolled out to the incident, which was initially investigated as a criminal case. After the District Attorney declined to file criminal charges against the deputies, the case was transferred to Sheriff Internal Affairs. Concerned about possible conflicts due to the investigation directly involving actions that took place at a union meeting, the Director of Corrections requested that the administrative investigation be completed by the DPD Internal Affairs Bureau. The case was accepted and has been actively monitored. OIM initially responded to monitor DSD interviews of involved deputies and remained involved throughout the entirety of the investigation. OIM noted that due to conflicting statements, the internal investigation needed to consider whether witnesses failed to tell the truth to DPD investigators as well as DSD Internal Affairs. As of the end of the year, the investigation was still pending. OIM conferred with the Commander of DPD Internal Affairs and expressed concern over the fact that eight months after the incident, the investigation was still not complete. The IAB investigator advised that the case would be considered a high priority in 2007 and would be completed as soon as possible after the New Year.

An Inmate Alleged a Sheriff Deputy Used Excessive Force and Tried to Provoke the Inmate to Fight:

DSD Internal Affairs conducted an investigation which resulted in an “unfounded” finding on the use of force allegation. The OIM requested that “unfounded” findings also be made regarding the deputy’s failure to obtain assistance from other deputies when he entered the inmate’s cell in order to take him to another housing unit. The OIM noted, however, that the investigator did not specifically question the deputy about the inmate’s allegations, corroborated by other inmates, that the deputy attempted to provoke the inmate to fight. The OIM recommended additional investigation. The Director declined to conduct the further investigation, instead relying on an extensive retraining program to ensure that the Deputy’s work performance improved in the future.

A Police Report Inferred that a Deputy Sheriff Attempted to Improperly Influence a Police Officer not to Arrest him for Driving Under the Influence:

A deputy drove while under the influence of alcohol, while off-duty, and was arrested by a police officer in another jurisdiction. In the officer’s report, it was implied that the deputy attempted to use his position as a law enforcement officer to influence the arresting officer’s actions. The initial DSD internal affairs investigation did not include an interview with the arresting officer. Instead, the investigation relied solely upon the officer’s arrest report. The OIM recommended that the arresting officer be interviewed to clarify whether the deputy attempted to improperly influence his actions. The officer was interviewed and he clarified that the deputy did not make any such attempt.

Findings

After the completion of a formal investigation, Internal Affairs turns over all documentation of the investigation to the involved officer's chain of command. After reviewing the investigation in its entirety, the commanding officer makes one of four possible findings: "unfounded," "exonerated," "insufficient evidence," or "sustained." (See Chapter 2 for definitions of these findings). The OIM reviews all findings to ensure they are reasonable and appropriate and makes recommendations on these findings to the Director of Corrections (for the Sheriff's Department), the Chief of Police (for the Police Department) and, ultimately, the Manager of Safety.

During 2006, the OIM concluded that the vast majority of the findings reached by DPD and DSD command staff were reasonable and appropriate. There were some exceptions, however, in which OIM recommended findings be changed:

An DPD Officer Was Alleged to Have Forged the Signature of her Ex-Husband:

An officer alleged that his former wife, also an officer, forged his signature to a deed of trust. An Internal Affairs investigation was initiated and the subject officer's commander concluded that the wife-officer forged the husband's signature and then filed the deed with the County Clerk. OIM monitored the investigation, reviewed the findings and attended a Disciplinary Review Board and a Chief's hearing relating to the case. The OIM conferred with the Chief of Police and agreed that a sustained finding against the wife-officer should be changed to "not sustained." This conclusion was reached after it was determined that the handwriting results were not conclusive enough to prove that the wife had committed the forgery as alleged by her ex-husband. The Chief, with the Monitor's concurrence, did sustain the officer for having another officer, who was a notary public, notarize the deed without the personal appearance of her ex-husband. (The notary-officer retired prior to the investigation being initiated and, therefore, could not be disciplined.) Appropriate discipline was imposed for that policy violation.

An Officer Was Alleged to Have Been Rude to a School Principal:

An officer was sustained for "conduct prejudicial" for being rude to the principal of his child's school during a dispute over his alleged failure to follow school traffic rules. The officer went through a Disciplinary Review Board and a Chief's hearing, which were both attended by the OIM. The OIM recommended to the Chief that the finding be changed to "unfounded" because it did not have an appropriate nexus to his work. He was off duty, not in uniform, and the only reason anyone knew he was an officer was because of his prior volunteer work at the school. The Chief agreed, but decided to order the officer into anger management training as a preventative measure.

An Officer Held a Detainee's Racial Bias Up to Ridicule:

An officer was sustained for inappropriately towing the vehicle of a person with whom he had a traffic altercation. He was "not sustained," however for discourtesy, even though he admitted the he quoted the complainant's racially inappropriate comments to the complainant's neighbors and City Jail deputies at the time he was being booked. The OIM recommended that the officer be sustained for making these comments, as the only purpose was to hold the complainant and his biases up to ridicule. (Although the OIM recognized the offensiveness of the arrestee's actions in insulting the ethnicity of the officer). The Chief's Office agreed with the OIM recommendation and the officer was "sustained" for discourtesy and appropriate discipline (a Written Reprimand) was imposed.

Findings—Denver Police Statistics

In 2006, DPD closed 888 cases. These cases include only those cases that were both opened and closed in 2006. The types of cases included citizen and internal cases, as well as, cases involving scheduled discipline.

Table 3.9 shows the number of cases closed in 2006 by the case assignment.

CASE ASSIGNMENT	COUNT	PERCENT
Formal	419	47.2%
Informal	104	11.7%
Decline	350	39.4%
Service Complaint	15	1.7%
TOTAL	888	

Nearly half (47.2%) of all cases closed during 2006 were formal complaints compared to 39.4% for declines. A small percentage of cases involved service complaints (1.7%).

Table 3.10 provides the findings for all cases opened and closed in 2006. These cases include all complaint types: citizen, internal, failure to complete continuing education, failure to qualify with a firearm, failure to appear in court, and traffic accidents.

FINDING	COMPLAINT TYPE					TOTAL
	Citizen	Internal	Traffic Accidents	Failure to Appear-Court	Failure to Qualify-Firearms	
Sustained column %	13 12.6%	93 64.6%	139 98.6%	82 92.1%	14 93.3%	341
Unfounded column %	34 33.0%	7 4.9%	1 0.7%	0 0%	0 0%	42
Exonerated column %	27 26.2%	26 18.1%	0 0%	5 5.6%	1 6.7%	59
Not Sustained column %	20 19.4%	17 11.8%	0 0%	2 2.2%	0 0%	39
Not Reviewed column %	8 7.8%	1 0.7%	1 0.7%	0 0%	0 0%	10
Information Only column %	1 1.0%	0 0%	0 0%	0 0%	0 0%	1
TOTAL	103	144	141	89	15	492

Scheduled discipline cases—failure to appear or qualify and traffic accidents—had the highest sustained rates among all complaint types averaging 95%. Citizen-initiated complaints were the least likely to be sustained—12.6% sustained rate. Internally-initiated complaints other than scheduled discipline had a sustained rate of 64.6%.

Table 3.11 shows the findings for citizen-initiated complaint cases opened and closed in 2006. The findings are broken down by the complaint allegations.

Thirteen citizen-initiated complaint allegations resulted in a sustained finding in 2006. This represents a 12.6% sustained rate.

The most common findings for discourtesy complaints were not sustained (44%), unfounded (30%), and exonerated (11%).

TABLE 3.11 FINDINGS FOR <u>CITIZEN-INITIATED</u> COMPLAINTS BY ALLEGATIONS (DPD 2006)							
ALLEGATION	FINDING						TOTAL
	Exonerated	Information Only	Not Reviewed	Not Sustained	Sustained	Unfounded	
Completing Official Reports row %					1 100%		1 100%
Conduct Prejudicial row %			1 25%	1 25%	1 25%	1 25%	4 100%
Discourtesy row %	3 11%		2 7%	12 44%	2 7%	8 30%	27 100%
Evidence Handling Procedures row %		1 100%					1 100%
Failure to Make or File Reports row %	2 50%					2 50%	4 100%
Giving Name and Badge Number row %				1 20%		4 80%	5 100%
Improper Procedure - Other row %	5 23%		1 5%	4 18%	5 23%	7 32%	22 100%
Intimidation of Persons row %						1 100%	1 100%
Law Violation - Other row %			1 50%			1 50%	2 100%
Obedience To Traffic Regulations row %					4 100%		4 100%
Racial Harassment row %						1 100%	1 100%
Sexual Misconduct row %			1 100%				1 100%
Unnecessary Force row %	16 57%		1 4%	2 7%		9 32%	28 100%
TOTAL	26	1	7	20	13	34	101

Table 3.12 shows the findings for internally-initiated complaint cases opened and closed in 2006. The findings are broken down by the complaint allegations.

Obedience to traffic regulations had the highest sustained rate of internally-initiated complaints at 94.9% followed by failure to make/file reports (80%) and prejudicial conduct (66.7%).

TABLE 3.12 FINDINGS FOR <u>INTERNAL-INITIATED</u> COMPLAINTS BY ALLEGATIONS (DPD 2006)						
ALLEGATION	FINDING					TOTAL
	Exonerated	Not Reviewed	Not Sustained	Sustained	Unfounded	
Conduct Prejudicial row %		1 33.3%		2 66.7%		3 100%
Critical Incident Review row %	18 100%					18 100%
Departing From The Truth row %				1 50.0%	1 50.0%	2 100%
Discourtesy row %	1 100%					1 100%
Failure to Make or File Reports row %	1 20.0%			4 80.0%		5 100%
Improper Procedure - Other row %	2 5.6%		6 16.7%	23 63.9%	5 13.9%	36 100%
Improper Procedure - Pursuit row %	2 14.3%		7 50.0%	5 35.7%		14 100%
Law Violation - Domestic Violence row %			1 100%			1 100%
Law Violation - Theft row %			2 100%			2 100%
Obedience To Traffic Regulations row %	2 3.4%		1 1.7%	56 94.9%		59 100%
Respect for Fellow Officer row %				1 50.0%	1 50.0%	2 100%
TOTAL	26	1	17	93	7	144

Findings—Denver Sheriff - Statistics

In 2006, the Denver Sheriff’s Department closed 390 complaint cases involving 511 allegations. This includes all cases closed during the year regardless of what year the case was opened.

Table 3.13 provides the results of the findings for all DSD complaint cases closed in 2006. Approximately 19% of the allegations resulted in a sustained finding in 2006.

FINDING	Count	Percent
Sustained	97	19.0%
Unfounded	139	27.2%
Exonerated	42	8.2%
Not Sustained	114	22.3%
Resolved	53	10.4%
Referred	16	3.1%
Declined	43	8.4%
Informal	5	1.0%
Missing	2	0.4%
TOTAL	511	100%

Table 3.14 provides the findings for complaint cases closed in 2006 by the complaint source. Management-initiated complaints were the most likely to be sustained (41.7%) while inmate-initiated complaints were the least likely to result in a sustained finding (4.9%).

The most common finding for citizen-initiated complaints was unfounded (29.1%). Similarly, inmate-initiated complaints were most likely to be unfounded (35.4%).

FINDING	COMPLAINT SOURCE						TOTAL
	CITIZEN	EMPLOYEE	INMATE	MANAGEMENT	OTHER	UNKNOWN	
Sustained	10	6	12	10	2	57	97
column %	12.7%	21.4%	4.9%	41.7%	33.3%	44.2%	
Unfounded	23	4	86	2	3	21	139
column %	29.1%	14.3%	35.4%	8.3%	50.0%	16.3%	
Exonerated	10	4	13	3	0	12	42
column %	12.7%	14.3%	5.3%	12.5%	0.0%	9.3%	
Not Sustained	10	9	74	5	1	15	114
column %	12.7%	32.1%	30.5%	20.8%	16.7%	11.6%	
Resolved	10	4	24	3	0	12	53
column %	12.7%	14.3%	9.9%	12.5%	0.0%	9.3%	
Referred	1	0	8	1	0	6	16
column %	1.3%	0.0%	3.3%	4.2%	0.0%	4.7%	
Declined	12	1	25	0	0	5	43
column %	15.2%	3.6%	10.3%	0.0%	0.0%	3.9%	
Informal	3	0	1	0	0	1	5
column %	3.8%	0.0%	0.4%	0.0%	0.0%	0.8%	
TOTAL	79	28	243	24	6	129	509

Tables 3.15 through 3.18 provide results of the findings for complaint cases closed in 2006 by the allegation and complaint source.

Law violation and improper conduct allegations were the most likely type of citizen-initiated complaints to be sustained (33.3% and 20% respectively). Service complaints and complaints concerning lost property had the lowest sustained rates.

TABLE 3.15 COMPLAINT FINDINGS BY ALLEGATIONS FOR CITIZEN-INITIATED COMPLAINT CASES IN 2006 (DSD 2006)							
FINDING	ALLEGATION						TOTAL
	Excessive Force	Improper Conduct	Law Violation	Lost Property	Service Complaint	Other	
Sustained		6	1	1	2		10
column %		20.0%	33.3%	6.3%	7.1%		
Unfounded		8		9	6		23
column %		26.7%		56.3%	21.4%		
Exonerated		3	2		5		10
column %		10.0%	66.7%		17.9%		
Not Sustained	1	4		2	3		10
column %	100%	13.3%		12.5%	10.7%		
Resolved		3		4	2	1	10
column %		10.0%		25.0%	7.1%	100%	
Referred		1					1
column %		3.3%					
Declined		5			7		12
column %		16.7%			25.0%		
Informal					3		3
column %					10.7%		
TOTAL	1	30	3	16	28	1	79

The most likely type of inmate-initiated complaint to be sustained included improper procedure (13.3%) and lost property (13.8%).

TABLE 3.16 COMPLAINT FINDINGS BY ALLEGATIONS FOR <u>INMATE-INITIATED</u> COMPLAINT CASES IN 2006 (DSD 2006)								
FINDING	ALLEGATION							TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Lost Property	Service Complaint	Other	
Sustained column %			2 13.3%		9 13.8%	1 2.7%		12
Unfounded column %	2 9.5%	37 38.9%	3 20.0%	7 77.8%	23 35.4%	14 37.8%		86
Exonerated column %	2 9.5%	6 6.3%	2 13.3%		1 1.5%	2 5.4%		13
Not Sustained column %	15 71.4%	28 29.5%	7 46.7%		16 24.6%	8 21.6%		74
Resolved column %		7 7.4%	1 6.7%	1 11.1%	11 16.9%	4 10.8%		24
Referred column %		3 3.2%		1 11.1%	3 4.6%	1 2.7%		8
Declined column %	2 9.5%	14 14.7%			2 3.1%	6 16.2%	1 100%	25
Informal column %						1 2.7%		1
TOTAL	21	95	15	9	65	37	1	243

As shown in Table 3.17, the most likely type of employee-initiated complaint to be sustained included service complaint (33.3%) and improper conduct (18.2%). However, the majority of improper conduct complaints were not sustained (31.8%) and two-thirds of service complaints were resolved.

TABLE 3.17 COMPLAINT FINDINGS BY ALLEGATIONS FOR <u>EMPLOYEE-INITIATED</u> COMPLAINT CASES IN 2006 (DSD 2006)								
FINDING	ALLEGATION							TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Lost Property	Service Complaint	Other	
Sustained column %		4 18.2%				1 33.3%	1 100%	6
Unfounded column %		4 18.2%						4
Exonerated column %		4 18.2%						4
Not Sustained column %		7 31.8%	2 100%					9
Resolved column %		2 9.1%				2 66.7%		4
Referred column %								0
Declined column %		1 4.5%						1
TOTAL	0	22	2	0	0	3	1	28

Among management-initiated complaints, improper conduct resulted in the highest sustained rate at 52.9%. It should be noted that no other type of allegation had more than two complaints initiated by management in 2006.

TABLE 3.18 COMPLAINT FINDINGS BY ALLEGATIONS FOR <u>MANAGEMENT-INITIATED</u> COMPLAINT CASES IN 2006 (DSD 2006)								
FINDING	ALLEGATION							TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Lost Property	Service Complaint	Other	
Sustained column %		9 52.9%	1 50.0%					10
Unfounded column %		1 5.9%					1 100%	2
Exonerated column %		2 11.8%		1 50.0%				3
Not Sustained column %	1 100%	3 17.6%		1 50.0%				5
Resolved column %		2 11.8%				1 100%		3
Referred column %			1 50.0%					1
Declined column %								0
TOTAL	1	17	2	2	0	1	1	24



DENVER
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CHAPTER 4

IMPOSITION OF DISCIPLINE

Discipline Statistics (Police)

Table 4.1 provides the discipline for sustained allegations in 2006 compared with 2005.

The most frequent type of discipline imposed against Denver Police Officers was oral and written reprimands. The number of oral reprimands increased 5.4% from 2005 to 2006 and written reprimands increased by 20%.

For Department initiated complaints against Officers for missing court, failures to qualify with their firearm, failure to attend continuing education and preventable traffic collisions, the DPD has specific criteria (called “scheduled discipline”) wherein the discipline imposed is determined by the specific violation and the Officer’s history regarding such violations.

DISCIPLINE	YEAR	
	2005	2006
Dismissed column %	1 0.3%	2 0.6%
Suspended Time column %	7 2.1%	3 0.9%
Fined Time column %	22 6.5%	28 8.2%
Written Reprimand column %	75 22.2%	90 26.3%
Oral Reprimand column %	205 60.7%	218 63.7%
Retired column %	1 0.3%	1 0.3%
Total	338	342

A comparison of discipline by complaint type for sustained allegations is provided in Table 4.2.

DISCIPLINE	COMPLAINT TYPE						TOTAL
	Citizen	Internal	Traffic Accidents	Obedience to Traffic Regulations	Failure to Appear-Court	Failure to Qualify-Firearms	
Dismissed column %		2 5.4%					2
Suspended Time column %		2 5.4%	1 0.7%				3
Fined Time column %	1 7.7%	6 16.2%	6 4.3%		1 1.2%	14 100%	28
Written Reprimand column %	5 38.5%	20 54.1%	50 36.2%	2 3.6%	13 16.0%		90
Oral Reprimand column %	7 53.8%	7 18.9%	81 58.7%	54 96.4%	67 82.7%		216
TOTAL	13	37	138	56	81	14	339

The most common form of discipline for citizen-initiated complaints was an oral reprimand with 53.8% of the sustained allegations receiving this penalty. Written reprimands were second at 38.5%.

Discipline for internal-initiated complaints consisted primarily of oral (65.6%) and written reprimands (23.7%).

One hundred percent of the failure to qualify with firearms allegations received fined time. Suspended time is considered to be a more serious form of discipline than “fined time.” If an Officer is suspended, all police powers and the Officer’s salary are forfeited during the suspension period. With respect to “fined time,” the Officer must work on a day off without compensation or must forfeit accrued time from his/her payroll record.

Discipline Statistics (Sheriff)

Table 4.3 shows the discipline for sustained cases in 2006 compared with 2005. There were sustained findings for 97 complaint allegations in 2006 compared to 100 in 2005.

The most common forms of discipline in 2006 consisted of verbal reprimands (22.7%) and suspensions (20.6%). Demotions and disqualifications were the least frequently used (1%).

Decreases in discipline occurred for resignations (-62.5%), written reprimands (-40%), and cautionary letters (-59.3%) while increases were seen in suspensions (+20.6%), verbal reprimands (+22.7%), and counseled (+100%).

DISCIPLINE	YEAR	
	2005	2006
Termination column %	3 3.0%	2 2.1%
Resignation column %	8 8.0%	3 3.1%
Suspension column %	16 16.0%	20 20.6%
Written Reprimand column %	25 25.0%	15 15.5%
Verbal Reprimand column %	18 18.0%	22 22.7%
Cautionary Letter column %	27 27.0%	11 11.3%
Counseled column %	3 3.0%	6 6.2%
Demotion column %		1 1.0%
Disqualification column %		1 1.0%
Missing-Unknown column %		16 16.5%
TOTAL	100	97

Table 4.4 reports the disciplinary decision by the allegation for those cases that were sustained in 2006. Of the 97 sustained allegations in 2006, 81 had available data for this comparison.

Officers with sustained improper conduct allegations most often received verbal reprimands (31.3%) while those with improper procedure allegations were equally as likely to receive a suspension, written reprimand, or cautionary letter (25%). One-hundred percent of the Officers with sustained law violations received suspensions.

TABLE 4.4 DISCIPLINE BY ALLEGATION FOR SUSTAINED CASES (DSD 2006)						
DISCIPLINE	ALLEGATION					TOTAL
	Improper Conduct	Improper Procedure	Law Violation	Service Complaint	Other	
Termination column %	1 1.6%	1 12.5%	0 0%	0 0%	0 0%	2
Resignation column %	3 4.7%	0 0%	0 0%	0 0%	0 0%	3
Suspension column %	13 20.3%	2 25.0%	5 100.0%	0 0%	0 0%	20
Written Reprimand column %	13 20.3%	2 25.0%	0 0%	0 0%	0 0%	15
Verbal Reprimand column %	20 31.3%	1 12.5%	0 0%	1 33.3%	0 0%	22
Cautionary Letter column %	9 14.1%	2 25.0%	0 0%	0 0%	0 0%	11
Counseled column %	4 6.3%	0 0%	0 0%	2 66.7%	0 0%	6
Demotion column %	1 1.6%	0 0%	0 0%	0 0%	0 0%	1
Disqualification column %	0 0%	0 0%	0 0%	0 0%	1 100.0%	1
TOTAL	64	8	5	3	1	81

Methodology

Data for this chapter was obtained from the Denver Sheriff's Department Database and the Denver Police Department's Database (CUFFS II). Data were extracted from the databases through ODBC using Microsoft Access. Statistical analysis of the data was analyzed using the Statistical Package for the Social Sciences (SPSS).

IMPOSITION OF DISCIPLINE

Cases Involving Termination or Resignation (Police):

In 2006, one DPD Officer was terminated by the Department; another three Officers resigned from the Department after being criminally charged or convicted of various crimes; another two Officers resigned while undergoing criminal investigations.

- An Officer was terminated for committing an act of domestic violence on his wife, outside of the City of Denver. The Officer was not arrested or charged criminally by the District Attorney's Office due to his wife's refusal to cooperate after she made a 911 call alleging that the Officer was hitting her. The Officer and his wife fled their residence before police arrived. The wife refused to cooperate with Internal Affairs, stating she was concerned that her husband would lose his job. Based on the content of the 911 call, the wife's statements to neighbors and Internal Affairs, and a report prepared by a domestic violence expert, the Department concluded that the Officer committed the act based on the preponderance of the evidence standard and ordered him terminated. A Civil Service appeal has been filed by the Officer.
- An Officer was convicted of committing an off-duty felony assault. He resigned from the Department shortly after he was convicted.
- A woman accused an Officer of leaving threatening messages on her voicemail. After reviewing the audiotapes of those phone calls, the District Attorney charged the Officer with misdemeanor menacing. The Officer was notified of the Department's intent to terminate him and he resigned from the Department. The Officer eventually pled guilty to the misdemeanor charge.
- An Officer resigned from the Department after being convicted of misdemeanor harassment and trespass, in an on-duty incident. (See District 1 Commendation, below).
- An Officer resigned upon learning that he was being investigated for malfeasance in failing to adequately conduct numerous investigations.
- An Officer resigned after learning that he was being investigated for federal crimes.

Cases Involving Termination of Probationary Officers (Police)

In 2006, one probationary Officer was terminated and another three probationary Officers resigned pending termination:

- A probationary Officer was terminated for attempting to cheat on a quarterly shooting test.
- In separate incidents, two probationary Officers resigned, after termination recommendations were made, for cheating on an examinations given to them by their field training Officers.
- A probationary Officer resigned, after a termination recommendation was made, after an investigation disclosed that he facilitated his wife's purchase and use of cocaine.

Cases Involving Termination or Resignation (Sheriff):

In 2006, two Deputy Sheriffs were terminated and one was disqualified from employment. In addition, three Deputy Sheriff's resigned while Internal Affairs investigations were pending.

- A Deputy, after returning from an extradition, took his family to dinner and charged the dinner to his City travel card. When confronted with this act, the Deputy lied to his supervisors and Internal Affairs. In addition, he presented false documents to the Sheriff Command staff who were considering what discipline to impose. The Deputy had been previously suspended for stealing beer from a bar (off-duty) and failing to be truthful about his conduct. The Director of Corrections recommended termination and the Manager of Safety agreed.
- A Deputy resigned while under Internal Affairs investigation after learning that he had been caught attempting to influence a witness in an investigation.
- A Deputy resigned when she was learned that the Department was initiating an investigation into her fraternization with a felon.
- A Deputy resigned after learning that the Department intended to terminate him for violating a prior agreement not to use alcohol. The Deputy had been arrested for a criminal offense after signing the no-alcohol use agreement. After his arrest, Internal Affairs had his urine tested for alcohol. The results indicated that he had been drinking.
- A Deputy was disqualified from employment after having been convicted of a domestic violence offense which required him to give up his ability to carry a firearm.

OIM Recommends Termination of a Deputy for Lying; Deputy Given a Long Suspension Instead by the Manager of Safety.

A Deputy sheriff was caught playing cards with another Deputy while guarding a felony dorm. Deputies are not permitted to engage in activities, while on duty, that will prevent them from attending to their duties as Deputy Sheriffs. The deputies were seen playing the game "Uno" with one another by a Sergeant. When confronted, they admitted they were playing cards. When interviewed by Internal Affairs, however, both deputies gave the same story: they were merely counting the cards in response to complaints received from inmates that some cards were missing. In fact, no cards were missing from the deck. The Department concluded that the deputies lied in order to cover up for one of the deputies, who had just returned to duty from a lengthy suspension for falling asleep on duty and lying about it to Internal Affairs.

The Director of Corrections recommended, and the Manager of Safety agreed, to terminate the Deputy who had just returned to duty from a suspension. The Director of Corrections recommended a 45-day suspension for the second Deputy, however, and the Manager of Safety imposed that punishment. The Monitor had recommended termination.

In this case, the Deputies conspired to lie to Internal Affairs. That act is completely inconsistent with a Deputy's position as a law enforcement Officer. It negatively affects the ability of the Department to police itself and renders the credibility of the involved Deputy subject to attack in

court and with respect to future acts the Deputy may take as a law enforcement Officer. Deputies are well aware that they are expected to be truthful when interviewed by Internal Affairs. Except in exceptional circumstances, it should be presumed that a Deputy who knowingly and intentionally lies to Internal Affairs will be terminated by the Department. Anything less denigrates the integrity of the Sheriff's Department as a law enforcement agency.

District 1 Officers Should Be Commended for Initiating an IAB investigation:

On March 5, 2006, Officers were called to a residential building in response to a call of a disturbance. Multiple Officers responded to the call and left after resolving the call with a female resident who was under the influence of alcohol. A building security guard noticed one of the Officers returned to the building, on his own, after the call was resolved. The male Officer went up to the unit where the female resident was located. The security guard thought that the Officer's actions were suspicious and he called a District 1 Officer to respond. The District 1 Officer and his partner responded to the building and found a patrol car parked in the back of the building, out of public view. The Officers called a Sergeant who also responded. As they prepared to enter the building, the suspect Officer came out and was confronted by the responding Officers. The suspect Officer gave an illogical explanation. The responding Officers called Internal Affairs, who determined that the suspect Officer responded to the building with the intent of pressuring the female to engage in sexual conduct. Further investigation revealed numerous additional suspicious incidents relating to this Officer's behavior towards female citizens. The District Attorney eventually filed criminal charges against the Officer, who resigned from the Department.

The District 1 Officers who handled this incident should be commended for alerting Internal Affairs to a potential sexual predator in uniform. If the Officers had not treated this incident as a serious one necessitating a call-out by Internal Affairs, enormous damage could have been done to the public and the Department. Instead, they recognized this suspicious behavior for what it was and reported it to ensure that a proper investigation could be conducted and that the public was protected.

OIM Disciplinary Recommendations:

In a few cases, the Monitor's Office provided input which resulted in the imposition of greater discipline than that originally proposed by the involved Officer's chain-of-command:

- A DPD supervisor took excessive dinner breaks, as reported by a local investigative reporter. The original recommendation of five fined days was increased to five days suspended plus five fined days, by the Manager of Safety, at the recommendation of the Monitor.
- A DPD Officer, while working at a bar off-duty, failed to adequately investigate an assault that was committed by a bar employee. The victim was severely injured in the attack. Although there was no reason to believe that the Officer acted maliciously or intentionally, the OIM recommended five fined days instead of the one fined day that was originally recommended by the Officer's commander. The case was settled for three

fined days after the Officer agreed to waive a Disciplinary Review Board and a Chief's Hearing. The Monitor concurred with the settlement given the Officer's willingness to accept responsibility for his failure to act.

- A DPD Officer issued an arrest warrant without adequately verifying the identity of the suspect, resulting in the arrest of an innocent person. At the recommendation of the OIM, the original discipline of an Oral Reprimand was increased to a Written Reprimand.
- A DPD Sergeant failed to ensure that an off-duty Officer, who was involved in a collision while driving under the influence of alcohol was given a breathalyzer test within the required period of time. The original discipline of one fined day was increased to five fined days, at the request of the Monitor. The OIM concluded that appearance of impropriety resulting from this act was a significant issue that warranted the imposition of greater discipline.
- A Sheriff's Deputy responded to a grievance of an inmate instead of forwarding the grievance to a supervisor, as was required by policy. The Deputy's written response included personal insults and the use of profanity. The Director of Corrections recommended a 15-day suspension. The Manager of Safety increased the discipline to a 30-day suspension after the Monitor recommended a 45-day suspension. The Monitor believed this conduct to be particularly egregious in that it interfered with an important tool that the DSD uses to ensure that it is following required constitutional guidelines in the incarceration of its inmates. Further, the Deputy had time to premeditate and deliberate while he was writing out the completely inappropriate response.

OIM Recommends Substantial Discipline for an Excessive Force Case:

A DPD Officer was caught on videotape using unnecessary and excessive force on an intoxicated handcuffed prisoner in a holding cell at a District station. District supervisors, upon reviewing the videotape, immediately notified Internal Affairs. According to the involved Officers, the intoxicated suspect was belligerent and threatening towards them. Upon escorting the handcuffed prisoner into a holding cell, the arresting Officer, perceiving the prisoner to be uncooperative, stated to the English-speaking Hispanic prisoner: "Understando Taser?;" and subsequently contact-stunned the prisoner in the neck.

DPD policy does not permit an Officer to apply a Taser to a person's neck, except in a situation warranting the use of deadly force. In addition, DPD policy does not permit the use of the Taser except in cases involving "active aggression" on the part of a suspect. In this case, the prisoner was clearly not engaging in active aggression, even though the prisoner was not completely cooperative with the involved Officers.

After the incident, the Officer prepared an inaccurate report, stating that the prisoner had engaged in "active aggression," and cited the prisoner for assaulting his partner (a reserve Officer) – even though it was clear from the videotape that no such assault ever took place. (The prisoner later pled guilty to the assault – it appears that he may have been too intoxicated to remember what had actually happened).

The Officer's commander recommended a nine day suspension for the Officer's inappropriate comments, his use of excessive force, and the inappropriate use of his Taser. A Disciplinary Review Board reduced the penalty recommendation to a seven day suspension. The Chief of Police, after hearing arguments from the Monitor for a much more lengthy suspension, increased the penalty recommendation to a ten day suspension and four "fined" days.

After extensive discussions with the Manager of Safety, the Monitor and the Manager agreed that a 60 day suspension (with 20 days held in abeyance) would be appropriate if the Officer was willing to accept responsibility by accepting the suspension without any further possibility of appeal. The OIM recommendation in that regard argued that, but for mitigating factors, the Officer in this case deserved termination. The Officer made a racially charged statement, used inappropriate and unnecessary "pain compliance" on the prisoner, and wrote an inaccurate report about the incident. The prisoner was subsequently falsely charged and convicted of assaulting a police Officer.

The OIM's final conclusion that termination was not required was based on the Officer's stated perception that he believed the prisoner was more dangerous than apparent on the video; that the Officer had an unblemished service record with numerous commendations and awards; and that the Department created an excellent "performance improvement plan" in an attempt to save the Officer's career. It appeared that this was an isolated event, resulting from the Officer losing his temper when faced with a particularly belligerent prisoner. However, nothing less than a substantial suspension was acceptable to the OIM in order to ensure that the Department's commitment to the use of reasonable force is clearly communicated to the involved Officer, the rank and file, and the public. The fact that the Officer accepted the suspension and took responsibility for his actions was a significant factor in the decision-making process in this case.

Finally, the OIM strongly recommended that the Officer's partner, a reserve Officer, who prepared a report that falsely alleged that he had been assaulted by the prisoner, be removed from his position as a reserve Officer. As of the end of the year, that recommendation was still pending with the Chief of Police.

In addition, at the conclusion of the case, the Monitor and the Commander of the Internal Affairs Bureau referred the administrative investigation back to the City Attorney's Office for a review as to whether the criminal charges against the prisoner should be vacated.

Ranks of Officers Receiving Discipline in 2006:

In 2006, the Manager of Safety finalized discipline against employees, according to rank, of the Police Department and Sheriff’s Department. Table 4.5 provides results of discipline by rank for DPD Officers. These cases include all complaints closed in 2006 with sustained findings regardless of the year the case was opened.

As shown, the most common type of discipline for all ranks, with the exception of Officers, was an oral reprimand which ranged from a low of 28.6% for Officers to a high of 77.8% for lieutenants. Officers were most likely to receive a written reprimand (33.9%).

Five percent of the Officers disciplined in 2006 were dismissed.

DISCIPLINE	RANK						TOTAL
	Officer	Technician	Sergeant	Detective	Lieutenant	Captain and Above	
Dismissed column %	3 5.4%						3
Suspended Time column %	4 7.1%	1 7.1%	3 12.0%	2 6.9%			10
Fined Time column %	10 17.9%	1 7.1%	2 8.0%	1 3.4%		1 25.0%	15
Written Reprimand column %	19 33.9%	3 21.4%	4 16.0%	4 13.8%	2 22.2%	1 25.0%	33
Oral Reprimand column %	16 28.6%	8 57.1%	16 64.0%	22 75.9%	7 77.8%	2 50.0%	71
SSR Entry column %	4 7.1%	1 7.1%					5
TOTAL	56	14	25	29	9	4	137

Table 4.6 provides results of this analysis for the Sheriff’s Department. These include all cases closed in 2006 with sustained findings regardless of the year the case was opened.

Forty-nine Deputy Sheriff’s received some form of discipline in 2006 compared to three Sergeants. The most common form of discipline for a Deputy Sheriff was a suspension (36%) and the least common form was termination (4%). Sergeants were equally as likely to be counseled, suspended, or orally reprimanded (33.3%).

TABLE 4.6 DISCIPLINE BY RANK FOR SUSTAINED CASES (DSD 2006)

DISCIPLINE	DEPARTMENT RANK		TOTAL
	Deputy Sheriff	Sheriff Sergeant	
Termination column %	2 4.0%		2
Resignation column %	3 6.0%		3
Suspension column %	18 36.0%	1 33.3%	19
Written Reprimand column %	12 24.0%		12
Verbal Reprimand column %	7 14.0%	1 33.3%	8
Cautionary Letter column %	4 8.0%		4
Counseled column %	3 6.0%	1 33.3%	4
Disqualification column %	1 2.0%		1
TOTAL	50	3	53

The Manager of Safety’s “Discipline System Advisory Group”:

Even before the Monitor’s Office began operations, the Manager of Safety created a “Discipline System Advisory Group” (DAG) to reevaluate the disciplinary process with the mission “to create a fair, rational, efficient, consistent discipline system which reflects the goals, values and priorities of the Denver Police Department and promotes respect and trust within the police department and with the community it serves.” The goal of the group is to “provide written guidelines for the application of discipline and give reasonable notice to both Officers and the community of likely discipline under certain circumstances.”

The project began in December of 2004 and continued in earnest through 2006. During 2006, a Steering Committee was created in order to conceptualize a disciplinary matrix as well as the written guidelines necessary to ensure the imposition of fair and consistent discipline in the future. The Steering Committee met once a week for several hours at a time in order to complete this project. As of August 2006, the concepts were finalized and the Manager of Safety’s Office promised to write up a draft DAG Report to finalize up with the Steering Committee and then share with the DAG as a whole.

As of the end of the year, the Manager of Safety’s Office had not yet produced the draft document. The Monitor’s Office is aware of the incredible demands on the time of the Manager of Safety and his staff. This project is much too important to allow to languish, however, and we look forward to the completion of the draft document in the near future.



DENVER
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CHAPTER 5

THE POLICE DEPARTMENT'S
EARLY IDENTIFICATION SYSTEM,
PATTERNS IN COMPLAINTS &
SPECIAL INITIATIVES

The DPD's Proposed New Personnel Assessment System:

The History of the DPD's Automated Early Intervention System:

Like most police organizations, the Denver Police Department uses many tools to manage the activities (including use of force) of its officers. Tools include the screening of recruits, initial and ongoing training, and the disciplinary system. The DPD requires officers to file mandatory use-of-force reports and has established a Use-of-Force Review Board, with citizen representation, to review officer-involved shootings and serious incidents of use of force.

In 2004, the DPD created an Early Identification and Intervention System (EIIS). The system included data relating to arrests, training, education, uses of force, leave and overtime, traffic collisions, pursuits and secondary employment, civil liability information, commendations and complaints.

Over a period of three months, from September through December of 2004, the EIIS analyzed data from many of these sources and created "Intervention Reviews" which identified specific officers for whom certain thresholds had been reached. On December 17, 2004, however, the Chief of Police, after reviewing all of the EIIS reports and getting considerable input from a cross section of the Department, determined that no more EIIS reports would be generated from the system's current format.

The Chief opined that the scope of the discretionary arrest data collected was too broad and not sufficiently defined. The Chief noted difficulties with the system's ability to compare potential triggers (such as number of uses of force) with variances in the work volume (such as arrests, contacts and citations) between shifts, districts and assignments. For example, an officer working in Lower Downtown's bar district can be expected to receive more complaints than an officer working in a low-crime residential neighborhood. In that regard, the EIIS system failed to account for difficulties in comparing officers who were not similarly situated.

Based on those concerns, the Chief announced that as of December 17, 2004, the EIIS system would no longer automatically generate Intervention Reviews. He announced that DPD administration would re-evaluate the categories being measured to make sure they were operationally within the Department's current ability to collect data of value.

Recognizing a clear need for an automated Early Warning System in a Department as large as Denver's, the Chief concluded that the EIIS database would remain available for Department supervisors. In addition, the Professional Standards Unit (PSU) continued to review the database on a regular basis with the intent of identifying problematic activity on the part of an officer that may need intervention such as training, counseling, supervision, further evaluation or reassignment. Currently, the Chief personally reviews officer EIIS records identified by the PSU and then confers with the respective officer's commanders to come up with an intervention strategy, if one is deemed necessary.

The New System:

During 2006, representatives of the OIM worked with DPD command staff, union representatives, and a member of the Citizen Oversight Board to create a new Early Intervention policy. A draft policy, renamed “the Personnel Assessment System” (PAS), was created and ready by the end of the year to share with all DPD personnel. By the end of the year, the Chief had selected members of a PAS Board, who will meet quarterly to continuously evaluate the system and the triggers that are used by the Professional Standard Unit to assist supervisors in their evaluation of officers.

The concept of the PAS changes the manner in which early intervention is used in two significant ways:

First, it envisions a “bottom-up” review process, instead of the “top-down” process currently in use. While the current system relies on the Chief’s Office to identify potential problematic behavior and then notify the officer’s command, the new system relies upon first-line supervisors to evaluate their subordinates and then report to command staff on any corrective actions taken.

Second, the triggers (“review limits”) will be based on comparisons made between similarly situated officers. In the past, an officer would know that if s/he engaged in a certain number of uses of force, or received a certain number of complaints within a certain period of time, a performance review would be initiated by the Chief’s Office. As such, an officer who was close to that limit might have an incentive not to engage in self-initiated activities, so as to avoid citizen contacts that may result in complaints or uses of force. Under the current system, there would be no similar incentive. Officers who are active would expect to have more uses of force and/or complaints than officers who are not. Each officer would be compared to similarly situated officers. As such, performance reviews will be more likely identify problematic activity rather than identifying the Department’s most active officers.

The Monitor’s Office looks forward to the implementation of the new system in 2007 and conducting regular audits of the system to ensure it is working effectively. Special thanks should be given to the Police Protective Association (PPA) for working in partnership with the DPD Command Staff in conceptualizing and implementing this important new program.

After the DPD program has been implemented and audited, the OIM intends to work with the Sheriff’s Department to implement a similar program for their deputies.

Patterns of Complaints

In this and future OIM reports, we are reporting on the number of complaints received per officer per year. The purpose of providing this information is to determine whether the actions of a small number of officers are responsible for a significant portion of complaints investigated by the DPD and DSD.

Police Department

Complaints Per Officer

Table 5.1 shows the number of complaints received by DPD officers in 2006. This table includes all complaints including scheduled discipline cases.

Of the officers that received a complaint in 2006, 61.4% received only one complaint while only 3.2% of the officers received five or more complaints during the course of the year. Eighty-one percent of the officers receiving a complaint in 2006 received one to two complaints.

TABLE 5.1 TOTAL NUMBER OF COMPLAINTS PER OFFICER(DPD 2006)		
COMPLAINTS	Count	Percent
One	454	61.4%
Two	151	20.4%
Three	82	11.1%
Four	29	3.9%
Five or More	24	3.2%
TOTAL	740	100%

Table 5.2 provides a breakdown of the number of complaints per officer by complaint type.

The majority of officers, who received a complaint in 2006, received only one complaint regardless of the type of complaint. Among officers who received a citizen-initiated complaint, only 1.6% received five or more citizen complaints. The Monitor's Office verified that all of the officers who received five or more citizen complaints in 2006, were identified by the current Early Intervention System. Therefore, each officer's conduct was reviewed by DPD Managers in order to ensure that none of these officers were engaging in problematic activities with respect to their contacts with community members.

COMPLAINTS	COMPLAINT TYPE				
	Citizen	Internal	Accidents	Failure to Appear-Courts	Failure to Qualify-Firearms
One column %	330 66.5%	182 89.7%	130 92.9%	76 87.4%	16 100%
Two column %	102 20.6%	19 9.4%	10 7.1%	9 10.3%	
Three column %	39 7.9%	2 1.0%		2 2.3%	
Four column %	17 3.4%				
Five or More column %	8 1.6%				
TOTAL	496	203	140	87	16

Force Complaints Per Officer

Table 5.3 shows the number of unnecessary force complaints filed against DPD officers in 2006 by how the complaint was initiated: citizen or internal.

There were 148 officers who received at least one unnecessary force complaint in 2006. Among these officers, the majority received only one citizen-initiated complaint (80.4%); however, 4.8% of the officers received three or more complaints. No officer received more than four use-of-force complaints during the course of the year.

The Monitor's Office confirmed that every officer that received three or more use of force complaints in 2006 was evaluated by DPD supervisors to determine whether any of the officers was engaging in potentially problematic activities regarding these incidents. In addition, the Monitor's Office also confirmed that the top seven officers involved in use of force incidents in 2006 (involving 10 or more reported incidents), also received Early Intervention reviews by DPD administration.

COMPLAINTS	CITIZEN-INITIATED		INTERNAL-INITIATED	
	Count	Percent	Count	Percent
One	119	80.4%	3	100%
Two	22	14.9%		
Three	5	3.4%		
Four	2	1.4%		
TOTAL	148	100.0%	3	100%

How does Denver PD compare with other departments regarding use of force? According to a recent Bureau of Justice Statistics article published in 2006, the average number of force complaints received per agency (agencies with 1,000 or more officers) was 380. This compared to 206 force complaints received by DPD officers in 2006. The rate of use-of-force complaints per 100 officers was slightly higher in Denver (13.7) compared to other agencies (11.3).

Sheriff Department

Complaints Per Officer

In 2006, 191 Sheriff Deputies received at least one complaint. Table 5.4 shows that 77.5% of those deputies received only one complaint while 6.2% received three or more complaints. No deputy received more than four complaints in 2006.

COMPLAINTS	Count	Percent
One	148	77.5%
Two	31	16.2%
Three	10	5.2%
Four	2	1.0%
TOTAL	191	100.0%

Table 5.5 compares the number of complaints per deputy by the complaint source. DSD deputies were more likely to receive multiple complaints from inmates (10.6% - two or more) than any other complaint source. No deputy received more than one citizen complaint in 2006.

COMPLAINTS	COMPLAINT SOURCE			
	Citizen	Employee	Inmate	Management
One	30	22	68	26
column %	100%	95.7%	89.5%	89.7%
Two		1	4	2
column %		4.3%	5.3%	6.9%
Three			4	1
column %			5.3%	3.4%
Four				
column %				
TOTAL	30	23	76	29

Force Complaints Per Officer

There were only seven excessive force complaints against DSD deputies in 2006 and no deputy had more than one excessive force complaint.

Citizen Complaint Patterns

In this and future OIM reports, we are reporting complaint patterns of both DPD and DSD citizen complainants. The purpose of providing this information is to determine whether DPD and DSD Internal Affairs resources are monopolized by repeat complainants and to what extent these complaints result in the imposition of discipline.

Police Department

Table 5.6 shows the number of citizen complaints per complainant in 2006.

Citizens who filed complaints against DPD in 2006 predominantly filed only one complaint (97.6%); however, one complainant filed three complaints and another filed four complaints. It should be noted that these statistics likely significantly underreport the number of repeat citizen complainants. This is because, in numerous cases, the DPD or DSD may combine an individual's complaints under one case number. This is done for administrative expediency and, in some cases, to avoid an officer who has become the victim of a repeat complainant from having his or her complaint history appear to be more significant than appropriate.

<u>COMPLAINTS</u>	Count	Percent
One	648	97.6%
Two	14	2.1%
Three	1	0.2%
Four	1	0.2%
TOTAL	664	100%

Demographic characteristics of complainants who filed complaints against DPD in 2006 are presented in Table 5.7. The percent column includes the missing values while the valid percent does not.

A higher percentage of complaints were male (60.2%) compared to female (39.8%). Only 4.7% of the gender values were missing.

The race of the complainant was missing in 40.3% of the cases. For those cases where the complainant's race was known, 41.4% of the complainants were White compared to 27.2% - Black, and 25.7% - Hispanic.

We experienced a similar problem with age in that 30% of the cases did not have a valid birth-date from which to calculate the complainant's age. Among those cases where age could be calculated, 25.5% of the complainants were between 31 and 40 years old. A small percentage of complainants (6.1%) were 18 years old or younger.

The Monitor advised DPD Internal Affairs of the need to be more diligent in obtaining race and age data from complainants and making sure that information is entered into the database. We expect, in 2007, the percentage of missing data in this area will be significantly reduced.

TABLE 5.7 COMPLAINANT CHARACTERISTICS (DPD 2006)			
Gender	Count	Percent	Valid Percent
Male	392	57.4%	60.2%
Female	259	37.9%	39.8%
Missing	32	4.7%	
Total	683	100%	100%
Race	Count	Percent	Valid Percent
White	169	24.7%	41.4%
Black	111	16.3%	27.2%
Hispanic	105	15.4%	25.7%
Asian/Pacific Islander	3	0.4%	0.7%
American Indian	2	0.3%	0.5%
Unknown	18	2.6%	4.4%
Missing	275	40.3%	
Total	683	100%	100%
Age	Count	Percent	Valid Percent
18 or Younger	29	4.2%	6.1%
19 - 24	88	12.9%	18.4%
25 - 30	83	12.2%	17.4%
31 - 40	122	17.9%	25.5%
41 - 50	92	13.5%	19.2%
Over 50	64	9.4%	13.4%
Missing	205	30.0%	
Total	683	100%	100%

Table 5.8 illustrates the number, percent, and rate of citizen-initiated complaints by district.

Of the 620 citizen-initiated complaints, District Six accounted for 34.7% of the total which translates into a complaint rate of 3.76 per 1,000 residents. The lowest complaint rate (.43) was found in District Three. District Five accounted for the fewest number of complaints with 47 or 7.6% of the total; however, the District had the second highest rate at 1.23 per 1,000 residents.

It should be noted that District Six would be expected to have the highest rate of complaints given that it includes a high concentration of restaurant/bars (LoDo) as well as the Capitol Hill area, which is known as an area of high crime activity.

DISTRICT	Count	Percent	District Population	Complaint Rate per 1,000
1	72	11.6%	89,802	0.80
2	70	11.3%	63,006	1.11
3	75	12.1%	174,309	0.43
4	68	11.0%	138,933	0.49
5	47	7.6%	38,207	1.23
6	215	34.7%	57,112	3.76
Missing	73	11.8%		
TOTAL	620	100%		

Sheriff Department

Table 5.9 shows the number of complaints filed per complainant. These results include complaints from employees, inmates, and citizens. Complaints filed by management are excluded from this analysis.

Ninety-five percent (95%) of those who filed a complaint against DSD officers filed only one complaint during the course of 2006. Slightly over five percent (5%) filed two or more complaints. Eleven of the thirteen complainants who filed more than one complaint were inmates while the other two complainants were employees. All three complainants who filed three complaints each were inmates.

COMPLAINTS	Count	Percent
One	234	94.7%
Two	10	4.0%
Three	3	1.2%
TOTAL	247	100%

As shown in Table 5.10, the majority of complainants against DSD were males (43.7%). Nearly one-third of complainants did not have a valid value for gender. When considering only those cases that had a valid value for gender (e.g., valid percent), males complained against DSD nearly two-times more often than females.

In 60% of the cases, the complainant's race was not identified. In cases where the complainant's race was identified, Whites and Hispanics comprised slightly over one-third of the complaints (34%). The Monitor's Office expects that in 2007, the percentage of cases where race cannot be identified will be significantly reduced. The Monitor has requested that DSD Internal Affairs give high priority to identifying race of complainants and making sure that information is entered into their database.

Over one-third of the complaints did not have a valid birth-date from which to calculate their age. Approximately, 58% of the complainants were between 31 and 50 years old.

TABLE 5.10 COMPLAINANT CHARACTERISTICS (DSD 2006)			
Gender	Count	Percent	Valid Percent
Male	117	43.7%	63.2%
Female	68	25.4%	36.8%
Missing	83	31.0%	
Total	268	100%	100%
Race	Count	Percent	Valid Percent
White	36	13.4%	34.3%
Black	32	11.9%	30.5%
Hispanic	36	13.4%	34.3%
American Indian	1	0.4%	1.0%
Missing	163	60.8%	
Total	268	100%	100%
Age	Count	Percent	Valid Percent
19 - 24	33	12.3%	19.0%
25 - 30	29	10.8%	16.7%
31 - 40	52	19.4%	29.9%
41 - 50	50	18.7%	28.7%
Over 50	10	3.7%	5.7%
Missing	94	35.1%	
Total	268	100%	100%

Table 5.11 shows that over half of the complaints against DSD occurred at the Denver County Jail while one-fourth occurred at the Denver City Jail (also known as PADF – the Pre-Arrestment Detention Facility).

LOCATION	Count	Percent
County Jail	209	53.7%
City Jail	103	26.5%
Court Service	11	2.8%
Vehicle Impound Facility	6	1.5%
Denver Health Medical Center	5	1.3%
Training	2	0.5%
Other	53	13.6%
TOTAL	389	100%

Special Initiatives Based on Identified Patterns:

Departing from the Truth – DPD and DSD Need a Process to Ensure Officer Credibility Is Evaluated:

During 2006, the OIM reviewed all disciplinary decisions for the DPD and DSD. During the course of this review, the OIM identified a potential problem with respect to both Departments’ handling of cases involving officers making false statements during the course of their work or during internal investigations. Many of these cases are labeled by the DPD with the term: “Departing from the Truth.” Specifically, the OIM noted that in some cases, officers have been “sustained” for “Departing” and that neither Department currently has any process in existence which evaluates whether the sustained finding will have a detrimental effect on the officer’s future credibility in court.

The OIM first brought this issue to the attention of the DPD and DSD Internal Affairs, the Chief of Police, and the Manager of Safety. The OIM conducted research, where it was determined that a number of active DPD officers had been “sustained” by the Department for “departing” at some point in their careers. The Monitor did not specifically evaluate whether any of these cases would actually result in credibility issues regarding the specific officers. In fact, there is reason to believe that, in many cases, an officer’s prior conduct would not be relevant in an ensuing criminal case.

The Monitor’s Office is concerned, however, that officers who are not terminated for “Departing” appear to be returned to their prior assignments without any specific evaluation as to whether they need to be placed in an assignment that will not result in their being called to court to testify and, potentially, being impeached with their prior bad act.

The Monitor’s Office will work in the upcoming year on assisting the Departments in coming up with an appropriate process to evaluate officer credibility in this regard.

CopWatch Complaints Lead to Updated Training Bulletins for DPD and DSD Personnel:

In 2006, the organization entitled “CopWatch” filed three separate complaints, two relating to the DPD and one relating to the DSD. CopWatch uses volunteers to go out into the community to observe and videotape police actions.

In one case, a DPD officer arrested a CopWatch observer after the observer asked for the officer’s card. In another case, a DPD officer precluded a CopWatch volunteer from videotaping a contact between the officer and a juvenile in a public place. In a third case, a DSD deputy detained CopWatch volunteers who were videotaping a deputy-citizen contact and another deputy failed to identify himself upon request.

The Monitor’s Office became troubled by what appeared to be a possible pattern wherein DPD and DSD personnel were unaware of the existence and tactics of CopWatch and unaware of the rights the public has to observe and videotape public interactions between police and community members. As such, the Monitor assisted both the DPD and DSD in developing training bulletins for all sworn personnel. A training bulletin was finalized by DSD internal affairs in December of 2006 and sent out to all personnel. In addition, DSD Command Staff began working on a new policy which would require Deputies to identify themselves upon request. With respect to the Police Department, the Monitor’s Office worked with Chief’s Office, CopWatch organizers, and the City Attorney’s Office in order to ensure an appropriate training bulletin would be issued in 2007.

Officer Complaints Result in a New DPD Policy for Providing Business Cards to Officers in the Field:

During the course of the year, the Monitor continued to attend DPD “roll calls” to speak personally with officers and identify their issues and concerns. During some of these meetings, officers expressed dissatisfaction that the DPD did not provide them with pre-printed business cards to hand out to the public. Officers were frustrated that they either had to write in their names and badge numbers on generic cards or pay for or create their own pre-printed cards.

The Monitor was pleasantly surprised to find out that even before he forwarded this officer’s concern to the Chief of Police, the DPD was already addressing this issue. The Chief’s Office had already created a “Business Card Committee” which was created to review the history and status of the way the DPD provided officer identification information to the public.

After several meetings, the committee recommended that the DPD discontinue use of all existing cards and draft one version that could address all possible contact situations. In addition, after a survey of like departments, the committee recommended that a draft of an existing template for personal cards be completed. The template will be used and printed using existing internal departmental printing resources. The committee anticipates that by March 2007, the personal template will be available with requisite card stock in supply for officers’ use.

The OIM applauds the work of the Business Card Committee and the Chief’s Office for their work in this area.

The Police Property Reimbursement Fund – Private Non-Profits Helping Innocent Community Members Obtain Reimbursement for Property Damage:

Shortly after the creation of the Monitor's Office, the OIM received a complaint from a 70 year old woman whose residence was damaged by SWAT members who needed to use the residence on a hostage call-out with a man with a gun. The woman was evacuated from her residence and, when she returned, identified approximately \$500 in damage to her residence from a broken door, window, and table.

The woman sought reimbursement from the City, but was initially advised that the City was immune from liability pursuant to State Statute. Although the woman was eventually reimbursed after filing a claim with the Mayor's Office, the Monitor learned of additional instances in which innocent property owners had their property damaged due to lawful police actions and were forced to pay for the repairs themselves.

The original complainant's statement described her dismay at originally being told she would not be reimbursed for her damages: "I am a 70 year old woman living by myself, but I am fortunate to be in good health, and to be able to pay to get my doorknob functional, and have credit good enough that the window company came out without requiring payment in advance. What would my situation be if that were not true? Are people left without doors that can be closed and windows full of broken glass if they don't have either money or credit to take care immediately of a situation created by a City agency?"

According to DPD Managers and officers, the answer to the last question propounded by the complainant in this case was "yes." In the past, DPD officers have used their own personal funds to prevent innocent victims from suffering the exact harm noted in this letter.

Upon learning of this problem, the Gay and Lesbian Fund for Colorado (GLF) offered to fund a pilot project that would provide immediate reimbursement to innocent property owners who have suffered the harms described in the complainant's letter. The Denver Center for Crime Victims (DCCV) has offered to administer the fund. It is anticipated that notice of the creation of this new fund will be made to all DPD officers in early 2007 with the hope that appropriate referrals will be made and reimbursement provided.

The Monitor's Office applauds the initiative and charity of the Gay and Lesbian Fund and the DCCV and intends to publicly report in next year's annual report on the good work that is expected to take place in 2007.



DENVER
THE MILE HIGH CITY

CHAPTER 6

CRITICAL INCIDENT REVIEW

IMPLEMENTATION OF THE CRITICAL INCIDENT ROLL-OUT PROGRAM:

On October 4, 2004, the City Council passed a bill to amend the Denver Municipal Code to create the Office of the Independent Monitor and to change how officer-involved shooting investigations are conducted in the City of Denver.

Specifically, City Ordinance requires the Monitor's Office to "monitor and participate" in officer-involved shooting and in-custody death investigations. The ordinance also requires "upon completion of the DA's investigation, but not later than 60 calendar days from the date of the incident, the IAB from either the Police or Sheriff Department shall open a file and initiate an administrative investigation of the incident unless the Manager of Safety in consultation with the DA determines that the administrative investigation would jeopardize the DA's investigation." (Denver Revised Municipal Code, Chapter 2, Article XVIII, Section 20387(b)).

OIM Established Roll-Out Protocol:

In 2005, the Monitor's Office established a "Roll-Out Protocol" which has guided the office in determining those cases requiring on-scene visits and active monitoring throughout the entirety of an investigation. Through this protocol, the OIM advised DPD and DSD of the need to be notified and the intent to "roll-out" to the scene of the following critical incidents:

1. Officer/Deputy-Involved Shooting where the involved officer intentionally shoots at a human being or accidentally shoots and hits a human being.
2. Officer/Deputy-Involved Uses-of-Force resulting in death or serious bodily injury.
3. In-Custody deaths, including suicides and inmate-on-inmate homicides.
4. Vehicular Pursuits resulting in death or serious bodily injury.
5. Any officer-civilian involved traffic collision resulting in death or serious bodily injury where it is likely that the officer was at fault.

In addition, the DPD was asked to notify the OIM whenever there is reason to believe that mandatory monitoring may be necessary.¹ Upon notification, the Monitor would determine whether to roll-out to the scene of such an investigation.

The Monitor's Office rolled out to all 11 DPD officer-involved shootings in 2006. In addition, the Monitor rolled out to one DPD in-custody death and another incident wherein a suspect

¹This includes any incident where an officer is under investigation for a felony, any offense set forth in Article 3 (Title 18) of the Colorado Revised Statutes [offenses against the person], or any incident involving a misdemeanor in which a use of force or threatened use of force is an element of the offense.

stopped breathing, but officers were able to resuscitate him. The Monitor's Office also rolled out on three additional instances with respect to significant DPD and DSD Internal Affairs Division investigations. Two of the incidents involved allegations of sexual assault against DPD officers, the third incident involved allegations of misconduct against union leaders representing Denver Sheriff Deputies.

The Monitor's first officer-involved shooting roll-out took place on January 2, 2006. Since that time, the OIM has been provided with timely notification of these incidents, debriefings as necessary, and access to the scenes as permissible by law. OIM personnel have been provided with the ability to monitor interviews in "real time" and additional questions have been asked at our request. Over the past year, our Monitors were impressed with the quality of the Homicide investigations and the professionalism of both Homicide and IAB personnel.

OFFICER INVOLVED SHOOTING / IN CUSTODY DEATH STATISTICS FOR 2006:

There were ten officer-involved shootings with on-duty Denver Police Department officers in 2006. There was an additional officer-involved shooting with an off-duty officer that took place outside the City of Denver.

There was one in-custody death in 2006 involving the Denver Police Department.

There were three in-custody deaths within custodial facilities administered by the Denver Sheriff's Department during 2006. Two were by suicide (one in the City Jail and one in the County Jail), and one was the result of injuries sustained prior to the inmate being placed into custody. Monitor personnel were given access to each scene in order to actively monitor the ensuing criminal and administrative investigations.

Officer-Involved Shooting Statistics for 2006:

Number of On-Duty Officer-Involved Shootings: 10
Number of Off-Duty Officer-Involved Shootings: 1
Number of Animal Shootings: 4
Number of Accidental Discharges: 1

Results of Officer Shots Fired: 3 fatalities, 3 injuries (1 critical), 5 misses (2 wherein the suspect committed suicide).

Number of Injuries to Officers: 1 officer shot and wounded.²

Number of Shootings involving armed suspects: 6 suspects armed with a firearm, 1 suspect brandished with a replica firearm; 1 suspect brandished a cellular telephone as though it was a firearm; 3 suspects were unarmed.

Number of Shooting Officers: 22

Rank of Shooting Officers: 11 Officers, 2 Technicians, 5 Detectives, 4 Sergeants

Race/Gender of Shooting Officers: 13 White Males, 4 Hispanic Males, 1 Hispanic Female, 4 Black Males.

Years of Service of Shooting Officers:

Probationers (under one year):	2
Between 1-5 years:	7
Between 6-10 years:	4
Between 11-15 years:	5
Between 16-20 years:	4

Assignments of Offices involved in DPD Shooting Incidents:

Vice/Drug Control:	3
Gang Bureau:	3
SWAT:	2
Juvenile Bureau:	1
District 1:	1
District 2:	7*
District 3:	2
District 4:	2
District 6:	1

*Four District 2 officers were involved in a single shooting incident.

Race/Gender of Suspects: 8 Hispanic Males, 3 Black Males, 1 White Male

Mean/Median Age of Suspects Involved in DPD Officer Shootings:

18-24:	5
25-34:	2
35-44:	3
45-54:	1
55-64:	1

Intoxication of 5 Deceased Suspects Involved in DPD Officer Shootings: 2 under the influence of alcohol, 1 under the influence of cocaine.

OFFICER INVOLVED SHOOTING / IN CUSTODY DEATH STATISTICS FOR 1996-2006:

1996: 9 shootings: 6 suspects armed with a firearm, 3 involved vehicles
 1997: 11 shootings: 10 suspects armed with a firearm, 1 armed with a knife.
 1998: 7 shootings: 3 suspects armed with a firearm, 2 with knives, 2 involved vehicles.
 1999: 7 shootings: 4 suspects armed with a firearm, 2 with knives, 1 with a stick.
 2000: 4 shootings: 1 suspect armed with a firearm, 3 involved vehicles.
 2001: 6 shootings: 2 suspects armed with a firearm, 3 with knife, 1 involved a vehicle.
 2002: 7 shootings: 5 suspects armed with a firearm, 2 with knives.
 2003: 10 shootings: 5 suspects armed with a firearm, 3 with knives, 1 with an axe, 1 with a crossbow.
 2004: 4 shootings: 2 suspects armed with a firearm, 1 with a knife, 1 unarmed.
 2005: 3 shootings: 1 suspect armed with a firearm, 2 involved vehicles

2006: 11 shootings: 6 suspects armed with a firearm, 2 suspects armed with a simulated firearm; 3 suspects were unarmed (1 involved a vehicle).

*Pre-2005 statistics obtained from DPD created chart.

Year	Injured	Killed	Total Injured/Killed
1996	6	3	9
1997	5	6	11
1998	4	3	7
1999	4	3	7
2000	3	1	4
2001	1	5	6
2002	4	3	7
2003	2	8	10
2004	1	3	4
2005	0	1	1
2006	3	3	6

*Pre-2005 statistics obtained from DPD created chart.

Issues Regarding the Timeliness of the Administrative Review of Officer-Involved Shootings:

The District Attorney's new 2006 officer-involved shooting protocol has provided the DPD with the opportunity to substantially improve its timeliness in the handling of the administrative review of officer-involved shootings. In 2006, there were six shootings during which suspects were injured or killed that fell within the District Attorney's protocol. The protocol required an automatic review of the officer's conduct by the D.A.'s Office and the publication of a letter explaining the District Attorney's decision on whether criminal charges were warranted against the shooting officer(s).

The OIM does not have jurisdiction to review the work or decision-making of the District Attorney's Office. Nonetheless, we would be deficient in our responsibilities not to acknowledge the remarkable work of the District Attorney's Office in expediting the publication of these letters. The result has provided the DPD the opportunity to conduct more timely administrative reviews of these shootings. Historically, it took month(s) longer for the D.A.'s office to prepare and publish the detailed and time-intensive letters. Because the DPD administrative review process relied, in part, on the District Attorney's filing decision, the DPD was hampered in conducting timely administrative reviews of officer involved shootings involving injury or death.

In 2006, the District Attorney's Office published five of the six required letters within periods of 4 days, 6 days, 15 days, 23 days and 31 days. The last pending case was 29 days old as of the end of the year.

The exceptional timeliness of the District Attorney's letters was expected to have a substantial impact on DPD's ability to administratively review the shootings. Unfortunately, two problems have arisen which have delayed the timely administrative review of officer-involved shootings: (1) difficulties for IAB and the Monitor's Office in obtaining Homicide Unit Reports in a timely fashion; and (2) the inability of the Manager of Safety's Office to provide timely public letters explaining the Department of Safety's reasons for finding officer-involved shootings to be "in-policy."

(1) Timeliness Problems in Obtaining Reports from the Homicide Unit:

In 2006, it took the Homicide Unit anywhere from 3 months to almost 6 months to complete and turn over their reports to the Internal Affairs Bureau to begin the administrative review process. The average number of days that it took for Internal Affairs to obtain these reports was 124 days from the date of the incidents (approximately 4 months).

Throughout, the Monitor's Office was in constant communication with the Homicide Unit, trying to ensure that these case write ups were given the appropriate priority. During the course of the communications, Homicide Unit Commanders attempted to place the issue in perspective: The Division Chief in charge of Homicide made the following observations:

As always, we continue to do our best to manage our highly skilled, but very limited, investigative resources. The Homicide Unit of the Denver Police Department currently employs thirteen detectives who investigate an average of 70 homicides per year. Based on this figure, the average case load per detective per year is 5.4. Currently the case load is 4.2. In addition to the homicide cases, this unit investigates all suicides, attempted suicides, industrial accidents, equivocal and unattended deaths occurring in the City and County of Denver with the exception of traffic fatalities. They are also responsible for the investigation of fatal officer-involved incidents, all discharges of a firearm by an officer, as well as all murder for hire investigations. This said, we carry an average clearance rate of over 70%.

Most major police departments have homicide units with two to three times the number of personnel when faced with the number of homicide cases that the Denver Police Department carries. The Los Angeles Police Department, for example, has the exceptional Robbery/Homicide Division (RHD) with twenty-four detectives dedicated to the investigation of just complex cases. Their average number of cases handled per year for the unit is 40 resulting in a 1.6 case load per detective per year. The Oklahoma City Police Department has twenty-two detectives investigating 45 homicides per year for a 2.0 case load per year. Kansas City is similar in the fact that they have thirty detectives handling an average of 120 cases per year for a per detective case load of 4.0. It is further noted that with these three examples, these units investigate ONLY homicide cases and some officer involved cases. (This is the norm for large city police department homicide units).

We also have one of the highest clearance rates for a homicide unit in the nation for large city units. The national average is 60%. We continue to be able to surpass this even handling a much higher case load and the other associated cases that we are responsible for.

Since June 25, 2006, the Homicide Unit has also investigated twenty-five homicides and numerous other death investigations. This on top of our court commitment, where some very serious and complex cases were brought to a successful conclusion, has kept the troops busy. Completing a quality product takes a little time. We know that there is a time constraint on these cases and we will continue to do what is necessary to complete them as quickly as possible.

The Monitor's Office understands the explanation provided by the Division Chief. We hope to work with the DPD in the upcoming year to come up with a practical solution to this continuing problem.

(2) Timeliness Problems in the Publication of Decision Letters by the Manager of Safety:

As indicated in Chapter 1, the Manager of Safety's Office has been unable to write public reports relating to each incident where a community member has been injured or killed as was promised to the public and the Department of Justice in a letter dated July 15, 2004. In fact, since 2004, only two letters have been written and released. Both of these letters involved shootings that were found to be out-of-policy and where the Manager of Safety imposed substantial discipline.

The Manager should be commended for writing and releasing these letters to better inform the DPD and the public of his decision-making in these important cases. The Manager has reported that, because of the backlog built up from expanded responsibilities and employee vacancies, he has been unable to abide by his promise to write letters in all such cases and specifically in cases where officers have been exonerated for their use of deadly force.

In October, 2006, the Manager hired a new Deputy Manager of Safety whose responsibilities, in part, include assisting with the writing of these public statements. With the help of new staff, the Manager feels that he can make strides towards catching up on the enormous backlog that has built up in these cases.

Given the substantial backlog in the creation and publication of these reports, the Monitor has recommended to the Manager that such reports should relate to those incidents that occurred after the Monitor's Office began participating in critical incident roll outs. The first such roll out took place on November 11, 2005. In 2006, there were 8 more critical incidents requiring a Manager's letter. In addition, the Manager may want to consider writing letters in only those cases where a death resulted from the shooting.

In this report, the Monitor's Office is publishing the current status of review of each of these incidents. This report should not be considered as an appropriate substitute to the Manager's reports, since he is the person ultimately responsible for making the findings in these cases and his reports will require more detail than will be provided in this report.

The Monitor recognizes that the Manager of Safety's Office has not, until recently, had the resources necessary to accomplish the goals set back in July of 2004. We applaud the Mayor and City Council for providing the Manager's Office with the necessary resources in 2006 and look forward to these reports being completed and future reports being prepared in a more timely fashion.

Summary and Status of 2006 Officer Involved Shootings, Investigations and Review Processes:

1. January 2, 2006: Two vice-narcotics detectives were working as cover officers for a street narcotics interdiction team. While positioning themselves to assist in an arrest, the detectives drove past two men entering a side alley. One of the men hit the trunk or back of the

police car and yelled a challenge or curse. The detectives stopped to investigate and were confronted with one of the men displaying his cell phone as if it was a gun. The detectives, believing they were facing an armed suspect about to fire on them, fired multiple shots at the suspect. Both men fled. One later returned to the scene with a bullet wound to the upper left leg. Responding officers arrested the other after a foot chase.

Internal Affairs received a complaint from the suspect chased by the officers, alleging the use of excessive force. An Internal Affairs investigation determined that allegation to be unfounded. The District Attorney's Office filed charges against the suspect who made the excessive force complaint, based in part, on his admission that he brandished his cell phone as if it were a weapon. The defendant eventually entered a plea of guilty to Third Degree Assault (With Criminal Negligence and by Means of a Deadly Weapon), and received a 210 day jail sentence.

On February 3, 2006, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officers.

A timely Use of Force Review Board was conducted on March 14, 2006 and a unanimous finding was made that the shooting was "in-policy." The Monitor concurred with that finding, which was accepted by the Chief of Police. As of the end of 2006, the Manager of Safety has yet to issue a decision letter in this case.

2. January 6, 2006: Officers responded to a shooting at a residence wherein the homeowner shot his brother with a handgun. Responding officers confronted the gunman inside the house and ordered him to put his hands up and surrender. The gunman instead ran into the rear bedroom and locked himself inside. The responding officers followed the suspect to the bedroom and began ordering him out. A few moments later, a single gunshot was heard coming from inside the bedroom. Upon hearing the gunshot, one of the officers "ducked down" towards the floor attempting to get away from the door. Another one of the responding officers was a Sergeant armed with an AR-15 rifle. Believing the suspect had shot through the door and hit the officer who ducked away from the door, the Sergeant fired eight shots into the bedroom door. He then kicked open the door and found the suspect on a bed bleeding from a wound to the head. The suspect ultimately died. The cause of death was determined to be suicide. None of the Sergeant's shots hit the suspect.

The District Attorney did not issue a shooting letter regarding this incident because the suspect was not injured by any of the officer's shots. Internal Affairs received the Homicide Reports on April 12, 2006.

At the request of the OIM, the case was referred to a Tactics Review Board (consisting of tactical experts from within and outside the DPD) to review the responding officer's tactics. The Tactics Review Board met on May 17, 2006 and recommended that an additional Internal Affairs investigation be conducted.

Internal Affairs conducted a follow up investigation specifically regarding the Sergeant's decision to shoot through a door without knowing the specific location of the suspect or whether his shots could have injured other officers who were located in the backyard of the house. The Sergeant explained that he knew that the ammunition used was not capable of injuring someone outside of the house because it was designed to disintegrate upon hitting the wall of the residence. He also explained why he believed well placed shots into the door were necessary to protect other officers from being shot. He also noted that he was aware that there were no other persons inside the house at the time of the shooting, so he was not concerned that shooting through the door would hurt an innocent person.

The Use of Force Board met on June 26, 2006 and concluded that the shooting was "in-policy." The Monitor concurred in this finding which was ultimately accepted by the Chief of Police and the Manager of Safety.

No letter from the Manager of Safety is necessary to close out this case since this was classified as a "no hit" shooting.

3. March 19, 2006: Officers were dispatched to a domestic violence incident. Prior to arriving at the residence, the suspect armed himself with a pistol and left the house. While attempting his escape, the suspect fired his weapon. Three shell casings ejected from his weapon were found behind the residence. During his flight and before officers confronted him, the suspect attempted suicide by shooting himself in the face. The suspect was eventually confronted by numerous officers a short distance from the residence. Commands to stop and drop the gun were ignored. At one point the suspect raised his gun, fired a shot and then pointed the weapon directly at responding officers. Seven officers fired a total of 13 shots at the suspect within a period of about two seconds. The shots caused the suspect to fall to the ground and drop his pistol. Fourteen officers were present at the shooting scene. Seven did not fire their weapons. Four officers fired one shot, two officers fired two shots, and one officer fired five shots.

The suspect was critically injured, but not killed, and held for investigation of Assault in the Third Degree (domestic violence) for attacking his wife and Assault in the First Degree of a Peace Officer related to his conduct in the shooting incident.

On April 11, 2006, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officers.

Homicide Reports were not delivered to Internal Affairs until August 9, 2006. As such, a Use of Force Review Board was not convened until August 23, 2006. A unanimous finding was made that the shooting was "in-policy." The Monitor concurred with that finding, which the Chief of Police accepted. As of the end of 2006, the Manager of Safety has yet to issue a decision letter in this case.

4. March 29, 2006: An off-duty officer, in uniform, went to meet with her son in a 7-11 parking lot in Aurora. While the officer sat in the driver's seat of her personal car conversing with

her adult son, three young men contacted her son and a physical altercation ensued. The officer fired one shot from her service weapon at one of the men, whom she believed was attacking her son with a knife. The shot hit the interior of the vehicle and no one was injured. The assailants fled. The officer detained two of the men, the third was apprehended at a later time. Testimony established that none of the assailants were armed and that the officer's belief that her son was in danger of being killed was incorrect.

Reports were received from the Aurora Police Department in less than a month. The Arapahoe County District Attorney declined to file charges against the officer. No letter was issued because no one was injured in the shooting. The case was referred to the Tactics Review Board which met on May 17, 2006. As a result of the Tactics Review Board discussions, Internal Affairs conducted an additional interview with the officer, specifically as it pertained to the officer's decision to resort to deadly force and how she identified her target.

The Use of Force Review Board met on June 26, 2006 and concluded that the shooting was "out-of-policy." The Board met again on August 23, 2006 in order to make a disciplinary recommendation. A Disciplinary Review Board (DRB) was conducted on January 11, 2007. The DRB recommended "no penalty" as they believed the shooting should not have been found to be out-of-policy. A subsequent Chief's hearing which was conducted on February 12, 2007 resulted in a finding of "not sustained." A Deputy Chief of Police, with the concurrence of the Monitor, determined that, based on the available evidence, it was impossible to either exonerate or "sustain" the officer. Rather, the issue of whether the shooting was "in policy" or "out-of-policy" was not possible to prove one way or the other.

Given that no one was injured in the shooting, no letter from the Manager of Safety is necessary.

5. April 20, 2006: Officers responded to a call of an auto theft in progress. The officers ultimately confronted a suspect in a vehicle who immediately gunned the engine and attempted to escape driving directly towards one of the officers. The officer fired a single shot into the driver's side window, killing the driver. The driver was later determined not to have been armed.

On May 5, 2006, the District Attorney issued a public letter concluding that no criminal charges would be filed against the shooting officer.

Homicide Unit reports were not delivered to Internal Affairs until August 31, 2006. A Use of Force Board was convened on November 29, 2006 and in a split decision, the Use of Force Board found the shooting to be "in-policy." (See "shooting at moving vehicles" discussion, *supra*).

The Monitor's Office brought the concerns of the minority of the Use of Force Board to the Chief for further evaluation. After meeting with the Chief and Homicide supervisors, the Monitor was convinced that the shooting was in-policy. Specifically, the suspect accelerated

the vehicle at a high rate of speed directly towards the involved officer. Based on the need of the officer to immediately respond to the threat posed by the vehicle and the trajectory of the bullet when it entered the vehicle's window, the evidence indicated that the officer fired once when he felt he was in danger and then stopped shooting when he felt the danger had passed.

Further review and a letter from the Manager are still pending.

6. May 6, 2006: Officers responded to a call of a stolen vehicle which had driven past officers during a "Cinco-de-Mayo" celebration. Four officers arrived within seconds of the stolen vehicle pulling to the curb and the front passenger quickly exiting the vehicle. The suspect subsequently attempted to pass a handgun to a passerby. The passerby refused to accept the gun and put his hands up, complying with the orders of the responding officers. The suspect, however, refused the officers orders to drop the weapon and get down on the ground. According to officers, the suspect abruptly moved in a threatening manner with the handgun in the direction of one of the officers. Three officers fired shots at the suspect in rapid succession. The suspect was fatally wounded. The weapon he possessed turned out to be a very real looking replica handgun.

On May 12, 2006, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officers.

Homicide Unit reports were delivered to Internal Affairs on August 4, 2006. A Use of Force Review Board was convened on August 23, 2006. The Board unanimously found the shooting to be "in-policy." The Chief of Police accepted that recommendation. The Monitor concurred with that decision which was forwarded to the Chief of Police. As of the end of 2006, the Manager of Safety had yet to issue a decision letter in this case.

7. June 25, 2006: Officers responded to an active shooter at the Safeway Warehouse in Denver. Before officers had time to respond, the suspect had killed one employee and wounded another four. Scores of officers responded, rescuing employees and searching the vast warehouse for the suspect, who began lighting fires throughout the warehouse. One of the Metro-SWAT teams that entered the building was ambushed by the suspect who shot and wounded one of the officers. The other two officers responded by firing 17 shots at the suspect, who was killed.

On June 29, 2006, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officers. The District Attorney concluded his letter stating: "On behalf of a thankful community, I commend these three heroic officers; all of the officers, firefighters, and paramedics who responded; the police dispatchers; all of the Safeway employees; and the hospital doctors, nurses, and support personnel who tended to the victims and continue to care for them. Your collective actions saved lives and for that we are grateful. I hope the thoughts and prayers of the community will bring some measure of comfort to the victims, their families, and friends."

Homicide Unit reports were not delivered to Internal Affairs until December 4, 2006. The Use-of-Force Board met on February 9, 2007 and unanimously concluded that the shooting was in-policy. The Monitor concurred in that recommendation which was forwarded to the Chief of Police.

In addition, the Department conducted a critical incident debriefing of this incident, in an attempt to identify what went well and what did not, in order to prepare for any future active shooter cases. The Monitor was permitted to review the debriefing documents and concluded that the Department evaluation of the incident was thorough, complete, necessary, and appropriate.

Further review and a letter from the Manager are pending.

8. August 27, 2006: Detectives went to a residence looking for a kidnapped child. Upon knocking on the door and identifying themselves, the suspect fired a shot through the door. The suspect subsequently fired multiple shots at the Detectives, pinning them down until responding officers could rescue them. Two patrol officers fired shots at the suspect in order to provide cover for another officer. One officer fired twice with his shotgun; a second officer fired two shots from his handgun. The suspect was not injured by the officers' shots.

Metro-SWAT officers and negotiators responded to the scene. During the course of negotiations, the suspect repeatedly threatened to kill the child (his five-year-old son.) His threats and actions escalated to the point that it was determined that a forced entry was necessary in order to save the child from being killed. Metro-SWAT officers forced entry, but the suspect grabbed the child, ran to the back bathroom and killed his son and himself before SWAT officers could intervene.

No District Attorney letter was written, because no one was injured by the officers' shots. Homicide Unit reports were not delivered to Internal Affairs until December 4, 2006. The Use-of-Force Board met on February 9, 2007 and unanimously concluded that the shooting was "in-policy." The Monitor concurred with that recommendation which was forwarded to the Chief of Police.

Further review and a letter from the Manager are pending.

9. September 11, 2006: Officers went to a residence on a welfare-check of a potentially suicidal man. After identifying themselves, the officers opened a door to the residence and the suicidal party began firing weapons from inside the residence. Officers retreated, seeking cover. At that time, a probationary officer saw a "figure" which he thought was the suspect "trying to flank" him. The officer fired two shots at the figure. After firing the second round, the muzzle flash provided enough light for him to see that the "figure" was not a human, but a cat that had jumped from a tree or the roof. Metro-SWAT responded to the scene and, after using less-lethal weaponry, was able to take the suicidal party into custody.

No District Attorney letter was written, because no one was injured by the officer's shots.

Homicide Unit reports were delivered to Internal Affairs on December 4, 2006.

The case was initially closed by Internal Affairs after the probationary officer resigned. At the request of the Monitor's Office, the case was submitted to the Use of Force Review Board for a finding. The Monitor believed that, even though no further administrative action against the officer was possible, the Department needed to go "on record" regarding the lack of propriety of this shooting. The Use-of-Force Board met on February 9, 2007 and unanimously concluded that the shooting was out-of-policy. The Monitor concurred in that recommendation.

Given that no one was injured in the shooting, no letter from the Manager is necessary. Given that the officer resigned before the case was administratively reviewed, no disciplinary action is possible.

10. November 20, 2006: Officers came upon a robbery in progress. As the armed suspect turned to run away he threw the victim's purse at the officer. According to the officer, he used a quick draw technique to pull out his gun and fire. The shot instead went off while the gun was still pointed downwards. The bullet ricocheted off the ground and no one was hit. The suspect fled down some stairs and apprehended seconds later by other officers. The suspect claimed that the shot was fired as he was running down the stairs.

No District Attorney letter was written, because no one was injured by the officer's shots. Homicide Unit reports were delivered to Internal Affairs on February 13, 2007. Further evaluation by Internal Affairs and the Monitor's Office was pending as of the writing of this report.

11. December 2, 2006: Officers responded to a robbery of a gas station. An officer was able to track distinctive footprints from the scene of the robbery to a residence. Officers obtained consent to enter the residence and located the robbery suspect hiding in a large crawl space. The suspect failed to comply with orders to show his hands. Upon the suspect making furtive gestures instead, the officer fired 2 shots, wounding the suspect.

On January 10, 2007, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officers.

Homicide Unit reports were delivered to Internal Affairs on January 12, 2007. A Use of Force Review Board was convened on February 9, 2007. The Board unanimously found the shooting to be "in-policy." The Monitor concurred in that recommendation which was forwarded to the Chief of Police.

Further review and evaluation by the Manager of Safety is pending.

Shooting at Moving Vehicles:

In 2006, there was only one shooting that involved shots fired at a moving vehicle. During the course of the year, however, DPD administration reviewed three shootings involving firing at a moving vehicle. Each of these shootings raised issues of concern during the ensuing administrative reviews.

- On January 5, 2005, at the conclusion of a high speed pursuit, an officer fired shots at a suspect who was attempting to flee driving directly at the officer in his vehicle. The suspect was not hit and he crashed his vehicle in response to the officer's actions. The DPD's Use of Force Review Board, which consists of the Department's Division Chiefs as well as two community representatives, found the shooting "out-of-policy" and recommended that the officer receive a penalty of one "fined day."³ The case was referred to a Disciplinary Review Board (DRB), which consists of a peer officer, a supervising officer, a command officer, and three community representatives. The DRB recommended "no penalty" after concluding the shooting should have been found to be "in-policy." The Chief of Police eventually found the shooting to be "in-policy." This incident took place before the creation of the Monitor's Office, therefore, the OIM was not involved in the decision-making process.⁴
- On June 9, 2005, while officers attempted to take a narcotics suspect into custody, the suspect attempted to flee in an SUV. After striking two parked cars, the suspect drove directly at an officer, who fired one round which hit the passenger side headlight. The suspect drove past the officer, struck two police vehicles and finally came to a stop. Although this incident occurred before the Monitor's Office began rolling out to critical incidents, the police reports were reviewed and the Monitor participated in the decision-making process. The Monitor recommended an "out-of-policy" finding, despite the Use of Force Board's finding that the shooting was "in-policy". (See OIM 2005 Annual Report at 5-8 through 5-10.) The Chief of Police also found the shooting to be "in-policy." The Manager of Safety declined to exonerate the officer, but concluded that it could not be proven that the shooting was "out-of-policy." He, therefore, instructed the Department to enter a finding of "not sustained" in the officer's Internal Affairs history.
- On April 20, 2006, officers responded to a call of an auto theft in progress. The officers ultimately confronted a suspect in a vehicle who immediately gunned the engine and attempted to escape driving directly towards one of the officers. The officer fired a single shot into the driver's side window, fatally wounding the driver. In a split decision, the Use of Force Board found the shooting to be "in-policy." The majority of the Use of Force Board accepted the explanation that, when the officer fired the shot, he was reacting to the perception that he was in danger of being struck by the vehicle. After the Use of Force Board decision, the Monitor met with the Chief and the Homicide Command Staff. The Monitor was troubled that even though the officer stated that he fired at the front windshield, the bullet actually entered into the side window of the vehicle. As such, the Monitor was not

³A "fined day" requires that an officer work a day without pay or that the officer forfeit a vacation day or "comp. time" (for example, overtime previously earned).

⁴Before the Use of Force Board met and concluded that this shooting was "out-of-policy," the DPD Commendations Board voted to award the officer a medal for his actions. As such, when the officer appeared before the Disciplinary Review Board, the members were faced with two contrary recommendations from the Department. The Chief's Office has since implemented a process to ensure that the Commendations Board does not evaluate an officer-involved shooting incident until after the Department administration has concluded whether it was "in-policy" or "out-of-policy."

sure whether the officer was actually in danger of being struck by the vehicle at the moment the shot was fired. Homicide Unit personnel were able to identify the approximate speed of the vehicle, the general trajectory of the bullet, and the amount of time it would have taken the officer to react to the approaching vehicle. Based upon this analysis, the Monitor agreed that the shooting was “in-policy.”

The fact that it was difficult to resolve each of these three shootings highlights a potential problem with the current DPD policy regarding shooting at moving vehicles.

The current policy was enacted in August 2004 as the result of recommendations made by a Mayoral appointed Workgroup that also deliberated and made recommendations regarding the creation of the OIM. The current policy reads as follows:

*Officers will not discharge firearms under the following conditions:
Firing at or from moving vehicles: Except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force. Firing at or from a moving vehicle may increase the risk of harm to other officers or citizens. Accuracy may be severely impacted when firing from a moving vehicle; firing at a moving vehicle may have very little impact on stopping the vehicle. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment. If officers find themselves in danger from a moving vehicle, they should attempt to move out of the way, if possible, rather than discharging their firearm. Above all, the safety of the public and the officer must be the overriding concern whenever the use-of-force is considered.*

The current policy was created to convey a greater degree of understanding to the officers in the field on what Department expectations are in this regard. The previously discussed incidents, however, show how difficult it is to apply this policy to actual incidents in the field. This issue has come to the forefront in many communities throughout the country. In response to concerns in this area, three of the country’s most well known police departments have basically banned their officers from firing at moving vehicles.

The New York Police Department and the Miami Police Department have the identical policy: “Police officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than a moving vehicle.”

The Los Angeles Police Department recently changed its policy to likewise restrict the circumstances under which officers can fire shots at a moving vehicle: “Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. For the purposes of this section, the moving vehicle itself shall not presumptively constitute a threat that justifies an officer’s use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.”

In addition, the Los Angeles County Sheriff's Department updated its policy to prohibit shooting at a moving vehicle, where the sole deadly threat is from the vehicle itself, unless there is no reasonable alternative.

Due to the fact that these major police departments have concluded that it is preferable to virtually ban the use of firearms against moving vehicles, and that the DPD has had such difficulty in enforcing its current policy, the Monitor's Office recommends that the DPD re-evaluate its current policy and contact those departments to determine whether it would be in the best interest of the DPD and the City of Denver to follow suit. In making this request, we do note that this is an extremely controversial issue within the nation's law enforcement and civilian oversight communities.

The OIM looks forward to hearing the results of this DPD inquiry.

Summary and Status of In Custody Deaths, Investigations and Review Processes:

There were four in-custody deaths in 2006, two in the Pre-Arrestment & Detention Facility (PADF) also known as the "City Jail," one in the County Jail, and one while a suspect was being taken into custody by DPD officers.

1. January 18, 2006: An inmate at the City Jail committed suicide by ripping up his jacket and hanging himself from a vent screen in an observation cell. The inmate had been hostile during the booking process and was placed alone in the cell until he was ready to cooperate in the booking process. According to the City Jail's procedure manual, deputies are required to observe "special management inmates housed in observation cells every 15 minutes on an irregular schedule." The inmate was placed in the cell at 2:45 a.m. He was checked on, every 15 minutes, until 4:00 a.m. At that time, the inmate was reported to have appeared to be calm and ready to come out and cooperate with the jail process. During the period from 4:00 a.m. – 4:30 a.m., it was reported that the jail was very busy and officers working the area were unable to make their check on the inmate until 4:30 a.m., when they discovered the suicide. This period was a period of shift change and the deputy in the area was overseeing the work of the nursing staff. The deputy was within ear-shot of the cell, and did not hear anything that attracted attention. DSD command staff stated that the 15 minute guideline is always an approximate one and that it was clear that staff were checking up on the inmate on a regular basis. Command staff concluded that this was a regretful and unfortunate incident, but that it was not a direct result of neglect or a serious violation of procedures.

The OIM agreed that no further internal affairs investigation was warranted. The OIM noted that DSD Command staff ensured that all observation cell vent screens were modified to ensure that the vent screens could not be used, in the future, as a means to commit suicide. In December 2006, the OIM visited the City Jail observation cells verifying that these modifications had been put in place.

2. February 19, 2006: A young woman, while driving under the influence of alcohol, was involved in a traffic collision. Denver Health subsequently released her to the custody of the Sheriff's Department and she was transported to the City Jail. She was booked and placed in a cell at approximately 11:00 a.m. on February 18, 2006. She died in the City Jail at approximately 6:00 a.m. on February 19, 2006. It was later determined that she bled to death as the result of untreated injuries sustained in the traffic collision.

The case was initially handled by DPD Internal Affairs as a criminal investigation and supervised by the Denver District Attorney's Office. The Monitor's Office reviewed all the police reports and monitored all interviews conducted pursuant to the criminal investigation. The case was not transferred to the Sheriff Department's Internal Affairs Bureau until September 10, 2006, at which time Sheriff Internal Affairs was given permission to proceed with an administrative investigation.

Since that time, the Monitor's Office has actively monitored and participated in the internal investigation. As of the end of the year, the investigation reports and transcripts were nearing completion. The Monitor's Office will closely monitor this incident until its final conclusion.

Monitor Concerns Regarding the Failure of Medical Staff to Cooperate with An Internal Affairs In-Custody Death Investigation:

Allegations that City Jail staff failed to provide adequate care and assistance to an inmate were investigated by the Police and Sheriff Internal Affairs Bureaus. The case investigation was still in the process of being documented as of the end of the year and, therefore, findings on this investigation have not yet been made.

During the course of the investigation into this incident, a problem developed which impacted the ability of Sheriff Internal Affairs to conduct a complete investigation:

Witness nurses, in the employ of Denver Health, declined to cooperate with the Sheriff's internal investigation. By the end of the year (more than nine months after the inmate died), the Sheriff's Department and Denver Health were still negotiating on the issue of whether the nurses would cooperate. The Sheriff's Department was considering the option of banning the nurses from the City Jail unless they agreed to cooperate with the investigation, but that option has not been exercised. As a result of this impasse, the Monitor's Office became aware that Denver Health employees (nurses) working within the City and County Jails on a full time basis, are not required, by law or contract, to cooperate with internal affairs investigations.

The current situation has resulted in the inability of Internal Affairs to conduct a complete investigation into this incident and, potentially, future in-custody death investigations where medical issues are relevant to the investigation and where Denver Health could face the prospect of civil liability. The Monitor recommended to the Sheriff's Department and the Manager of Safety that the medical staff should be required by contract to cooperate with Internal Affairs.

In December 2006, the City approved a new contract with Denver Health to cover the 2007 calendar year. The new contract contained language which would require the Denver Health employees to cooperate with Internal Affairs unless there is a pending claim against Denver Health and there is no joint defense agreement between Denver Health and the City of Denver.

The problem with the new contract language is that it does not require Denver Health nurses to cooperate in an Internal Affairs investigation when there is no joint defense agreement between Denver Health and the City of Denver, which is the case in the current in-custody death investigation. The Monitor believes that public policy requires that full and complete investigations be conducted regardless of whether they will disclose misconduct that may result in civil liability. Full and thorough internal investigations are vital to ensure that the Sheriff's Department, as a public agency, holds those persons entrusted with the care and custody of Denver's inmates accountable for their actions. The public has a right to expect timely and complete investigations and actual accountability for all the professionals involved in this incident.

As of the end of the year, the Manager of Safety and the Mayor's Office were discussing this issue with Denver Health, attempting to ensure the cooperation of Denver Health employees in this and future internal investigations.

3. July 23, 2006: Officers responding to a call observed an altercation between two men in an apartment. The officers made entry into the apartment and confronted the aggressor who was suffering from apparent hallucinations and refused to comply with their orders. According to witnesses, the officers used minimal force to take the suspect into custody and were able to handcuff him after a short struggle. The suspect was rolled onto his side after he agreed to cooperate. When he began struggling again, he was carried out of the apartment by four officers (one holding each limb), and placed onto the grass near the street while awaiting the arrival of medical personnel. Once placed onto the grass, the suspect began to fight again, kicking one officer in the groin. Upon the arrival of the medical personnel, the suspect suddenly stopped breathing and died on the way to the hospital. His death was ruled by the Coroner to be the result of a drug overdose.

Homicide reports were delivered to Internal Affairs on December 4, 2006. A Use-of-Force Board was convened on February 9, 2007 and concluded that the involved officers did not violate any DPD policies. The Monitor concurred in that recommendation. The case was forwarded to the Chief of Police for his review. A letter from the Manager of Safety is pending.

4. December 21, 2006: An inmate at the County Jail committed suicide by hanging himself with a sheet. OIM was notified of the incident in a timely fashion. Through miscommunication, the Homicide Unit was not called out and Detectives assigned to the Crimes Against Persons Unit conducted the investigation instead. The Homicide Unit command staff conducted a debriefing to ensure that they would be called out in all future City and County Jail suicides.

DPD reports were made available to the Sheriff's Department and the OIM on February 9, 2007. In addition, the Sheriff Internal Affairs Bureau collected all relevant administrative records for further review, including tier sheets, medical records, rosters and administrative review board records. Medical records were also submitted to Denver Health for further review and evaluation. As of the writing of this report, the administrative review of this incident had not been completed.

Update on October 27, 2005 Inmate-on-Inmate Homicide:

In the Monitor's 2005 Annual Report, we referred to an inmate-on-inmate homicide that took place in the County Jail on October 27, 2005. This was the first jail homicide in a period of more than twenty-seven years. We are pleased to report that no additional homicides at the jails took place in 2006.

The Homicide Unit investigation into this incident was still pending at the time of the publication of the 2005 annual report. Since that time, the investigation was completed and reviewed by Homicide Unit Command staff to determine whether a referral to the Denver Sheriff Internal Affairs Bureau was necessary. Command staff made no referral, concluding that there was no reason to believe there was any misconduct on the part of Sheriff personnel. Sheriff Command staff also reviewed the incident administratively.

The Command staff, with the concurrence of the Monitor's Office, concluded that facility procedural guidelines were followed at the time of the incident. The victim specifically requested to be housed among the general population and an Administrative Review Board granted that request. Upon receiving medical affirmation to house the victim in general population, in conjunction with no reported behavioral problems or issues, the victim was subsequently housed in Building 22A.

On August 22, 2005, the suspect inmate was received at the Pre-Arrestment Detention Facility and subsequently transferred to the County Jail on September 1, 2005, where he was housed in Building 9A. The suspect Inmate was transferred to Building 22A on September 13, 2005, after it was noted that younger inmates had harassed him.

From September 13, 2005 thru October 26, 2005, both inmates were housed together in the same cell. During this time, no issues or incidents were reported to staff involving either inmate. Both inmates were housed in accordance with established protocols: no past or present behavioral problems while in custody; similar felony filings with high bond status; similar ages; and the same ethnicity. As such, the jail staff had no reason to believe that one inmate would commit a violent act upon the other.

After the homicide, the Sheriff's Department cooperated with the DPD in order to ensure that the suspect inmate would be appropriately arrested, prosecuted for the homicide and housed in a safe manner to ensure that no other inmates would fall victim to his violent conduct.

Update on November 11, 2005 Suspect Hospitalization:

In the Monitor's 2005 Annual Report, we referred to a use-of-force that took place on November 11, 2005 wherein an arrestee had stopped breathing and was subsequently resuscitated by officers at the scene. As of the end of 2005, the administrative investigation into the incident was still pending.

On December 9, 2005, the District Attorney filed charges of misdemeanor resisting arrest against the arrestee, the charges of which were still pending at the time of the writing of this report. A Use of Force Board was convened on March 14, 2006 and the Board concluded that the use-of-force was within policy. The Monitor concurred with this finding.

At the time of the incident, the Manager of Safety's Office indicated an intent to make public the Department's findings given that the arrestee's family brought forward allegations of excessive force that were carried by a number of media outlets. As of the end of 2006, however, no report had been issued by the Manager of Safety's Office.

Deadly Force Audit:

Although the "roll out" program is an essential and important component of the OIM program, it could potentially take many years to identify trends and patterns in deadly force cases that could be used to improve DPD policies and training in the long term. Therefore, upon being hired, the Monitor immediately announced the intent to hire outside consultants to review the Denver Police Department's deadly force policies, procedures, and training as well as the quality of DPD investigations and the DPD review process for closed officer-involved shootings that have occurred since January 1, 1999.

As of December 2005, a contract was finalized between the OIM and the Los Angeles based Police Assessment Resource Center (PARC) to provide the following services:

- Evaluate closed DPD officer-involved shootings from January 1, 1999 to the present;
- Compare DPD policies and training to other communities in order to identify best practice approaches in this area;
- Identify any areas where quality of investigations can be improved;
- Identify any areas where the quality of DPD training practices can be improved;
- Evaluate DPD management of information relating to officer-involved shooting incidents; and
- Identify information that can be gathered by the DPD and OIM to improve the quality of future anticipated annual reviews, while reducing the cost and time required for such reviews.

As part of the contract, representatives of PARC shall be required to meet with:

1. The Independent Monitor to develop an understanding of the issues and process;
2. The Citizen Oversight Board (COB) to develop an understanding of community issues and concerns;
3. The Chief of Police and his designees to develop an understanding of DPD issues and concerns;
4. Representatives of the Police Protective Association (PPA) and other officer associations, as necessary, to develop an understanding of police officer issues and concerns;

5. Members of the City Council or their staff, as necessary; and
6. The City Attorney and his designees to develop an understanding of City Attorney issues and concerns.

During the course of 2006, the DPD provided PARC with copies of all investigative files, training materials, and general orders necessary to conduct this review. The City Attorney also provided access to non-confidential portions of litigation files that were necessary to conduct this review. Unfortunately, due to the amount of time it took to deliver all of these materials to the consultant, the date the report will be published has been delayed. Although it was initially hoped that the report could be published before the end of 2006, it is not now expected to be published until the Summer of 2007.

The Consultant's report will include:

1. An executive summary that clearly identifies the policy recommendations made by the Consultant and a brief summary of the empirical support for those recommendations;
2. An introduction, methodology section, and summary of the work performed;
3. General background of the relevant issues, which will include an analysis of the frequency of DPD OIS-ICD incidents over time;
4. The Consultant's findings;
5. Specific policy recommendations and the empirical support for those recommendations; and,
6. An analysis of national best practices relating to OIS-ICD.

We look forward to presenting the final report to the DPD, the Mayor, the City Council and the public as soon as it is ready.



DENVER
THE MILE HIGH CITY

CHAPTER 7

MEDIATION

What is mediation?

Mediation is an alternative to the normal complaint handling process. This voluntary program allows community members and involved officers to sit down face-to-face in a neutral, non-confrontational and confidential environment to talk out their issues with the facilitation of a professional mediator. Serving as a safe learning opportunity, mediation allows each party to gain a better understanding of the other's perspective about an incident. The goal is not one side winning over the other, or assigning guilt or blame, but providing a forum to be heard fairly, increase mutual understanding, and discuss ways to prevent similar problems in the future.

Historical Context

Mediation evolved out of a desire to look for alternatives to traditional adversarial methods of conflict resolution, in which parties approach each other as adversaries and appeal to some higher authority to resolve their dispute. OIM offers mediation as an alternative to the traditional complaint process because, when it comes to resolving complaints against the police, one size does not fit all. Not everyone who has a complaint against a police officer wants to see the officer disciplined. Some believe that taking an adversarial approach is not constructive or ultimately helpful to anyone, while others simply want to understand why an officer took a particular action, or to explain their own actions and perceptions, or to discuss how the incident affected them. Others want to retain control over how the complaint gets handled, rather than turning the complaint entirely over to others for decisions and resolutions.

Mediation was developed as a way to give control over the conflict resolution process back to the parties most directly involved. The trend toward using mediation to resolve disputes has been growing rapidly over the last 30 years in a range of areas, including: employee grievances, divorce, small claims, land-use and resource issues, neighborhood disputes, and even in some criminal cases. The reasoning is that people are more likely to achieve a satisfying resolution (and make peace with each other) through increased mutual understanding and cooperative problem-solving than by approaching each other as enemies, or seeking legal revenge for perceived wrongs.

Many police complaints appear well suited to resolution through mediation. For example, many community-police conflicts are based on misunderstandings, which mediation can address better than punishment. While law enforcement agencies worldwide have begun using mediation to resolve some community-police conflicts, relatively few community-police mediation programs exist in the United States, and they handle only a small number of cases. A national study of citizen-police mediation programs in 2000 found that of more than 17,000 U.S. law enforcement agencies, about 100 had oversight agencies, but only 16 had mediation programs. Of those, mediation accounted for a tiny fraction of case handling outcomes. (The complete version of this study is accessible on the web at: www.cops.usdoj.gov. *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders*, by Sam Walker, Carol Archbold, and Leigh Herbst, 2002, US Department of Justice, COPS program.)

The Denver Community/Police Mediation Program

Having noted the overwhelming success of a City Auditor-initiated mediation program in Portland, Oregon, which documented increases in both complainant and police satisfaction with the complaint-handling process, the OIM introduced community-police mediation to Denver. Traditionally, the nationwide averages of satisfaction with the complaint-handling process among both law enforcement and civilians have remained extremely low. For example, in 2005 the OIM administered a survey evaluating perceptions/attitudes about the complaint handling and disciplinary processes (before the creation of the OIM) to all police officers and community members who had filed a complaint within the prior three years. Seventy-five percent (75%) of community members reported dissatisfaction with the complaint process and 64% of officers reported dissatisfaction. With mediation, dissatisfaction figures have plummeted to 16% and 11% respectively. Please see Table 7.1 for a complete display of satisfaction comparisons between the traditional complaint handling process and the citizen-police mediation program.

TABLE 7.1 SURVEY AND MEDIATION SATISFACTION RATES FOR 2006							
CITIZEN COMPLAINT SURVEY				CITIZEN MEDIATION SURVEY			
<i>Complainants' satisfaction with:</i>	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>	<i>Complainants' satisfaction with:</i>	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
Complaint handling process	74.5%	13.8%	11.7%	Mediation process	15.9%	25.0%	59.1%
Outcome of complaint	86.2%	5.8%	8.0%	Outcome of mediation	29.5%	22.7%	47.7%
OFFICER COMPLAINT SURVEY				OFFICER MEDIATION SURVEY			
<i>Officers' satisfaction with:</i>	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>	<i>Officers' satisfaction with:</i>	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
Complaint handling process	63.7%	24.7%	11.6%	Mediation process	10.9%	19.6%	69.6%
Outcome of complaint	34.8%	16.6%	48.6%	Outcome of mediation	10.9%	26.1%	63.0%

Benefits of Mediation

As the essence of community policing, mediation has the potential to, and often does, improve the relationship between complainants and officers one case at a time. Mediation helps prevent an unpleasant experience with one officer from resulting in a negative perception and attitude towards all of law enforcement. In addition, a successful mediation can extend the repaired relationship to the community member's family and friends, all of whom might have been adversely impacted by the complainant's personal experience.

Further benefits of mediation include the opportunity for one to:

- be heard and understood;
- hear the other person's perspective and why he/she acted in a particular manner;
- give the other party feedback about how to avoid similar incidents in the future;
- regain confidence in police services;

- exercise direct control over the quick resolution of the complaint rather than have it decided by others; and,
- resolve the complaint outside of the disciplinary process.

Putting the other person's behavior into perspective through discussion helps both parties understand each other's motivations and actions. This generally leads to healing, forgiveness, and closure. These learning experiences often result in smiles and handshakes by the end of the mediation session. An officer often walks away having gained knowledge that will enable him/her to be a more effective professional. The community member feels as though he/she has been taken seriously and heard. Successful mediation yields a win-win outcome in which both sides feel good about the process. Of course, this is where the real change happens.

Historical Obstacles to Mediation

Professor Walker identified four main obstacles to mediation:

- a. Police officer and police union opposition
- b. Lack of understanding of mediation by both officers and citizens
- c. Lack of resources for mediation programs
- d. Lack of incentives to participate for officers and complainants

A major problem for many citizen-police mediation programs has been opposition by police officers and the unions that represent them. This has been partly because many officers – like many members of the public – do not fully understand what mediation is, how it works, and the benefits that it offers. In the course of shaping Denver's new program, some of the more common concerns of officers were identified. These included:

- Concern that they would be compelled to apologize or admit wrongdoing even if they had done nothing wrong (Not true; as a completely voluntary process, people are not required to say or do anything they don't want to).
- Concern that it could not do any good because the complainant will be too unpleasant or unreasonable for mediation to succeed (Generally not true; both citizens and officers often have already seen each other at their worst during the initial incident that generated the complaint).
- They may see a very different side during mediation. (Regardless, mediation can succeed even with unpleasant and unreasonable people. That is part of the mediator's role).
- Concern that mediation would do nothing more than provide a complainant with an opportunity to verbally attack officers (Not true; professional mediators are trained to avoid this type of communication).
- Concern from both sides that if they speak freely, their words will be twisted and/or used against them in civil or criminal proceedings (Not true; the content of a mediation session is subject to a legally binding confidentiality agreement).

Another challenge to successful citizen-police mediation programs is the lack of incentives for officers to participate. In order to provide meaningful incentives, Denver has made mediation an alternative to the traditional complaint process. If an officer mediates, there is no Internal Affairs investigation and no disciplinary action. However, an officer who has failed to mediate in good faith in the past may be barred from future offers to mediate. After the mediation, the Internal Affairs case is closed.

To address the challenges of police resistance, the OIM engaged in significant outreach efforts to DPD to educate officers about mediation, address their concerns, promote mediation as an option, and to encourage police command staff to do likewise. The Independent Monitor visited every district station as well as the Denver International Airport to discuss the program at roll calls. The Monitor also met with all police organizations and the unions to speak with officers about mediation. In 2006, the OIM continued its outreach efforts in person and through the aid of a training video on mediation that was presented to all officers during roll call. The participation rate, thus far, among officers is 91%.

Interestingly, the high officer participation figure is not out of proportion with national statistics. Officers often willingly mediate even when they believe they did nothing wrong. Their willingness is not necessarily motivated by a desire to escape discipline, but rather as a service to the complainant, as a tool of community policing, and as a way to clear up misunderstandings. It should be noted that the vast majority of citizen complaints do not result in the imposition of discipline due to the requirement that the Department must prove the allegations. Further, most community member-officer interactions are not witnessed by an objective witness or are provable through objective evidence. Thus, most cases that are actually mediated would not otherwise result in imposition of discipline against the involved employee.

Another strategy to ensure the success of the program, and to increase police confidence in the process, was the decision to contract with professional mediators. Community-police mediation can be unusually challenging. There is the potential for feelings to run deep on both sides, and it is important that the mediator has the skill and experience to make mediation constructive. The OIM has therefore contracted with Community Mediation Concepts (CMC), which has been providing neighborhood mediation services for the City of Denver. A pool of mediators that successfully met the OIM's criteria was selected and trained over a two-day period by two of the most experienced police-community mediators in the United States.

How Cases Are Selected

Mediation is approved in cases where the OIM and the IAB believe that it is likely to (1) result in greater complainant satisfaction, (2) result in improved officer conduct, and/or (3) contribute to community policing goals of improved community-police relations. The goals are to sensitize officers to community perspectives and concerns and provide opportunities for the public to learn more about police procedure and perspectives.

The OIM considers and encourages mediation in a wider range of cases than most community-police mediation programs. For example, in many jurisdictions, programs categorically exclude

certain types of cases from mediation as a matter of policy. Ineligible allegations may include the use-of-force, racial discrimination, or disparate treatment. The OIM's philosophy, however, is that categorical exclusion of cases means losing valuable opportunities for community members and police to better understand each other's perspective, to explore how they might prevent similar problems in the future, and to reach a satisfying resolution.

The OIM recognizes the value in using mediation to address the issues underlying community-initiated complaints. For example, use-of-force complaints often result from a failure of communication and are usually difficult to prove. Mediation is effective at facilitating communication; therefore, the OIM considers mediation appropriate in some use-of-force cases. Due to specific concerns regarding use-of-force issues, however, the Denver Police Department policy excludes such cases from mediation without the specific consent of the Chief of Police, the Manager of Safety, and the Monitor.

Similar to excessive force cases, allegations of disparate (discriminatory) treatment are notoriously difficult to prove; often there is no evidence beyond the complainants' perceptions or suspicions that they were treated a particular way due to bias. A case that cannot be proven often goes unresolved when the traditional complaint handling process is used. Mediation, however, allows complainants an opportunity to address and resolve their concerns, and gives both parties the opportunity to learn from the open discussion of sensitive issues. It also potentially increases officer sensitivity to those issues and perceptions, allowing both sides to deal with each other as individual human beings, which contributes to better relations between police, the individual, and their community.

Other jurisdictions exclude from mediation any officer who has received more than a certain number of complaints in a specific time period. The reasoning is that such officers may require aggressive corrective action. It remains an open question as to whether discipline is more likely than mediation to result in improved officer conduct. In fact, there is evidence to suggest that mediation may be more effective. Over the next few years, the OIM will be compiling statistics regarding complaint patterns in order to establish to what extent mediation is a factor in improving officer behavior.

Some complaints, due to the serious nature of the allegations, require full investigation and, potentially, disciplinary action. DPD policy and the OIM will not allow significant issues of misconduct or corruption to disappear in the confidential process of mediation. Cases specifically excluded from consideration for mediation are those in which the allegations, if sustained, would result in such serious disciplinary actions as dismissal, demotion, or the substantial imposition of discipline (more than a few days off). A case will also be excluded from mediation if it appears clear, due to the nature of the people involved, that a mediation session would not be productive.

The Mediation Process

A complaint is not eligible for mediation unless agreed upon by the OIM and the Internal Affairs

Command Staff as an appropriate way to resolve the complaint. After that determination is made, the Ombudsman calls the complainant to discuss the options and determine if s/he would be willing to mediate. OIM policy requires that the Ombudsman ensure that the complainant understands that, if s/he agrees to mediate, there will be no further investigation and the complaint will be dismissed if the officer agrees to mediate and makes himself/herself available for a timely mediation, regardless of the outcome of the mediation.

If a complainant accepts the OIM's offer to mediate, the Ombudsman contacts the involved officer(s) to see if the officer(s) is willing to mediate. If the involved officer(s) agrees, the complaint is removed from the normal complaint process and the Department does not take any further action in terms of investigation or discipline. If the involved officer(s) decline(s) to mediate, the complaint is returned to the normal internal affairs process.

In cases involving uses-of-force with impact weapons or injuries or any allegation which could affect an officer's ability to seek a promotion, the Manager of Safety, the Chief of Police, and the Independent Monitor must all agree that the case is suitable for mediation for the case to be accepted to the mediation program. In addition, the Manager of Safety and the Chief of Police retain the power to conclude that a case is unsuitable for mediation for any reason.

If both parties agree to mediate, Community Mediation Concepts is contacted so that the case can be assigned to a mediator who will then follow up with the parties to schedule the earliest possible date. The mediator schedules the most convenient date, time, and location for all parties. There are multiple locations throughout the Denver area where mediations can be conducted, including libraries and City Council offices. Unless the complainant specifically requests that a mediation be conducted at a police facility, those locations are not used to conduct mediations. Mediations are regularly scheduled in the evenings and on weekends for added convenience. Because the OIM's objective is to handle the complaint in a fair, respectful, and timely manner, it aims to have mediation completed within a few weeks of a complainant's agreement to mediate.

In order to improve the likelihood of a successful mediation, the OIM provides information on the process so both parties know what to expect. The complainants and officers are provided a mediation brochure once they agree to mediation. Besides explaining the process, the brochure also lists suggestions for mediating constructively. Secondly, the OIM furnishes a summary of the incident and allegations to the mediator, so s/he has background knowledge on the dispute before entering mediation and can get additional information if necessary while contacting both parties to schedule the session. Before the mediation begins, the parties are required to sign a *Consent to Mediate* form, which includes a confidentiality agreement for their signature. Finally, the mediator establishes the ground rules before the session begins so expectations are clear. The Monitor's Office observed mediations regularly for the first nine months of the program, and periodically thereafter, to ensure that the mediators are performing at the high quality level expected and required.

A final confirmation notice is sent to all parties of the time, date, and location of the mediation.

What Happens During Mediation?

At the beginning of the mediation session the mediators introduce themselves and explain the process and ground-rules (confidentiality, courtesy and mutual respect). The complainant is then invited to describe his/her view of the incident. The officer(s) also gets to present his/her/their perspective(s). From that point, dialogue begins, with the mediators guiding people along a constructive path and keeping everyone focused on the matters at hand. If the conversation becomes too tense, mediators may call brief breaks. The process continues until both parties feel they have resolved the issue to their satisfaction.

Upon completion of the mediation, both parties and the mediator(s) are given exit surveys, to permit effective management and evaluation of the mediation program. At that point, the complaint is dismissed.

Examples of Cases Assigned for Mediation in 2006

(According to the complainant's statement made at the time of the initial complaint)

- The complainant stated that she was cut off by a dark Honda as she pulled into a Taco Bell. When she got out of the car to yell, "You cut us off," she alleged that a uniformed officer exited his vehicle, cursed at her, and displayed his sidearm.
- The complainant was stopped for speeding, which she did not contest. However, she felt that the officer was rude when he allegedly yelled and threw the ticket at her.
- The complainant felt that, during the contact, the officer overreacted when he detained and handcuffed her landscaping contractor at gunpoint, under the mistaken impression that he was a burglar.
- The complainant alleged that he was handcuffed and detained for no reason. He claimed that the officer was rude during the contact and offered no apology upon releasing him.
- The complainant stated that an officer directing traffic after a concert waved her over to the side of the road for a traffic violation, took her license and registration, and left to continue directing traffic. She was allegedly forced to wait for 45 minutes before the officer returned with her license and other documents, and a summons.
- The complainant stated that while receiving a summons for expired license plates, the officer raised his voice, told the complainant to "shut up," and touched his gun. She felt that she had been treated poorly because of her race.
- The complainant was asked by officers to consent to a search of his person because his vehicle matched the description of one involved in a recent shooting. The complainant consented to having his person searched, but, when officers then asked to search his vehicle, he refused and asked officers to produce a warrant. He stated that officers became unprofessional and menacing.

- The complainant had been pulled over for a traffic stop. The officer mistakenly thought that his temporary license expired in July when it actually did not expire until November. The complainant alleged that the officer continued to detain him for another 15 minutes, despite seeing the mistake.

Mediation Satisfaction Rates

The OIM measures participant satisfaction with the mediation program. As shown in Table 7.2, 47.7% of community members who participated in mediation were satisfied with the outcome. This compares to 63.0% of the officers.

How satisfied were you with the outcome of mediation?	Dissatisfied	Neither Satisfied/Dissatisfied	Satisfied	Total
Community Members	13	10	21	44
row %	29.5%	22.7%	47.7%	
Police Officers	5	12	29	46
row %	10.9%	26.1%	63.0%	

Table 7.3 shows that nearly 60% of the community members were satisfied with the process of mediation, compared to 70% of officers.

How satisfied were you with the mediation process in general?	Dissatisfied	Neither Satisfied/Dissatisfied	Satisfied	Total
Community Members	7	11	26	44
row %	15.9%	25.0%	59.1%	
Police Officers	5	9	32	46
row %	10.9%	19.6%	69.6%	

Table 7.4 presents the findings on how likely mediation participants are to recommend mediation to others. As shown, 75% of community members were either somewhat likely or very likely to recommend mediation to others compared to 93.5% of police officers.

Overall, most participants and officers have felt either satisfied or neutral about mediation and its related outcomes.

How likely are you to recommend mediation to others?	Not Likely	Somewhat Likely	Very Likely	Total
Community Members	11	14	19	44
row %	25.0%	31.8%	43.2%	
Police Officers	3	17	26	46
row %	6.5%	37.0%	56.5%	

Mediation Guidelines, Protocols, and Operating Procedures:

In order to ensure greater understanding of the OIM mediation program and provide objective criteria for how the program is managed, the OIM has placed three documents on its website:

- Denver Mediation Program Guidelines: this document describes how mediation cases are assigned, timeliness expectations, program objectives, staff responsibilities, ethical requirements for the contracted mediators, reporting requirements, and OIM monitoring responsibilities.
- Denver Mediation Program Protocols: this document describes the types of cases excluded from mediation, the process by which complainants and officers agree to mediation, acceptable locations for mediations, consequences of failures to appear, and the removal of completed mediations from the traditional complaint processes.
- Mediation Operating Procedures: this document explains the IAB intake and case handling processes, the OIM’s process once a case is deemed appropriate for mediation, and CMC’s responsibilities and processes once a case has been referred for mediation.

Continuous Quality Control

The OIM has implemented several mechanisms to ensure that the mediation program continues to provide satisfactory outcomes for both community members and officers. First, the OIM staff observed mediations regularly for the first nine months of the program to ensure that mediators met high expectations and that cases selected for mediation were appropriate. OIM staff will continue indefinitely to observe mediations on a periodic basis, particularly when new mediators appear or when the case involves unusual circumstances. Second, the OIM asks all participants and mediators to fill out surveys to evaluate the program in order to quickly jettison any ineffective elements. Finally, the OIM meets on a monthly basis with IAB and CMC to discuss which aspects of the program can be improved upon, how to best expand the program, and any

other mediation issues.

Mediation Nationally

The OIM contacted civilian oversight programs across the country in order to gather information about their mediation programs. There are thirteen agencies currently operating citizen-police mediation programs nationally, including the OIM. There are two programs, Milwaukee Fire and Police Commission, and Rochester Center for Dispute Settlement, that offer conciliation, a less formal process. Conciliation is generally offered first to the community member upon filing a complaint. The complainant can try to resolve his/her issue with the officer with the help of a staff person facilitating the conversation. If the complainant is still unsatisfied, the complaint will be considered for full investigation, a hearing, or dismissal.

Table 7.4 lists all of the citizen-police mediation programs of which we are aware, the number of sworn police officers, the number of actual mediations that occurred in 2006, and the rate of mediation per capita (number of mediations divided by sworn personnel and multiplied by 1000.)

TABLE 7.5 MEDIATION RATES PER CAPITA FOR SELECTED CITIES				
Department	Agency	Number of Sworn Officers	Cases Mediated	Mediation Rate per Capita
New York City Police Department	Civilian Complaint Review Board	35,896	137	3.82
Denver Police Department	Office of the Independent Monitor	1,499	39*	26.02
Washington D.C. Metropolitan Police Department	Office of Police Complaints**	3,785	34	8.98
San Francisco Police Department	Office of Citizen Complaints	2,193	21	9.58
Minneapolis Police Department	Civilian Police Review Authority	798	18	22.56
Portland Police Bureau	Independent Police Review Division	989	16	16.18
Seattle Police Department	Office of Professional Accountability	1,281	14	10.93
Kansas City Police Department	Office of Citizen Complaints	1,272	8	6.29
Albuquerque Police Department	Independent Review Office	975	5***	5.12
Tucson Police Department	Citizen Police Advisory Review Board	1,008	5	4.96
Pasadena Police Department	Western Justice Foundation	241	3	12.45
San Diego Police Department	Citizen's Review Board	2,108	2	0.95
Boulder (CO) Police Department	N/A	171	1	14.08

* In 2006, the OIM mediated 39 cases between community members and Denver Police Officers. One additional case was mediated between a community member and a Sheriff Deputy, for a total of 40 mediations.

** Washington, D.C.'s Office of Citizen Complaint Review is the only citizen-police program in the U.S. which has mandatory mediation. However, if either party is dissatisfied after attempting to first resolve the complaint through mediation, then either party can request a formal investigation.

*** The Albuquerque Independent Police Review Office referred 49 cases for mediation in 2006. The mediators are police officers. Upon receiving the citizen's complaint, the mediator first contacts the officer by phone to ascertain his/her side of the story. Then, the mediator contacts the complainant by phone and explains the officer's side (which can even include an apology.) Out of 49 cases referred for mediation, only three complainants declined mediation and requested a formal investigation. Five complainants requested a face-to-face mediation with the officer, and all five were successful and resulted in high satisfaction for both parties.



CHAPTER 8

DENVER
THE MILE HIGH CITY

In the interest of providing a more balanced view of the Denver Police and Sheriff Departments' service to the community, the OIM reports the number of commendations received by DPD Officers and employees and DSD Deputies and employees. There were 572 commendations and awards received by DPD employees in 2006. The Sheriff's Department handed out 108 commendations and awards to DSD employees in 2006.

Commendations

Police Department

Table 8.1 shows the number of commendations and awards received by DPD employees in 2006 compared with 2005.

Commendatory Action Reports were the most frequent type of commendation received accounting for 31.5% of the total. This represented a 19% decrease from 2005. Other frequent commendations included official commendations (22.9%) and commendatory letters (14.3%).

A Commendatory Action Report is a form that documents positive interactions that occur between citizens and Officers. These comments come primarily through the "positive comment-complaint hotline."

The hotline was created in 2001 and later mandated by state law to provide a simple means by which a community member can make either positive comments or pursue a complaint against a Denver police officer.

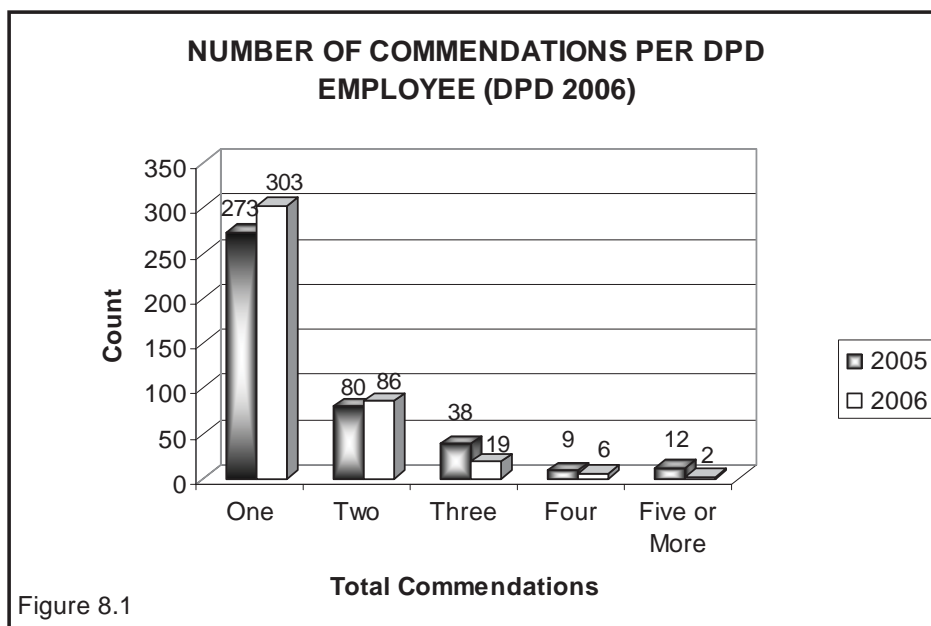
Ten officers received commendations from organizations other than the Denver Police Department.

COMMENDATION	YEAR	
	2005	2006
Commendatory Action Report column %	222 33.7%	180 31.5%
Official Commendation column %	121 18.4%	131 22.9%
Commendatory Letter column %	106 16.1%	82 14.3%
Letter of Appreciation column %	95 14.4%	60 10.5%
STAR Award column %	36 5.5%	34 5.9%
Merit Award column %	33 5.0%	17 3.0%
Life Saving Award column %	9 1.4%	17 3.0%
Citizens Appreciate Police column %	9 1.4%	12 2.1%
Community Service Award column %	6 0.9%	9 1.6%
Officer of the Month column %	6 0.9%	3 0.5%
Distinguished Service Cross column %	5 0.8%	11 1.9%
Medal of Honor column %	2 0.3%	
Medal of Valor column %	2 0.3%	
Unit Commendation column %	2 0.3%	1 0.2%
Purple Heart column %	1 0.2%	3 0.5%
Other than DPD column %	1 0.2%	10 1.7%
Unknown column %	2 0.3%	2 0.3%
TOTAL	658	572

Table 8.2 provides definitions for the different types of commendations and awards currently used by the Denver Police Department.

TABLE 8.2 DPD COMMENDATION TYPES AND DEFINITIONS	
Commendatory Action Report	A form documenting positive comments from citizens that come through the comment hotline.
Commendatory Letter of Appreciation	Awarded to employees who, through alertness and attention to duty, perform their assigned functions in a commendable manner.
Community Service Award	Awarded to employees who, by virtue of sacrifice and expense of his/her time, foster or contributes to a valuable and successful program in the area of community affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official police capacity.
Distinguished Service Cross	Awarded to employees who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor.
Letter of Appreciation	A letter expressing appreciation for services provided by employees.
Life Saving Award	Awarded to employees who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no danger to the officer's life.
Medal of Honor	Awarded to employees who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.
Medal of Valor	Awarded to employees who distinguish themselves by extraordinary heroism not justifying the award of the Medal of Honor.
Merit Award	Awarded to employees who distinguish themselves by exceptional meritorious service who: through personal initiative, tenacity and great effort acts to solve a major crime or series of crimes, or through personal initiative and ingenuity, develops a program or plan which contributes significantly to the Department's objectives and goals.
Officer of the Month	Awarded to employees who represent the department in all facets of law enforcement with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manor in which they were sworn.
Official Commendation	Awarded employees, who by exemplary conduct and demeanor, performs his/her assigned functions in an unusually effective manner.
Purple Heart	Awarded to employees who are killed, seriously wounded or seriously injured in the performance of an official action.
STAR award	Awarded to employees who, through exceptional tactics, act to successfully resolve a critical incident, thereby setting a standard for safety and professionalism to which all officers should aspire.
Unit Commendation	Awarded to an entire unit whose members perform their assigned function in an unusually effective manner.

In 2006, 416 DPD employees received at least one commendation. The majority of these employees (72.8%) received one commendation which was an 11% increase from 2005. The number of employees receiving two commendations during the course of the year also increased by 7.5%; from 80 in 2005 to 86 in 2006.



A Sample of Commendations Received by the OIM Regarding the Denver Police Department (provided by Karen Holder, Executive Assistant to DPD Chief Whitman)

A DPD Officer pulled me over for suspicion of drunken driving and minor license plate obstruction. He was professional and courteous in the way he spoke with me, asked me questions, and interacted with me. He fully explained why he pulled me over and the whole incident was over very quickly. I appreciate the overall professionalism of the Denver PD.

This situation involved the receipt of a driving violation for an unlawful lane change. The officer who gave me the ticket was extremely courteous, respectful and helpful. She is a great asset to the Denver Police Department and I wanted to recognize her for her positive attributes.

I was rear ended by another car and the police were called. The DPD Officer responded and helped with the situation. I just want to thank the officer for her willingness to help me. She provided valuable information of the process of what I needed to do regarding the accident. She was so nice and polite. I really appreciate her presence there at a time when I needed help. Great job!

When my vehicle was stolen a DPD Officer wrote up the report and was extremely courteous. He also expressed concern for my well-being in the inclement weather. He took the time to explain the procedures and impressed me with his professionalism. After returning home via cab, I was further impressed to receive a phone call informing me that my vehicle had been located approximately two blocks from the location reported. I would also like to offer my apologies to the officers for involving them in my mistaken belief that my vehicle had been stolen when they could have been doing more important work. Thank You.

I want to thank a DPD Officer for his outstanding service while processing a minor accident I was involved in. He arrived promptly and was friendly and professional throughout. He explained every step of the process and patiently answered all of my wife's questions which she was transcribing to the insurance company on our cell phone. The officer put everyone at ease and helped make a less than pleasant occurrence (the accident) into the best situation possible. My thanks to the DPD and the officer for the assistance I received.

A DPD Officer was called to a home and discovered an elderly woman suffering from dementia. He referred her to our organization—FACEIT. The officer has been wonderful in checking on the woman to make sure she is safe while FACEIT works to connect the woman to long-term services and supports. The officer went well above and beyond the call of duty to ensure the safety of an at-risk adult.

A DPD Officer stopped my 84 year old mother in-law for errant driving and driving without her headlights on. The officer determined that she was disoriented and unaware

that she only had her running lights on and not her headlights. He contacted my wife and asked if we could come to assist. When we arrived, the officer was talking with my mother in-law to keep her company until we arrived. The officer's handling of this incident showed outstanding professionalism and regard for my mother in-law's safety.

I had my high-end mountain bike stolen while visiting Denver this August, 2006. I filed a police report with DPD, and searched on Craigslist.com and E-bay.com to see if it would turn up for sale. Three weeks after the theft, my bicycle showed up on E-bay. I left a message for the assigned DPD detective and received a call from his office immediately. The detective jumped on the case, shutdown the sale on E-bay and was able to get my bicycle back from the pawn shop within a couple of days. Having had bicycles stolen in other cities, no other PD cared about retrieving stolen bikes. Denver's PD is special and I appreciate the care they have for their citizens. My commendation is for the Denver PD and the detective for jumping on the case expeditiously, without bureaucracy. It's the little things that count. Thank You.

A Sample of Awards Given to Officers by the Denver Police Department in 2006:

“The Medal of Valor is awarded to members who distinguish themselves conspicuously by extraordinary heroism.”

A DPD Corporal was on routine patrol when he was flagged down by a party saying that he had just been assaulted and robbed by several suspects, one of whom was armed with a handgun. The victim pointed out the armed suspect to the Corporal. A foot chase ensued, during which the suspect pointed a loaded pistol at the Corporal. The Corporal opened fire with his duty weapon, striking and killing the suspect. The Corporal is commended for his bravery and gallantry in the presence of extreme danger.

A DPD Officer was working off duty monitoring the crowd leaving the MGM Bar. He heard what he believed to be gunshots emanating from the area of the 800 block of South Wolf Street. He walked through the parking lot and observed two parties involved in a gunfight, one of whom was shooting “wildly” in the direction of a crowd. Realizing that one of the bullets might hit an innocent person in the crowd or penetrate one of the houses on the block, the Officer immediately yelled “Police! Police!” at the gunman who was firing at the crowd. When the gunman didn't stop, the Officer fired a single shot at the gunman. The suspect ran towards the Officer with the gun still in his hand, the Officer fired again. The suspect dropped to the ground and the Officer immediately ceased firing. The Officer approached the suspect, placed him in handcuffs, and secured the suspect's revolver. The Officer is commended for his quick response to a shooting in progress. The calm, professional, and decisive manner in which the Officer put an end to this serious and dangerous situation by immediately placing himself in harms way, undoubtedly kept an innocent bystander from serious injury or death.

“The Distinguished Service Cross is awarded to members who are cited for gallantry. The heroic act rendered the officer conspicuously well above the standard expected.”

Two DPD officers were involved in a high-speed pursuit with an armed Kidnapping and Robbery suspect. The pursuit continued for several minutes while the suspect made desperate attempts to elude the officers. The suspect crashed through a fence into a parking lot. The suspect then drove toward the officers, who were now on foot, in an attempt to run them down. One Officer fired shots at the suspect which caused the car to swerve and crash into a pole. The other Officer risked his life to pursue and capture the suspect and his actions were above and beyond the call of duty.

A DPD Officer and multiple other officers are commended for their fearless pursuit of four armed and dangerous suspects who fired on the Officer. The officers’ quick actions and superior tactics resulted in the identification and arrest of four dangerous gang members who displayed no regard for anyone with this violent, senseless act. The officers’ clear thinking defused the situation while preventing any additional victims. In effect, these officers fulfilled the Denver Police Department Mission statement: to protect and enhance the quality of life for the people of Denver.

Two DPD officers initiated a traffic stop at 38th and Hudson. The suspect was removed from the vehicle and searched for Officer safety. The suspect tried to flee the scene and was grabbed by an Officer. The suspect yelled that he had a gun and reached for his waistband. Both Officers were able to take the suspect to the ground and controlled his hands. The suspect did not comply with verbal orders and was struck twice in the face by an Officer before he quit fighting. A loaded .22 caliber revolver was recovered. Both officers acted with gallantry to quickly end a deadly encounter.

Two DPD officers responded to the 8th Avenue viaduct where they observed a hysterical woman who was preparing to jump off the railing thirty feet above the ground. The officers were able to get within an arms reach while talking with the woman. At that moment the woman jumped but the officers caught her by both arms and were able to pull her back over the railing without injury, undoubtedly saving her life.

“The Life Saving Award is awarded to members who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no danger to the officer’s life.”

A DPD Officer and multiple other Officers responded to 15th and Market Streets on a report of a jumper. Upon arrival, an Officer made telephone contact with the party and determined that the individual wanted to jump because he was upset about an incident with his girlfriend. After extensive negotiations, DPD officers convinced the party to go with the police. However, as two officers prepared to take the party into custody, the party changed his mind and turned and attempted to lunge off the roof. The two officers grabbed the party and prevented him from jumping. Without the officers’ quick and decisive actions, the party would have likely jumped to his death.

Two DPD officers were dispatched on a welfare check. The officers contacted a party who related that she had not been able to contact her daughter who was a diabetic and lived alone. The officers received no answer at the daughter's apartment and concerned about her health, pried open a window and entered. The officers found the woman unconscious in her bedroom, moved her into the living room and called for paramedics. They then took steps to maintain her consciousness and kept her airway open. Paramedics stated that had the officers not provided medical attention, her condition would have been fatal, as she was in insulin shock.

DPD officers responded to a call involving a male who was off his mental health medication. This victim, who was completely naked, had broken out his bedroom window, crawled outside onto the roof of the house and was jumping between roof tops. This victim cut his brachial artery and was covered in blood. The victim was unresponsive when officers attempted to talk with him. An Officer, using his CIT training was able to get the victim's attention and start a dialog. Two other Officers knew they needed to do something before the victim fell off the roof from loss of blood, hypothermia, or an unsuccessful jump between roof tops. The Officers voluntarily got into a bucket/cherry picker and made their way up to the roof top. With the coordinated efforts of these three Officers, the victim made his way to the bucket and was safely taken off the roof and into the care of paramedics.

A DPD Officer was patrolling northbound Federal when he observed an individual on the overpass above I-70. The individual had climbed up on the guard rail and was almost over the top where she could jump onto the lanes of traffic below. The Officer approached the individual and was able to grab her and pull her out of danger. She was crying and indicated that her life had been spinning out of control. The Officer talked with her and she agreed to cooperate with medical personnel. The Officer placed himself at risk in order to pull the individual from the bridge railing and bring her to safety. He showed a great deal of empathy and understanding in talking with her, allowing her to vent, and obtaining her cooperation in seeking medical and psychiatric attention. The individual expressed gratefulness to the Officer for preventing her from harming herself.

A DPD Officer responded to a call of a suicidal party. The Officer observed an individual walking in the number three lane of northbound Speer Boulevard over Interstate 25. The Officer aired his findings and location over the radio, noting that the individual was walking towards the ledge. The Officer attempted to contact the individual before he could get to the ledge; however, the person ran to the guard rail and attempted to jump over the rail onto I-25. The Officer grabbed the individual who was climbing over the ledge. Struggling with the person, the Officer held onto him while two other officers arrived and assisted the Officer with pulling the individual back across the railing. The distraught person was taken into protective custody and placed on a Mental Health Hold. All three officers were in extreme danger of being dragged across the ledge as they struggled with the individual. If not for the efforts of all three officers, the individual would have succeeded at jumping over the railing and one or more of the officers would more than likely have been seriously injured or killed.

DPD officers responded to the Millennium Bridge in Lower Downtown where a distraught young lady was threatening to jump to her death. Upon arrival, a DPD Officer immediately established a dialogue with the girl. The girl was very upset and at one point nearly jumped off of the edge of the bridge. The officer was able to calm the girl and convinced her that the police were there to get her the help she needed. After some tense negotiations, the girl agreed to come back off of the ledge and she was safely taken into protective custody. The Officer's calm demeanor, professionalism, and excellent crisis intervention skills undoubtedly saved this young girl's life.

A DPD Officer just finished his shift and was off-duty, in uniform at Presbyterian St. Luke's Hospital for an appointment. The Officer was contacted by hospital security guards as he approached the entrance. They informed him that there was a suicidal patient threatening to jump off the roof. The patient had broken a window on the 7th floor, climbed out onto the roof, scaled a fence and stepped onto a ledge. The Officer, who is CIT trained, recognized the need for an immediate response to the situation and went up to the roof and approached the patient cautiously. He learned that the patient was upset over a number of problems in life, was extremely agitated, and threatened to jump several times. The patient became very nervous when fire personnel attempted a rescue. The Officer convinced fire personnel to move back and worked quickly to regain the patient's confidence. After a lengthy conversation, the Officer was able to regain the trust and confidence of the patient. The patient agreed to come in off the ledge. Due to the Officer's outstanding verbal skills, a tragic conclusion to this event was prevented.

A DPD Officer (#1) responded to 11th and Xenia after another Officer (#2) had called for help. Upon his arrival, Officer #1 saw that the suspect was already in custody, lying on his stomach and still struggling. The suspect was yelling and had to be held on the ground. Officer #1 switched places with Officer #2 who was holding the suspect on the ground. Officer #1 asked the suspect if he was okay and didn't get a response. Officer #1 rolled the suspect over and realized the suspect did not have a pulse and was not breathing. Officer #1 took off the handcuffs and began chest compressions while Officer #2 began rescue breaths. After doing CPR for a few minutes, the suspect had a pulse and began breathing on his own. A short time after this, the suspect stopped breathing again and once again had no pulse so CPR was started again. A third Officer arrived and took over rescue breaths for Officer #2 who became tired. Once the paramedics arrived they relieved the officers and continued CPR preparing the suspect for transport.

A DPD Officer responded to East Exposition Avenue and Garfield Street on report of a female trapped inside a vehicle that had fallen into a large sink hole. The Officer observed the vehicle was quickly sinking and water was rising at an extreme rate with great force and pressure. The Officer reached to help the woman and immediately fell into the hole, completely underneath the surface of the water. He pulled himself to safety and focused his attention back to the woman trapped in the car and pulled her through an open window. The Officer is to be commended for this brave and heroic action.

Three DPD officers responded to the Driftwood Motel, 1443 Oneida Street, to arrest a wanted felon. Officer #1 entered the motel room and was immediately attacked by a pit bull dog. The Officer had no time to react as the dog lunged onto his left arm and forced him to the ground, causing him to lose control of his handgun. Officer #2 grabbed Officer #1 and pulled him to safety, while officers #2 and #3 fired their handguns at the dog, stopping the attack. These officers acted with extreme professionalism and courage during a most dangerous situation.

Four DPD officers responded to an auto theft in progress. The situation escalated to a barricade, then a foot chase, and a second barricade at the suspect's residence. The suspect, who was determined to have a mental disability, assaulted his mother, threatened the officers, and armed himself with a 10" knife. Officers eventually forced open a door and deployed pepper spray which incapacitated the suspect long enough for the officers to take him into custody without injury.

A DPD Lieutenant was working off-duty when he observed a male fall to the ground and begin to have seizures. The Lieutenant called for an ambulance and checked the man for vital signs. Upon finding no pulse, the Lieutenant began to administer CPR to the victim. A Lt. directed a civilian to assist in the CPR process. A second DPD Officer arrived on the scene and took over for the civilian and he began to administer chest compressions while the Lieutenant continued mouth to mouth resuscitation. Upon the arrival of the paramedics the victim was treated with a defibrillator and a pulse was restored. In medical situations such as this timing is extremely critical. These officer's quick actions undoubtedly saved this man's life. This person has recovered from the heart attack he suffered.

A DPD Officer responded to the area of W. Alameda Ave and I-25 to conduct a welfare check on a party observed climbing on the railing over the highway. The Officer contacted a male party sitting on a small platform at the far edge of the highway sign over I-25, his legs dangling over the northbound lanes of traffic. The party was observed cutting his wrist with a knife and was threatening to jump. Utilizing skills learned in CIT training, the Officer engaged the despondent party in a conversation. After establishing a rapport with the party, the Officer was able to convince him to come back from the edge of the sign and move towards the railing. Eventually, the Officer was able to persuade the party that help was available to him, and he allowed himself to be assisted back over the railing onto Alameda Ave. by officers. Through exceptional verbal skills, sensitivity and compassion, the Officer saved the life of a despondent, suicidal, party.

A DPD Officer noticed a crowd gathering in the parking lot on Federal Boulevard. He stopped to check on this group and found that a very young child was in full cardiac arrest. The Officer took the child from his mother, called for an ambulance, and successfully administered Cardio-Pulmonary Resuscitation. The Officer displayed exceptional knowledge and calm behavior while caring for this toddler. Undeniably, the Officer actions saved the child's life. Denver Health Medical Center Paramedics complimented the Officer's life saving skills and confirmed that his efforts saved the young child's life.

A DPD Officer and other District 5 officers responded to E.. 48th Ave. on a disturbance. Officers arriving there heard a man screaming. They located him upon a light pole and found him acting irrationally. In talking with the man, the officer learned that he was having problems and that he had consumed various illegal drugs. The man said he wanted to see God and threatened to jump. Another officer talked him into taking a bottle of Gatorade. This distraction enabled the officers, onboard two fire trucks, to move close to the man. The officers were able to reach out and grab the man and bring him down safely.

Two DPD Officers responded to a domestic violence call. Upon their arrival, the officers observed a large blood trail which led to the victim who stated that he had struck the suspect in the head with a bottle. Witnesses said that the suspect jumped out of a 6' x 6' window and fled on foot. The officers followed another blood trail locating the suspect hiding next to a creek under a tree. Due to the loss of blood, the suspect was unable to comply with the officers instructions. The officers requested an ambulance. Ambulance attendees stated that if the officers had not found the suspect, the suspect would have bled to death as the result of his injuries.

“The Purple Heart is awarded to members who are killed, seriously wounded, or seriously injured in the performance of an official action.”

A DPD officer contacted an occupied stolen vehicle. The driver of this vehicle accelerated and turned toward the officer, trapping his head between the door frame and roof of his patrol car. The driver of the stolen vehicle continued to accelerate with the officer helplessly trapped, pushing his patrol car sideways across the street about 5 feet. The officer's lower front teeth were being pushed back and into the door frame leaving teeth marks in the metal door frame. Additionally, the officer's ballistic vest and trauma plate were shoved into his neck causing a life threatening injury to his trachea.

Three DPD Officers responded to a motel to arrest a wanted felon. One Officer entered the motel room and was immediately attacked by a large pit bull dog that lunged onto his left arm and forced him to the ground. The officer required emergency medical treatment and surgery for his severely injured left arm and hand. Despite his serious injury, the Officer displayed the highest degree of composure and professionalism.

A DPD Officer sustained a cut to his finger from his handcuffs while arresting a combative suspect. The innocuous cut turned gangrenous within days. A career-threatening surgery was performed, saving his hand. After an extended rehabilitation, the Officer returned to duty and on his own initiative was able to secure a surplus autoclave from Denver Health Medical Center for use by District Six officers to sanitize their handcuffs.

A DPD Officer was responding to a robbery in progress when he was broadsided and immediately knocked unconscious. As a result of the accident, he was hospitalized for 3 ½ weeks, several of those days were in intensive care. Some of the injuries sustained were: a fractured left femur, fractured pelvis, ruptured spleen and collapsed lungs. The Officer has been working hard to rehabilitate and is expected to return to full duty.

2006 Citizens Appreciate Police Awards

A Corporal was recognized for her follow-up on an initial call of a welfare check of an elderly woman who had not been answering her door. Upon further investigation it was discovered that the living conditions were inhumane, the elderly woman was found lying on the floor, severely incapacitated, but alive. An ambulance was called and the Corporal, on her own initiative, contacted Denver Health and Human Services in an attempt to gain some type of assistance for the elderly woman. The Corporal followed-up her original call and learned that the elderly woman was going to be hospitalized for a considerable period of time for her many physical and emotional ailments. The Corporal continues to check on the residence periodically during her normal workday. A neighbor also thanked the Corporal stating that, "Due to your intervention, she (the elderly woman) was taken to a nursing home where she got medical treatment, PT (physical therapy) and counseling."

Three officers were recognized for their involvement in the 8th Annual Read-Across-America Day and Dr. Seuss Day at Del Pueblo Elementary School. The officers created connections and continue to build positive relationships with the students.

Two officers were recognized for their involvement with the Law Enforcement Advocates (LEA) to the Denver Youth Development and Family Drug Courts since 2004. The courts respectively serve the mentally disabled and substance abusing juveniles and parents with non-violent criminal petitions. While the officers are compensated for their work, both have put in a significant amount of their personal time and resources. The officers frequently spend their own time with clients on weekends, and have gone above and beyond the call of duty to reward youth with items such as sporting equipment, meals, and fishing trips. The law enforcement advocates have become so popular that the program is now receiving clients requesting to be paired with the officers.

An officer was recognized for his assistance and compassion for a female Domestic Violence victim, who had been shot in the face with a shotgun. The Officer rode in the ambulance with the victim to Denver Health Medical Center. Several times while en-route to the hospital, the victim faded in and out of consciousness. The Officer's constant encouragement kept the victim awake and focused until they arrived at the hospital. The Officer was able to elicit crucial information from the victim concerning suspect information and key points related to evidence at the scene. Because of the level of professionalism that was displayed on this night and the attention to detail, the Officer provided the foundation necessary for the assigned investigator to do his job and complete the case.

An officer responded to a call of a possible poisoning of a Seeing Eye dog. Upon her arrival, she observed that the dog had trouble standing on her haunches and took the dog to a veterinarian. The dog was diagnosed with a urinary track infection requiring a ten-day course of medicine. A bystander at the clinic donated money to help pay the bill after hearing of the incident. The Officer paid the remainder of the dog's medical bill since the owner could not afford the medical expenses. The dog's owner credits the Officer for saving the dog's life.

An officer assigned to the Airport Bureau was recognized for her assistance to a 77 year old assault victim who is an employee at DIA. The Officer noticed his swollen lip and asked what had happened. The victim explained that he was assaulted and robbed of \$35.00. The Officer was able to collect over \$80.00 to assist the victim and gave the victim a ride home each night after work to the bus stop or his residence to make sure he was safe. The Officer did this using her own time and personal vehicle. The Officer continued to assist him in this manner until the victim was able to transfer to a day shift assignment.

Two officers were recognized for their intervention of a youth involved in a gang. The officers played a very large role in getting the juvenile to leave behind the “project/gang” mentality. There were some pitfalls along the way, but the officers kept him on track. The continued to mentor the youth; and to the youth’s credit, he has received a full scholarship and is attending college.

An Internal Affairs Bureau Sergeant was recognized for assisting a senior citizen in purchasing a windshield. While handling a community member complaint, the Sergeant learned that an elderly woman in the community had been advised by a District Sergeant that she could get a ticket for having a broken windshield on her car. This senior citizen became so concerned that she applied for senior assistance, only to find out that they could only help her with heat and rent concerns. The citizen even contacted her church, however, they did not have money to assist her. Ultimately, the Sergeant used her personal funds to have the windshield fixed.

A technician was recognized for assisting a high school senior with her graduation fees. The student learned that she owed \$150 just days before graduation. The Technician told her to pay as much as she could and he would pay the rest. The Technician made up the difference, and paid \$100 to help the student. The student expressed her gratitude in a letter, conveying that, she will be forever thankful. She also related that in her freshman year, the Technician cited her for fighting near school. She never held the incident against him and over the years she sought advice from him and learned how to properly handle arguments with her classmates.

Sheriff Department

There were 108 commendations and awards given out by the Denver Sheriff Department in 2006. As indicated in Table 8.3 the most frequent awards occurred for supervisory commendations (23.1%) followed by commendations (18.5%) and community service awards (13.9%).

Definitions for some of the departmental awards are provided in Table 8.4.

TABLE 8.3 COMMENDATIONS RECEIVED BY DSD EMPLOYEES BY YEAR (DSD 2006)		
COMMENDATION	YEAR	
	2005	2006
Supervisory Commendation column %	27 24.5%	25 23.1%
Commendation column %	21 19.1%	20 18.5%
Community Service Award column %	17 15.5%	15 13.9%
Outstanding Service column %	11 10.0%	10 9.3%
Outstanding Performance column %	5 4.5%	5 4.6%
Employee of Quarter column %	4 3.6%	4 3.7%
#1 Academic Award column %	3 2.7%	3 2.8%
#1 Defensive Tactic Award column %	3 2.7%	3 2.8%
#1 Physical Fitness Award column %	3 2.7%	3 2.8%
Most Improved Physical Fitness Award column %	3 2.7%	3 2.8%
Top Gun Award column %	3 2.7%	3 2.8%
Valedictorian column %	3 2.7%	3 2.8%
Academy Medal column %	2 1.8%	3 2.8%
Security and Safety column %	2 1.8%	
Merit Award column %	1 0.9%	2 1.9%
Life Saving Award column %	1 0.9%	5 4.6%
Purple Heart column %	1 0.9%	
Medal of Valor column %		1 0.9%
TOTAL	110	108

TABLE 8.4 DSD COMMENDATION TYPES AND DEFINITIONS	
Community Service Award	Awarded to an employee who sacrifices his/her time and expense, contributes a successful program to the community, or who performs an act to improve Sheriff-Community relations.
Merit Award	Awarded to an employee who, through personal initiative develops a program or plan which contributes significantly to the Department's objectives, goals, and morale.
Purple Heart	Awarded to an employee who is killed or seriously injured in the performance of their official duties.
Commendation	Awarded to an employee for specific actions or the performance of duties/services.
Supervisory Commendation	Awarded to an employee by a supervisor for specific actions or the performance of duties/services.
Life Saving Award	Awarded to an employee who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no immediate danger to the officer's life.
Academy Award	Awarded to a graduate from an academy class who has exemplified a commitment to excellence and professionalism through their distinguished performance during the academy.

A Sample of Commendations Received by the OIM Regarding the Denver Sheriff’s Department (provided by Major Phil Deeds, DSD)

On 11/21/2006 at approximately 8:40PM I phoned the inmate information line regarding my son. The officer who answered my call was prompt, friendly, and answered all my questions. I regret I did not get her name. If you can research your call logs to find who took my call, please tell her I very much appreciate the manner in which she handled my inquiries. Thank you for the work you do in our community!

As a citizen and a taxpayer, I feel it is my responsibility to make you aware of the handling of my situation by a Denver Sheriffs Department Deputy. Early one September morning, my son was arrested and booked for a misdemeanor in Denver. This was a very emotional and upsetting time for not only my son but also our entire family. Due to the CU—CSU football game and the number of arrests that your officers were handling, the facility was overbooked and very chaotic at times. I spent approximately 11 hours in and out of your facility with the Sheriff’s Deputy. Not once did I detect the Deputy losing his patience and/or humor. For many of us waiting on our family members, this was a new experience and we were scared. The Sheriff’s Deputy was gracious, informative, and very professional while conducting a variety of duties from answering the phone, providing information to people standing at his window, and processing information from the Bond Clerk. The Sheriffs Department should be proud and honored to have this particular Deputy representing the City of Denver. I would appreciate you sending my appreciation to the Deputy for his dedication and service to our City. Thank you.

I am commending an employee of the Denver County impound lot. The woman that I would like to commend is the person that drives you back to view stolen cars. She was working on the night of Monday 03/06/2006. I can hardly imagine, since this was my first time, what it must be like to deal with traumatized people who are victims of theft on a day to day basis, but this young woman made our trials and tribulations a bit more tolerable by allowing three of us to visit for a few moments the stolen car. I hope that in the future that the young woman that I am commending will be promoted in the Denver Sheriff's Department for her consideration for the public she serves. Thank you all for your public service, and a special thanks to all of you who show compassion for victims while you deal with these most uncomfortable situations.

A Sample of Awards Given to Deputies by the Denver Sheriff's Department In 2006:

"The Community Service Award" is awarded to an employee who sacrifices his/her time and expense, contributes a successful program to the community, or who performs an act to improve Sheriff-Community relations.

A DSD employee organized a group of DSD employees to participate in the Chinese/Vietnamese New Year by teaching them traditional dances, ceremonies, and the meaning of the celebration. This led to the dance troupe performing at 26 venues between January 28th and 29th. The employee is given this award for introducing the Denver Sheriff's Department to the Asian community.

Nine DSD Deputies were recognized for their service to the Latin American Education Foundation. The Deputies have participated in the La Ley Thanksgiving and Christmas food basket programs and scholarship fundraisers.

A DSD Deputy was recognized for purchasing Christmas gifts for low income students at Schenck elementary school.

A DSD Deputy was recognized for his service to youth baseball in Denver. The Deputy has volunteered his time to teach baseball and sportsmanship to Denver's youth.

Two DSD Deputies participated in the Citizen's Police Academy for the Russian community. This program was requested by the United States Department of Justice to reach out to new immigrants from the former Soviet Union to help them understand the mission and function of American Law. The Deputies contributed to the coordination of the classes and language translation.

"Merit Award" is awarded to employees who, through personal initiative, developed a program which contributes to the Department's objectives, goals, or morale.

A DSD Deputy has organized blood drives for the Bonfils Blood Center for the past ten years. The Deputy has organized the days, times, and locations for the blood drives.

A DSD Deputy spent countless hours designing new Sheriff Department uniforms, as well as, new graphics for Department vehicles.

“Distinguished Service Medal is awarded to employees who, under critical or hazardous conditions, show bravery and perform their duties in an outstanding manner.”

Two DSD employees were recognized for 39 years of service in the Sheriff’s Department. Both employees worked their way up through the ranks to obtain management positions. The employees have developed many programs within the Department and have held various positions in local, state, and national associations. They were also instrumental in the development and approval for the building of the new justice center.

“Lifesaving Award is awarded to a Deputy or support staff who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person, and there is no immediate danger to the officer’s life.”

A DSD Sergeant responded to a despondent inmate who was threatening to jump off the top tier of the stairs in one of the jail housing units. The Sergeant instructed officers to put down mattresses on the floor and to silence the other inmates. The Sergeant was then able to talk with the inmate and get close enough to grab the offender to prevent him from jumping.

While driving home from work, two DSD Deputies observed a vehicle accident on I-270. The Deputies exited their vehicle, at great risk to their personal safety, and rendered assistance to the occupants of the accident vehicle. The Deputies remained at the scene until help arrived.

A DSD Deputy, while working in the special management unit of the County Jail, has prevented 21 possible suicide attempts.

A DSD Deputy noticed an inmate choking on some food in the jail dining room. The Deputy performed the Heimlich maneuver on the inmate and was able to dislodge the food from the inmate’s air passage. The inmate was then able to breathe on his own.

“Medal of Valor is awarded to employees who perform acts of bravery or receive personal injuries from inmates or other while performing their duties. The actions of these employees exemplify the highest standards of public service and deserve our recognition and honor.”

In August 2005, a DSD Deputy was conducting an eviction and was handed a live pipe bomb. The Deputy recognized the seriousness of the situation and reminded himself to remain calm. He placed the bomb in a safe/secure place and immediately evacuated the apartment unit of all occupants.



DENVER
THE MILE HIGH CITY

CHAPTER 9

OUTREACH

Helping People through the Process

The OIM seeks to make filing a citizen complaint against a public safety officer or a citizen commendation on behalf of a public safety officer as easy as possible. Although the OIM does not and should not try to artificially generate complaints, neither does the OIM intend to allow unnecessary impediments to the complaint process. Thus, members of the public can file on-line via e-forms found on the OIM website (www.denvergov.org/oim) and through printed brochures and forms located throughout Denver, which are self-addressed and have pre-paid postage (see appendix to Chapter 2- Complaint Handling Process for a list of distribution locations).

The OIM thanks Denver's City Council members, all of whom have agreed to allow the OIM's complaint/commendation forms to be made available permanently at their offices. In addition, the public can call our office and request to be mailed or faxed a form. The OIM seeks to make it just as easy to file a commendation on behalf of an officer or deputy as it is to file a complaint. We forward any commendations received to the Officer's supervisor as well as Internal Affairs, and we publicize commendations in our annual reports.

The Community Relations Ombudsman position was created to assist community members in navigating through the complaint handling process and to provide information and referral when appropriate. Information and referral might consist of a referral to the Denver Sheriff Department's Impound Division or to the Denver Police Department when someone needs to fill out a report for a lost or stolen item. However, the work of the Ombudsman can consist of more complex communication in order to meet a community member's needs.

OIM & the DSD Working to Improve Processes for Victims of Auto Theft:

The OIM received a complaint from a woman whose car was stolen. When she retrieved her vehicle, she learned that it had acquired several tickets while abandoned. The process for clearing her record was cumbersome, and she asked if the City could devise a better way to handle these kinds of situations. Although the complaint was outside of the OIM's jurisdiction, we recognized that the complainant had valid concerns. The OIM facilitated communication between the City's Parking Magistrate, Parking Enforcement, and Sheriff Department to identify stolen vehicles and alert the owner sooner, and automatically clear the tickets acquired during the time the vehicle was stolen with virtually no effort on the part of the victim.

OIM Ombuds Work Assisting a Non-English Speaking Complainant:

A Spanish-speaking complainant called the OIM because he had been involved in a traffic accident a week earlier. He was unable to retrieve his license, insurance, and registration documents from the Officer before being taken to the hospital, and he also needed a copy of his accident report. The Ombudsman contacted the involved Officer and learned that the Officer had already mailed the driving documents to the complainant. Also, the Ombudsman explained the process for obtaining an accident report to the complainant, who successfully obtained the necessary report.

Community and Law Enforcement Outreach

The Independent Monitor and the Community Relations Ombudsman have met with over 100 community-based organizations, non-profits, service providers, faith-based organizations, activist groups, neighborhood associations, government stakeholders, and interested individuals since August of 2005, when the office opened. By talking to those who live and work in Denver, the OIM stays connected, gaining a better understanding of community concerns and priorities. The Ombudsman aggressively pursues meetings with all groups of people in the City of Denver with an interest in policing issues in order to ensure that the services of the OIM are accessible to all. A complete listing of the organizations contacted in 2006 is provided at the end of this chapter. If you or your organization is interested in meeting with our agency, please contact us.

The OIM also conducts a significant amount of outreach with the Police and Sheriff Departments. Just as our office listens to the community and responds as appropriate, we must also establish open communication with law enforcement in order to make effective and fair policies recommendations and refine existing ones.

Additionally, the Independent Monitor and his staff observe training at the Police and Sheriff Academies in order to better understand how officers are instructed in various law enforcement principles and practices, including the use of deadly force and less lethal force, DPD's new training on biased policing and racial profiling, the deployment of Tasers, and, Crisis Intervention Team (CIT) training. Furthermore, Monitor staff spends time with individual officers by participating in ride-alongs, accompanying school resource officers in Denver's High Schools, touring Denver's jails, and meeting with Officers of varying ranks in small groups in both Departments.

Why should we Care about Police/Community Relations?

The health of police/community relations, or in some cases the lack thereof, brings with it very real and quantifiable consequences. When people hold negative perceptions of police (whether justifiably or not), members of the community are:

- Less likely to alert police when crime is occurring;
- Less likely to cooperate with investigations, preventing officers from solving crimes;
- Less likely to serve as witnesses, preventing successful prosecution of criminals;
- More likely to wait until it is too late to report crime;
- More likely to disregard the law thereby committing more offenses;
- More likely to disobey a lawful order by a police officer; and,
- Are more likely to assault a police officer.

See generally: "Fairness and Effectiveness in Policing: The Evidence," Skogan, W., & K. Frydler (2004), The National Academies Press; "Why People Obey the Law," Tyler, T. (2006), Princeton University Press; "Communication Accommodation: Law Enforcement and the Public," Giles, H., Fortman, J., Dailey, C., Barker, R., Hajek, V., Anderson, M.C., & Rule, N.O. (2006).

The following is an example of OIM's encouragement of community members to develop relationships with their local departments.

OIM Outreach to Disabled Community:

The OIM Ombudsman met with two organizations which serve members of the disabled community; Colorado Cross Disability Coalition and DOVE: Advocacy Services for Abused Deaf Women and Children. Both agencies identified concerns about some of the interactions that some of their constituents had experienced with members of the Police and Sheriff Departments. The OIM forwarded these concerns to the Chief of Police and the Director of Corrections. The Chief of Police assigned the Department's Crisis Intervention Team Program Administrator to meet with representatives of the agencies and prepare appropriate training bulletins for DPD personnel. In addition, the Director of Corrections provided valuable information which was passed along to the two organizations.

OIM Outreach to the Somali-Bantu Refugee Community:

The OIM Ombudsman helped facilitate a community workshop on safety between members of the Somali-Bantu refugee community and the National Crime Prevention Council that included DPD Community Resource Officers (Officers who conduct outreach for the Department) as well as service providers and community-based organizations. Local District Officers were responsive to the community concerns and have been meeting with these community members regularly throughout the year. As a result, the officers have reported seeing improvements in preventing and solving crime within this community.

OIM Outreach to Elementary School Students (As told by the OIM Community Relations Ombudsman):

I met with about a group of fourth and fifth graders at a Denver Elementary School during an after-school program and spoke to the children about the work of the Office of the Independent Monitor. After briefly explaining what our office does, several hands shot up to the ceiling.

One boy described an incident wherein his older brother and a friend were stealing cars. He explained that his brother was arrested and his brother's friend was shot and killed by the police.

Even though this incident did not occur in Denver, I took the opportunity to explain the OIM's Police Shooting Audit and our goal to help the Police Department reduce the risk of unnecessary deadly force incidents and noted that sometimes officers have no choice but to shoot people. That was when a girl raised her hand.

The girl explained how one of her relatives was killed by a gunman who later shot and wounded a Police Officer. The gunman was ultimately shot and killed by the police. She was validating the point I had made that sometimes officers have no choice but to shoot people who are dangerous.

The nine and ten year-olds asked several questions about what officers could and couldn't do, such as speed and go through red lights. Then, one boy raised his hand. "I think that sometimes police officers are racist. Do they get in trouble for being racist?" In my answer, I was able to use the opportunity to discuss our mediation program, which is potentially the best way to resolve most complaints about racial bias and harassment.

Finally, a girl noted, "My grandma says that sometimes officers don't get the discipline they deserve. Is that true? What do you think about that?" I explained that many people who believe that officers escape with a slap on the wrist are not aware of the facts because the discipline meted out to officers is confidential. I discussed our office's role in the disciplinary process and making it more transparent.

During my conversation with the children, I emphasized the humanity of officer, both the positive characteristics and the mistakes that we all sometimes make, in efforts to maintain tone and balance. We also talked about respectful and safe ways of interacting with police officers, such as not ever running away from officers and answering their questions honestly. The children had so much to say and so many questions that we ran out of time and the teacher had to cut them off. These are the kinds of thoughts and feelings about law enforcement that nine and ten year-olds are grappling with, and they are sophisticated indeed.

OIM Listserv

Because it is not possible to personally keep everyone informed, the OIM implemented a "listserv" to communicate with interested parties. The OIM uses the listserv to alert the community to significant events or news. Any person interested in being added to the OIM listserv can do so on the OIM website or by sending an e-mail to oim@ci.denver.co.us.

At the same time, we also recognize that not everyone has convenient access to the Internet. If you would still like to be alerted to the OIM's news and events but prefer to be contacted by mail or telephone, please call, fax, or write us.

The following are meetings and events that took place in 2006 with the OIM and various community and law enforcement organizations:

Community Groups

Denver Indian Center
FACEIT Coalition Meeting
Far Northeast Denver Pastoral Advisory Council
Full Circle Youth Coordinator and Black History Month Community Event
La Alma Lincoln Park Planning Group
African-American Voter Registration and Information Project
Domestic Violence Initiative for Women with Disabilities
Community Meeting- Somali Bantu/ACLU/National Crime Prevention Council
Coretta Scott King Memorial Service
Asian Pacific Development Center Staff
League of Women Voters
The Latino Initiative
Arts Street Youth and Leadership
Police Assessment Resource Center, Community Stakeholder Meetings
NAMI Denver (National Association of the Mentally Ill)
Colorado Broadcasters Association
Colorado Refugee Network Council
Mi Casa Resource Center for Women
The Gathering Place (Shelter for Women and Children)
Developmental Pathways (Service Provider for Developmentally Disabled)
Denver Center for Crime Victims Board meeting and Pitch Party
Far Northeast Denver Pastoral Advisory Council
Silent Athletic Club (Deaf Seniors)
Denver Commission for People with Disabilities, Deaf Community Event
Cherry Hills Vista Community Association
Cole Community Justice Center
Elyria/Swansea/Globeville Business Association
Overland Neighborhood Association
Disability Center for Independent Living
Centro San Juan Diego Parish
Colorado Commission of Indian Affairs
Rape Assistance and Awareness Program
Police Abuse Hotline Meeting
Cure d' Ars Catholic Church
Colorado Anti-Violence Program
Athmar Park Neighborhood Association
Community Resources Forum
Focus Points Family Resource Center
Master of Public Affairs Program Staff at University of Colorado at Denver
El Centro Humanitario
Colorado Cross Disability Coalition

Our Lady of Guadalupe Church Leadership
Victims' Services 2000 Network
DOVE: Advocacy Services for Abused Deaf Women and Children
Latino Ministerial Alliance
Denver Domestic Violence Coordinating Council, Recognition Ceremony
Administration of Justice Course (Auraria Campus)
Juvenile Services Planning Committee
Prodigal Son Initiative, Inc.

Outreach to DPD

Blue and You TV Program
Short Seven Training Video on Mediation

Meetings

Citizen Oversight Board Quarterly Public Forums and meetings
DPD Super Staff Meeting Training
La Ley Monthly Meeting
DRB Volunteer Citizen Board Member Meeting
District 3 SCAT Sergeants
PPA Board Meeting
Citizen Advisory Board, District 6
Community Advisory Board, District 5
SCAT Sergeants District One
Commander, Lieutenant, CROs, District 2
Citizen Advisory Board, District 3
Command Staff, CROs, SROs, & SCAT, District 4
Community Advisory Board, District 4
Community Advisory Board, District 1
Victims' Assistance Unit

Ride-Alongs/ Shadowing

School Resource Officer, East High School
School Resource Officers, Montbello High School
School Resource Officer, West High School
School Resource Officer, Tech. Parro at JFK HS
Ride Along District 3

Attendance at Ceremonies

NCNW (National Council of Negro Women) Awards
Donnie Young Memorial
Citizens Appreciate Police Award Ceremonies
King M. Trimble Community Service Awards
SWAT Recognition Ceremony
National Law Enforcement Fallen Officer Ceremony
DPD Quarterly Awards Ceremonies
DSD Academy Graduation and Promotion Ceremonies

Roll Calls

Roll Call SCAT Team District 6
District 6 SCAT Team Rampart Presentation
DPD Traffic Operations Roll Calls
District 6 Command Staff Rampart Presentation
Roll Call District 3
DPD Gang Unit Rampart Presentation

Training for OIM personnel

DSD In-Service Training
DSD PADF Supervisors Meeting
Tour of PADF (City Jail) and County Jail
Training on DSD Operations
DSD Academy Training (Tasers, Use-of-Force)
Tour of DSD Facilities and Operations at Denver Health Medical Center
DSD Academy, Shooting Simulation Training
Evening at PADF
Citizen Police Academy Class (Economic Crimes Unit and Racial Profiling)
DPD Academy, Alternatives to Deadly Force Training, Use-of-Force training)
DPD Academy, Search & Seizure- Arrest vs. Detention Training
DPD Academy, Verbal Judo/ Communications Training
DPD Academy, Ethnic Intimidation and Hate Crimes
DPD Academy, Biased Policing
DPD Academy, Community Policing
DPD Academy, Cultural Awareness
DPD Academy, Hostage Taking & Crisis Negotiation
DPD Academy, Officer Involved Shootings
SWAT and Active Shooter Training



DENVER
THE MILE HIGH CITY

CHAPTER 10

A REPORT ON TIMELINESS

One of the primary concerns for dealing with complaints is the ability to resolve those complaints in a timely manner. Improving the timeliness of complaint handling is a priority for the Office of the Independent Monitor (OIM).

Police Department

Table 10.1 compares case timeliness by the complaint type. The cases included in this table are those that were opened and closed between January 1, 2006 and December 31, 2006. Additionally, citizen-initiated complaints did not include those that were referred for mediation.

On average, citizen-initiated complaints were closed within 30 days compared to 47.9 days for internally-initiated complaints. Traffic accident cases took the fewest days, on average, to close at 26.3 days while failure to qualify with firearms took the longest—53.6 days.

COMPLAINT TYPE	Mean	Standard Deviation	Median	TOTAL
Citizen	30.4	37.4	17	302
Internal	47.9	54.7	27	140
Traffic Accidents	26.3	20.7	21	140
Failure to Appear--Court	32.3	23.7	30	89
Failure to Qualify-Firearms	53.6	22.0	50	15
TOTAL	38.9	43.1	27	686

Table 10.2 provides a description of the types of complaints received and the case status of those complaints by year’s end. This analysis includes those cases that were opened between January 1, 2006 and December 31, 2006. Additionally, citizen-initiated complaints included those cases referred to mediation.

Scheduled discipline cases (e.g., failure to appear in court, failure to qualify with a firearm, preventable traffic collisions, and photo radar tickets) had the highest closure rates, over 90% for Accidents, Court, and Firearms.

Comparing citizen-initiated complaints to internal complaints, other than scheduled discipline, shows citizen complaints with a higher closure rate at 83% compared to 75.4% for internally-initiated complaints.

COMPLAINT TYPE	CASE STATUS				TOTAL
	Closed	Open - Assigned	Pending Mediation	Deputy Chief Review	
Citizen row %	518 83.0%	92 14.7%	14 2.2%		624
Internal row %	144 75.4%	45 23.6%		2 1.0%	191
Traffic Accidents row %	143 95.3%	7 4.7%			150
Failure to Appear-Court Row %	92 92.0%	8 8.0%			100
Failure to Qualify-Firearms Row %	15 93.8%	1 6.3%			16
TOTAL	912	153	14	2	1081

Sheriff Department

Table 10.3 shows the case timeliness for cases closed in 2006. This analysis includes only those cases that were opened and closed between January 1, 2006 and December 31, 2006.

When considering all cases, the average number of days from open to close was 60.7 days with a median value of 33 days.

Citizen-initiated complaints took the fewest days, on average, to close at 46.3 days while employee-initiated complaints took the longest—90.6 days.

COMPLAINT SOURCE	Mean	Standard Deviation	Median	TOTAL
Citizen	46.3	53.3	30.5	62
Employee	90.6	72.1	77.5	20
Inmate	52.6	62.3	30	145
Management	74	69.1	55	15
Other	73.0	72	45.5	4
TOTAL	60.7	65.1	33	320

Table 10.4 provides the end of year cases status by complaint source for those complaints received in 2006. This includes all cases received in 2006.

Ninety percent (97%) of citizen-initiated complaints were closed in the same year they were received compared to 95.7% of inmate complaints, and 80.8% of employee complaints. Only 48.6% of management-initiated complaints received in 2006 were also closed in 2006.

COMPLAINT SOURCE	CASE STATUS						TOTAL
	CLOSED	OPEN-ASSIGNED	OPEN-REFERRED	PENDING-DISCIPLINE	SENT TO MANAGER	SENT TO DIV. CHIEF	
Citizen	66	5	2				73
row %	90.4%	6.8%	2.7%				
Employee	21	4			1		26
row %	80.8%	15.4%			3.8%		
Inmate	156	7					163
row %	95.7%	4.3%					
Management	17	15		2	1		35
row %	48.6%	42.9%		5.7%	2.9%		
Other	5	1					6
row %	83.3%	16.7%					
Unknown	75	9		1		1	86
row %	87.2%	10.5%		1.2%		1.2%	
TOTAL	340	41	2	3	2	1	389

Timeliness Issues Regarding IAB Investigations and Findings

The Monitor's Office identified issues relating to the lack of timeliness for cases that were still open at year's end.

- There were 169 Police Department IAB cases still open as of December 31, 2006. Of these cases, four were more than one year old. The oldest case was received in January of 2005.
- There were 49 Sheriff Department IAB cases still open as of December 31, 2006. None of these cases were more than one year old.

Unless there are exceptional circumstances, such as a pending criminal investigation or prosecution, no administrative case should ever see the one-year mark. A goal of the OIM program will be to eliminate this anniversary mark in the future for all cases except the most complex and serious or which involve exceptional circumstances.

Descriptions of Denver Police Department Cases Over One Year Old as of December 31, 2006:

- **Received:** January 25, 2005. **Summary of allegations:** The complainant alleges that officers used excessive force by cuffing his hands behind his back, instead of in front of his body, causing injury; a second complainant alleged that several containers of loose change were missing from the house where the first complainant was arrested. **Status:** The internal affairs investigation was completed and submitted to the District for findings. After a delay of several weeks, the investigation was returned by the District Commander to Internal Affairs for additional investigation. The additional investigation was not completed until December 21, 2006. **Status:** The case is pending findings by the involved Officer's Command.
- **Received:** March 2, 2005. **Summary of allegations:** An Officer alleged that a supervisor has engaged in a pattern of conduct involving racial discrimination and creation of a hostile work environment. **Status:** The investigation was initially delayed as the result of additional allegations made by the complaining Officer. After the initial investigation was completed, the complaining Officer made additional complaints that required further investigation and review and resulted in a delay in the completion of the investigation and review process. Pending further investigation as of the end of the year.
- **Received:** March 23, 2005: **Summary of allegations:** A Supervisor from another jurisdiction's Police Department complained about the behavior of two off-duty DPD officers while at a bar and involving drinking alcohol to excess. **Status:** The investigation into this case was untimely. The assigned investigator was promoted and transferred out of Internal Affairs. The assigned investigator forgot about the need to complete the investigation and Internal Affairs neglected to follow up on the status of the investigation. Upon being informed that this case was over one year old as of 12/31/06, Internal Affairs contacted the investigator, who completed the investigation write up within two weeks. **Status:** The case is pending findings by the involved Officers' Command.
- **Received:** December 12, 2005: **Summary of allegations:** An Officer was alleged to have committed acts of child abuse. **Status:** The case investigation was delayed as the result of the need of Internal Affairs to obtain expert assistance in order to appropriately resolve the case. A Disciplinary Review Board was conducted in January, 2007. The officer subsequently resigned from the Department.

Performance Measures

Timeliness of complaint investigations is one of the most critical elements of an effective complaint system. Delays can reduce the quality of investigations, discourage complainants, and frustrate officers with cases pending. Therefore, in an effort to monitor and reduce the amount of time that it takes to resolve citizen complaints, OIM has established a set of timeliness performance goals for each stage of the complaint process. This section reports on the timeliness of the individual stages of the complaint handling process.

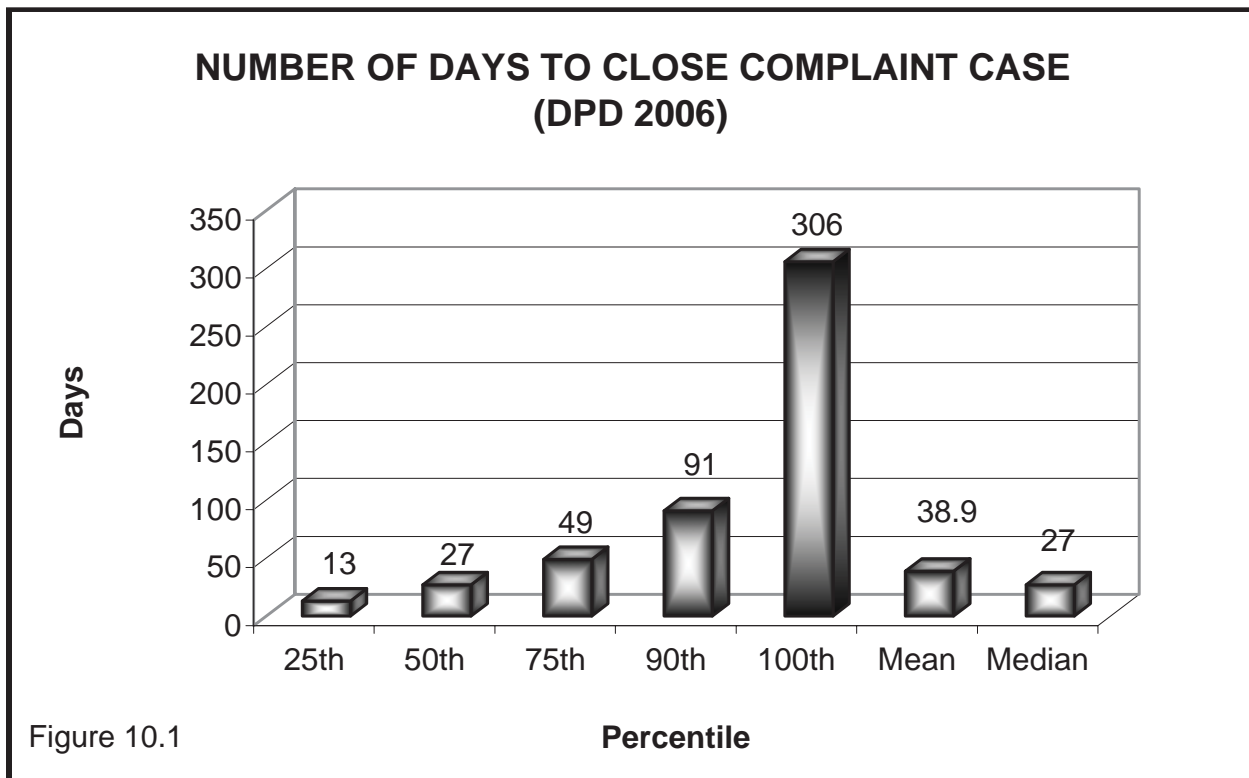
The analyses for the performance measures are based on cases that were opened and closed between January 1, 2006 and December 1, 2006 for both the Police and Sheriff Departments.

Performance Goal for Closing All Complaints

Police Department

Goal: Complete all complaints within 150 days of the complaint being received.

Figure 10.1 provides the analysis for this goal. Ninety percent of the cases closed in 2006 were closed within 91 days of the case being received with an average of 38.9 days. However, the goal of closing all cases within 150 days was not met. Approximately, 3.3% of the complaint cases took longer than 150 days to close with one case taking 306 days.

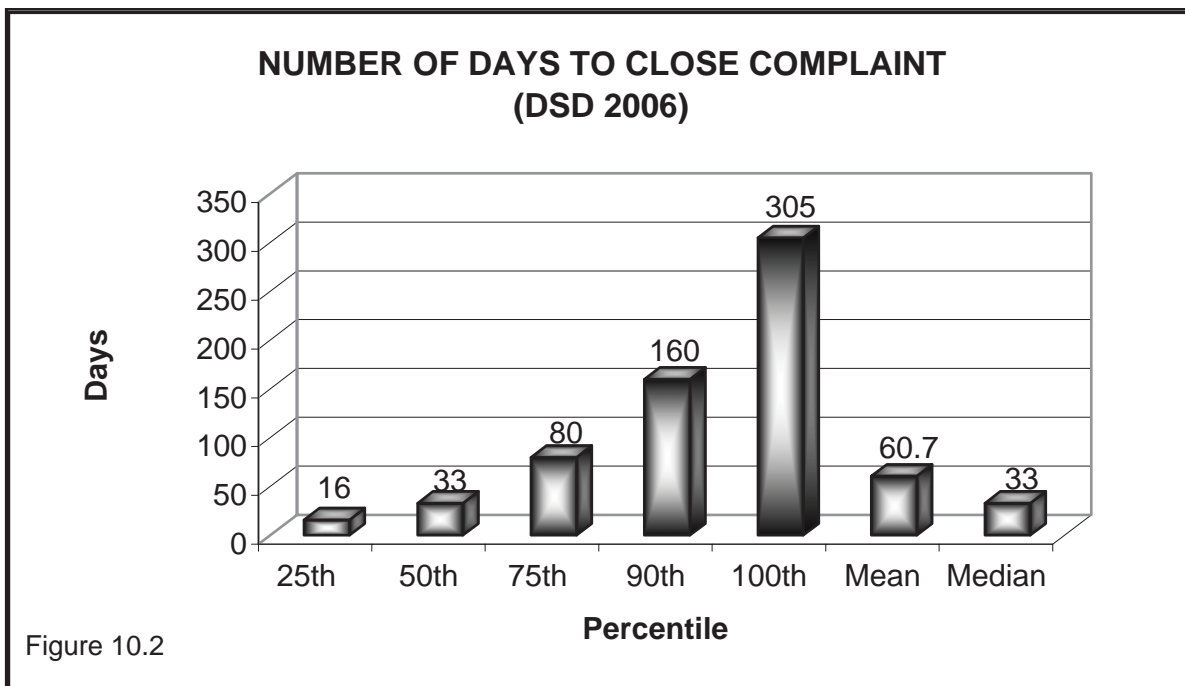


Sheriff Department

Goal: Complete all complaints within 85 days of the complaint being received.

Figure 10.2 shows that DSD did not meet the performance goal. Seventy-five percent of the cases closed in 2006 were closed within 80 days of the case being received; however, 23% of the cases took longer than 85 days with one case taking 305 days to complete.

In response to the Department's inability to meet its timeliness goals, the Director of Corrections requested and received approval to increase the staffing in Internal Affairs to include two additional Sergeants as of the end of 2006. It is hoped that this increased staffing will help DSD meet its performance goals for all aspects of complaint handling.



Performance Goal for Intake Investigation

The measure used to assess the amount of time it takes to complete an intake investigation comprised the number of days between the date that the case was received and the date the case was assigned. This measure was used for both DSD and DPD.

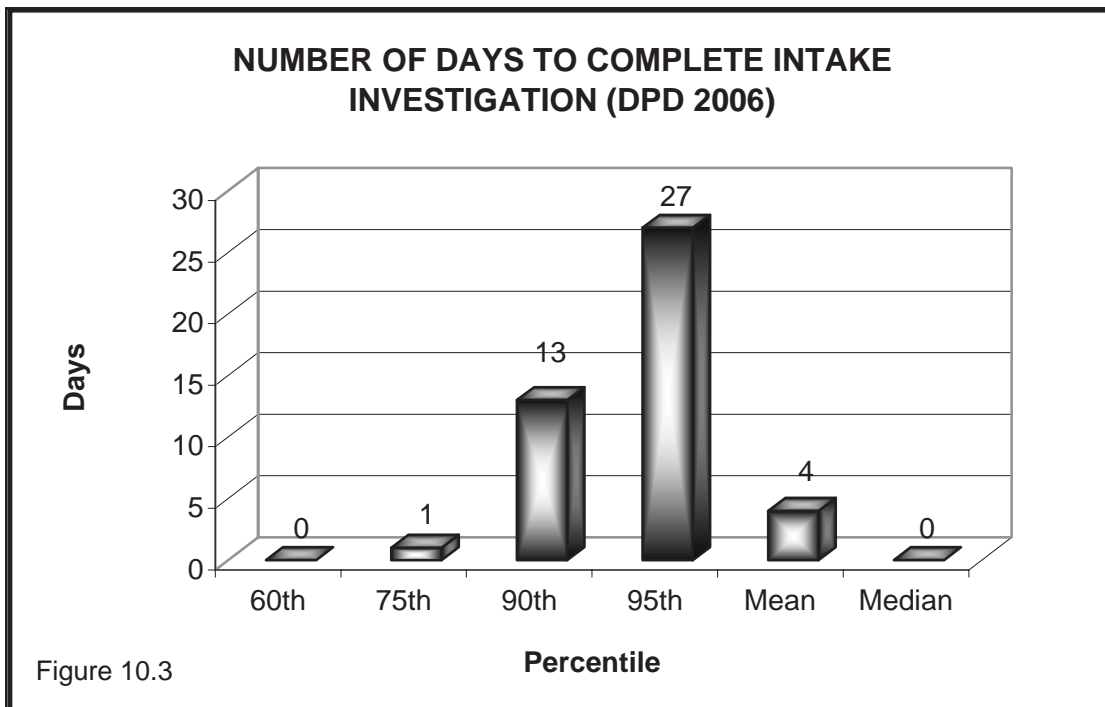
Police Department

Goal: Complete 60% of intake investigations within 14 calendar days of the complaint being received and 90% within 21 calendar days.

This analysis only includes those cases that were assigned as either formal or informal cases; declines were excluded from the analysis.

As shown in Figure 10.3, DPD met the intake investigation goal. Specifically, 60% of intake investigations were completed on the same day the complaint was received and 90% were completed within 13 days.

Seven percent of the intake investigations took longer than 21 days with one case taking 127 days.



Sheriff Department

Goal: Complete 60% of intake investigations within 14 calendar days of the complaint being received and 90% within 21 calendar days.

Figure 10.4 shows that DSD met the performance goal for intake investigations with 60% of the cases being assigned within one day of being received. Ninety-percent of the cases were assigned within four days of receiving the complaint.

Only two cases took longer than 21 days to assign with the longest being 217 days.

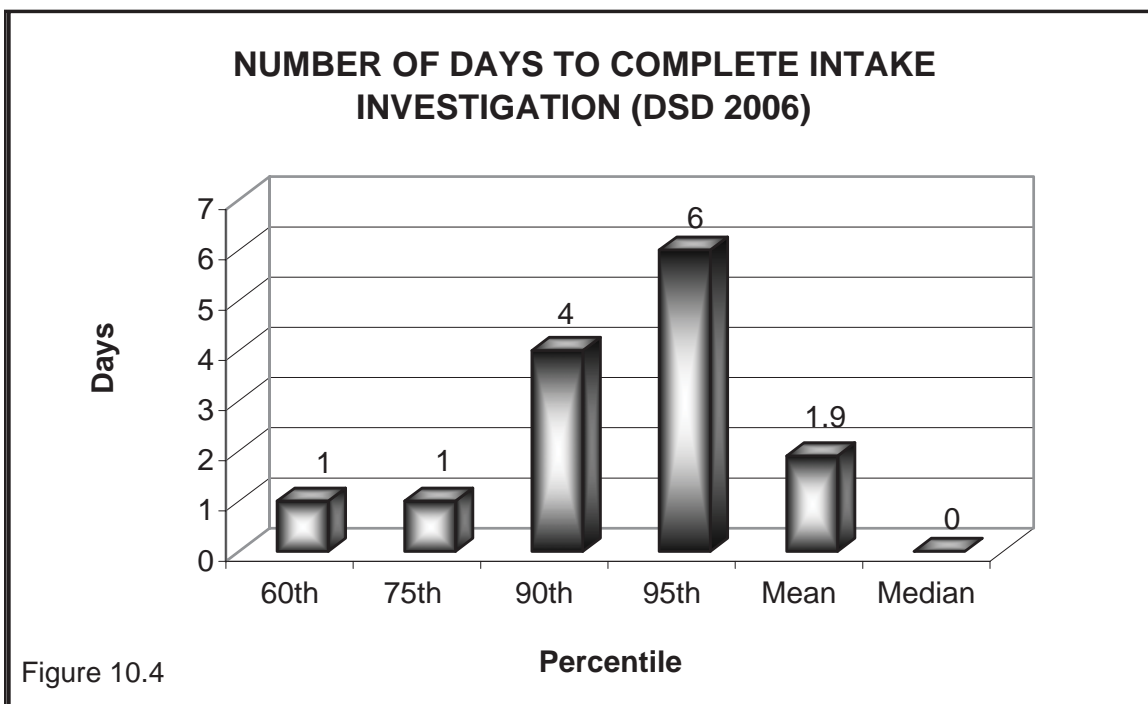


Figure 10.4

Performance Goal for Declines

To assess the amount of time it took to decline complaints, a measure of the number of days that occurred between the date the case was received and the date the declination letter was sent out, was implemented. This measure was used for both DSD and DPD.

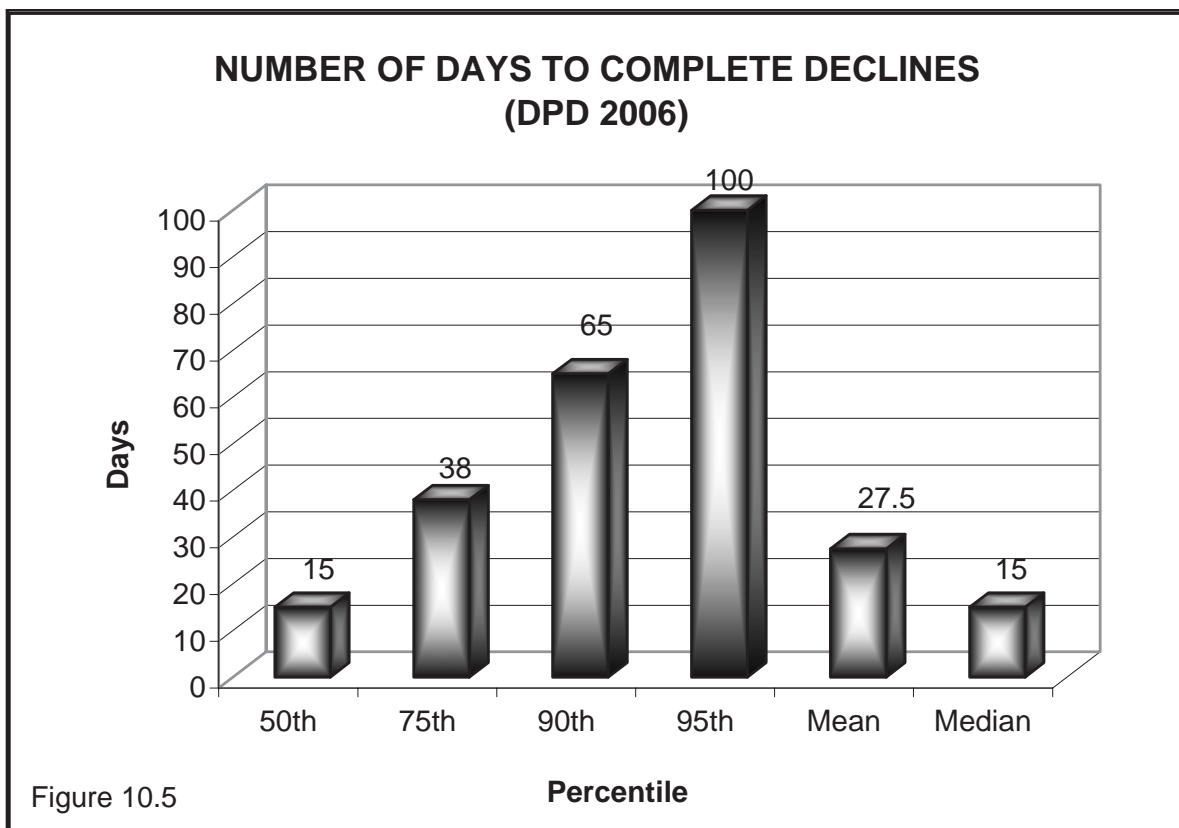
The DPD analysis excludes all cases referred to mediation regardless of whether the case was mediated or not. The reason for this is that DPD does not have direct control over the length of time needed to complete mediations.

Police Department

Goal: Complete 75% of all declines within 30 calendar days of receiving the complaint and 95% within 45 days.

As shown in Figure 10.5, DPD completed 75% of declines within 38 days of receiving the complaint and 95% within 100 days. Based on this analysis DPD did not meet their 2006 goal for declines.

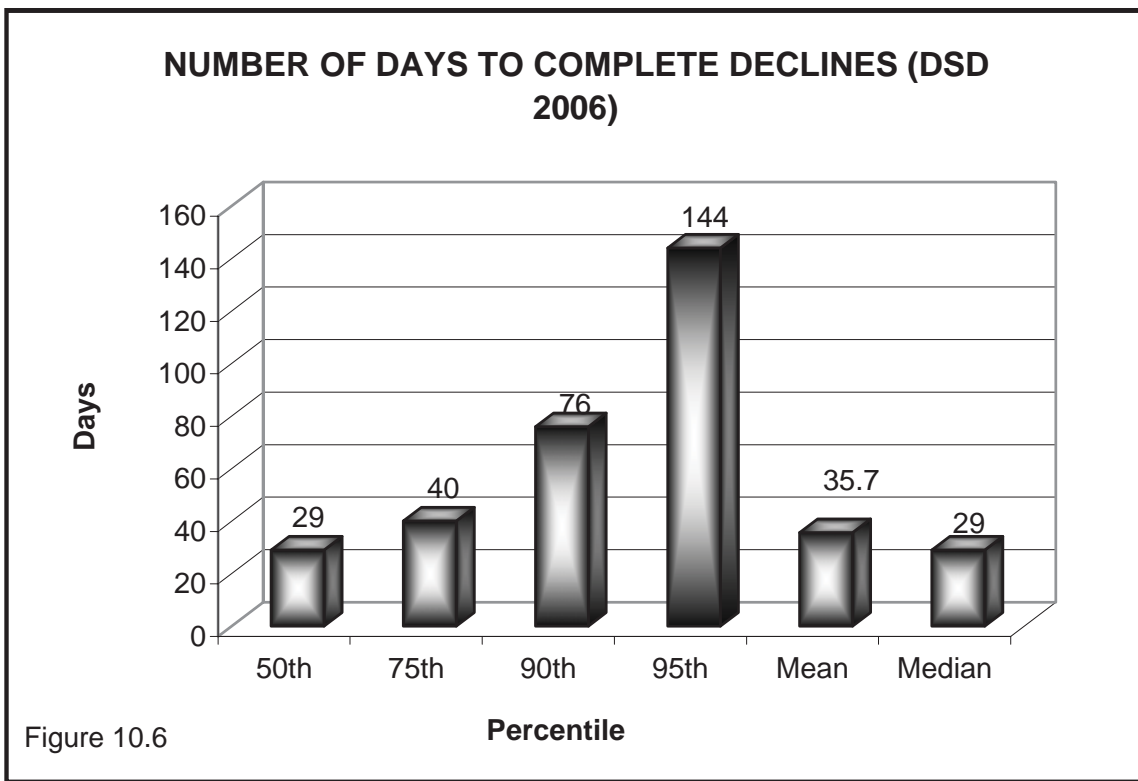
The OIM will work with Internal Affairs on this issue. This is a goal that, at the beginning of the year, we anticipated would be met. We hope for better performance in this area in 2007.



Sheriff Department

Goal: Complete 75% of all declines within 30 calendar days of receiving the complaint and 95% within 45 days.

Seventy-five percent (75%) of the declines were completed within 40 days of receiving the complaint while 95% were completed within 144 days (Figure 10.6). Based on this analysis, DSD did not meet their performance goal for declines.

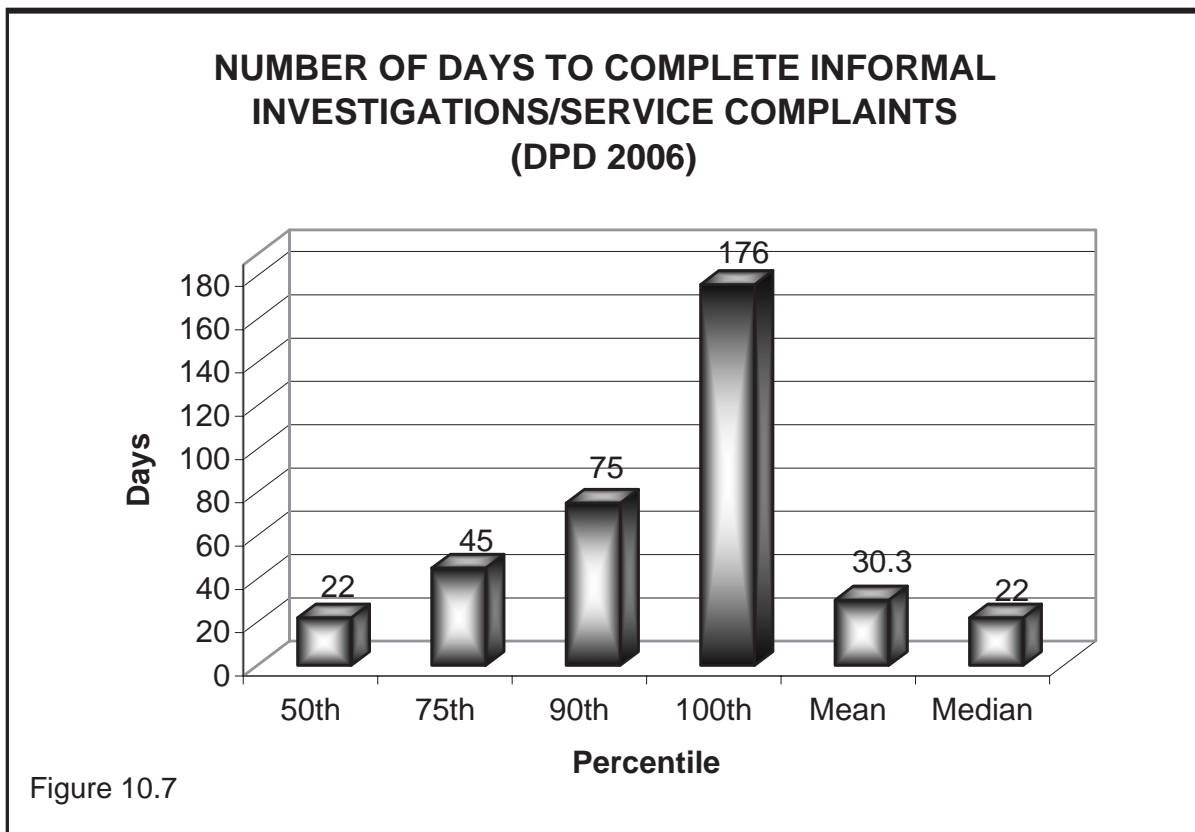


Performance Goals for Completion of Informal Investigations / Service Complaints

Police Department

Goal: Complete 75% of all informal investigations/service complaints within 30 calendar days from receiving the complaint and 100% within 45 days.

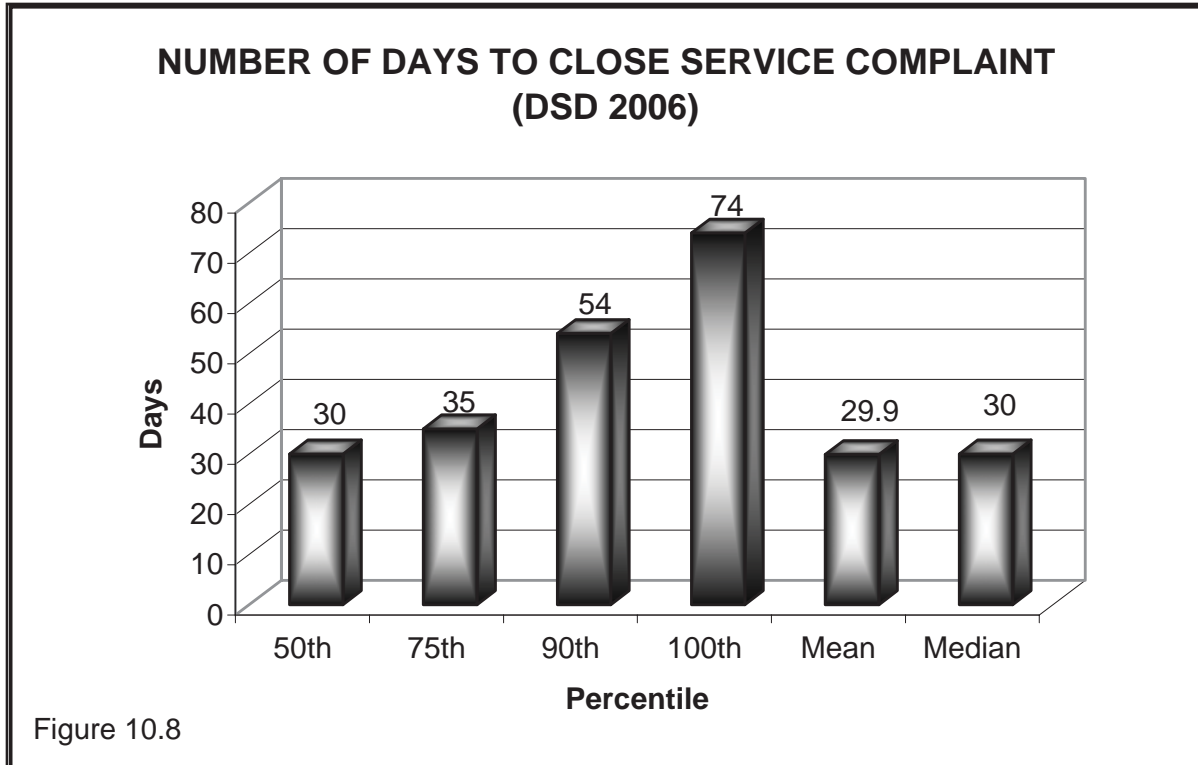
In 2006, DPD completed 75% of informal/service complaints within 45 days and 100% within 176 days. Neither goal—75th or 100th percentiles—were met; although, the department did complete half of the complaints within 22 days of receiving the complaint.



Sheriff Department

Goal: Complete 75% of all service complaints within 30 calendar days from receiving the complaint and 100% within 45 days.

In 2006, DSD closed 75% of the service complaints within 35 days of receiving the complaint and 100% within 74 days. The performance measure for service complaints was not met in 2006.



Performance Goal for Completion of Formal Investigations

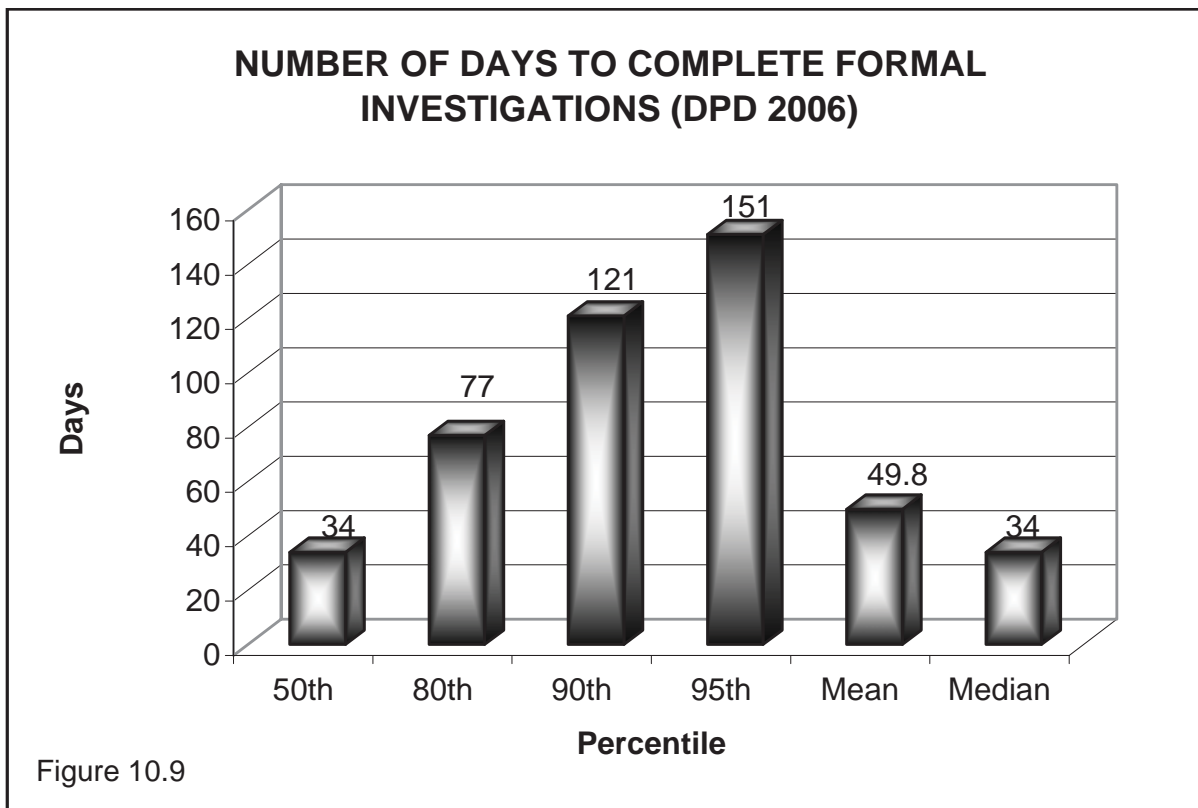
Police Department

Goal: Complete 80% of formal investigations within 105 calendar days from receiving the complaint and 95% within 150 calendar days.

The Police Department completed 80% of their 2006 formal investigations within 77 days and 95% within 151 days. These results show that DPD met its performance goal for formal investigations.

The Citizen Oversight Board (COB) has identified the timeliness of IAB formal investigations as an issue of concern. As such, the COB has requested that the OIM prepare a report identifying any case that has exceeded the aforementioned timeliness goals and submit a list of these cases to the COB on a monthly basis, with a copy to the Commanders of DPD and DSD Internal Affairs. In this manner, the OIM and the IAB Commanders can pay closer attention to cases that are falling outside the above-noted performance goals.

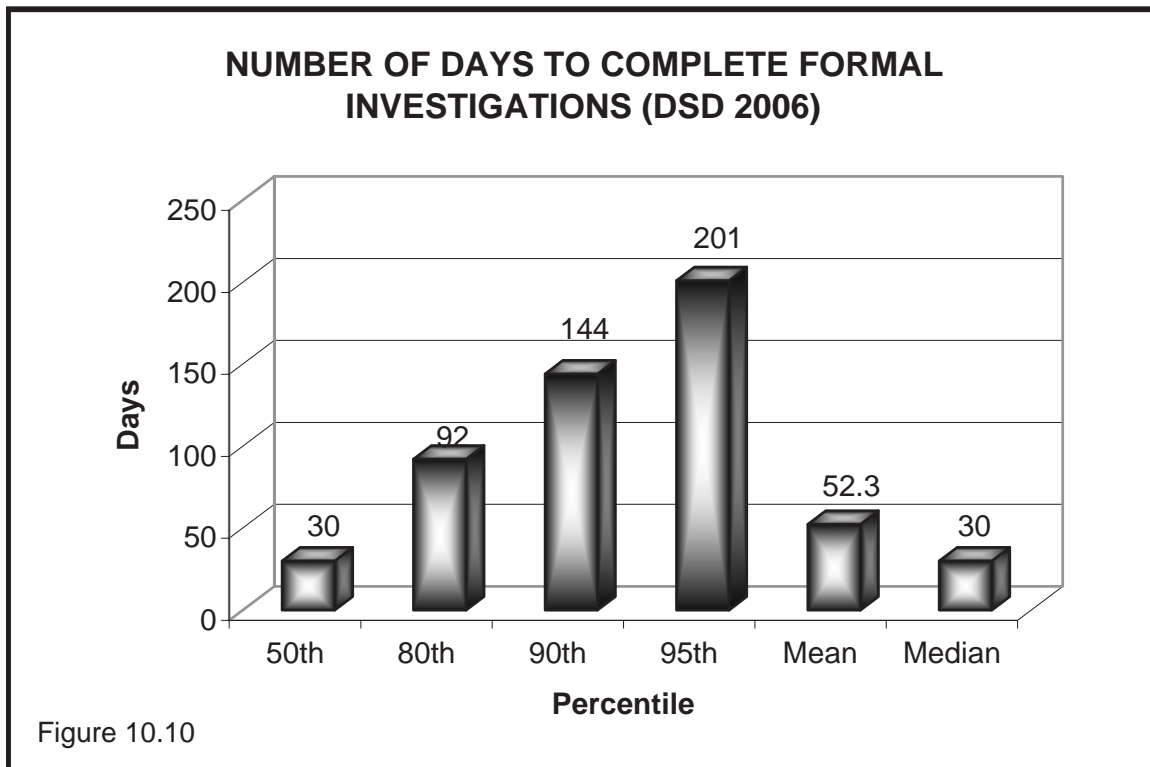
The first such report was submitted to the COB and the Commanders of the DPD and DSD Internal Affairs Bureaus on February 9, 2007. It is hoped that these reports will highlight the need to complete these investigations within the established goals.



Sheriff Department

Goal: Complete 80% of formal investigations within 105 calendar days from receiving the complaint and 95% within 150 calendar days.

As shown in Figure 10.10, DSD completed 80% of their 2006 formal investigations within 92 days of the complaint being received and 95% within 201 days. The Department met their goal for the 80th percentile; however, they did not meet the performance goal for the 95th percentile.

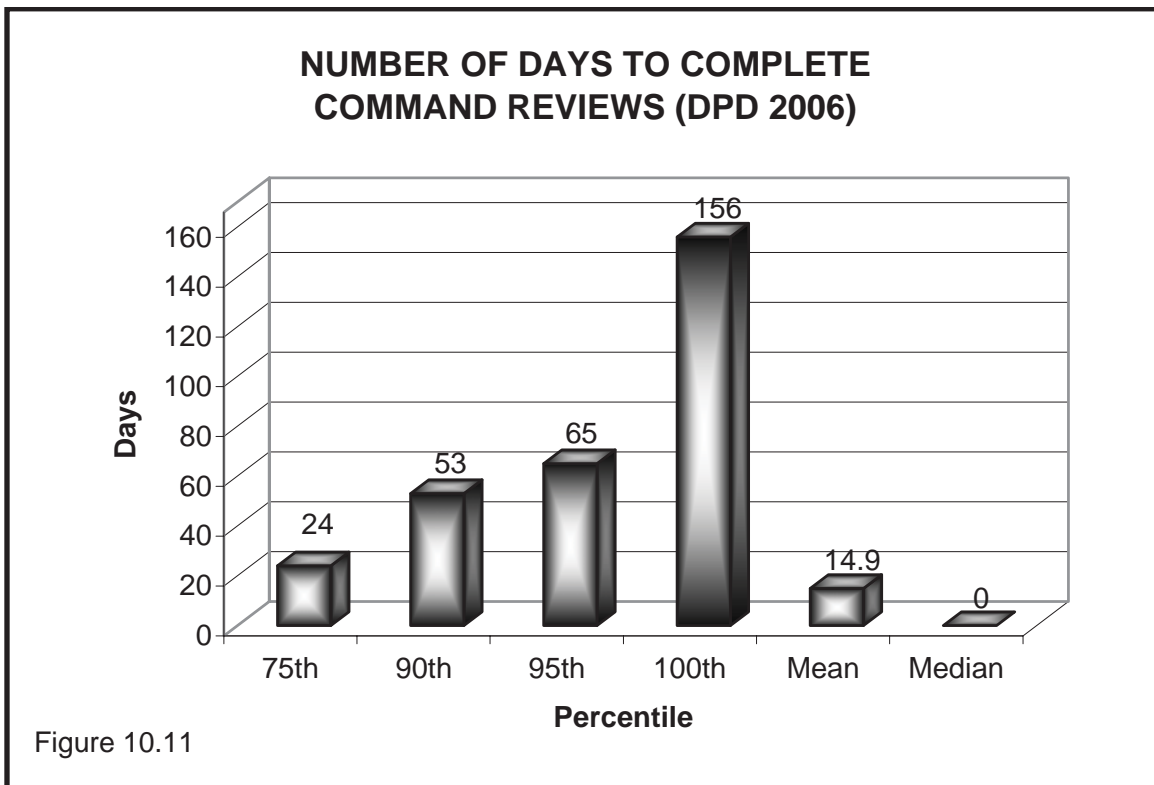


Performance Goal for Command Review Process

Police Department

Goal: Complete 100% of Command Reviews within 30 days of the case being received from internal affairs.

Figure 10.11 shows, that DPD did not meet their performance goal. It took 156 days to complete 100% of the Command Reviews; however, 75% of the reviews were completed within 24 days. Half of the reviews were completed on the same day that the investigation was completed (Median = 0).



Timeliness Issues Relating to Police Department Command Reviews

In the 2006 Annual Report, the OIM was concerned about the timeliness of DPD “Command Reviews.” This is the part of the process wherein the Officer’s Commander is expected to review the Internal Affairs Bureau investigation, make and justify findings, and recommend appropriate discipline.

In 2006, at the request of the Citizen Oversight Board (COB) and the OIM, the Chief of Police included the timeliness of Command Reviews in his weekly CORE (Command Operations Review and Evaluation) Meetings. In this way, all Department Captains and Commanders were made aware that the Chief’s Office expected timely reviews and would hold them accountable for overdue cases during their weekly meetings.

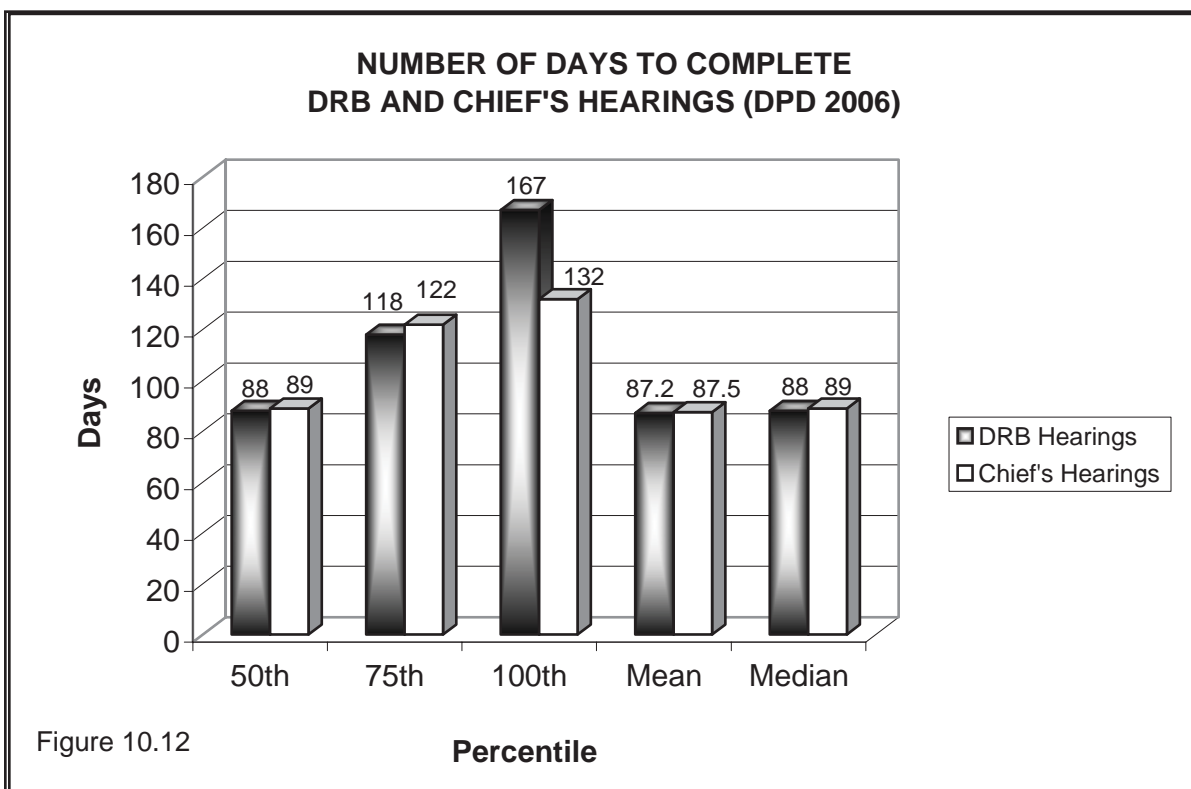
The result of this initiative is that as of the end of 2006, there were only seven Command Reviews that were overdue. This is a significant decline from the 41 overdue cases in 2005. The Command Staff should be recognized for their excellent work in this regard.

Performance Goal for Disciplinary Review Boards (DRB) and Chief's Hearings

Police Department

Goal: Complete 100% of all Disciplinary Review Boards and Chief's Hearings within 120 days from the day sustained findings were made by the District/Bureau Commander.

One-hundred percent of the DRB hearings completed in 2006 were completed within 167 days from the time sustained findings were made. Similarly, 100% of the Chief's Hearings were completed within 132 days from the date of the DRB. DPD did not meet their performance goal in either case.



Solution for Untimely Disciplinary Review Boards - A Work in Progress:

One of the most persistent timeliness problems in the Department is the actual imposition of discipline, once the Department decides that substantial discipline is required.

The process to impose substantial discipline is a lengthy one. First, a formal Internal Affairs Bureau investigation must be initiated and completed. Second, the Officer's Commander must review the investigation and prepare a memo sustaining the appropriate allegations and justify the reason for any sustained findings. The Commander must then make a disciplinary recommendation, justifying that recommendation as well. Next, the file, the findings, and the disciplinary recommendation are reviewed by the appropriate Division Chief, who must either concur with the recommendations or make recommendations of his or her own. The file is then sent to Internal Affairs for further handling.

The Internal Affairs Bureau detectives must give the involved Officer(s) an opportunity to review the entire file and the Officer may request additional investigation on the part of the Internal Affairs Bureau. Once the IAB Commander has concluded that no further investigation is warranted, a Disciplinary Review Board (DRB) must be scheduled. Three officers (a peer officer, a supervisory officer and a command officer) must be identified, as well as three civilian volunteers. A date must be set for the DRB that accommodates the schedules of all members of the DRB, as well as the Deputy Chief who will chair the Board, and the Division Chief who will make a presentation. Enough time must be given for all DRB members and the Deputy Chief to review the IAB file.

Once the DRB meets, an IAB Detective must prepare a disciplinary letter to the Officer and set up a hearing with the Chief of Police wherein the Officer is given an opportunity to explain to the Chief why a finding or the disciplinary recommendation is inappropriate. The Chief then makes his recommendation to the Manager of Safety, who must review the file and make a final disciplinary order.

This entire process can take many months from the time the investigation was initially submitted to the Officer's Commander. In a significant majority of cases, the time frame is too long.

In order to speed up the process, the Command Review process has been evaluated and timeliness in that area has been improved; the next area for improvement involves the DRB process.

In 2007, a new DRB selection process will be implemented. It is hoped that the new process will allow for more timely Disciplinary Review Boards. After the timeliness of the DRB process has been improved, the next step will be to ensure that the Chief of Police holds his hearings within weeks, not months of a DRB.

Based on these anticipated process changes, the OIM hopes to report significant improvements in this area in 2007.



DENVER

THE MILE HIGH CITY

APPENDIX A

COMPLAINT/COMMENDATION FORM DISTRIBUTION SITES

Denver Police and Sheriff Departments

Police Headquarters- 1331 Cherokee St.
District 1 Station- 1311 W. 46th Ave.
District 2 Station- 3921 N. Holly St.
District 3 Station- 1625 S. University Blvd.
District 4 Station- 2100 S. Clay St
District 5 Station- 4685 Peoria St.
District 6 Station- 1566 Washington St.
City Jail- (PADF) - 1351 Cherokee St.
County Jail- 10500 E. Smith Road

Courts, City & County Building, 1437 Bannock St.

District Court- Criminal, Civil & Domestic Rm. 256
Denver Municipal Court- Traffic Division, Rm. 109
Denver Municipal Court- General Sessions Rm. 140

Other sites:

Safe City Kids Office- 303 W. Colfax Ave., 10th Floor

City Council Offices

City Council Office
City and County Building, Rm. 451

City Councilman Rick Garcia-
2785 Speer Blvd., Suite 246

City Councilwoman Jeanne Faatz
3100 S. Sheridan Blvd., Unit D

City Councilwoman Rosemary Rodriguez
69 Knox Ct

City Councilwoman Peggy Lehmann
6740 E. Hampden Ave., Suite 302 C

City Councilwoman Marcia Johnson
6740 E. Colfax Ave.

City Councilman Charlie Brown
2324 E. Exposition Ave.

City Councilwoman Elbra Wedgeworth
3280 Downing St., Unit C

City Councilwoman Judy Montero
2828 Speer Blvd., Suite 111

City Councilwoman Jeanne Robb
1232 E. Colfax Ave.

City Councilman Michael Hancock
4730 Oakland St., Suite 2000



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APPENDIX B

CITIZEN OVERSIGHT BOARD AND MEETINGS

CITIZEN OVERSIGHT BOARD (COB)

The COB will assess the effectiveness of the Monitor's Office; make policy level recommendations regarding discipline, use of force, and other policies; rules; hiring; training; community relations; and the complaint process; address any other issues of concern to the community; members of the board, the monitor, the Manager of Safety, the Chief of Police, the Undersheriff, or the Fire Chief.

Members and their terms include:

Rev. Paul Burleson 01/01/11
Rabbi Steven Foster 01/01/09
Henry "Hank" Knoche 01/01/09
David Montez 01/01/09
Tawanna Mullins 01/01/09
Anthony Navarro 01/01/11
Cathy Reynolds 01/01/11

The Citizen Oversight Board holds its regularly scheduled meetings on the second and fourth Fridays of the month at 10:00 a.m. in the Webb Building on the 12th floor. The meetings are open with the possibility that certain matters will involve an executive session.

2007 COB quarterly meetings

The dates for meeting with the Manager of Safety, Chief of Police, Undersheriff and Fire Chief in 2007 are:

April 12, 2007

Scheitler Recreation Center, 5031 46th Ave., Denver, CO (Sheridan and 46th Ave. near Lakeside Amusement Park), 303-572-4795

July 26, 2007

La Alma Lincoln Park Recreation Center, 1325 W. 11th Ave., Denver, CO, 303-572-4790

October 25, 2007

Green Valley Ranch Recreation Center, 4890 Argonne Way, Denver, CO, 303-375-3857

All Citizen Oversight Board Meetings are Thursday evenings from 7-9 p.m.



APPENDIX C

LIST OF ABBREVIATIONS

DENVER
THE MILE HIGH CITY

CAP	Crimes Against Persons (Bureau)
CEP	Continuing Education Program
CID	Criminal Investigations Division
CIT	Crisis Intervention Training
CMC	Community Mediation Concepts
COB	Citizen Oversight Board
CSA	Career Service Authority
CUFFS II	Complaint and Use of Force Filing System (2 nd Version)
DFD	Denver Fire Department
DPD	Denver Police Department
DRB	Disciplinary Review Board
DSD	Denver Sheriff Department
EIIS	Early Identification and Intervention System
IAB	Internal Affairs Bureau
IAD	Internal Affairs Division
IPR	Independent Police Review Division (Portland, OR)
MOS	Manager of Safety
NACOLE	National Association for Civilian Oversight of Law Enforcement
OIM	Office of the Independent Monitor
OIR	Office of Independent Review (Los Angeles County)
PARC	Police Assessment Resource Center
PERF	Police Executive Research Forum
PIO	Public Information Officer
PPA	Police Protective Association
PSRC	Public Safety Review Commission
PSU	Professional Standards Unit
SPSS	Statistical Package for the Social Sciences
SR	Supervisor Situation Record
SUV	Sports Utility Vehicle
SWAT	Special Weapons and Tactics
UOF	Use-Of-Force



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APPENDIX D

2006 BUDGET

OFFICE OF THE INDEPENDENT MONITOR 2006 BUDGET

PERSONNEL COSTS	\$	509,408
INTERNAL COSTS	\$	13,440
EXTERNAL COSTS	\$	40,352
TOTAL EXPENDITURES	\$	563,200

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