



# DENVER

THE MILE HIGH  
CITY

*OFFICE OF THE INDEPENDENT  
MONITOR*

# ANNUAL REPORT 2007

RICHARD ROSENTHAL  
INDEPENDENT MONITOR



**DENVER**  
THE MILE HIGH CITY

**MESSAGE FROM  
THE INDEPENDENT  
MONITOR**

RICHARD  
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**DENVER**  
THE MILE HIGH CITY

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This is the third annual report for the City of Denver's Office of the Independent Monitor (OIM).

Civilian Oversight of Law Enforcement in Denver is comprised of two organizations; the OIM and the Citizen Oversight Board (COB) – a group of seven community members appointed by the Mayor and confirmed by City Council as an advisory board for the Independent Monitor with the responsibility of evaluating and publicly reporting on the Monitor program.

I would like to give thanks to all the members of the COB for their sage advice and counsel throughout the past year. The COB consists of dedicated volunteers who have helped me keep the Monitor program headed in the right direction and who regularly challenge me to explain my decisions and actions. The OIM and COB have worked together to make the OIM program an example of a “best practice” amongst civilian oversight programs nationally.

One challenge recently brought forth by the COB was to explain the volume and length of this and prior year's reports. I have sought to present to the governing officials of the City, the Departments I monitor and the public I serve with as much information as I can about the inner workings of the complaint handling, administrative and disciplinary processes of the Police and Sheriff Departments. The length of this report suggests that “the devil is in the detail.” With that in mind, I have tried to provide multiple examples of specific cases and disciplinary decisions in an attempt to paint a picture of how well the Police and Sheriff Departments are policing themselves.

I believe this report is an excellent example of the type of transparency in government that the Mayor and City Council envisioned when they created professional civilian oversight in Denver. I have broken down the information provided by including an Executive Summary and by including in Chapter 1 (Overview from the Monitor) the most significant issues raised and addressed this year. In addition, the report is broken down into specific chapters to address issues that may be important to the individual reader in order to make that information more accessible.

In the upcoming year, I will be conferring with the COB and other stakeholders to determine if there is another way to present this information, in a more summary fashion so that it is more accessible to all. I invite individual readers to share their opinions and suggestions in this regard by emailing me at [oim@denvergov.org](mailto:oim@denvergov.org). In the meantime, please accept this report as an explanation of how the Monitor program is progressing and what concerns will need to be addressed in the upcoming year.

Sincerely,

A handwritten signature in black ink that reads "Richard Rosenthal".

Richard Rosenthal  
Independent Monitor



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**DENVER**  
THE MILE HIGH CITY

**EXECUTIVE  
SUMMARY**

2007

## MISSION

The mission of the Office of the Independent Monitor (OIM) is to monitor the Denver Police (DPD) and Sheriff (DSD) 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. The Monitor's mission is directed at transparency and accountability which will ensure public confidence in Denver's uniformed personnel and the policies which govern them.

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.

## Core Functions of the Monitor's Office

The Monitor's Office "core functions" for 2007 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 decision-making processes to ensure fairness and consistency in the assignment and handling of citizen and internally-initiated complaints and investigations.

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

Monitoring and making recommendations on DPD and DSD findings as to whether officers have violated DPD rules or policies and, if so, appropriate disciplinary sanctions. This task includes the monitoring of Disciplinary Review Board deliberations and recommendations.

Ensuring that the citizen complaint process is accessible to the entire community and making community members aware of how their complaints are handled.

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

## **Goals for 2007**

Goal: Publish the report of the Police Assessment Resource Center (PARC) which will provide recommendations regarding the DPD's deadly force policies and handling of critical incident investigations.

Status of Goal: The PARC report will be published and made available to the public in April of 2008. The PARC report will make a number of recommendations for change with respect to DPD deadly force policies and the investigation and review of critical incidents.

Goal: Continue and expand the use of the OIM community-police mediation program, while maintaining a high level of satisfaction for its participants.

Status of Goal: As of the end of 2007, the OIM Mediation program had facilitated 104 community member-police mediations since the mediation program's inception in December of 2005. Fifty-nine of those mediations were conducted during 2007; forty-one of those mediations were conducted during 2006, resulting in a 44% increase in the number of mediations conducted from 2006 to 2007. The mediation program continues to be the second largest community-police program in the United States. Only the New York City Police Department, a Department more than 16 times the combined size of the Denver Police and Sheriff Departments, conducted more mediations than Denver's program during the 2007 calendar year. In addition, complainant and officer satisfaction with the mediation process and outcome increased significantly between 2006 and 2007.

Goal: Evaluate the implementation of the DPD Personnel Assessment System and assist the DSD in the implementation of its own system.

Status of Goal: The DPD began its implementation of its new Personnel Assessment System (PAS) in 2007. The PAS Board, which is charged with implementing the new policy (which will assist the department in evaluating the performance of its employees), met in September of 2007 to prepare the agency's rollout of the program. The Department is prepared to start the new program, by evaluating 4<sup>th</sup> Quarter 2007 data, in early 2008. Over the course of the coming year, the OIM will be given the opportunity to audit the new PAS policy and will comment on its effectiveness in our next annual report.

Goal: Assist the Manager of Safety in the implementation of a Disciplinary Matrix and assist the DSD in the evaluation of a similar matrix.

Status of Goal: The Manager of Safety completed his proposal to reform the DPD Disciplinary process through, in part, the creation of a "disciplinary matrix." The Monitor's Office has been actively involved in this project since its inception and strongly supports the concept. The matrix system is expected to be put in place in the near future after extensive training is conducted by the Department.

Goal: Examine the possibility of a new process for handling the intake of community member complaints.

*Status of Goal*: The Monitor's Office presented the concept for the creation of a "Citizen Complaint Authority" within the OIM, which would receive and handle all citizen complaints regarding the DPD and DSD, to the City Council's Safety Committee and the Mayor's Office. At this point in time, there does not appear to be a perceived need to change from the current complaint handling process to a new process due to the additional costs that would be required. Unfortunately, complainant satisfaction with the complaint handling processes continues to be extremely low, however, low response rates to citizen surveys has greatly restricted our ability to accurately gauge current satisfaction rates.

Goal: Increasing the timeliness of formal internal affairs investigations and disciplinary review boards.

*Status of Goal*: In the latter part of 2007, we saw significant improvements in the timeliness of formal internal affairs investigations, in part, as a result of IAB Command Staff's heightened vigilance in meeting with their investigators on a weekly basis to ensure cases were not being allowed to languish. The IAB Command staff also tightened deadlines in cases wherein complainants were non-responsive to IAB investigator calls.

The timeliness of Disciplinary Review Boards (DRB) and Chief's Hearings, however, continue to be problematic. The average number of days to schedule a DRB (from the date that a "sustained" finding was made by the Division Chief) was 115 days. The average number of days to hold a Chief's Hearing (from the date of the DRB) was 52 days. The average number of days it took to close cases that were heard by a DRB was 314 days. The OIM looks forward, however, to significant improvements in timeliness for this process in 2008, due to a new DRB scheduling process and the expectation that the Chief of Police will make the timeliness of Chief's Hearings a priority in the upcoming year.

## **Significant Issues & Concerns in 2007**

The Monitor noted a number of significant issues and concerns relating to the Denver Police and Sheriff Departments during the course of the year:

1. The Police Department continues to suffer from an inability to impose timely discipline in serious cases due to a lack of timeliness in the scheduling of Disciplinary Review Boards and Chief's Hearings. (See above).
2. Although the overall timeliness of the administrative review of officer-involved shootings has improved significantly, in the one officer-involved shooting where the Monitor expressed concerns regarding the tactics used by the officer, it has taken the Chief of Police and the Manager of Safety more than six months to review the case. As of the writing of this report, the case remains without a finding by the Manager of Safety, even though the incident took place almost one year ago.

3. The Police Department has allowed officers who have lied during the course of internal investigations to continue to work in assignments which require the officers to testify in court on a regular basis.
4. The Police and Sheriff Departments have failed to terminate employees who have repeatedly lied during the internal affairs investigation and disciplinary processes.
5. The Sheriff Department does not put officers on administrative leave, even after the Director of Corrections has concluded that an officer should be terminated. In addition, the DSD does not put officers on administrative leave, even when the officer is facing an investigation where there is substantial cause to believe termination will be the likely result.
6. The Colorado Fraternal Order of Police Legal Defense Fund, provides its members (which includes Denver Deputy Sheriffs) a “pay in lieu” option which allows some Deputies to be reimbursed for lost pay in cases where the Department has imposed the disciplinary sanction of suspensions without pay, thereby undermining the ability of the Department to affect the conduct of its employees.

## COMPLAINT HANDLING PROCESS

A community member who wishes to file a complaint against (or a commendation in favor of) an officer employed by the Denver Police Department or a deputy employed by the Denver Sheriff’s Department may do so via forms that have been distributed throughout the community, the internet, fax, phone, U.S. mail or in person at the OIM or at any police or sheriff office or facility. Complaints received by the Mayor and City Council are forwarded to the OIM as a matter of practice.

### **Complaint Assignments, Investigations, and Findings**

In 2007, the Denver Police Department received or initiated 1,106 new complaints encompassing 1,239 allegations. There were 644 citizen complaints compared to 462 internal complaints (of which 348 involved preventable traffic accidents, minor traffic violations, and officers’ failure to appear in court, for continuing education classes or for failure to qualify with their firearm, which is required on a quarterly basis).

There was a statistically insignificant increase in the number of citizen complaints between 2006 and 2007. A significant increase in the number of complaints between 2005 and 2006 was likely the result of the creation of the OIM program and the new policies that resulted from its ability to independently take citizen complaints.

DPD continued.....

TABLE 1. TOTAL COMPLAINTS BY COMPLAINT TYPE AND YEAR (DPD 2007)

COMPLAINT TYPE	YEAR		
	2005	2006	2007
Citizen	502	620	644
column %	50.4%	57.5%	58.2%
Internal	113	115	114
column %	11.3%	10.7%	10.3%
Obedience to Traffic Regulations	14	76	59
column %	1.4%	7.1%	5.3%
Traffic Accidents	122	150	152
column %	12.2%	13.9%	13.7%
Failure to Appear-Court	180	101	94
column %	18.1%	9.4%	8.5%
Failure to Complete-Education	44	0	11
column %	4.4%	0%	1%
Failure to Qualify-Firearm	22	16	32
column %	2.2%	1.5%	2.9%
<b>TOTAL</b>	<b>997</b>	<b>1078</b>	<b>1106</b>

In 2007, the Denver Sheriff Department received 584 complaints. This represents an increase of 51% in the total number of complaints from 2006 to 2007. The increase in the number of complaints is attributed to two factors. First, inmate complaints likely increased due to an increased awareness on the part of inmates about their ability to file a complaint with the OIM. Second, management complaints increased dramatically due to a new policy that required all supervisor-issued reprimands to be forwarded to internal affairs and documented in the internal affairs database.

TABLE 2. TOTAL COMPLAINTS BY COMPLAINT SOURCE AND YEAR (DSD 2007)

COMPLAINT SOURCE	YEAR		
	2005	2006	2007
Citizen	53	73	77
column %	15.2%	18.8%	13.2%
Employee	34	26	16
column %	9.8%	6.7%	2.7%
Inmate	108	163	216
column %	31.0%	42.0%	37.0%
Management	72	35	236
column %	20.7%	9.0%	40.4%
Other	2	6	0
column %	0.6%	1.5%	0.0%
Unknown	79	85	39
column %	22.7%	21.9%	6.7%
<b>TOTAL</b>	<b>348</b>	<b>388</b>	<b>584</b>

Table 3 provides the findings for formal internal affairs investigations closed in 2007. Scheduled discipline cases including traffic accidents and failure to appear had the highest sustained rates among all complaint types (96.8% and 89.5% respectively).

TABLE 3. FINDINGS FOR FORMAL CASES CLOSED IN 2007 BY CASE TYPE (DPD 2007)

FINDING	COMPLAINT TYPE						TOTAL
	Citizen	Internal	Traffic Accidents	Failure to Appear-Court	Failure to Qualify-Firearms	Failure to Complete-Education	
Sustained	47	131	153	85	19	3	438
column %	24.0%	63.6%	96.8%	89.5%	59.4%	25.0%	
Unfounded	64	11	1	2	2	1	81
column %	32.7%	5.3%	0.6%	2%	6%	8%	
Exonerated	14	30	2	5	9	7	67
column %	7.1%	14.6%	1%	5.3%	28.1%	58.3%	
Not Sustained	62	27	2	3	0	0	94
column %	31.6%	13.1%	1%	3.2%	0%	0%	
Not Reviewed	9	7	0	0	2	1	19
column %	4.6%	3.4%	0.0%	0%	6%	8%	
<b>TOTAL</b>	<b>196</b>	<b>206</b>	<b>158</b>	<b>95</b>	<b>32</b>	<b>12</b>	<b>699</b>

Citizen-initiated complaints were the least likely to be sustained—a 24% sustained rate. Internally-initiated complaints other than scheduled discipline had a sustained rate of 63.6%.

In 2007, the Denver Sheriff’s Department closed 594 complaint cases involving 690 allegations. This includes all cases received after August 1, 2005 and closed during 2007.

Table 4 provides the results of the findings for all DSD complaint cases closed in 2007. Approximately 30% of the allegations resulted in a sustained finding in 2007.

## Discipline

The disciplinary actions available to the DPD to address misconduct includes written reprimands, suspensions, fines, reduction in grade and dismissals. Non-disciplinary actions include verbal or oral reprimands, cautionary letters, counseling and SSR entries. Disqualification may also be imposed if an officer becomes legally ineligible to perform the essential duties of his or her position. For ease of reference, the Monitor is characterizing all of these actions as “discipline” in the statistical data provided in this report.

TABLE 4. FINDINGS FOR CLOSED COMPLAINT CASES (DSD 2007)

FINDING	Count	Percent
Sustained	207	30.0%
Unfounded	114	16.5%
Exonerated	38	5.5%
Not Sustained	78	11.3%
Resolved	55	8.0%
Referred	27	3.9%
Declined	157	22.8%
Informal	14	2.0%
<b>TOTAL</b>	<b>690</b>	<b>100%</b>

TABLE 5. DISCIPLINE FOR SUSTAINED CASES FOR 2007 (DPD 2007)

DISCIPLINE	2007	Percent
Dismissed	1	0.2%
Suspended Time	18	4.5%
Fined Time	48	11.9%
Written Reprimand	87	21.6%
Oral Reprimand	245	60.9%
SSR Entry	3	0.7%
<b>Total</b>	<b>402</b>	<b>100.0%</b>

Table 5 provides the discipline and non-disciplinary actions imposed for sustained cases in 2007.

One officer was terminated in 2007, 4 officers resigned while administrative investigations or disciplinary proceedings were pending.

“Fined time” requires an officer to work additional days without additional compensation. “Suspended time” causes an officer to lose his or her police powers and pay for a specified period of time.

TABLE 6. DISCIPLINE FOR SUSTAINED CASES FOR 2007 (DSD 2007)

DISCIPLINE	Count	Percent
Suspension	19	10.4%
Written Reprimand	46	25.3%
Verbal Reprimand	104	57.1%
Cautionary Letter	5	2.7%
Counseled	5	2.7%
Disqualification	3	1.6%
<b>TOTAL</b>	<b>182</b>	<b>100.0%</b>

Table 6 shows the discipline for sustained cases for the DSD in 2007.

The most common forms of discipline in 2007 consisted of verbal reprimands (51%) and written reprimands (24%). There were no demotions or terminations in 2007. There were, however, 4 resignations which were related to the initiation of an internal affairs investigation or the potential imposition of discipline.

## CRITICAL INCIDENT REVIEW

There were seven officer-involved shootings by on-duty Denver Police Department officers in 2007.

There were two in-custody deaths in 2007 involving the Denver Police Department. In addition, there was one officer-involved traffic collision that resulted in the death of a civilian.

There were eight in-custody deaths within custodial facilities administered by the Denver Sheriff's Department during 2007. Four were by suicide (all in the County Jail), and four were as the result of pre-existing medical conditions.

The OIM actively monitored all officer-involved shooting and in-custody death investigations during the course of the year. During 2007, DPD found all officer-involved shootings to comply with the Department's use of force policies, although one shooting was still pending review by the Manager of Safety based on concerns expressed by the Independent Monitor.

In the last five years, the number of officer-involved shootings has ranged from three to ten on an annual basis. The average number of shootings over the past five years has been seven per year.

TABLE 7. OFFICER INVOLVED SHOOTINGS by YEAR: 2003--2007

Year	Number of Shootings	# of suspects injured	# of suspects killed	Non-hits
2003	10	2	8	0
2004	4	1	3	0
2005	3	0	1	2
2006	11	3	3	5
2007	7	6	1	0
Five year Totals	35	12	16	7

## 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. Mediation allows each party to gain a better understanding of the other's perspective by serving as a safe learning opportunity. The goal is not one side winning over the other, or assigning guilt or blame, but providing a forum to be fairly heard, increase mutual understanding, and discuss ways to prevent similar problems in the future.

Table 8 provides the comparisons for satisfaction with the mediation process. Approximately, 59% of community members were satisfied in 2006 compared to 85% in 2007. This represents an increase in satisfaction of 43%. Officer satisfaction increased from 70% in 2006 to 85% in 2007; an increase of 18%.

TABLE 8. SATISFACTION WITH THE MEDIATION PROCESS BY YEAR

How satisfied were you with the mediation process in general?	Dissatisfied	Neither Satisfied/Dissatisfied	Satisfied	TOTAL
<b>2006</b>				
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%	
TOTAL				90
<b>2007</b>				
Community Members	5	6	60	71
row %	7.0%	8.5%	84.5%	
Police Officers	2	10	67	79
row %	2.5%	12.7%	84.8%	
TOTAL				150

## COMMENDATIONS AND AWARDS

The police department presented 538 commendations and awards in 2007 compared to 572 in 2006. Commendatory Action Reports were the most frequent type of commendation received accounting for 32.3% of the total. Other frequent commendations included commendatory letters (13.2%) and letters of appreciation (16.4%). In addition, in 2007, the DPD awarded two “Medals of Valor,” two “Distinguished Service Crosses,” ten “Life Savings Awards” and thirty five “STAR Awards” (for excellent tactics not requiring the use of deadly force).

There were 102 commendations and awards given out by the Denver Sheriff Department in 2007. The most frequent awards occurred for commendations (35%) followed by community service awards (22%). In addition, the DSD awarded one “Medal of Valor” and one “Life Saving Award” in 2007.

## 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).

OIM created timeliness goals for both the Police and Sheriff Departments for 2007. Both Departments have committed to trying to meet those goals. In 2007, all of those goals were not achieved. The OIM will continue to work with the Departments’ Internal Affairs Bureaus in order to further improve on timeliness in the upcoming year.

As shown in Table 9, citizen-initiated complaints were closed within 62 days, on average, compared to 98 days for internally-initiated complaints.

Three of the four scheduled discipline type cases (accidents, courts, and firearms) were closed in less time, on average, than either citizen or internal complaints.

TABLE 9. NUMBER OF DAYS TO CLOSE COMPLAINT CASE  
BY COMPLAINT TYPE (DPD 2007)

COMPLAINT TYPE	Mean	Standard Deviation	Median	TOTAL
Citizen	62.0	79.3	36	601
Internal	97.7	123.4	48	177
Traffic Accidents	24.4	27.7	16.5	156
Failure to Appear--Court	52.1	31.4	49.5	32
Failure to Qualify-Firearms	28.7	15.7	25	95
Failure to Complete-Education	78.9	188.8	32	12
TOTAL--ALL CASES	57.3	77.7	34.5	1073

In cases involving the imposition of substantial discipline, as noted above, the OIM noted continued problems with the Police Department's ability to conduct timely Disciplinary Review Boards and Chief's Hearings. Solutions for these persisting problems have been proposed and are expected to be implemented in 2008.



**DENVER**  
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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 Monitor

The mission of the Office of the Independent Monitor (OIM) is to monitor the Denver Police (DPD) and Sheriff (DSD) 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 the Independent Monitor, a Senior Deputy Monitor and a Deputy Monitor (all attorneys), 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 2007 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 decision-making processes to ensure fairness and consistency in the assignment and handling of citizen and internally-initiated complaints and investigations.
- Monitoring and making recommendations regarding formal DPD and DSD internal investigations to ensure that investigations are thorough, fair and complete.
- Monitoring and making recommendations on DPD and DSD findings to whether officers have violated DPD rules or policies and, if so, appropriate disciplinary sanctions. (This task includes the monitoring of Disciplinary Review Board deliberations and recommendations.)
- Ensuring that the citizen complaint process is accessible to the entire community and making community members aware of how their complaints are handled.
- Improving the timeliness of the entire complaint handling and disciplinary processes for DPD and DSD.

## Goals for 2007

At the beginning of 2007, the OIM set the following goals for the year:

1. Publishing the report of the Police Assessment Resource Center (PARC) which will provide recommendations regarding the DPD's deadly force policies and handling of critical incident investigations.
2. Continue and expand the use of the OIM community-police mediation program, while maintaining a high level of satisfaction for its participants.
3. Evaluate the implementation of the DPD Personnel Assessment System and assisting the DSD in the implementation of its own system.
4. Assist the Manager of Safety in the implementation of a Disciplinary Matrix and assist the DSD in the evaluation of a similar matrix.
5. Examine the possibility of a new process for handling the intake of community member complaints.
6. Increase the timeliness of formal internal affairs investigations and disciplinary review boards.

## Status of Goals

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

Goal: Publish the report of the Police Assessment Resource Center (PARC) which will provide recommendations regarding the DPD's deadly force policies and handling of critical incident investigations.

Status of Goal: The PARC report will be published and made available to the public this upcoming April of 2008. The PARC report will make a number of recommendations for change with respect to DPD deadly force policies and the investigation and review of critical incidents.

Goal: Continue and expand the use of the OIM community-police mediation program while maintaining a high level of satisfaction for its participants.

Status of Goal: As of the end of 2007, the OIM Mediation program had facilitated 104 community member-police mediations since the mediation program's inception in December of 2005. These numbers include both DPD and Denver Sheriff Department mediations and include some employee-on-employee complaints. Fifty-nine of those mediations were conducted during 2007; forty one of those mediations were conducted during 2006, resulting in a 44% increase in the number of mediations conducted from 2006 to 2007. The mediation program continues to be the second largest program in the United States.

Only the New York City Police Department, a Department more than 16 times the combined size of the Denver Police and Sheriff Departments, conducted more mediations than Denver's program during the 2007 calendar year. In addition to the increased number of mediations that were conducted, both complainant and officer satisfaction with the mediation process and outcome increased significantly between 2006 and 2007. Overall, the level of satisfaction with the mediation program far exceeds satisfaction with the traditional Internal Affairs processes and outcomes. (For more information on the mediation program, see Chapter 7 of this report.)

Goal: Evaluate the implementation of the DPD Personnel Assessment System and assisting the DSD in the implementation of its own system.

Status of Goal: The DPD began its implementation of its new Personnel Assessment System (PAS) in 2007. The PAS Board, which is charged with implementing the new policy (which will assist the department in evaluating the performance of its employees), met in September of 2007 to prepare the agency's rollout of the program. The Department is prepared to start the new program, by evaluating 4<sup>th</sup> Quarter 2007 data, in February of 2008. The OIM plans to provide technical assistance to the staff of the PAS Board to ensure that triggers are based on statistical comparisons of similarly situated officers, not just arbitrary numbers. Over the course of the coming year, the OIM will be given the opportunity to audit the new PAS policy and will comment on its effectiveness in our next annual report. (For more information on the new PAS policy, see Chapter 5 of this report.)

Goal: Assist the Manager of Safety in the implementation of a Disciplinary Matrix and assist the DSD in the evaluation of a similar matrix.

Status of Goal: The Manager of Safety completed his proposal to reform the DPD Disciplinary process through, in part, the creation of a "disciplinary matrix." The Monitor's Office has been actively involved in this project since its inception and strongly supports the concept. The matrix system is expected to be put in place in the near future after extensive training is conducted by the Department. (More information regarding this project can be found in Chapter 4 of this report.)

Goal: Examine the possibility of a new process for handling the intake of community member complaints.

Status of Goal: The Monitor's Office presented the concept for the creation of a "Citizen Complaint Authority" within the OIM, which would receive and handle all citizen complaints regarding the DPD and DSD, to the City Council's Safety Committee and the Mayor's Office. At this point in time, there does not appear to be any impetus to change from the current complaint handling process to a new process, at least in part due to the additional costs that would be required. Unfortunately, complainant satisfaction with the complaint handling processes continues to be extremely low, however, low response rates to citizen surveys has greatly restricted our ability to accurately gauge current satisfaction rates.

Goal: Increasing the timeliness of formal internal affairs investigations and disciplinary review boards.

*Status of Goal*: In the latter part of 2007, we saw significant improvements in the timeliness of formal internal affairs investigations, in part, as a result of IAB Command Staff's heightened vigilance in meeting with their investigators on a weekly basis to ensure cases were not being allowed to languish. The IAB Command staff also tightened deadlines in cases wherein complainants were non-responsive to IAB investigator calls.

The timeliness of Disciplinary Review Boards (DRB's) and Chief's Hearings, however, continue to be a source of concern. The average number of days to schedule a DRB (from the date that a "sustained" finding was made by the Division Chief) was 115 days. The average number of days to hold a Chief's Hearing (from the date of the DRB) was 52 days. The average number of days (from the date the internal affairs case was opened) for a DPD officer (who receives a DRB hearing) to be advised of the Chief's disciplinary recommendation was 304 days in 2007. The OIM looks forward, however, to significant improvements in timeliness for this process in 2008, due to a new DRB scheduling process and the expectation that the Chief of Police will make the timeliness of Chief's Hearings a priority in the upcoming year. (For more information on timeliness in the disciplinary processes, see Chapter 9 of this report.)

## **Issues of Significance in 2007**

### *Timeliness of Officer-Involved Shooting Investigations and Reporting of Conclusions*

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. In last year's Annual Report, the Monitor reported significant timeliness concerns with respect to how long the DPD's Homicide Unit took to complete its reports (and allow the administrative review process to proceed) and the failure of the Manager of Safety to issue timely public reports on Officer-Involved Shootings resulting in injury and death.

The Monitor is pleased to report that the Homicide Unit's timeliness in completing their reports on Officer-Involved Shootings improved dramatically. The Homicide Unit command staff and investigators deserve accolades and appreciation for their hard work in ensuring that the DPD conducted timely reviews of these critical incidents which benefits the involved officers and the community as a whole.

In addition, the Manager of Safety was able to complete all pending reports on Officer-Involved Shootings that resulted in death that were pending as of the end of 2007. The Manager, with the Monitor's agreement, concluded that he did not have the resources to complete public reports in all shootings resulting in death or injury. As a result, he changed his protocols so that he will only issue such reports in 1) all fatal shootings and 2) when an officer uses force which results in serious bodily injury that is found "out of policy." The Monitor's Office will continue to report on all intentional shootings in order to ensure transparency with respect to these significant incidents.

In addition, as of December of 2007, the Monitor started publishing quarterly reports (including all four quarters of 2007) showing the status of all critical incidents for both the DPD and the DSD.

In one case, however, it has taken the Chief and the Manager of Safety more than six months to review an officer-involved shooting where the Monitor expressed concerns as to whether it was “out of policy.” That case review was still pending as of the writing of this report. (For more information on 2007 critical incidents investigations and administrative reviews, see Chapter 6 of this report.)

*DPD and DSD Internal Affairs Investigations & Findings –  
General Agreement Between DSD, DPD & the OIM with a Few 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 2007 and OIM recommendations regarding these investigations can be found in Chapter 3 of this report.)

In only one case did the Monitor’s Office have significant concern about the adequacy of an internal affairs investigation. In that case, the Police Internal Affairs command staff declined to follow the OIM’s recommendation for further investigation of an officer accused of sexual misconduct by an admitted prostitute. (See Chapter 3 of this report for more information.)

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 did the Monitor’s Office express concerns about these findings. (See Chapter 3 of this report for more information.)

In the event of a “sustained” finding (wherein the Department concludes that an officer has violated a law, policy, procedure, or expectation of the Department), the officer’s commander makes a disciplinary recommendation. The DPD Chief and the DSD Director of Corrections 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 has been reasonable. However, there have been instances in which differences of opinion have occurred. In some cases, the Monitor has recommended more significant discipline, and in other cases, the Monitor has recommended lesser discipline. (See Chapter 4 of this report for more information.)

*Departing from the Truth – Continued Concerns Regarding DPD’s Handling of Cases Involving Allegations Affecting the Credibility of DPD Officers*

While reviewing various complaint investigations and findings, the Monitor’s Office became aware of a potential problem regarding how the DPD and DSD dealt 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 was “sustained” for such conduct, but was not terminated by the Department, a process was created to allow the Monitor to recommend a review of the officer’s ability to continue working in an assignment where the officer’s credibility was important. In two cases, the OIM recommended that DPD officers be terminated for lying to Internal Affairs and the Command Staff. In one case, the officer was given a long suspension, but was then returned to his prior assignment, against the recommendation of the Monitor. In a second case, an officer was allowed to remain in his assignment for almost two years before the internal affairs case was concluded. (For a detailed description of this issue, see Chapter 5 of this report.)

In addition, during the course of the year, the OIM and the Chief of Police had concerns about investigations of “Departing” cases that were investigated at the District level. At the recommendation of the OIM, the Chief of Police agreed that all future “Departing” cases will be investigated by the Internal Affairs Bureau as formal investigations. (For more information on this issue, see Chapter 5 of this report.)

*OIM Concerns About the Sheriff Department’s Lack of Protocols for Placing Deputies on Administrative Leave*

During the course of the year, the OIM monitored two different cases in which the Director of Corrections recommended the termination of a Deputy Sheriff for egregious misconduct. In both cases, the OIM agreed with the Director’s recommendation. In both cases, the Denver Sheriff Department allowed the involved Deputies to continue working in the City and County Jails while awaiting a final order from the Manager of Safety. The OIM was concerned that allowing these Deputies to continue working was a disservice to the agency and the public. It opened the Department up to legitimate criticism and potential civil liability for any inappropriate acts the deputies might have taken while waiting for the termination recommendation to be adjudicated by the Manager.

The OIM was concerned about two additional cases as well. One case involved an inappropriate use of force by a Deputy that was caught on tape. Due to the facts of that case, which appear to involve the writing of a false report and the Deputy’s prior disciplinary history, the OIM believed that there was a substantial likelihood of termination. Yet, the Deputy remained on duty pending the completion of the internal affairs investigation. In another case, a Deputy was arrested for soliciting a prostitute (off duty). The Colorado POST (Police Officer Standards & Training) Board has declared that a POST-certified law enforcement officer convicted of solicitation, under state law, is automatically decertified and prohibited from being employed as a law enforcement officer in Colorado. Although Sheriff Deputies are not POST certified, and the Deputy was charged under a City ordinance, not the applicable statute, a question still exists as to whether that Deputy should have been put on administrative leave pending the conclusion of the criminal prosecution.

The OIM noted that the Denver Police Department has an aggressive protocol whereby officers who have termination recommendations made against them are placed off duty, with pay, pending the outcome of the disciplinary proceedings (or a change in the termination recommendation by the chain-of-command). In cases where there is credible evidence that an officer committed a serious act warranting possible termination, the officer is usually placed off duty, with pay, pending the investigation and adjudication of their case. While this process costs the Department personnel and money, the long term benefits of protecting the Department from legitimate criticism and liability is considered to be worth the price. (For a more detailed description of these cases and this issue, see Chapter 5 of this report.)

*Prior Concerns Regarding the Failure of Medical Staff to Cooperate with an In-Custody Death Investigation & a Negotiated Compromise between the Monitor's Office and Denver Health.*

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. Those concerns were reported in our 2006 Annual Report. In 2007, with the assistance of the Mayor's Office and the City Attorney's Office, the OIM was able to negotiate a compromise agreement with Denver Health, which will allow nurses to be interviewed in future cases, even when there may be issues of liability. Specifically, Denver Health and the City of Denver amended their Operating Agreement to permit Internal Affairs investigators to submit written questions to Denver Health nurses, which will be answered in writing by those nurses, in those cases in which Denver Health has either been sued, or there is a likelihood that a law suit may be filed. In the majority of cases, wherein there are no liability issues, Denver Health nurses will continue to cooperate in Sheriff Internal Affairs investigations.

*Monitoring Allegations of Child Abuse*

In 2006, the Monitor's Office learned 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 worked with the City Attorney's Office in 2007 to create a process by which the OIM will request court permission to conduct monitoring in these important cases on an ongoing basis. That process was finalized toward the end of 2007. Unfortunately, during the course of the year, the OIM was unable to monitor two DSD Internal Affairs investigations and one DPD Internal Affairs investigation. There should be no reoccurrence of this inability in 2008, assuming that the District Court judges conclude that monitoring in appropriate cases should be allowed to proceed.

**2007 Outreach**

The OIM ensures that citizens can make police complaints and commendations via mail, telephone (in some cases), fax, the internet, or email 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 placed 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.

During the course of 2007, the OIM continued to meet with many community groups to discuss their issues and concerns regarding Denver law enforcement, as well as to explain the Monitor's Office, its mission and its practices. The mediation program was highlighted during all such community meetings.

The 2007 community meetings are listed in Appendix B of this report.

As the Monitor's Office has become more established and as the Ombudsman met with many organizations in 2005 and 2006, the number of community meetings has, as would be expected, decreased. The Ombudsman will continue to reach out to all organizations with whom she has already made contact so that any continuing or future concerns can be addressed.

### **2005-2007 Survey Results:**

When the Monitor's Office was created in 2005, surveys were sent out to all citizen complainants over the past three years (who were serviced by the Public Safety Review Commission) as well as all Denver Police officers. The intent was to obtain baseline data to determine to what extent the complaint handling and disciplinary processes were respected and appreciated by community complainants and police officers.

The initial baseline results were reported in a Survey Report prepared by a professor at Ohio University. The results of that survey were published in an April 10, 2006 report, which noted that both officers and complainants believed that the complaint handling and disciplinary processes were biased against them.

On May 20, 2007, a follow-up report was published regarding a second officer satisfaction survey that was completed in late 2006. That report showed significant increases in officers' satisfaction with the complaint handling and disciplinary processes and outcomes. The OIM attributed the increase in officer satisfaction to the successful implementation of a "filtering" process for the handling of complaints that was discussed in detail in the OIM's 2006 and 2007 Annual Reports.

For more information, see Chapter 5 of this report and see the survey reports, located on the OIM website at: [www.denvergov.org/OIM](http://www.denvergov.org/OIM) [reports].

In the upcoming year, the OIM will consider the value of continuing the use of these or other survey instruments. It must be noted that the complaint handling and disciplinary processes were not created to satisfy either complainants or officers but rather to ensure accountability within the police department. The system is a reactive one that is often adversarial and sometimes punitive. The OIM will continue, however, to attempt to maintain the highest possible level of satisfaction while ensuring that the primary goals and intent of the complaint handling and disciplinary processes are met.

## **2008 Goals & Performance Benchmarks**

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

1. Follow up on the the Police Assessment Resource Center (PARC) report to ensure recommendations regarding changes in DPD deadly force policies and critical incident investigations and administrative reviews will be implemented as appropriate.
2. Continue the use of the OIM community-police mediation program, while maintaining the program as the largest of its kind in the country and assisting other police agencies in implementing similar programs.
3. Evaluate the implementation of the DPD Personnel Assessment System and assisting the DSD in the implementation of its own system.
4. Evaluate the new Disciplinary Matrix and assisting the DSD in the evaluation of a similar matrix.
5. Increase the timeliness of disciplinary review boards and Chief's Hearings with the DPD.

### **The OIM has established the following performance goals for 2008:**

- Increase the number of police/citizen mediations by 10% while maintaining a statistically equal rate of satisfaction.
- Improve the timeliness of DPD sustained cases by decreasing the number of days to close cases by 6%.
- Have OIM staff complete at least 200 hours of training from October 1, 2007 through September 30, 2008. This training will include Denver Police and Sheriff Training Academy classes, "ride-alongs" with DPD personnel, and "walk-alongs" in the Denver City and County Jails.

### **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 and is in the process of working with the Department's to ensure accuracy in the future.



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## CHAPTER 2

### COMPLAINT HANDLING PROCESSES AND OMBUDSMAN ACTIVITIES

## **Stage One: Complaint Intake**

### How a Complaint Can Be Made

1. A community member can file a complaint against a Denver Police Department officer or a Denver Sheriff Deputy using the following options:
2. Complaints and commendations may be filed via the websites of the Monitor's Office, the Citizen Oversight Board, the Denver Police Department and the Denver Sheriff Department. The OIM also accepts written complaints via fax, U.S. Mail, and in some circumstances via telephone.
3. 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 A to this Chapter for a list of the distribution locations.
4. Complaints received by the Mayor's Office are forwarded to the OIM. The complaints are copied, documented, and then forwarded to the appropriate agency.
5. DPD and DSD accept walk-in, telephoned, faxed, and mailed complaints at their various stations and offices as well as their Internal Affairs Bureaus.

### Information and Referrals

The OIM will assist a community member when a complaint does not relate to an allegation of misconduct against a sworn officer or does not fall under the jurisdiction of the OIM. In such cases, the OIM will assist such callers by referring them to the appropriate governmental agency, or to a 311 operator.

### Internal Complaint Definitions

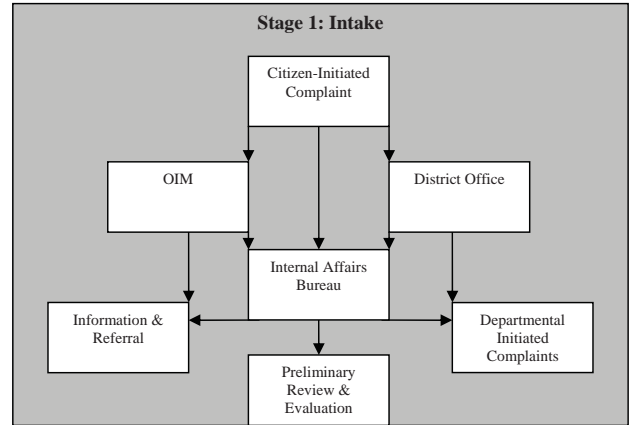
- **Citizen Complaint:** A complaint initiated by a community member.
- **Court (Failure to Appear):** A department-initiated complaint alleging that an officer failed to appear in court without appropriate cause.
- **Accidents:** A department-initiated complaint filed as the result of an officer being 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.
- **Other-Internal:** A department-initiated complaint or a complaint initiated by a governmental official acting in their official capacity, alleging misconduct other than as otherwise listed.

## IAB Complaint Intake & Assignment

Both DPD and DSD Internal Affairs Bureaus assign IAB Sergeants to review written complaints filed with the OIM or the IAB and/or to conduct intake interviews of community-member complainants. Intake interviews are usually tape recorded and confidential. The intake Sergeant's notes are documented on an intake form and forwarded to IAB command staff for review and an assignment decision.

After reviewing the intake investigation, an IAB supervisor makes an assignment decision, which can include any of the following:

- Decline the complaint with a letter to the complainant, through the OIM, explaining the reason for the declination.
- Assign the complaint for handling in an “informal” manner.
- Assign the complaint as a “service complaint.”
- Forward the complaint to the OIM for possible mediation.
- Assign the complaint for a full investigation by the Internal Affairs Bureau or at the District/Bureau level.



The OIM is notified of all case assignment decisions. To facilitate this process, the OIM Monitors meet weekly with the DPD and DSD IAB Command Staff. 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. In accordance with Den. Mun. Code Section 2-388(d), the OIM can conduct an independent investigation when necessary.

## IAB Dismissals

The following definitions for declination are further described in the OIM Monitoring Guidelines and on the OIM website:

***Complainant Withdrew:*** The complainant does not wish to pursue the complaint and the withdrawal 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 is likely to refer the complaint back to IAB if objective evidence of officer misconduct is established in court or during a hearing.

***Mediation:*** The complainant, involved officer, Monitor and Department 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.

Third Party Complaint: The complaint was filed by a third party not directly affected by the alleged conduct and is minor in nature.

IAB “Informals”

Police: 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 alleged incident and the nature of the complaint with the involved officer(s). DPD’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 will also be discussed. These actions taken by the department will then be documented and forwarded to IAB to communicate to the complainant via a complaint resolution letter.

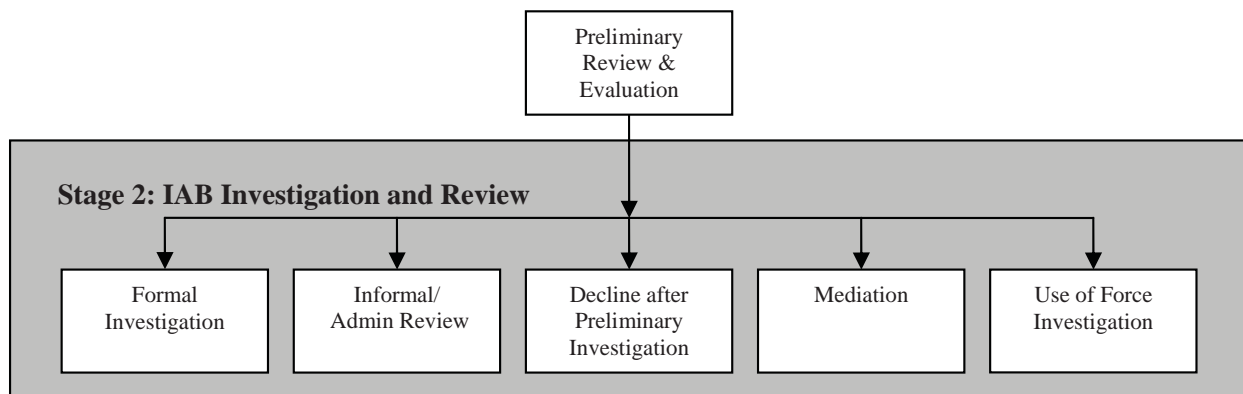
Sheriff: The IAB Commander may assign a complaint to be handled as a “service complaint” when the complaint involves an alleged violation of policy or procedure that would justify no more than a verbal or written reprimand (or counseling) if the complaint is determined to be valid by the officer’s supervisor. In some cases, after a supervisor discusses a “service complaint” with a deputy, the supervisor will recommend that the complaint be dismissed by IAB, with concurrence from the OIM.

DPD Service/System Complaints

A complaint is categorized as a “service complaint” when it relates to a specific policy or procedure that an officer is required to follow. Complaints involving policy, procedure, or training will be referred to the appropriate commanding officer or to the Chief’s Office.

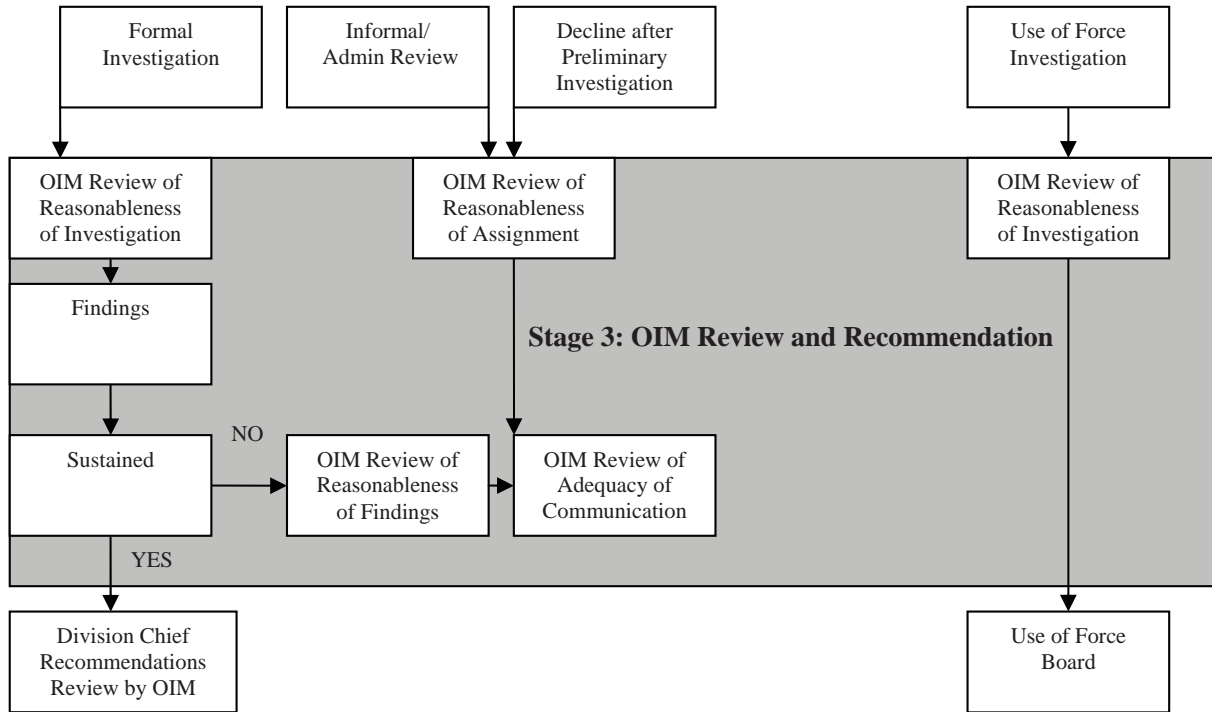
**Stage Two: IAB Investigation and OIM Review**

Cases that are sent for a full IAB investigation are monitored and reviewed by the OIM. On some occasions, the OIM will request follow-up interviews or further documentation. Once an OIM monitor advises IAB that the investigation is complete and thorough, the case proceeds through the disciplinary process with continued OIM monitoring.



### Stage Three: Command Review

A finished IAB investigation is forwarded to the involved officer’s commander for findings. OIM will review of the case findings. If the Monitor disagrees with a finding of “unfounded,” “exonerated,” or “not sustained,” the Monitor will confer with the Chief’s Office (DPD) or the appropriate Division Chief (DSD) in order to resolve any concerns. If the Monitor disagrees with the recommended discipline, he may confer with the Chief of Police, the Director of Corrections, and ultimately, the Manager of Safety.



The various possible findings are defined as follows:

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.

## **Stage Four: Findings and Imposition of Discipline**

Following the completion of an 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 use of force reports and forwards to a Use of Force Review Board 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; or (d) in which the Chief of Police directs the Use of Force Review Board to review the incident.

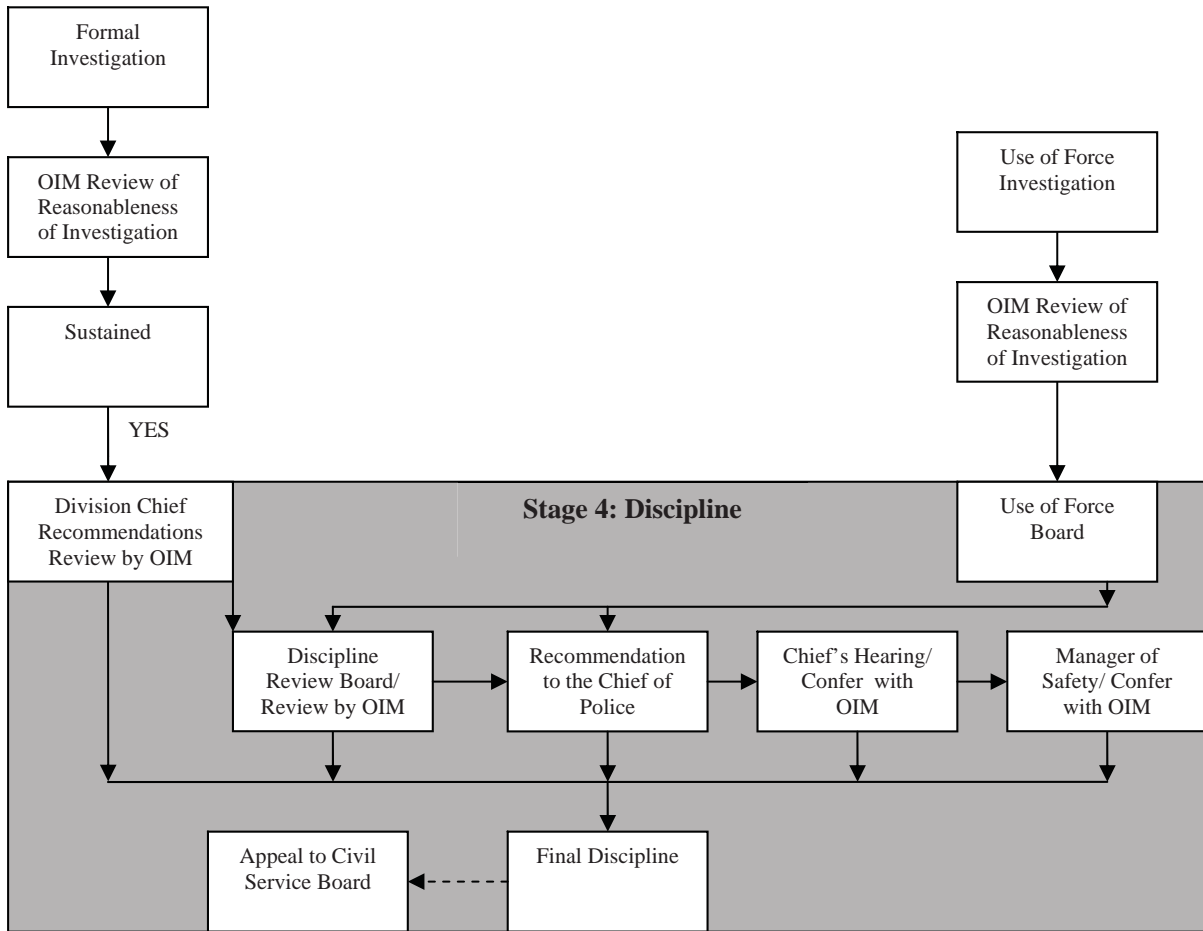
Either the Use of Force Review Board or the officer's chain-of-command will make a recommendation to the Chief of Police or the Director of Corrections (for the Sheriff's Department) regarding whether the subject officer's conduct violated any Department policies or rules.

If it has been determined that a policy violation has occurred, the next step for the DPD is a review of the case by the Disciplinary Review Board (DRB). The DRB is a six-person board consisting of police officers and community members. A DRB hearing is convened automatically whenever a disciplinary recommendation involves a suspension of ten days or more or at the request of an officer who has been notified of a recommendation of any discipline more substantial than a verbal or written reprimand. The DRB makes a non-binding recommendation to the Chief of Police on the possible disciplinary sanctions. The Denver Sheriff Department does not have this additional step, however, it does require a review at the Division Chief level.

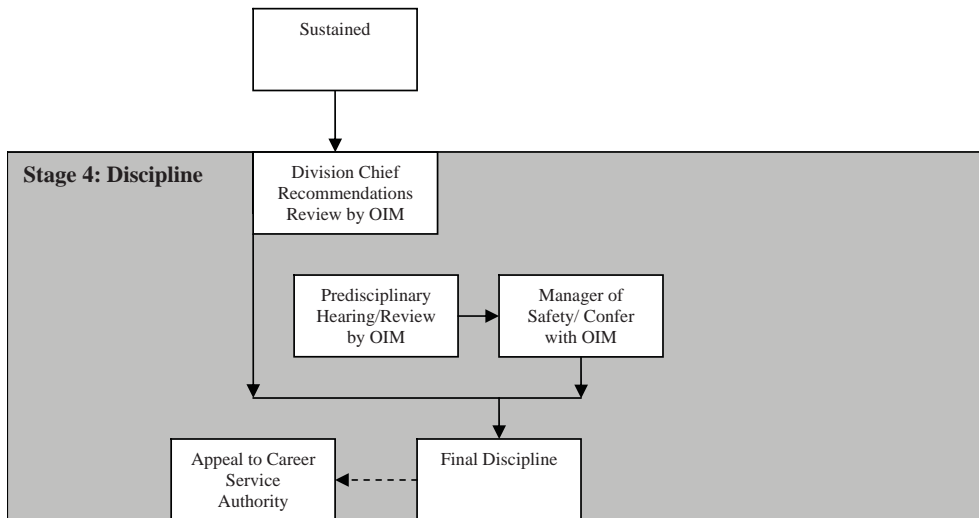
If an officer has been found to have committed a policy violation and discipline is recommended, the officer is entitled to attend a "pre-disciplinary meeting" (Sheriff's Department) or a "Chief's hearing" (Police Department). At this hearing, the officer can present his or her version of the events and 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 the proper level of discipline if a rule violation has occurred. 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 (DPD) or the Career Service Authority (DSD). Subsequent appeals can be made in courts of proper jurisdiction.

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 Manager of Safety.

## DPD



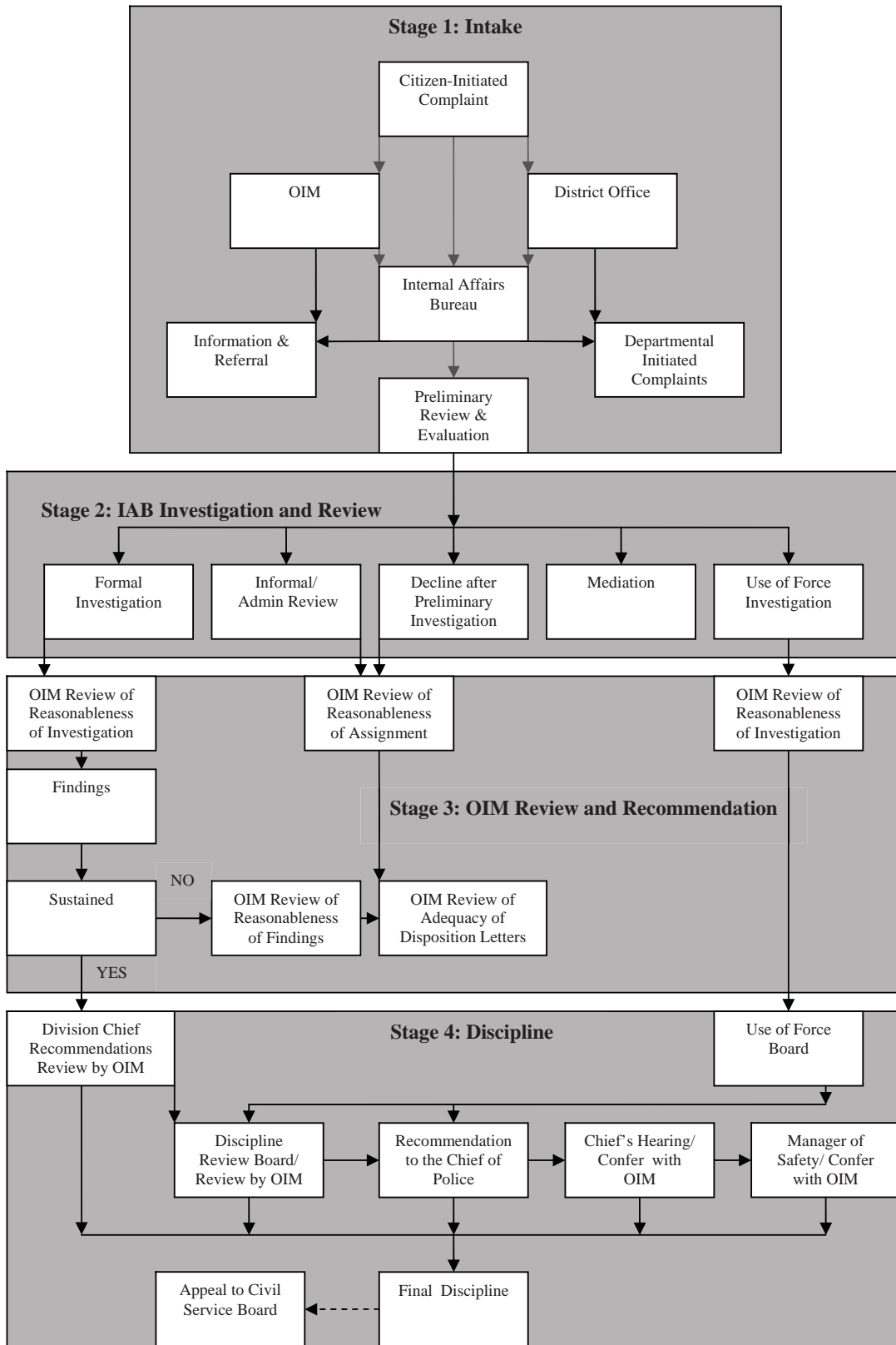
## DSD



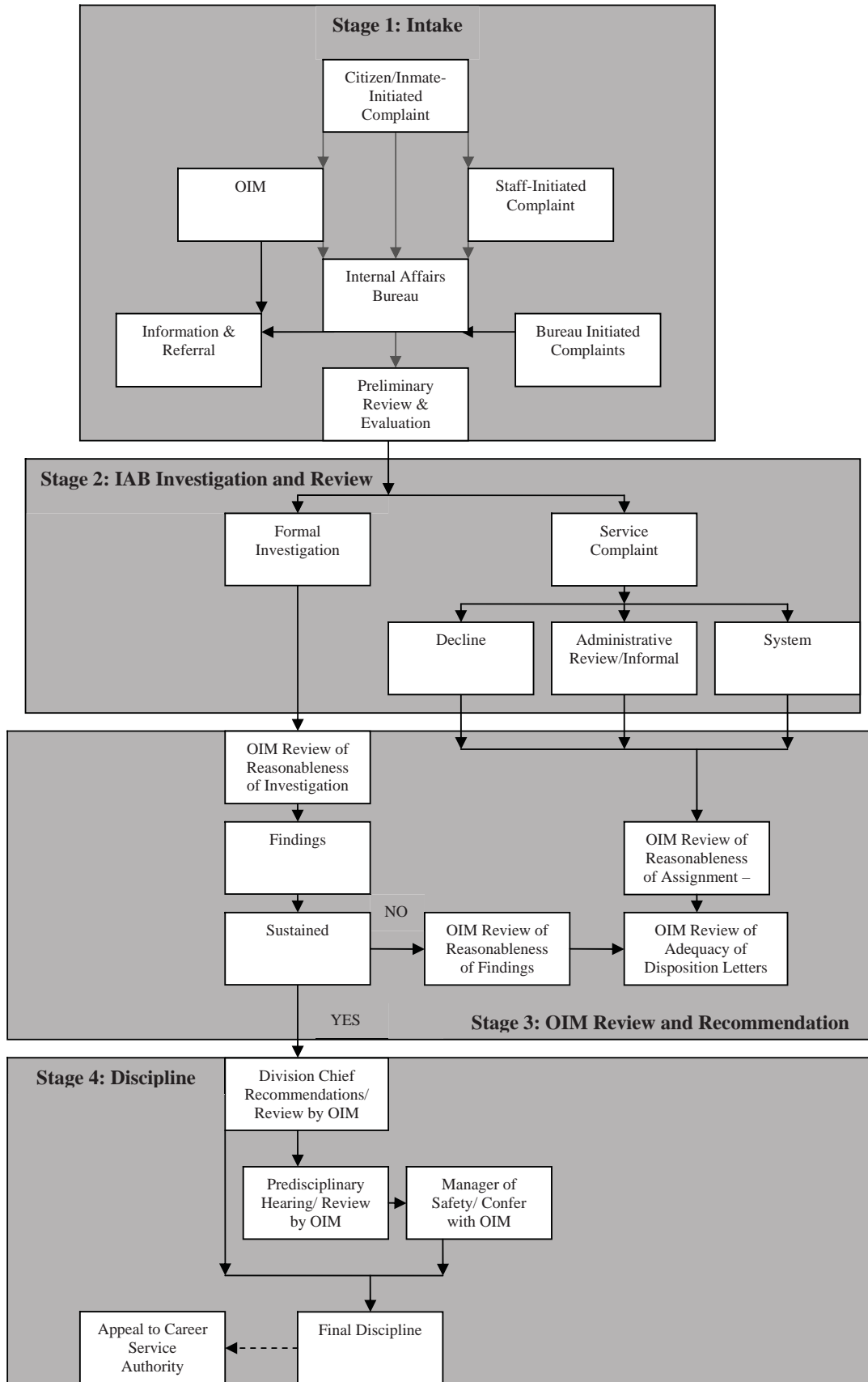
The role of the OIM in the disciplinary process is specifically governed by Sec. 2-389 of the Denver City Ordinance which governs the office. The ordinance requires that each of the involved agencies establish departmental policies of cooperation with the OIM and allow the OIM to actively monitor and 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 subject to confidentiality requirements further outlined in Den. Mun. Code section 2-376. The Monitor is given the opportunity to attend disciplinary proceedings, review disciplinary documents, make recommendations throughout the disciplinary process regarding Departmental findings, and opine on the appropriateness of disciplinary sanctions, if any.

The OIM is advised of upcoming disciplinary hearings by DPD and DSD, including DRB hearings, Use of Force Board hearings, Pre-Disciplinary Hearings and Chiefs' Hearings. In 2007, OIM Monitors attended all Chiefs' Hearings, Disciplinary Review Boards and Use of Force Boards conducted by the DPD and all Pre-Disciplinary Hearings conducted by the DSD. The Monitor also attends Tactics Review Board meetings when necessary to complete its mandatory oversight of a critical incident investigation.

# IAB-OIM Process Chart (Police Department):



IAB-OIM Process Chart (Sheriff Department):



## 2007 Ombudsman Work

During the course of the year, numerous members of the public have contacted the OIM with issues outside its jurisdiction. Generally, in such cases, either the Ombudsman or Office Manager attempts to locate the most appropriate agency or authority to address the community member's concerns. In 2007, OIM staff assisted dozens of people with information referrals including referral to city council offices, DIA, the Better Business Bureau, Internal Affairs Bureaus/Professional Standards Offices of police and sheriff departments in other cities and counties, Denver's Human Rights/Community Relations Agency, judicial staff, and the City Attorney's Office.

*The OIM staff aims to provide the best customer service possible while maintaining objectivity and neutrality. For example, a person contacted the OIM stating that he had been the victim of identity theft leading to his arrest and the impoundment of his vehicle. He stated he had been acquitted of all charges, but his vehicle was still being held with fines and the vehicle was scheduled for auction the next day. While the Ombudsman could not advocate on behalf of the complainant, she confirmed that he had legal documentation proving his innocence and then contacted the Manager of Safety's Office (who has authority over the Denver Sheriff Department impound facility) and placed an urgent request for the Manager to review the complainant's case. The Manager initiated a process that waived all fees and relinquished the vehicle to its owner. The complainant wrote a letter to the Monitor expressing gratitude for the Ombudsman's assistance.*



**DENVER**  
THE MILE HIGH CITY

## **CHAPTER 3**

COMPLAINT  
ASSIGNMENTS,  
INVESTIGATIONS &  
FINDINGS

## Complaint Assignments—Denver Police

In 2007, the Denver Police Department Internal Affairs Bureau handled 1,106 complaints of which 644 involved citizen complaints. The number of citizen complaints received in 2007 increased by 3.9% from 2006.

A 3.9% increase is not large enough to be considered statistically significant. In addition, it is impossible to determine whether an increase in the number of “citizen” complaints is a positive indicator of greater public faith in the integrity of the complaint handling process or whether it is a negative indicator of community unhappiness with police behavior, or perhaps a factor of both or neither.

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 2007)

COMPLAINT TYPE	YEAR		
	2005	2006	2007
Citizen	502	620	644
column %	50.4%	57.5%	58.2%
Internal	113	115	114
column %	11.3%	10.7%	10.3%
Obedience to Traffic Regulations	14	76	59
column %	1.4%	7.1%	5.3%
Traffic Accidents	122	150	152
column %	12.2%	13.9%	13.7%
Failure to Appear-Court	180	101	94
column %	18.1%	9.4%	8.5%
Failure to Complete-Education	44	0	11
column %	4.4%	0%	1%
Failure to Qualify-Firearm	22	16	32
column %	2.2%	1.5%	2.9%
<b>TOTAL</b>	<b>997</b>	<b>1078</b>	<b>1106</b>

Table 3.2 shows that 527 (nearly 50%) of the complaints received in 2007 were classified as formal complaints compared to 81 (7%) classified as informal complaints.

The most common assignment for citizen-initiated complaints was a “decline” representing 72.4% of the complaints while “service” complaint was the least common assignment with 3.4%.

The majority of internally-initiated complaints were categorized as “formal” complaints (89.5%) while “decline” was the least common case assignment (2.6%).

TABLE 3.2 TOTAL COMPLAINTS IN 2007 BY COMPLAINT TYPE AND CASE ASSIGNMENT (DPD 2007)

COMPLAINT TYPE	CASE ASSIGNMENT				TOTAL
	Formal	Informal	Decline	Service Complaint	
Citizen	87	69	466	22	644
row %	13.5%	10.7%	72.4%	3.4%	
Internal	102	9	3		114
row %	89.5%	7.9%	2.6%		
Obedience to Traffic Regulations	49	3	7		59
row %	83.1%	5.1%	11.9%		
Failure to Appear-Court	94				94
row %	100%				
Traffic Accidents	152				152
row %	100%				
Failure to Qualify-Firearm	32				32
row %	100%				
Continuing Education-CEP	11				11
row %	100%				
<b>TOTAL</b>	<b>527</b>	<b>81</b>	<b>476</b>	<b>22</b>	<b>1095</b>

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

## Monitor Declines

During the course of the year, the OIM declined 15 complaints which the OIM concluded did not warrant further review by police administration. These complaints were not included in the count of complaints against the DPD. Some of these cases involved repeat complainants whose prior complaints had been previously declined as false or trivial by IAB. Other cases involved persons appearing to suffer from mental illness where the complaint was clearly false or no misconduct had occurred. In cases where mental health issues were present, the Department's Crisis Intervention Team (CIT) coordinator was advised of the complaint and the complainant's dissatisfaction with the resolution of the complaint. Finally, some were so untimely that further administrative review was unwarranted.

TABLE 3.3 NUMBER OF CITIZEN COMPLAINT DECLINES BY AGENCY AND REASON (DPD 2007)

REASON	AGENCY			TOTAL
	DPD	Monitor	Station	
Complainant Withdrew	29	2		31
% of total	6.1%	0.4%		
False/Trivial	24	2		26
% of total	5.0%	0.4%		
Judicial Remedy	65			65
% of total	14.3%			
Mediation	72	1		73
% of total	15.1%	0.2%		
No Jurisdiction	8	1		9
% of total	1.7%	0.2%		
No Misconduct	231	6	6	243
% of total	48.5%	1.3%	1.3%	
Third Party	3			3
% of total	0.6%			
Repeatedly Reviewed		1		1
% of total	0.0%	0.2%		
Unable to ID Officer	11			11
% of total	2.3%			
Untimely	12	1		13
% of total	2.5%	0.2%		
Complainant History		1		1
% of total		0.2%		
<b>TOTAL</b>	<b>455</b>	<b>15</b>	<b>6</b>	<b>476</b>

Table 3.4, provides the most frequent complaint allegations received by DPD in 2007 compared with those received in 2006 and 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) are not included in this table.

TABLE 3.4 COMPLAINT ALLEGATIONS BY YEAR FOR CITIZEN/INTERNAL CASES ONLY (DPD 2007)

ALLEGATION	YEAR		
	2005	2006	2007
Improper Procedure	437	288	274
column %	43.1%	23.8%	22.1%
Discourtesy	295	290	302
column %	29.1%	23.9%	24.4%
Unnecessary Force	165	206	235
column %	16.3%	17.0%	19.0%
Law Violations	47	57	40
column %	4.6%	4.7%	3.2%
Obedience to Traffic Regulations	21	76	59
column %	2.1%	6.3%	4.8%
Conduct Prejudicial	19	37	35
column %	1.9%	3.1%	2.8%
Other	31	257	294
column %	3.1%	21.2%	23.7%
<b>TOTAL</b>	<b>1015</b>	<b>1211</b>	<b>1239</b>

Improper procedure complaints decreased by 4.9% from 2006 to 2007. Discourtesy complaints; however, increased by 4.1% from 2006 to 2007.

Overall, the number of allegations for citizen/internal complaints increased from 1,211 in 2006 to 1,239—an increase of only 2.3%.

Table 3.5 provides a more complete breakdown of citizen-initiated complaint allegations received in 2007.

The top three types of complaints involved allegations of discourtesy (29.1%), unnecessary force (22.5%) and “improper procedure – other” (20.9%). There were 234 complaints with at least one allegation of discourtesy, 131 complaints with at least one allegation of unnecessary force and 143 complaints with at least one allegation of “improper procedure - other.”

TABLE 3.5 CITIZEN-INITIATED COMPLAINT ALLEGATIONS (DPD 2007)

Complaint Type	Frequency	Percent
Discourtesy	298	29.1%
Unnecessary Force	230	22.5%
Improper Procedure - Other	214	20.9%
Impartial Attitude	54	5.3%
Failure to Make or File Reports	34	3.3%
Police Harassment	32	3.1%
Administrative Review	25	2.4%
Conduct Prejudicial	22	2.1%
Giving Name and Badge Number	22	2.1%
Obedience To Traffic Regulations	14	1.4%
Law Violation - Other	13	1.3%
Racial Harassment	12	1.2%
Responsibilities To Serve The Public	12	1.2%
Law Violation - Theft	9	0.9%
Evidence Handling Procedures	8	0.8%
Intimidation of Persons	6	0.6%
Critical Incident Review	4	0.4%
Service of Civil Processes	2	0.2%
Sexual Misconduct	2	0.2%
Completing Official Reports	1	0.1%
Controlled Substance	1	0.1%
Departing From The Truth	1	0.1%
Drinking to Excess	1	0.1%
Immoral Conduct	1	0.1%
Law Violation - Assault	1	0.1%
Law Violation - Domestic Violence	1	0.1%
Law Violation - Excessive Force	1	0.1%
Law Violation - Other Traffic	1	0.1%
Respect for Fellow Officer	1	0.1%
Traffic Enforcement While Not In Uniform	1	0.1%
<b>Total</b>	<b>1024</b>	<b>100</b>

Table 3.6 provides a complete breakdown of internally-initiated complaint allegations received in 2007.

The top three types of complaints involved allegations of “improper procedure - other,” “obedience to traffic regulations,” and “administrative review.” There were 53 complaints with at least one allegation of “improper procedure - other,” 45 complaints with at least one allegation of obedience to traffic regulations and 15 complaints with at least one allegation of “administrative review.”<sup>1</sup>

<sup>1</sup> “Administrative Review” is a catch-all allegation that is used whenever a complaint relates to concerns regarding a policy in effect or raises training or tactics concerns and, in some cases, involves the review of a critical incident where no misconduct was alleged.

TABLE 3.6 INTERNAL-INITIATED COMPLAINT ALLEGATIONS (DPD 2007)

ALLEGATION	Count	Percent
Improper Procedure - Other	60	27.9%
Obedience To Traffic Regulations	45	20.9%
Administrative Review	24	11.2%
Conduct Prejudicial	13	6.0%
Improper Procedure - Pursuit	13	6.0%
Critical Incident Review	7	3.3%
Respect for Fellow Officer	7	3.3%
Law Violation - Other	5	2.3%
Unnecessary Force	5	2.3%
Discourtesy	4	1.9%
Improper Procedure - Punctuality	4	1.9%
Law Violation - Domestic Violence	4	1.9%
Departing From The Truth	3	1.4%
Disobedience of an Order	3	1.4%
Failure to Make or File Reports	2	0.9%
Giving Name and Badge Number	2	0.9%
Improper Procedure - Preventable Accident	2	0.9%
Law Violation - Other Traffic	2	0.9%
Responsibilities To Serve The Public	2	0.9%
Drinking to Excess	1	0.5%
Evidence Handling Procedures	1	0.5%
Law Violation - Assault	1	0.5%
Law Violation - DUI	1	0.5%
Law Violation - Theft	1	0.5%
Reporting Absence Prior to Roll Call	1	0.5%
Sexual Harassment	1	0.5%
Sexual Misconduct	1	0.5%
<b>Total</b>	<b>215</b>	<b>100%</b>

### **Complaint Assignments—Denver Sheriff**

In 2007, the Denver Sheriff Department received 584 complaints compared to 388 in 2006. This represents an increase of 51% in the total number of complaints from 2006 to 2007. This increase is attributable to two factors.

First, inmate complaints increased by 33% (from 163 to 216) from 2006 to 2007. This increase may be due to an increased awareness on the part of inmates about their ability to make a complaint through the OIM.

Second, and even more significantly, management complaints increased by 574% (from 35 to 236) from 2006 to 2007. The increase in management complaints is attributable to a change in the Department's documentation of reprimands. In the past, verbal and written reprimands were issued to employees and not forwarded to IAB. As such, there was no convenient means by which supervisors could track reprimands on a department-wide basis and it was difficult to ensure consistency throughout the department as to how and when reprimands were issued. In 2007, the Department began requiring supervisors to forward all reprimands to IAB for review and documentation. The Monitor applauds this new practice as it ensures that the issuance of reprimands is consistent and fair and that reprimands are not issued when more serious discipline might be warranted.

Approximately 37% of the total complaints received in 2007 were filed by inmates, while management accounted for 40%, community members—13%, and employees—3%.

TABLE 3.7 TOTAL COMPLAINTS BY COMPLAINT SOURCE AND YEAR (DSD 2007)

COMPLAINT SOURCE	YEAR		
	2005	2006	2007
Citizen	53	73	77
column %	15.2%	18.8%	13.2%
Employee	34	26	16
column %	9.8%	6.7%	2.7%
Inmate	108	163	216
column %	31.0%	42.0%	37.0%
Management	72	35	236
column %	20.7%	9.0%	40.4%
Other	2	6	0
column %	0.6%	1.5%	0.0%
Unknown	79	85	39
column %	22.7%	21.9%	6.7%
<b>TOTAL</b>	<b>348</b>	<b>388</b>	<b>584</b>

TABLE 3.8 COMPLAINT ALLEGATIONS BY YEAR (DSD 2007)

COMPLAINT TYPE	YEAR		
	2005	2006	2007
Improper Conduct	179	263	265
column %	40.3%	52.5%	41.0%
Lost Property	82	89	94
column %	18.5%	17.8%	14.6%
Improper Procedure	88	31	113
column %	19.8%	6.2%	17.5%
Excessive Force	48	9	26
column %	10.8%	1.8%	4.0%
Law Violation	22	27	10
column %	5.0%	5.4%	1.5%
Other	10	8	30
column %	2.3%	1.6%	4.6%
Service Complaint	15	74	108
column %	3.4%	14.8%	16.7%
<b>TOTAL</b>	<b>444</b>	<b>501</b>	<b>646</b>

Table 3.8 shows the complaint allegations by year.

In 2007, improper conduct complaints accounted for 41% of the total allegations received.

Excessive force allegations increased from 9 in 2006 to 26 in 2007.

### **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 may 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 Departments conducted thorough and fair investigations. The quality of police IAB investigations was particularly impressive when the allegations were serious and there was a significant likelihood that discipline would need to be imposed.

The OIM 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 and was not necessary, except in one case involving the DPD.

## Findings

After the completion of a formal investigation, IAB 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," "not sustained," 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 DPD) and, ultimately, the Manager of Safety.

During 2007, the OIM concluded that the vast majority of the findings reached by DPD and DSD command staff were reasonable and appropriate.

### Findings—Denver Police Statistics

In 2007, DPD closed 1,137 cases. These cases included citizen and internal cases, as well as, cases involving scheduled discipline that were received after August 1, 2005 and closed in 2007. Table 3.9 shows the number of cases closed in 2007 by the case assignment.

Approximately 47% of all cases closed during 2007 were formal complaints compared to 44.5% for declines. A small percentage of cases involved service complaints (1.5%).

TABLE 3.9 COMPLAINT CASES CLOSED IN 2007 BY CASE ASSIGNMENT (DPD 2007)

CASE ASSIGNMENT	Count	Percent
Formal	537	47.2%
Informal	77	6.8%
Decline	506	44.5%
Service Complaint	17	1.5%
<b>TOTAL</b>	<b>1137</b>	

Table 3.10 provides the findings for only formal cases closed in 2007. 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.

Scheduled discipline cases including traffic accidents and failure to appear had the highest sustained rates among all complaint types (96.8% and 89.5% respectively). Citizen-initiated complaints were the least likely to be sustained—24% sustained rate. Internally-initiated complaints other than scheduled discipline had a sustained rate of 63.6%.

TABLE 3.10 FINDINGS FOR FORMAL CASES CLOSED IN 2007 BY CASE TYPE (DPD 2007)

FINDING	COMPLAINT TYPE						TOTAL
	Citizen	Internal	Traffic Accidents	Failure to Appear-Court	Failure to Qualify-Firearms	Failure to Complete-Education	
Sustained	47	131	153	85	19	3	438
column %	24.0%	63.6%	96.8%	89.5%	59.4%	25.0%	
Unfounded	64	11	1	2	2	1	81
column %	32.7%	5.3%	0.6%	2%	6%	8%	
Exonerated	14	30	2	5	9	7	67
column %	7.1%	14.6%	1%	5.3%	28.1%	58.3%	
Not Sustained	62	27	2	3	0	0	94
column %	31.6%	13.1%	1%	3.2%	0%	0%	
Not Reviewed	9	7	0	0	2	1	19
column %	4.6%	3.4%	0.0%	0%	6%	8%	
<b>TOTAL</b>	<b>196</b>	<b>206</b>	<b>158</b>	<b>95</b>	<b>32</b>	<b>12</b>	<b>699</b>

TABLE 3.11 FINDINGS FOR CITIZEN-INITIATED COMPLAINTS BY ALLEGATIONS (DPD 2007)

ALLEGATION	FINDING					TOTAL
	Sustained	Unfounded	Exonerated	Not Sustained	Not Reviewed	
Completing Official Reports row %			2 100.0%			2
Conduct Prejudicial row %	3 42.9%	1 14.3%		3 42.9%		7
Discourtesy row %	4 11.1%	10 27.8%	1 2.8%	21 58.3%		36
Evidence Handling Procedures row %		1 100.0%				1
Failure to Make or File Reports row %	1 20.0%	1 20.0%	3 60.0%			5
Giving Name and Badge Number row %	2 50.0%			2 50.0%		4
Improper Procedure - Other row %	29 52.7%	15 27.3%	3 5.5%	6 10.9%	2 3.6%	55
Impartial Attitude row %	1 20.0%	2 40.0%		2 40.0%		5
Law Violations row %	2 11.1%	6 33.3%		5 27.8%	5 27.8%	18
Obedience To Traffic Regulations row %	3 100.0%					3
Racial Harassment row %		3 75.0%		1 25.0%		4
Sexual Misconduct row %		1 100.0%				1
Unnecessary Force row %		22 46.8%	4 8.5%	21 44.7%		47
Reporting Absence-roll call row %		1 100.0%				1
Respect for Fellow Officer row %				1 100.0%		1
Service of Civil Process row %	1 100.0%					1
Traffic Enforcement-no uniform row %			1 100.0%			1
Drinking to Excess row %					1 100.0%	1
Departing from Truth row %	1 50.0%	1 50.0%				2
Critical Incident row %					1 100.0%	1
<b>TOTAL</b>	<b>47</b>	<b>64</b>	<b>14</b>	<b>62</b>	<b>9</b>	<b>196</b>

Table 3.11 shows the findings for citizen-initiated complaint cases closed in 2007. The findings are broken down by the complaint allegations.

Forty seven citizen-initiated complaint allegations resulted in a sustained finding in 2007. This represents a 24% sustained rate.

The most common findings for discourtesy complaints were “not sustained” (58.3%), “unfounded” (27.8%), and “sustained” (11.1%).

Table 3.12 shows the findings for internally-initiated complaint cases closed in 2007. The findings are broken down by the complaint allegations.

Allegations with high sustained rates and a significant number of cases (n > 30) included obedience to traffic regulations (97.6%) and improper procedure – other (75%).

TABLE 3.12 FINDINGS FOR INTERNAL-INITIATED COMPLAINTS BY ALLEGATIONS (DPD 2007)

ALLEGATION	FINDING					TOTAL
	Sustained	Unfounded	Exonerated	Not Sustained	Not Reviewed	
Administrative Review row %	1 11.1%		8 88.9%			9
Conduct Prejudicial row %	7 53.8%	1 7.7%		4 30.8%	1 7.7%	13
Critical Incident Review row %			14 93.3%	1 6.7%		15
Departing From The Truth row %	2 33.3%	1 16.7%		3 50.0%		6
Discourtesy row %	1 33.3%	1 33.3%		1 33.3%		3
Disobeying an Order row %				2 100.0%		2
Drinking to Excess row %	3 100.0%					3
Failure to Make or File Reports row %	2 100.0%					2
Improper Procedure - Other row %	66 75.0%	2 2.3%	4 4.5%	12 13.6%	4 4.5%	88
Law Violations row %	2 22.2%		2 22.2%	3 33.3%	2 22.2%	9
Obedience To Traffic Regulations row %	40 97.6%		1 2.4%			41
Respect for Fellow Officer row %	6 85.7%			1 14.3%		7
Responsibility to Serve Public row %		1 100.0%				1
Unnecessary Force row %	1 14.3%	5 71.4%	1 14.3%			7
<b>TOTAL</b>	<b>131</b>	<b>11</b>	<b>30</b>	<b>27</b>	<b>7</b>	<b>206</b>

## Findings—Denver Sheriff - Statistics

In 2007, the Denver Sheriff’s Department closed 594 complaint cases involving 690 allegations. This includes all cases received after August 1, 2005 and closed during 2007.

Table 3.13 provides the results of the findings for all DSD complaint cases closed in 2007. Approximately 30% of the allegations resulted in a “sustained” finding in 2007.

TABLE 3.13 FINDINGS FOR CLOSED COMPLAINT CASES (DSD 2007)

FINDING	Count	Percent
Sustained	207	30.0%
Unfounded	114	16.5%
Exonerated	38	5.5%
Not Sustained	78	11.3%
Resolved	55	8.0%
Referred	27	3.9%
Declined	157	22.8%
Informal	14	2.0%
<b>TOTAL</b>	<b>690</b>	<b>100%</b>

Table 3.14 provides the findings for complaint cases closed in 2007 by the complaint source. Management-initiated complaints were the most likely to be “sustained” (66.8%) while inmate-initiated complaints were the least likely to result in a “sustained” finding (5%).

The most common finding for citizen-initiated complaints was decline (41.8%). Similarly, inmate-initiated complaints were most likely to be declined (34.1%).

TABLE 3.14 FINDINGS FOR COMPLAINT CASES CLOSED IN 2007 BY COMPLAINT SOURCE (DSD 2007)

FINDING	COMPLAINT SOURCE						TOTAL
	Citizen	Employee	Inmate	Management	Other	Unknown	
Sustained	7	2	13	169	1	12	204
column %	7.1%	10.5%	5.0%	66.8%	33.3%	21.1%	
Unfounded	16	1	79	14		6	116
column %	16.3%	5.3%	30.3%	5.5%	0.0%	10.5%	
Exonerated	6	1	14	13	2	6	42
column %	6.1%	5.3%	5.4%	5.1%	66.7%	10.5%	
Not Sustained	9	8	32	20		11	80
column %	9.2%	42.1%	12.3%	7.9%	0.0%	19.3%	
Resolved	9	1	22	16		5	53
column %	9.2%	5.3%	8.4%	6.3%	0.0%	8.8%	
Referred	5	1	8	7		4	25
column %	5.1%	5.3%	3.1%	2.8%	0.0%	7.0%	
Declined	41	5	89	6		11	152
column %	41.8%	26.3%	34.1%	2.4%	0.0%	19.3%	
Informal	5	0	3	6			14
column %	5.1%	0.0%	1.1%	2.4%	0.0%	0.0%	
Unknown	0	0	1	2		2	5
column %	0.0%	0.0%	0.4%	0.8%	0.0%	3.5%	
<b>TOTAL</b>	<b>98</b>	<b>19</b>	<b>261</b>	<b>253</b>	<b>3</b>	<b>57</b>	<b>691</b>

TABLE 3.15 COMPLAINT FINDINGS BY ALLEGATIONS FOR CITIZEN-INITIATED COMPLAINT CASES IN 2007 (DSD 2007)

FINDING	ALLEGATION							TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Lost Property	Service Complaint	Other	
Sustained column %		4 14.3%		1 50.0%	1 5.9%	1 3%	0%	7
Unfounded column %		6 21.4%			6 35.3%	3 8%	1 17%	16
Exonerated column %			1 25.0%		1 5.9%	3 8%	1 17%	6
Not Sustained column %		8 28.6%			1 5.9%		0%	9
Resolved column %					6 35.3%	2 5%	1 17%	9
Referred column %			1 25.0%		1 5.9%	2 5%	1 17%	5
Declined column %	2 100.0%	10 35.7%	2 50.0%	1 50.0%	1 5.9%	23 59%	2 33%	41
Informal column %						5 13%	0%	5
<b>TOTAL</b>	<b>2</b>	<b>28</b>	<b>4</b>	<b>2</b>	<b>17</b>	<b>39</b>	<b>6</b>	<b>98</b>

Tables 3.15 through 3.18 provide results of the findings for complaint cases closed in 2007 by the allegation and complaint source.

Citizen-initiated complaints with law violation allegations were the most likely to be “sustained” at 50%; however, there were only two cases during the year.

The most likely type of inmate-initiated complaint to be “sustained” was lost property at 10.8%.

TABLE 3.16 COMPLAINT FINDINGS BY ALLEGATIONS FOR INMATE-INITIATED COMPLAINT CASES IN 2007 (DSD 2007)

FINDING	ALLEGATION							TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Lost Property	Service Complaint	Other	
Sustained column %		1 1.7%	3 8.8%		9 10.8%			13
Unfounded column %	3 11.5%	11 18.3%	11 32.4%	1 100.0%	45 54.2%	6 13.0%	1 10.0%	78
Exonerated column %	6 23.1%	1 1.7%	2 5.9%		0.0%	4 8.7%	1 10.0%	14
Not Sustained column %	1 3.8%	17 28.3%	3 8.8%		7 8.4%	1 2.2%	3 30.0%	32
Resolved column %		1 2%	1 3%		18 22%	2 4.3%		22
Referred column %			1 3%		0%	4 8.7%	3 30%	8
Declined column %	16 61.5%	28 46.7%	11 32.4%		4 4.8%	28 60.9%	2 20.0%	89
Informal column %		1 1.7%	2 5.9%			1 2.2%		4
<b>TOTAL</b>	<b>26</b>	<b>60</b>	<b>34</b>	<b>1</b>	<b>83</b>	<b>46</b>	<b>10</b>	<b>260</b>

As shown in Table 3.17, the most likely type of employee-initiated complaint to be “sustained” was a law violation with one in five (20%) cases being “sustained.”

TABLE 3.17 COMPLAINT FINDINGS BY ALLEGATIONS FOR EMPLOYEE-INITIATED COMPLAINT CASES IN 2007 (DSD 2007)

FINDING	ALLEGATION						TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Service Complaint	Other	
Sustained column %		1 10.0%		1 20.0%			2
Unfounded column %						1 100.0%	1
Exonerated column %		1 10.0%					1
Not Sustained column %		5 50.0%		3 60.0%			8
Resolved column %			1 100.0%				1
Referred column %		1 10.0%					1
Declined column %		2 20.0%		1 20.0%	2 100.0%		5
<b>TOTAL</b>	0	10	1	5	2	1	19

Among management-initiated complaints, improper conduct allegations were “sustained” at the highest rate—80% followed by law violations—66.7%.

TABLE 3.18 COMPLAINT FINDINGS BY ALLEGATIONS FOR MANAGEMENT-INITIATED COMPLAINT CASES IN 2007 (DSD 2007)

FINDING	ALLEGATION						TOTAL
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Service Complaint	Other	
Sustained column %		124 80.0%	39 54.9%	4 66.7%		2 18.2%	169
Unfounded column %		3 1.9%	8 11.3%		1 14%	2 18.2%	14
Exonerated column %	1 100.0%	2 1.3%	7 9.9%			3 27.3%	13
Not Sustained column %		11 7.1%	7 9.9%	2 33.3%			20
Resolved column %		6 3.9%	6 8.5%			4 36.4%	16
Referred column %		4 2.6%	3 4.2%				7
Declined column %		5 3.2%			1 14%		6
Informal column %			1 1.4%		5 71.4%		6
<b>TOTAL</b>	1	155	71	6	7	11	251

## A Sample of Police Department Complaints & Investigations Monitored in 2007

### Officer Accused of Altering a Public Document & Departing from the Truth

The OIM actively monitored additional investigation requested of IAB by a veteran officer who was accused of having changed a judge's order which allowed a domestic violence defendant to surrender herself to the court instead of being arrested and booked pending an appearance before a judicial officer. The OIM observed all additional interviews requested by the officer and requested additional questions be asked as necessary.

### Supervisory Officer Accused of Hit & Run Causing Property Damage in a City Vehicle

The OIM actively monitored an investigation into a supervisory officer who was accused by a civilian of hitting another vehicle while driving a police car and leaving the scene without providing contact information. In particular, the OIM sat in on the interview with the subject officer, who was later exonerated.

### Officer Accused of Excessive Force and Lying to Internal Affairs

The OIM actively monitored an investigation wherein an officer was accused of excessive force, failing to report his use of force, releasing the subject of the use of force without charges and then lying about his actions to IAB.

The officer's statements regarding his use of force were contradicted by numerous civilian witnesses and other officers were unable to corroborate the officer's description of the incident. The officer failed to call for a supervisor or document injuries that were apparent as the result of taking the subject into custody.

The case investigation resulted in complaints against IAB brought by the subject-officers. In addition, due to a delay in the reporting and investigation of the incident, the investigation was initially directed to the wrong calendar day, causing confusion.

Concerns relating to the investigation of the incident were brought to the attention of IAB command staff and were appropriately addressed.

The officer was eventually "sustained" for failing to write a use of force report and was "not sustained" for the excessive force and departing from the truth allegations.

### An officer was accused of failing to take an assault report from a gay man who alleged he had been assaulted based on his sexual identity.

The OIM met with the Mayor's Gay, Lesbian, Bi-Sexual & Transgender (GLBT) Commission to discuss the process by which the case was going to be handled. At the OIM's request, the case was assigned for a formal investigation.

The allegation that the officer exhibited bias towards the complainant was unfounded. The officer was "sustained," however, for failing to take an assault report at the time of the incident. The officer expressed remorse that his actions were misperceived and offered to mediate the complaint. The complainant, however, refused the mediation alternative.

An officer was accused of coercing a woman to have sexual contact with him while he was on duty and in uniform.

The OIM was immediately notified of the allegations and monitored the interviews with the complainant and the subject officer. The case was rejected by the District Attorney's Office for lack of evidence of coercion. The OIM reviewed and approved the investigative write-up to ensure it was complete, thorough and fair.

The officer was "not sustained" for the allegation that he coerced the sexual contact, but was "sustained" for engaging in a sexual act while on duty. Discipline was imposed in early 2008. (See Chapter 4, entitled "Imposition of Discipline" for more details).

An officer was accused of having sex on duty and while in uniform with a known prostitute.

The OIM was immediately notified of the allegations and was prepared to monitor the interview of the subject officer. The interview of the subject officer was postponed while the case was presented to the District Attorney.

The officer resigned from the department in lieu of the filing of a criminal case by the District Attorney's Office.

An Anonymous Letter to the OIM Accused a Command Officer of Inappropriate Comments.

Portions of the anonymous letter related to the writer's objections with the command officer's supervisory style. The complaint was referred to IAB for possible investigation. The IAB Commander contacted possible witnesses and determined that a formal investigation was warranted. The investigation was conducted by the IAB Commander and monitored by the Independent Monitor.

A prostitute alleged an officer made inappropriate sexual overtures to her while on duty.

The OIM was immediately notified of the allegations and monitored the interview of the complaining witness. The complainant knowing that her testimony was subject to credibility concerns, offered to wear a "wire" in order prove her allegations.

The OIM recommended that an integrity check be conducted by IAB. Specifically, the OIM recommended that the complainant be audio and videotaped in a contact with the involved officer. The OIM was concerned that due to lack of proof and the inherent credibility issues regarding a complaining prostitute that there was no other way to prove or disprove the allegations.

IAB Command Staff declined to conduct the requested integrity check. Instead, the officer was interviewed and denied the allegations. Due to lack of corroboration, the sexual misconduct portion of the complaint was, eventually, "not sustained."

The same officer, after having been placed on administrative leave while his internal affairs case was pending, was accused of taking a law enforcement action while off duty.

The OIM monitored the interview of the involved officer and recommended additional questions be asked during the interview. Disciplinary proceedings on this case are pending.

A civilian employee accused an officer of domestic violence, felony menacing and harassment.

The OIM was immediately notified of the allegations and monitored the interviews of the complaining witness. The involved officer was immediately put on administrative leave.

The IAB investigation was deferred pending the disposition of a restraining order hearing. The hearing and the investigation are still pending.

A recruit officer was accused of lying to a member of the Police Academy Staff.

An investigation was conducted at the District level of the allegations and the officer was “sustained” for “departing from the truth.”

The OIM reviewed the investigation and determined that further investigation was warranted. The OIM actively monitored the IAB interview of the subject officer and requested additional questions be asked.

The investigation was completed to the satisfaction of the OIM. The OIM requested that, in the future, all “departing from the truth” cases be investigated by IAB, instead of at the District level. This was to ensure that the OIM could actively monitor these important investigations. The Chief of Police agreed to that recommendation for all future cases.

An officer was alleged to have frequented a massage parlor while off duty to engage in acts of prostitution.

The OIM was immediately notified of the allegations. The OIM actively monitored the investigation and was particularly impressed with the quality of the interview conducted by the IAB investigators.

The case review process is still pending.

An officer was accused of failing to adequately assist an innocent person in getting his vehicle out of the car impound by waiving the impound fees.

The OIM objected to the recommendation by the officer’s chain-of-command that the complaint be declined as failing to state misconduct. Even though the complainant inappropriately made derogatory and profane comments to the involved officer, the officer failed to refer the complainant to a supervisor who could have helped him get the impound fees waived. The complainant, eventually, went to the media and the Mayor’s Office before being able to recover his vehicle.

The OIM requested and IAB agreed to have the involved officer debriefed and counseled about better ways he could have approached the matter.

A supervisor was accused of creating a hostile work environment for officers in a special unit by creating cliques within the unit and encouraged the ostracism of certain officers.

The OIM actively monitored numerous officer interviews. The OIM was concerned that certain officers who were interviewed were openly hostile to the IAB investigators. At the same time, the OIM noted that the department declined to reassign the supervisor pending the completion of the investigation. That assignment decision potentially sent a message to witness-officers that the supervisor would be in a position to retaliate if subordinate officers cooperated in the investigation.

Findings on the investigation are pending.

An officer was accused by a World Series ticket scalper of attempting to steal his tickets by refusing to pay more than face value and then trying to abscond with the tickets.

IAB investigators working the World Series were immediately notified and conducted interviews that day with the scalper as well as the officer's adult son, who was a witness to the incident. The tickets and the money offered for the tickets were seized as evidence.

The case was submitted to the District Attorney's Office and was declined for prosecution.

Disciplinary proceedings are pending.

An officer was accused of drinking to excess off duty and causing a disturbance by making racist remarks to patrons at a bar. The officer was also alleged to have made rude and inappropriate comments to responding officers from another jurisdiction.

The case investigation was deferred for almost a year until the criminal charges were resolved. The officer eventually pled guilty to "disturbing the peace."

The OIM monitored the interview of the involved officer and recommended additional questions and investigation.

Findings on the investigation are pending.

An officer was alleged to have asked a woman who he previously arrested for driving under the influence for a "date" while criminal charges were still pending.

The case was initially assigned out as a "station formal," wherein the investigation would have been conducted by the officer's chain-of-command. The OIM recommended that the case be retained by IAB for a formal investigation so that it could be actively monitored.

The case is currently pending investigation.

## **Sample of Sheriff Department Complaints & Investigations Monitored in 2007**

An inmate alleged that an officer over-detained him because he expressed concerns about his property not being returned to him. The inmate further alleged that he was only released after he suffered a seizure and that he was denied medical attention.

The OIM actively monitored the IAB investigation by monitoring numerous interviews with involved deputies. The OIM had substantial concerns about the initial investigative write-up and worked with IAB Command Staff to ensure it was clear and accurate.

The involved officer was eventually “sustained” for misconduct and a supervisor was counseled for failing to adequately supervise the incident and prevent the officer’s misconduct.

A deputy was accused of off duty misconduct when she damaged a vehicle after a dispute.

The deputy pled guilty to destruction of property and was subsequently interviewed by IAB. The OIM actively monitored the interview of the involved deputy. At the conclusion of the investigation, the deputy was “sustained” for “Departing from the Truth” as well as the law violation. Discipline was imposed. (See Chapter 4, entitled “Imposition of Discipline” for more detail).

An inmate escaped from Denver Health while under the guard of Sheriff Deputies.

The DSD immediately initiated an investigation into the incident, treating it as a “critical incident.” During the course of the investigation, the OIM recommended that the DPD investigation into the escape be incorporated into the IAB investigation.

Two deputies received reprimands for failing to ensure that procedures were followed that would have reduced the inmate’s ability to successfully escape.

A command officer was accused of sleeping on duty.

The OIM was immediately notified of the allegation which was investigated by the IAB Commander and actively monitored by the Independent Monitor.

The investigation was thorough and complete and resulted in a “sustained” finding.

A deputy was alleged to have used a department computer to conduct her real estate business.

The case was initially investigated and came back with “not sustained” findings. The OIM recommended additional investigation. Specifically, the OIM noted that the deputy had not been confronted with specific list of all real estate websites that had been accessed with dates and times of access.

The case was re-opened and the deputy was re-interviewed. The interview was actively monitored by the OIM. At the conclusion of the investigation, the deputy was, in fact, “sustained” for inappropriate use of her computer.

A deputy was alleged to have used excessive force against an inmate which was caught on the jail's video recording system. Although multiple officers were present at the time, none of the witness officers reported the use of force to a supervisor.

The OIM actively monitored the IAB investigation. The OIM recommended the case be submitted to the District Attorney's Office to determine whether criminal charges should be filed against the involved deputy. The case was subsequently transferred to the DPD IAB for a criminal investigation.

The District Attorney's Office declined to file criminal charges and the case was returned to IAB to complete the administrative investigation by interviewing the subject deputy. The investigation and administrative review of the incident are still pending.



**DENVER**  
THE MILE HIGH CITY

## **CHAPTER 4**

### IMPOSITION OF DISCIPLINE

## Definitions of Disciplinary Actions Taken by the Police & Sheriff Departments

- Verbal (also known as “Oral”) and Written Reprimands are the lowest forms of discipline. The Police Department maintains a record of verbal and written reprimands on a permanent basis. The Sheriff Department maintains a record of a verbal reprimand for only one year and a record of a written reprimand for three years.
- Fined time is available only in the Police Department disciplinary process. Fined time requires an officer to work on a day off for no additional compensation. As an alternative, an officer is required to forfeit accrued time off from his or her payroll record.
- A suspension requires an officer to forfeit all police powers and the officer’s salary and credit towards retirement for a specified number of days.
- A demotion requires an officer to be reduced in rank.
- Termination removes an officer from the department.

### Discipline Statistics (Police)

Table 4.1 provides the discipline for sustained allegations in 2007 compared with 2006 and 2005.

The most frequent type of discipline imposed against Denver police officers was oral reprimands. The number of oral reprimands increased by 12% from 2006 to 2007. This increase, however, is the result of an increase in the total number of sustained allegations. (See explanation in Chapter 3 of this report).

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.

TABLE 4.1 DISCIPLINE FOR SUSTAINED CASES BY YEAR (DPD 2007)

DISCIPLINE	YEAR		
	2005	2006	2007
Dismissed	1	2	1
column %	0.3%	0.6%	0.2%
Suspended Time	7	3	18
column %	2.1%	0.9%	4.5%
Fined Time	22	28	48
column %	6.5%	8.2%	11.9%
Written Reprimand	75	90	87
column %	22.2%	26.3%	21.6%
Oral Reprimand	205	218	245
column %	60.7%	63.7%	60.9%
Retired	1	1	
column %	0.3%	0.3%	
SSR Entry			3
column %			0.7%
<b>Total</b>	<b>338</b>	<b>342</b>	<b>402</b>

A comparison of discipline by complaint type for sustained allegations is provided in Table 4.2. The most common form of discipline for citizen-initiated complaints was a written reprimand with 42.5% of the sustained allegations receiving this penalty. Oral reprimands were second at 32.5%.

Discipline for internal-initiated complaints consisted primarily of oral (35.3%) and written reprimands (32.9%).

One hundred percent of the failure to qualify with firearms allegations received fined time.

TABLE 4.2 DISCIPLINE FOR SUSTAINED CASES CLOSED IN 2007 BY COMPLAINT TYPE (DPD 2007)

DISCIPLINE	COMPLAINT TYPE							TOTAL
	Citizen	Internal	Traffic Accidents	Obedience to Traffic Regulations	Failure to Appear-Court	Failure to Qualify-Firearms	Failure to Complete-Education	
Dismissed column %	1 2.5%							1
Suspended Time column %	4 10.0%	12 14.1%	2 1.3%					18
Fined Time column %	3 7.5%	14 16.5%	14 9.3%		2 2.4%	19 100.0%		52
Written Reprimand column %	17 42.5%	28 32.9%	32 21.2%	4 9.1%	10 11.9%		3 100.0%	91
Oral Reprimand column %	13 32.5%	30 35.3%	103 68.2%	40 90.9%	72 85.7%			258
SSR Entry column %	2 5.0%	1 1.2%						3
<b>TOTAL</b>	<b>40</b>	<b>85</b>	<b>151</b>	<b>44</b>	<b>84</b>	<b>19</b>	<b>3</b>	<b>426</b>

### Discipline Statistics (Sheriff)

Table 4.3 shows the discipline for sustained cases in 2007 compared with 2006 and 2005.

The most common forms of discipline in 2007 consisted of verbal reprimands (56.2%) and written reprimands (24.9%). There were no demotions or terminations in 2007.

The percentage of sustained cases receiving a verbal reprimand in 2007 increased by 147% over the percentage in 2006. Increases also occurred for written reprimands, while decreases occurred for suspensions, cautionary letters, and counseling.

Table 4.4 reports the disciplinary decision by the allegation for those cases that were sustained in 2007.

TABLE 4.3 DISCIPLINE FOR SUSTAINED CASES BY YEAR (DSD 2007)

DISCIPLINE	YEAR		
	2005	2006	2007
Termination column %	3 3.0%	2 2.1%	
Resignation column %	8 8.0%	3 3.1%	3 1.6%
Demotion column %		1 1.0%	
Suspension column %	16 16.0%	20 20.8%	19 10.3%
Written Reprimand column %	25 25.0%	15 15.6%	46 24.9%
Verbal Reprimand column %	18 18.0%	22 22.9%	104 56.2%
Cautionary Letter column %	27 27.0%	11 11.5%	5 2.7%
Counseled column %	3 3.0%	6 6.3%	5 2.7%
Disqualification column %			3 1.6%
Missing-Unknown column %		16 16.7%	
<b>TOTAL</b>	<b>100</b>	<b>96</b>	<b>185</b>

Officers with sustained improper conduct and improper procedure allegations most often received verbal reprimands (62.8% and 56.5% respectively).

Officers with sustained law violations most often received suspensions (57.1%).

TABLE 4.4 DISCIPLINE BY ALLEGATION FOR SUSTAINED CASES (DSD 2007)

DISCIPLINE	ALLEGATION						TOTAL
	Improper Conduct	Improper Procedure	Law Violation	Service Complaint	Lost Property	Other	
Resignation column %	1 0.8%		2 28.6%				3
Suspension column %	14 11.6%	1 1.6%	4 57.1%			1 100.0%	20
Written Reprimand column %	28 23.1%	19 30.6%	1 14.3%				48
Verbal Reprimand column %	76 62.8%	35 56.5%			1 100.0%		112
Cautionary Letter column %	1 0.8%	4 6.5%					5
Counseled column %	1 0.8%	3 4.8%		1 100.0%			5
<b>TOTAL</b>	<b>121</b>	<b>62</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>193</b>

**Suspended Time Versus “Fined” Time – Monitor Recommends the Sheriff Department Obtain the Option of “Fined Time”**

The Sheriff Department’s disciplinary process operates under Career Service Authority (CSA) Rules. The Police Department’s disciplinary process, however, operates under the Charter and Civil Service Commission (CSC) Rules. CSA rules, as indicated above, allow the Police Department to discipline an officer by either suspending an officer from active duty for a period of time or requiring the officer to work on his or her days off with no additional compensation (“fined time”).

The benefit of “fined” time is that instead of losing an officer from service for the disciplinary period, the City gets extra work from the officer for which it does not have to pay additional compensation. This type of discipline is best for those officers who have committed a minor act of misconduct and who the Department believes will learn from his or her mistake and will best serve the public by working rather than staying at home while losing their pay. It is an excellent middle ground between simply reprimanding an officer and suspending the officer without pay.

The Sheriff Department, under CSA rules, does not have this option available when they make disciplinary decisions. The CSA rules do provide a middle ground between a written reprimand and a suspension in the form of an involuntary temporary reduction of pay which serves a similar purpose as fined time.

However, these CSA rules limit the amount of pay that can be temporarily reduced in each pay period, and because the unique structure of deputy sheriff pay utilizes fewer pay steps with larger increments between pay steps, that option is not available to the Department for all practical purposes. As such, the Monitor's Office has recommended that the Director of Corrections approach the CSA Board in order to obtain the ability to impose fined time instead of the limited options currently available.

The OIM will report in the future as to whether the Director was successful in this endeavor.

### **Sheriff Department Union's Activities Which Undermine the Ability of the Sheriff Department to Maintain Discipline**

The Colorado Fraternal Order of Police (FOP) administers a Legal Defense Fund on behalf of many Denver sheriff deputies. The FOP's Legal Defense Fund (LDF), has an article in its terms and conditions that includes a "pay in lieu" provision which, if approved by the LDF coordinator, allows a member-deputy to be reimbursed for lost pay if the deputy chooses not to proffer an appeal to the CSA.

When a deputy is reimbursed by the LDF for pay lost as a result of a suspension, the only penalty suffered by that deputy is that the suspension appears on the deputy's internal affairs record. If not for the reimbursement agreement, a deputy who does not proffer an appeal or whose appeal is denied would suffer a reduction in pay which would act as a monetary fine for a proven act of misconduct.

The Monitor believes that the FOP's "pay in lieu" option is contrary to public policy and has a negative impact on the ability of the Director of Corrections and the Manager of Safety to administer effective discipline for the Sheriff Department. When this option is used by a deputy who has received a suspension, the suspension becomes "in name only" and has no financial impact upon the involved officer.

### **IMPOSITION OF DISCIPLINE**

#### **Cases Involving Termination or Resignation (Police):**

- An officer resigned pending possible termination for an allegation of off duty child abuse.
- An officer was terminated after being accused of sexually assaulting a woman while he was in uniform, but off duty. The officer was "sustained" for immoral conduct, for engaging in a sexual act in uniform in a public place and for lying to Internal Affairs.
- An officer retired while an internal affairs investigation was pending against him for being involved in an off duty DUI-related collision. No findings or disciplinary recommendations had yet been made at the time the officer retired.
- An officer resigned as part of a plea agreement wherein he pled guilty to a misdemeanor charge of "prohibited use of a weapon." The officer had initially been charged with "Felony Menacing" for pointing a gun at the head of a neighbor during an off-duty dispute.
- An officer resigned after having been arrested in another jurisdiction for domestic violence and barricading himself in his home in order to avoid the arrest by that jurisdiction's officers.

## 2008 Update (Police)

In 2008, before the publication of this report, but after data was collected for 2007 reporting purposes, the following cases initiated in 2007, involving termination or resignation were completed:

- An officer was terminated after he was “sustained” for engaging in sexual conduct, in a public place, while he was on duty and in uniform.
- An officer resigned after a criminal investigation was initiated for engaging in sexual conduct with a prostitute, while he was on duty and in uniform.
- An officer retired while under investigation for altering an official document which allowed a domestic violence suspect to surrender herself to the court instead of being arrested. The officer also was under investigation for “departing from the truth.” The officer resigned before a finding was made by the Manager of Safety.

## Cases Involving Termination or Resignation (Sheriff)

- A deputy resigned pending the imposition of discipline for failing to conduct and inaccurately documenting rounds and lying to Internal Affairs in one case, allowing an inmate to escape in a second case, abandoning her post to socialize with another deputy in a third case and failing to adequately close out a cash box in a fourth case.
- A deputy resigned pending a disciplinary recommendation for engaging in an off-duty theft and drinking to excess.
- A deputy resigned after being informed that an investigation would be initiated into an allegation of fraternizing with an inmate.
- A supervisor resigned after being criminally charged with domestic violence and child abuse.

## **A Sample of Cases Involving Police Imposition of Discipline & OIM Disciplinary Recommendations**

- An off-duty officer discharged her firearm in her residence in preparation for a suicide attempt. The officer subsequently tried to poison herself with alcohol by drinking to excess. After her suicide attempt was discovered by a friend, police were called and she was arrested for unlawful use of a firearm. The charges were eventually dismissed. The officer was administratively “sustained” for being in possession of a firearm while intoxicated, drinking to excess and “conduct prejudicial.” The Manager of Safety imposed discipline of five fined days and held a 25-day suspension in abeyance. The Monitor agreed with the Manager’s disciplinary finding. This was a difficult case in that the immediate reaction of the Monitor was that the presumptive discipline for an officer who misuses his or her firearm should be termination. In this case, however, the officer did not endanger anyone other than herself and her acts were in furtherance of a planned suicide. Once the officer was found psychologically “fit for duty,” the Monitor agreed that termination would be excessive and unnecessary.
- An officer was sustained for “departing from the truth” for repeatedly lying to his Sergeant about failing to issue a “disturbing the peace” citation as instructed. The officer accepted responsibility during the disciplinary process. The Manager of Safety imposed a 65-day suspension, but held 20 days in abeyance with the officer’s agreement not to appeal the suspension. The Monitor agreed with this decision, based in large part on the officer’s truthful statement to Internal Affairs.

- An officer failed to appear in court and lied about it to supervisors. The officer refused to acknowledge where he was when he was supposed to be in court, instead providing several different stories – all which were proven false. As such, the officer was absent without leave (AWOL) for a significant period of time and never admitted where he was during that period of time. The Monitor believed that the officer’s credibility was non-existent by the end of the command review process. In addition, the Monitor had concerns about whether the officer would be able to testify in future cases. The Manager of Safety imposed a 90-day suspension. The Manager noted that if the officer had simply admitted that he missed court and provided no other explanation, he would have faced only a reprimand. As such, the Manager believed that termination was excessive, although a substantial suspension was warranted. In addition, the Manager was concerned that, on appeal, a termination decision would have been considered inconsistent with the discipline given in similar cases in the past. Although the Monitor understood the Manager’s analysis, the Monitor disagreed with the decision not to terminate the officer.
- An officer was accused of “departing from the truth” by lying about being involved in a preventable traffic collision. The Monitor concluded that the incident may have involved misstatements and misperceptions and did not believe a “departing” allegation was sustainable. The Chief of Police agreed and issued a written reprimand for the preventable accident.
- A detective failed to complete more than 100 investigations and his Sergeant failed to adequately supervise his work. The Manager imposed a 60-day suspension plus 10 fined days for the detective and a 10-day suspension for the Sergeant. Separate and apart from the discipline that was imposed, the Chief of Police reassigned the detective to a non-detective position.
- An officer was initially alleged to have used excessive force in taking a citizen down to the ground when it was not necessary. The Department, with the agreement of the Monitor, instead sustained the officer for failing to use appropriate discretion and imposed a fine of one day.
- A supervisor was alleged to have sexually harassed a civilian employee by repeatedly asking her out. The Monitor did not believe that the sexual harassment allegation would withstand appellate review. Specifically, there was insufficient evidence that the employee made “repeated” attempts to engage in a relationship with the civilian. The Manager of Safety agreed with the Monitor and instead sustained the officer for “conduct prejudicial” and imposed a fine of 1 day.
- An officer got in an off-duty altercation at a bar and was disrespectful to the responding officer, telling the responding officer that he had seniority over her. The Chief imposed two written reprimands – one for failing to de-escalate the altercation and the second for being disrespectful to a fellow officer. The Monitor believed the officer deserved at least a fined day for his disrespectful and obnoxious behavior toward the responding officer.

**A Sample of Cases Involving Sheriff Imposition of Discipline & OIM Disciplinary Recommendations**

Note: When comparing police discipline to sheriff discipline it should be noted that police officer discipline is counted by calendar days, while sheriff deputy discipline is counted by work days. As such, a one month suspension for DPD is equivalent to 30-31 days, a similar suspension for DSD would equate to 20-23 days.

- A deputy over-detained an inmate who he perceived was acting in a belligerent fashion. The deputy failed to obtain medical care for the inmate who claimed he suffered a seizure before he was eventually released. A Sergeant failed to adequately supervise the incident and prevent the deputy from committing his misconduct. The Manager of Safety imposed a 60-day suspension for the deputy after he acknowledged responsibility and agreed not to appeal the suspension. The Director of Corrections issued a written reprimand to the Sergeant. The Monitor agreed with the disciplinary decisions.
- In an off-duty incident, a deputy was convicted of a misdemeanor for damaging another person's car. The deputy was sustained for the law violation and for "departing from the truth" during the course of the internal affairs investigation. The Manager of Safety imposed a 30-day suspension, with an agreement not to appeal. The Manager of Safety took into account the deputy's prior work history as well as the deputy's motivation for not being completely truthful – she incorrectly believed that if she told the truth, she would be terminated. The Monitor disagreed with the Manager's decision, concluding that the deputy should have been terminated, as she had lost all credibility and attempted to get others to lie for her as well. The Monitor believed that the deputy exhibited such a lack of judgment, during the course of the investigation, that she should no longer be employed as a law enforcement officer.
- A deputy was sustained for engaging in inappropriate horseplay by striking another deputy on the buttocks and lying about the incident to internal affairs. The deputy had a prior case wherein he received a verbal reprimand for making a derogatory comment about a supervisor and then lied about making the comment. The Manager of Safety imposed a 45-day suspension. The Monitor agreed with the disciplinary decision, concluding that but for the prior case involving only a verbal reprimand, termination would have been warranted for a second violation of "departing from the truth" charges. (The verbal reprimand was issued before the Monitor's Office began monitoring Sheriff disciplinary cases – the Monitor would have recommended a substantial suspension for the first case).
- A probationary deputy accessed inappropriate images of women on his department computer. The Director issued a written reprimand to the deputy, concluding that the deputy was not likely to re-offend and also based on the deputy's excellent work history. The Monitor was concerned that a probationary employee would engage in intentional misconduct and that a reprimand was too lenient a penalty. At the Monitor's suggestion, the Director ordered the deputy's probationary period extended by six months.
- A probationary deputy installed emergency lights into his personal car and used the lights to warn off a driver who was following too closely. The other driver was an off duty police officer who reported the incident to the Sheriff's Department. The Director of Corrections concluded that the deputy did not violate any Department policy and counseled the involved employee. The Monitor believed that the deputy engaged in "conduct prejudicial" by installing emergency lights into his vehicle knowing that he had no right to conduct any traffic enforcement activities. The Monitor, however, deferred to the Director's decision to update department policy to ensure that the deputy's conduct would not be acceptable to the Department in the future.
- A deputy sprayed an inmate with pepper spray after the inmate repeatedly refused to step away from a window and stop trying to speak to another inmate through the window. The deputy failed to provide timely medical attention for the inmate. The Manager of Safety imposed a 5-day suspension for the deputy. The Monitor agreed with the disciplinary decision, noting that the deputy was truthful during the investigation, accepted responsibility for his actions, sought additional training on his own and had no prior disciplinary history.

- A deputy was accused of intentionally harassing inmates during the booking process by striking them in the groin while searching them with a “transfrisker.” Jail videotape and inmate statements appeared to corroborate the accusation. The Manager of Safety imposed a 60-day suspension (with 30 days held in abeyance) after the deputy agreed not to appeal the discipline and agreed to attend additional training. The Monitor concurred with the disciplinary decision based solely on proof issues. The Monitor noted it would have been difficult to prove whether the deputy’s actions were the result of intentional misconduct or mere negligence.
- A deputy abandoned her post to socialize with an off-duty supervisor. The deputy resigned before discipline could be imposed. The OIM was subsequently notified that the supervisor would receive a written reprimand. The OIM disagreed with that decision and requested that the supervisor receive a suspension. A “Pre-Disciplinary” Hearing was conducted and the supervisor received a five-day suspension.

### **OIM Disciplinary Recommendations vis-à-vis the Division Chiefs and the Chief of Police**

Over the course of the year, the Monitor reviewed 96 cases wherein the Denver Police Department imposed discipline that was not according to any schedule. (See page 1 of this chapter for an explanation of “scheduled discipline.”) In 14 cases, the Monitor disagreed with a recommendation made by DPD Command Staff. The Monitor recommended more substantial discipline in five of those cases, and less severe discipline in the other nine cases.

### **OIM Disciplinary Recommendations vis-à-vis the Director of Corrections**

Over the course of the year, the Monitor reviewed 66 cases wherein the Denver Sheriff Department imposed discipline that was not according to any schedule. (See page 1 of this chapter for an explanation of “scheduled discipline.”) In eight cases, the Monitor disagreed with the recommendation made by the Director of Corrections. In seven cases, the Monitor recommended more substantial discipline; in the other case, the Monitor recommended a reduction from that originally recommended.

### **Ranks of Officers Receiving Discipline in 2007**

Table 4.5 (please see next page) provides results of discipline by rank for DPD officers. These cases include all complaints received on or after August 1, 2005 (the date the Monitor’s Office began monitoring of complaints) and closed in 2007 with sustained findings.

As shown, the most common type of discipline for all ranks was an oral reprimand which ranged from a low of 50% for captains and above to a high of 80% for lieutenants. A higher percentage of captains and above received fined time (33%) compared to all other ranks.

Only one officer disciplined in 2007 was dismissed from the department.

TABLE 4.5 DISCIPLINE BY RANK FOR SUSTAINED CASES (DPD 2007)

DISCIPLINE	RANK						TOTAL
	Officer	Technician	Sergeant	Detective	Lieutenant	Captain and Above	
Dismissed column %	1 0.4%						1
Suspended Time column %	15 6.4%	1	2 4.0%				18
Fined Time column %	29 12.3%	3 9.1%	8 16.0%	6 8.8%		2 33.3%	48
Written Reprimand column %	53 22.6%	6 18.2%	9 18.0%	16 23.5%	2 20.0%	1 16.7%	87
Oral Reprimand column %	134 57.0%	23 69.7%	31 62.0%	46 67.6%	8 80.0%	3 50.0%	245
SSR Entry column %	3 1.3%						3
<b>TOTAL</b>	<b>235</b>	<b>33</b>	<b>50</b>	<b>68</b>	<b>10</b>	<b>6</b>	<b>402</b>

Table 4.6 provides results of this analysis for the Sheriff Department. These include all cases received on or after August 1, 2005 and closed in 2007 with sustained findings.

The most common form of discipline for a Deputy Sheriff was a verbal reprimand - (57.2%).

Sergeants and above were most likely to receive written reprimands.

TABLE 4.6 DISCIPLINE BY RANK FOR SUSTAINED CASES (DSD 2007)

DISCIPLINE	DEPARTMENT RANK				TOTAL
	Deputy Sheriff	Sheriff Sergeant	Captain or Above	Missing Rank	
Resignation column %	3 2.0%				3
Suspension column %	14 9.2%	2 22.2%	1 25.0%	3 15.8%	20
Written Reprimand column %	38 25.0%	3 33.3%	2 50.0%	3 15.8%	46
Verbal Reprimand column %	87 57.2%	3 33.3%	1 25.0%	13 68.4%	104
Cautionary Letter column %	4 2.6%	1 11.1%			5
Counseled column %	5 3.3%				5
Missing column %	1 0.7%				1
<b>TOTAL</b>	<b>152</b>	<b>9</b>	<b>4</b>	<b>19</b>	<b>184</b>

## **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 re-evaluate 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 was 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.

The DAG Steering Committee met again to discuss additional issues during the course of 2007. In addition, in December of 2007, the Civil Service Commission began considering rule changes which would codify the ability of the Manager of Safety to use the disciplinary matrix created by the DAG Steering Committee.

As of January of 2008, the Manager of Safety completed and began to publicize his draft proposal to reform the DPD Disciplinary process through the creation of a "Disciplinary Matrix." The Monitor's Office has been actively involved in this project since its inception and strongly supports the concept. The Matrix system is expected to be put into place, in the near future, after extensive training is conducted by the Department. The Independent Monitor believes that this matrix is likely to become a "best practice" that will result in departments from all over the country looking to Denver as a model.

### **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).



**DENVER**  
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## CHAPTER 5

### PATTERNS AND SPECIAL INITIATIVES

## **The DPD's 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 includes data relating to arrests, training, education, uses of force, leave and overtime, traffic collisions, pursuits, secondary employment, civil liability information, commendations and complaints.

The Professional Standards Unit (PSU) reviews the database on a regular basis with the intent of identifying problematic activity on the part of any officer who 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 Updated System

In 2007, the Department finalized a new program to replace the early intervention system. The "Personnel Assessment System" (PAS), was created and the Chief appointed a board to monitor the system and make recommendations as to its implementation and use.

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

First, it includes in the review process a board which consists of every rank from patrol officer through command staff as well a union representative and employee assistance professionals. While the prior system relied on the Chief's Office to identify potential problematic behavior and then notify the officer's command, the new system uses this diverse board to evaluate officer conduct and then report to command staff on any corrective actions that may be recommended.

Second, the OIM will be providing technical assistance to the staff of the PAS Board to ensure that 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. Consequently, 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 new system, there would be no similar disincentive. 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 a result, performance reviews will more likely identify problematic activity rather than identify the Department's most active officers.

In our 2007 report, we stated that we looked forward to the implementation of the new system in 2007 and conducting regular audits of the system to ensure it is working effectively. Unfortunately, the progress was slower than expected. Still, the PAS Board met in 2007 and will be meeting in the first quarter of 2008 to begin its evaluations. The OIM has assigned an analyst to assist in the implementation and closely observe the activities of the new system and evaluate its effectiveness for inclusion in next year's annual report.

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**

**Police Department  
Complaints Per Officer**

Table 5.1 shows the number of complaints received by DPD officers in 2007. This table includes all complaints including scheduled discipline cases.

Approximately 50% of all DPD officers did not receive a complaint in 2007. Of the officers that received a complaint in 2007, 58.3% received only one complaint while only 2.7% of the officers received five or more complaints during the course of the year. 83% of the officers receiving a complaint in 2007 received one to two complaints.

TABLE 5.1 TOTAL NUMBER OF COMPLAINTS PER OFFICER (DPD 2007)

COMPLAINTS	Count	Percent
One	434	58.3%
Two	180	24.2%
Three	76	10.2%
Four	35	4.7%
Five	12	1.6%
Six or More	8	1.1%
<b>TOTAL</b>	<b>745</b>	<b>100%</b>

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

The majority of the officers who received a complaint in 2007, received only one complaint regardless of the type of complaint. Among officers who received a citizen-initiated complaint in 2007, 1.1% received five or more citizen complaints and slightly less than 13% received three or more citizen complaints.

TABLE 5.2 COMPLAINTS PER OFFICER BY COMPLAINT TYPE (DPD 2007)

COMPLAINTS	COMPLAINT TYPE						TOTAL
	Citizen	Internal	Accidents	Failure to Appear-Courts	Failure to Qualify- Firearms	Failure to Complete-Education	
One	352	154	131	78	30	11	756
column %	67.2%	92.2%	92.9%	91.8%	100.0%	100.0%	
Two	101	12	9	5	1		128
column %	19.3%	7.2%	6.4%	5.9%	3.3%		
Three	47	1	1	2			51
column %	9.0%	0.6%	0.7%	2.4%			
Four	18						18
column %	3.4%						
Five or More	6	1					7
column %	1.1%	0.6%					
<b>TOTAL</b>	<b>524</b>	<b>167</b>	<b>141</b>	<b>85</b>	<b>30</b>	<b>11</b>	<b>960</b>

Eight DPD officers received six or more complaints involving 52 allegations in 2007 (see Table 1). The most frequent allegations included discourtesy, improper procedure, and unnecessary force.

Sixty-three percent (63%) of those allegations were declined while 37% (19 complaints) were formally investigated. Of the 52 allegations, 14 resulted in sustained findings.

Oral and written reprimands were the most commonly used penalties; however, fined time was used in cases involving improper procedure.

All of the officers who received five or more complaints in 2007 were identified by the Professional Standards Unit's use of the EIS for an evaluation and review.

### Force Complaints Per Officer

Table 5.3 shows the number of unnecessary force complaints filed against DPD officers in 2007 by how the complaint was initiated: citizen or internal.

There were 183 officers who received at least one unnecessary force complaint in 2007. Among these officers, the majority received only one citizen-initiated complaint (81.9%); however, 4.5% of the officers received three or more complaints. No officer received more than four use-of-force complaints during the course of the year.

TABLE 5.3 NUMBER OF FORCE COMPLAINTS PER OFFICER (DPD 2007)

COMPLAINTS	CITIZEN-INITIATED		INTERNAL-INITIATED	
	Count	Percent	Count	Percent
One	145	81.9%	5	100%
Two	24	13.6%		
Three	8	4.5%		
<b>TOTAL</b>	<b>177</b>	<b>100.0%</b>	<b>5</b>	<b>100%</b>

Eight officers received three use-of-force complaints in 2007 with all of the cases initiated by citizens.

None of the unnecessary force complaints received a "sustained" finding in 2007. "No misconduct" and "not sustained" were the most frequent findings for these cases.

Five of the eight officers who received three use-of-force complaints in 2007 were identified by the Professional Standards Unit for review and evaluation. One of the officers who was not identified for review and evaluation had three such complaints opened in 2007, but one of the complaints related to an incident that took place in 2006.

### **Sheriff Department**

#### Complaints Per Deputy

In 2007, approximately 62% of DSD sworn personnel did not receive a single complaint while 265 Sheriff deputies received at least one complaint. Table 5.4 shows that 68.3% of those deputies received only one complaint while 9% received three or more complaints with five deputies receiving five or more complaints.

TABLE 5.4 NUMBER OF COMPLAINTS PER OFFICER (DSD 2007)

COMPLAINTS	Count	Percent
One	181	68.3%
Two	60	22.6%
Three	12	4.5%
Four	7	2.6%
Five or More	5	1.9%
<b>TOTAL</b>	<b>265</b>	<b>100.0%</b>

All five deputies who received five or more complaints in 2007 were identified by Internal Affairs for counseling and intervention. Twelve of the twenty four cases against the five deputies involved supervisor initiated reprimands for issues such as late reporting.

Table 5.5 compares the number of complaints per deputy who received a complaint by the complaint source. DSD deputies were more likely to receive multiple complaints from management (20%--two or more) than any other complaint source. Three deputies received two citizen complaints while seven deputies received two inmate complaints.

TABLE 5.5 NUMBER OF COMPLAINTS PER OFFICER IN 2007 BY COMPLAINT SOURCE (DSD 2007)

COMPLAINTS	COMPLAINT SOURCE			
	Citizen	Employee	Inmate	Management
One	34	14	74	135
column %	91.9%	100%	90%	80%
Two	3		7	24
column %	8.1%		8.5%	14.2%
Three			1	5
column %			1.2%	3.0%
Four or More				5
column %				3.0%
<b>TOTAL</b>	<b>37</b>	<b>14</b>	<b>82</b>	<b>169</b>

### Force Complaints Per Deputy

Only one deputy received two excessive force complaints in 2007 while 21 deputies received one force complaint.

### Citizen Complaint Patterns

As required by ordinance, we report on 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 2007.

Citizens who filed complaints against DPD in 2007 predominantly filed only one complaint (98.2%) while 13 complainants (1.8%) filed two complaints.

Of the thirteen complainants who filed multiple complaints, the most frequent allegation was discourtesy followed by police harassment and unnecessary force.

The majority of the complaints were declined (61%) while 27% were classified as “formals” and 12% as “informals”.

Only one of the formal cases was closed at the time of this report. The allegation involved unnecessary force and the finding was unfounded.

It should be noted that these statistics likely significantly underreport the number of repeat citizen complainants. This is because the DPD or DSD will often combine multiple complaints made by one individual 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 is warranted.

TABLE 5.6 NUMBER OF COMPLAINTS PER COMPLAINANT (DPD 2007)

COMPLAINTS	Count	Percent
One	702	98.2%
Two	13	1.8%
<b>TOTAL</b>	<b>715</b>	<b>100%</b>

TABLE 5.7 COMPLAINANT CHARACTERISTICS (DPD 2007)

Gender	Count	Percent	Valid Percent
Male	407	55.7%	57.2%
Female	304	41.6%	42.8%
Missing	20	2.7%	
<b>Total</b>	<b>731</b>	<b>100%</b>	<b>100%</b>
Race	Count	Percent	Valid Percent
White	257	35.2%	45.3%
Black	157	21.5%	27.7%
Hispanic	97	13.3%	17.1%
Asian/Pacific Islander	6	0.8%	1.1%
American Indian	10	1.4%	1.8%
Unknown	40	5.5%	7.1%
Missing	164	22.4%	
<b>Total</b>	<b>731</b>	<b>100%</b>	<b>100%</b>
Age	Count	Percent	Valid Percent
18 or Younger	22	3.0%	3.9%
19 - 24	80	10.9%	14.2%
25 - 30	100	13.7%	17.7%
31 - 40	149	20.4%	26.4%
41 - 50	120	16.4%	21.3%
Over 50	93	12.7%	16.5%
Missing	167	22.8%	
<b>Total</b>	<b>731</b>	<b>100%</b>	<b>100%</b>

Demographic characteristics of complainants who filed complaints against DPD in 2007 are presented in Table 5.7. The percent column includes the missing values while the valid percent does not.

Excluding missing cases (valid percent) a higher percentage of complainants were male (57.2%) compared to female (42.8%). Only 2.7% of the gender values were missing.

The race of the complainant was missing in 22.4% of the cases. For those cases where the complainant's race was known (valid percents), 45.3% of the complainants were White compared to 27.7% - Black, and 17.1% - Hispanic.

We experienced a similar problem with age in that 22.8% 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 and using the valid percent column, 26.4% of the complainants were between 31 and 40 years old. A small percentage of complainants (3.9%) were 18 years old or younger.

At the outset of 2007, 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. In 2006, 40% of the race data was missing and 30% of the age data was missing. Although there was a significant improvement in compiling this data when comparing 2007 with 2006, we have once again reminded the Internal Affairs command staff of the importance of this data and hope that further improvements in data collection will be made in the upcoming year. It must be noted, however, in some cases complainants refuse to provide race and age information.

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

District Six accounted for 35.5% of the total citizen-initiated complaints which translates into a complaint rate of 4.13 per 1,000 residents. The lowest complaint rate (.48) was found in District Four. District Five accounted for the fewest number of complaints with 44 or 6.6% of the total; however, the District had the second highest rate at 1.15 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 has a high volume of calls for police.

TABLE 5.8 CITIZEN-INITIATED COMPLAINTS BY DISTRICT (DPD 2007)

DISTRICT	Count	Percent	District Population	Complaint Rate per 1,000
1	56	8.4%	89,802	0.62
2	69	10.4%	63,006	1.10
3	110	16.6%	174,309	0.63
4	66	9.9%	138,933	0.48
5	44	6.6%	38,207	1.15
6	236	35.5%	57,112	4.13
Missing	83	12.5%		
<b>TOTAL</b>	<b>664</b>	<b>100%</b>		

### 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-three percent of those who filed a complaint against DSD officers filed only one complaint during the course of 2007. Slightly over six percent filed two or more complaints.

TABLE 5.9 NUMBER OF COMPLAINTS PER COMPLAINANT (DSD 2007)

COMPLAINTS	Count	Percent
One	262	92.9%
Two	17	6.0%
Three	3	1.1%
<b>TOTAL</b>	<b>282</b>	<b>100%</b>

Of the three complainants who each filed three complaints in 2007, the most frequent allegations were improper conduct and service complaints. All three complainants were inmates.

The findings on these complaints included decline (75%), unfounded (12.5%), and not sustained (12.5%).

Excluding the missing values (valid percent), the majority of complainants against DSD were males (64.4%). Approximately 4.5% of complainants did not have a valid value for gender.

In 6.1% of the cases, the complainant's race was not identified. In cases where the complainant's race was identified (valid percent), Whites comprised 42.1% of the complainants while Blacks accounted for 31.7% and Hispanics 24.5%.

Over 13% of the complainants 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 (valid percent) while 10% were between 19 and 24.

TABLE 5.10 COMPLAINANT CHARACTERISTICS (DSD 2007)

Gender	Count	Percent	Valid Percent
Male	190	61.5%	64.4%
Female	105	34.0%	35.6%
Missing	14	4.5%	
Total	309	100%	100%
Race	Count	Percent	Valid Percent
White	122	39.5%	42.1%
Black	92	29.8%	31.7%
Hispanic	71	23.0%	24.5%
American Indian	2	0.6%	0.7%
Asian/Pacific Islander	3	1.0%	1.0%
Missing	19	6.1%	
Total	309	100%	100%
Age	Count	Percent	Valid Percent
19 - 24	28	9.1%	10.4%
25 - 30	48	15.5%	17.9%
31 - 40	72	23.3%	26.9%
41 - 50	83	26.9%	31.0%
Over 50	37	12.0%	13.8%
Missing	41	13.3%	
Total	309	100%	100%

TABLE 5.11 LOCATION OF COMPLAINT (DSD 2007)

LOCATION	Count	Percent
County Jail	271	46.5%
City Jail	193	33.1%
Court Service	19	3.3%
Vehicle Impound Facility	15	2.6%
Denver Health Medical Center	20	3.4%
Training	5	0.9%
Other	60	10.3%
TOTAL	583	100%

Table 5.11 shows that 46.5% of the complaints against DSD occurred at the Denver County Jail while 33.1% occurred at the Denver City Jail (also known as PADF – the Pre-Arrest Detention Facility). Very few complaints (n = 5) were filed at the training facility.

## **Special Initiatives**

### **Departing from the Truth – Continuing Problems Relating to the Assignment of Officers Where Credibility Comes into Question.**

In last year's annual report, the OIM noted that both the Police and Sheriff's Department had "sustained" officers for "departing from the truth" and that neither department had any process in existence which evaluated whether the sustained finding would have a detrimental effect on the officer's future credibility in court.

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 was concerned, however, that officers who were not terminated for "departing" were returned to their prior assignments without any specific evaluation as to whether they needed 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 and the Chief agreed that in cases involving allegations potentially affecting an officer's credibility, when the Monitor believed a new work assignment might be appropriate, the Chief would review the case with that concern in mind.

In 2007, there were only two cases where the Monitor was concerned that the involved officer's credibility was suspect and an assignment to the Patrol Division (where officers are often called upon to testify) was inappropriate. In neither case did the Department take any action to reassign either of these officers.

In one case, an officer repeatedly lied about failing to appear in court. He gave multiple false explanations during the course of the administrative review process and was eventually suspended for 90-days. The Monitor recommended to the Chief that the officer not be reassigned back into patrol after he served his suspension. As of the writing of the report, this officer remains on patrol and the Monitor is aware of no action that has been taken to reduce the possible harm that could occur due to his potential lack of credibility.

In another case, a veteran officer was accused of lying about altering an official document. The internal affairs investigation languished for more than a year before a Disciplinary Review Board was finally held and the case was referred for a Chief's Hearing and then to the Manager of Safety for a disciplinary decision. The officer ended up resigning from the department before the Manager's disciplinary decision was issued. In the meantime, the officer continued working for more than 21 months (from the day the internal affairs case was opened until the day of his resignation) without regard to the credibility concerns repeatedly expressed by the Monitor.

### **Departing from the Truth – Concerns Regarding the Quality and Integrity of District-level Investigations.**

During the course of the year, a number of "departing from the truth" investigations were initiated by District Supervisors and investigated at the District level. Although there was no indication that the investigations were unfair, there was a possible perception of unfairness in that District supervisors were the complaining parties, the witnesses, the investigators and the fact-finders. In all cases, substantial discipline was recommended at the District level.

Due to the concerns raised by these cases, the Monitor recommended and the Department agreed that, in the future, all “departing” cases will be investigated by Internal Affairs. This process change should improve the perception of fairness and ensure that these investigations are thoroughly investigated.

#### Departing from the Truth – OIM Concerns Regarding the Imposition of Discipline & Disciplinary Recommendations from the Police & Sheriff Departments

In four cases, the Monitor was concerned that officers and deputies who exhibited a lack of credibility were not terminated by the Police and Sheriff Departments.

The first case involved an officer who lied about missing court. The second case involved an officer who was investigated for lying about altering an official document. The third case involved a deputy sheriff who was arrested and convicted for damaging personal property in an off-duty incident and lying about the incident to internal affairs. The fourth case involved a deputy sheriff who failed to conduct documented rounds and then lied to internal affairs, claiming that the rounds had, in fact, been conducted.

In each case, the Departments recommended the imposition of substantial suspensions, but did not recommend termination of the involved officer. In two cases, the employees resigned before the Manager of Safety made his disciplinary decision.

The OIM anticipates that, in the upcoming year, the Manager of Safety will make it clear to officers in both Departments that lying to internal affairs about a material fact will be treated as an offense that may warrant presumptive termination. The Manager has already moved in that direction by announcing that he will be implementing a disciplinary matrix for the Police Department that will contain presumptive ranges of discipline for various types of misconduct. It is the Monitor’s understanding that a disciplinary matrix for the Sheriff’s Department will follow sometime in the future.

#### OIM Concerns with the Sheriff’s Department’s Failure to Put Officers on Administrative Leave

The OIM identified a disturbing trend in the Sheriff Department’s handling of deputies where a termination recommendation is made by the Director of Corrections.

During the course of the year, the Director of Corrections recommended that two deputies be terminated by the Manager of Safety. In both cases, the Director forwarded his recommendation to the Manager of Safety, but allowed the deputies to continue working.

In both cases, the Monitor was concerned that the Director was allowing deputies to continue to interact with inmates, even after he reached a reasonable conclusion that the deputies were not fit to continue in the employ of the Sheriff Department. The Monitor believes that this decision potentially placed the jail, its inmates and the City at risk. In one case, the Manager did not make a decision for several months while he waited for two additional internal affairs cases to be completed. In the other case, the Manager requested additional investigation, which delayed his decision by several weeks. In the meantime, the officers continued working.

One deputy worked for more than three months after the Director of Corrections recommended termination before resigning. The other deputy had been working for more than four months since the Director first recommended termination (as of the writing of this report). Both deputies continued to work for up to one year after the date of the incident before their cases were finally resolved.

The Police Department has a policy of placing officers on administrative leave if a termination recommendation is made. Although the policy results in paying officers for staying at home and not working, the Monitor believes it is good public policy because it protects the department and the community from officers who need to be removed from the classified service. The Sheriff Department has strong concerns about costs of overtime and the need to fully staff the jails on a 24-hour basis. It is the Monitor's strongly held belief, however, that these concerns do not outweigh the need to protect the department, its employees and the people it serves from the harm that can be perpetrated by a person who is already believed unfit to be a Denver Deputy Sheriff.

The Monitor has also noted that, unless a deputy is charged with a felony, the Sheriff Department is reluctant to place an officer who is facing possible termination on administrative leave. In two cases, deputies have continued to work in the jails even while internal affairs investigations are pending that could lead to a termination recommendation.

In one case, a deputy was caught on camera using unnecessary force on an inmate and appeared to have filed a false report concerning the incident. Due to the need to submit the case to the District Attorney for a criminal filing decision (charges were declined), the IAB investigation has been pending for more than three months. In the meantime, the deputy continues to work with inmates in the jail.

In another case, a deputy was arrested for soliciting a prostitute. The officer remained on duty while his criminal charges were pending and after entering a diversion program, while the administrative review process continued.

The Denver Police Department places officers on administrative leave when there is a significant possibility that the officer will be terminated as the result of provable misconduct. These decisions are made on a case-by-case basis. The Monitor believes that the Sheriff Department needs to start using the same discretion in order to safeguard its own interests, as well as the interests of its employees and its inmates.

### Quiet Rage” – The Stanford Prison Experiment

In 1971, Stanford University conducted a psychology experiment wherein students from all over the country were divided up into two groups: “prisoners” and “guards.” The final result was that the experiment had to be shut down within six days as some of the “guards” became abusive and the “prisoners” were showing signs of psychological trauma. A lesson learned from the experiment was how quickly normal, psychologically healthy young men could become out of control in a custodial setting when there are inadequate policies and training programs in place.

A teaching video of that experiment has been widely used in academia and the Monitor recommended that the Sheriff Department use a video of the experiment in the Training Academy curriculum. Special thanks need to be given to Captain Michael Than of the Training Academy who approved the curriculum addition and Sergeant Stephanie McManus who taught the first class in January of 2008. The Monitor attended the training and was greatly impressed with how the Academy recruits participated and reacted to the training and looks forward to participating in future classes on the subject. The Monitor believes that the training would be excellent for any member of the Sheriff Department who has not yet seen the video.

## Officer and Complainant Survey Results—Highlights

When the Monitor's Office was first created, surveys were created to try to measure the satisfaction of officers and complainants with the complaint handling and disciplinary processes in place before the creation of the Monitor's Office and after the Monitor program had been put into place. The survey program began in 2005 and ended in 2007. Extensive reports relating to the survey results can be found on the Monitor's webpage. This section of our annual report provides a brief description of the final results.

### Survey Methods

The surveys were designed to measure how the implementation of the Office of the Independent Monitor affected levels of satisfaction among complainants and police officers. Accordingly, the research project involved the distribution of three waves of surveys. The first wave, called the *baseline* survey, was distributed to complainants and police officers at the beginning of November 2005. The second wave of *follow-up* surveys was sent to police officers in the fall of 2006, while the third wave was sent to police officers in November 2007. Follow-up surveys for complainants were sent out on a quarterly basis in both 2006 and 2007.

The survey instruments were designed as anonymous paper surveys to be completed and returned through the mail. All complainants and the first and second waves of police officers were provided with a survey form soliciting information about their satisfaction with the complaint process. The surveys did not solicit any identifying personal information and a postage paid return envelope was provided for respondents to anonymously return the completed survey. All respondents were informed of the goals of the study, their rights as research participants, that their participation was voluntary, and that their responses were anonymous.

The third wave of police officers was provided an abbreviated version of the original survey. This survey was delivered via an on-line format using "Survey Monkey" (a popular web-based survey program) as the provider. Similar to the mail surveys, respondents remained anonymous and no identifiable personal information was collected.

This section provides some of the highlights comparing complainants and officers from the 2005 baseline survey and officers from the 2005 through 2007 surveys. (Final survey results for complainant satisfaction through 2007 will be posted to the OIM website when they become available.)

### Result Highlights

#### *Complainant and Officer Comparisons—2005 baseline survey*

Table 5.12 provides the demographic characteristics of the officers and complainants.

The majority of police officers were slightly younger than complainants with over 40% of officers in all three waves falling into the 35 to 44 age group. The majority of complainants—39.9% were aged 45 to 54. Complainants were also more likely than officers to fall into the youngest and oldest age categories.

Over two-thirds of complainants and officers were White followed by Hispanic and African-American.

Complainants were nearly equally split between male—51.4% and female—45.9%. Nearly 90% of officer respondents were male.

TABLE 5.12 OFFICER AND COMPLAINANT SURVEY DEMOGRAPHICS

DEMOGRAPHIC	Complainants		Police Officers	
	2005 Sample	2005 Sample	2006 Sample	2007 Sample
<b>Age</b>				
Under 25	5.4%	1.5%	1.4%	1.2%
25 - 34	16.9%	21.2%	16.7%	18.4%
35 - 44	20.3%	40.8%	41.1%	44.5%
45 - 54	39.9%	32.5%	32.5%	30.7%
55 & Older	14.8%	8.4%	8.4%	5.2%
TOTAL COUNT	144	532	431	407
<b>Race</b>				
African American	12.2%	4.4%	4.7%	8.3%
Latino/Hispanic	14.2%	17.4%	16.4%	20.4%
White	64.9%	72.7%	73.8%	68.5%
Other	1.4%	3.3%	4.7%	8.1%
Multiple Races	4.1%	2.3%	0.5%	0.0%
TOTAL COUNT	143	523	427	397
<b>Gender</b>				
Male	51.4%	88.9%	87.4%	87.5%
Female	45.9%	11.1%	12.6%	12.5%
TOTAL COUNT	144	532	427	392
<b>Education</b>				
Some High School	2.7%	0.2%	0.0%	0.2%
High School Graduate	10.1%	5.2%	6.3%	4.2%
Some College	28.4%	45.7%	43.5%	47.0%
College Degree	27.7%	39.7%	42.4%	40.1%
Advanced Degree	27.7%	9.2%	7.9%	7.7%
TOTAL COUNT	144	534	432	404
<b>Rank (officers only)</b>				
Officer		35.6%	31.2%	38.0%
Corporal/Technician		13.9%	16.9%	13.3%
Sergeant		14.2%	20.0%	20.4%
Detective		1.7%	18.5%	18.6%
Lieutenant		3.7%	5.2%	6.9%
Captain or Higher		1.7%	3.2%	2.8%
Unknown		29.2%	5.0%	0.0%
TOTAL COUNT		648	439	392
<b>Length of Service (officers only)</b>				
< 1 year		4.9%	0.9%	1.0%
1 - 3		3.4%	6.7%	13.2%
3 - 5		7.5%	3.5%	5.1%
5 - 10		21.6%	20.2%	17.6%
10 - 15		21.8%	20.6%	20.5%
15 & Over		40.9%	48.0%	42.5%
TOTAL COUNT		533	431	409

Among police officers who responded to the surveys, most had either some college education or had a college degree; this was stable across all three waves. Education among complainants varied between some college—28.4%, college degree—27.7%, and advanced degree—27.7%.

About one-third of officer respondents in all three waves had the rank of officer. Sergeant was the second most common rank followed by detective.

Over 40% of officer respondents in each survey year had worked for the Denver Police Department for 15 years or more. Very few respondents had worked for the department for less than one year.

Table 5.13 provides comparisons between officers and complainants on satisfaction with the overall complaint process for the baseline survey conducted in the fall of 2005.

Overall, police officers were more satisfied with such things as explanations of the process, treatment by investigators, timeliness, information provided, and outcomes compared to complainants. One exception involved satisfaction with the complaint process in general where officers—11.6% and respondents—11.7% were equally satisfied.

TABLE 5.13 OFFICER AND COMPLAINANT SATISFACTION--BASELINE DATA (2005)

Item	Officers	Complainants
Satisfied with explanation of the complaint process.	39.6%	27.4%
Satisfied with information on the outcome of complaint.	31.4%	13.0%
Satisfied that you were treated fairly.	45.9%	15.0%
Satisfied that complaint was handled quickly.	19.8%	18.3%
Satisfied with complaint process in general.	11.6%	11.7%
Satisfied with amount of information gathered to make a decision.	46.6%	13.0%

Table 5.14 provides results of officer and complainant views on oversight. Complainants were more likely to agree that citizen oversight improves IA investigations and that the OIM will improve the complaint process. However they were also likely to believe that the OIM will be biased in favor of officers. Officers were more likely to agree that the OIM will do a good job of monitoring IA investigations.

TABLE 5.14. OFFICER AND COMPLAINANT VIEWS ON OVERSIGHT--BASELINE DATA (2005)

Item	Officers	Complainants
Agree that citizen oversight improves internal affairs investigations.	14.2%	87.1%
Agree that Office of Independent Monitor (OIM) will be biased.	18.0%	35.8%
Agree that OIM will improve complaint process.	43.5%	45.7%
Agree that OIM will do a good job of monitoring police investigations.	34.3%	25.4%

As shown in Table 5.15, the percentage of officers that were satisfied with complaint handling processes increased steadily over the three waves of surveys. The most notable increase in satisfaction was with the complaint process in general which increased from 11.4% in 2005 to 36.3% in 2007, representing an increase of 208%.

**TABLE 5.15. TRENDS IN OFFICER SATISFACTION--PERCENT SATISFIED**

Item	2005 Sample	2006 Sample	2007 Sample
Satisfied with timing of complaint decision.	20.0%	32.1%	33.6%
Satisfied with the outcome that was deserved.	49.0%	53.3%	55.5%
Satisfied with the complaint process in general.	11.8%	34.8%	36.3%
Satisfied with the performance of the OIM.	-	32.0%	33.7%

Table 5.16 compares officer viewpoints over the three survey years. In most instances officer views became more positive with each successive survey. For example, officer respondents in 2007 were less inclined to agree that the complaint process is biased in favor of citizens—39.7% compared to 2005 respondents—66.4%.

Officer respondents however, were less likely in 2007 to agree that the OIM has improved the complaint process—39.2% than were officers in 2006—40.5% and 2005—43.5%.

**TABLE 5.16 TRENDS IN OFFICER SATISFACTION--PERCENT AGREEING THAT....**

Item	2005 Sample	2006 Sample	2007 Sample
Command staff usually make fair disciplinary decisions.	17.9%	21.3%	26.9%
Officers basic rights are well protected within the complaint process.	24.5%	27.9%	34.8%
OIM has improved the complaint process.	43.5%	40.5%	39.2%
Complaint process is biased in favor of citizens.	66.4%	54.3%	39.7%
Internal affairs investigates all complaints in an unbiased manner.	24.3%	26.5%	32.5%



**DENVER**  
THE MILE HIGH CITY

## CHAPTER 6

### CRITICAL INCIDENT REVIEW

## **THE MONITOR'S CRITICAL INCIDENT ROLL-OUT PROTOCOL**

City Ordinance requires the Independent 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 Shootings 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. This 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. Upon notification, the Monitor would determine whether to roll-out to the scene of such an investigation.

There were 16 OIM roll outs during the course of 2007.

Specifically, the Monitor's Office rolled out to 8 DPD officer-involved shootings in 2007. One rollout involved what was later determined to be an accidental discharge. As such, there were actually only 7 intentional officer-involved shootings by DPD officers in 2007. In addition, the Monitor rolled out to 2 DPD in-custody deaths, 1 in-custody death in which DPD officers were only minimally involved (the incident took place on the border between Denver and Commerce City) and 1 incident wherein a suspect was seriously injured. There was one additional DPD-involved in-custody death which did not involve an OIM rollout because at the time of the incident it was unknown that the suspect's injuries were life threatening. The OIM also "rolled-out" to the County Jail with respect to the four suicides that occurred during the course of the year.

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, the OIM continued to be impressed with the quality of the Homicide investigations and the professionalism of both Homicide and IAB personnel.

*The Monitor's Office would like to extend a special note of recognition to the Division Chief of the Criminal Investigation Division, David Fisher. Division Chief Fisher has taken special efforts to personally brief the Independent Monitor on all officer-involved shooting investigations, both at the scene and as interviews progressed. The information provided has greatly assisted the OIM in its monitoring efforts over the past year.*

### **CRITICAL INCIDENT REPORTING BY THE MONITOR'S OFFICE**

During the course of the year, the Monitor's Office updated its 2007 Quarterly Discipline & Case Statistic reports to include progress reports on all pending and recently closed critical incident investigations and administrative reviews. These reports will now allow the public to get more timely information on how critical incident investigations are resolved by the Denver Police and Sheriff Departments.

The reports are necessarily brief on facts while the investigation and review process is pending, but the reports will also identify, in summary form, any issues or concerns, as well as disciplinary actions taken by the Departments relating to these important events.

The quarterly reports will be issued as soon after the end of each quarter as is practical given the volume and nature of the incidents that are to be reported.

### **OFFICER INVOLVED SHOOTING / IN CUSTODY DEATH STATISTICS FOR 2007**

There were seven officer-involved shootings with on-duty Denver Police Department officers in 2007. The OIM defines an "officer-involved shooting" as any discharge of a firearm by a sworn officer where the involved officer intentionally shoots at a human being or accidentally shoots and hits a human being.

There were two in-custody deaths in 2007 involving the Denver Police Department. In addition, there was one fatal traffic collision (where a civilian was killed) involving a DPD officer.

There were eight in-custody deaths within custodial facilities administered by the Denver Sheriff's Department during 2007. Four of the in-custody deaths were the result of pre-existing medical conditions, the other four involved suicides. The number of in-custody deaths in 2007 was an increase from the number which took place in 2006 when there were three in-custody deaths (two by suicide and one as the result of injuries sustained prior to the inmate being placed in custody). The OIM was given access to each scene in order to actively monitor the ensuing criminal and administrative investigations.

Officer-Involved Shooting Statistics for 2007:

TABLE 6.1 OFFICER INVOLVED SHOOTING STATISTICS--DPD 2007

**Officer Characteristics**

Shooting Types	Count
on-duty intentional	7
animals	3
accidental discharges	7
<hr/>	
Officer Rank	
officer	4
technician	1
detective	2
sergeant	1
<hr/>	
Officer Race/Gender	
white-male	5
hispanic-male	2
black-male	1
<hr/>	
Officer Years-of-Service	
1 - 5 years	1
6 -10 years	3
11 - 15 years	2
16 - 32 years	2
<hr/>	
Officer Assignment	
district 3	1
district 4	2
district 6	2
vice/drug control	1
gang bureau	1
chief's office	1
<hr/>	
<b>Suspect Characteristics</b>	
Suspect Injuries/Deaths	
fatalities-suspects	1
injuries-suspects	6
<hr/>	
Suspect Weapons	
firearm	1
simulated firearms	2
knives	2
physical assault	1
vehicle	1
<hr/>	
Suspect Race/Gender	
white-male	1
hispanic-male	3
black-male	1
asian-male	1
black-female	1

## OFFICER INVOLVED SHOOTING / IN CUSTODY DEATH STATISTICS FOR 1998-2007

TABLE 6.2 OFFICER INVOLVED SHOOTING STATISTICS 1998--2007

Year	# of Shootings	Weapon Types	Injured	Killed
1998	7	Firearm - 3 Knives - 2 Vehicles - 2	4	3
1999	7	Firearm - 4 Knives - 2 Stick - 1	4	3
2000	4	Firearm - 1 Vehicles - 3	3	1
2001	6	Firearm - 2 Knives - 3 Vehicles - 1	1	5
2002	7	Firearm - 5 Knives - 2	4	3
2003	10	Firearm - 5 Knives - 3 Axe - 1 Crossbow - 1	2	8
2004	4	Firearm - 2 Knives - 1 Unarmed - 1	1	3
2005	3	Firearm - 1 Vehicles - 2	0	1
2006	11	Firearm - 6 Simulated Firearm - 2 Vehicle - 1 Unarmed - 2	3	3
2007	7	Firearm - 1 Replica Firearm - 1 Simulated Firearm - 1 Knives - 2 Vehicle - 1 Unarmed - 1	6	1
<b>Totals</b>	<b>66</b>		<b>28</b>	<b>31</b>

Note. Pre 2005 statistics obtained from DPD created chart.

### (10 Year Review)

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

In 2006, the Monitor's Office identified two problems which substantially 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."

#### Timeliness of Homicide Reports on Officer-Involved Shootings Improved Dramatically in 2007

We are pleased to report that in 2007, the Homicide Unit took substantial actions to ensure that Homicide reports were timely and that the preparation of the reports would not unnecessarily delay the Department's ability to administratively review these critical incidents. In 2006, we reported that 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 in 2006 was 124 days from the date of the incidents (approximately 4 months).

In 2007, however, the time it took the Homicide Bureau to complete their reports ranged from 12 days to approximately 2 months. The average number of days that it took for Internal Affairs to obtain these reports for 2007 shootings was only 37 days from the date of the incidents.

The OIM would like to thank the Homicide Unit Detectives and Command Staff for this remarkable improvement in timeliness.

As a result of the improvement in timeliness in receiving Homicide Unit reports, the overall timeliness of officer-involved shooting administrative reviews (from the date of the incident until the date of the Use of Force Board) improved significantly.

For shootings that took place in 2006, it took an average of 143 days for the case to be considered by the Use of Force Board. For shootings that took place in 2007, it took an average of 72 days for the case to be considered by the Use of Force Board. This was a remarkable improvement in timeliness and the Department should be commended for its work in this regard.

Accolades for these remarkable improvements in timeliness should not only go to the Homicide Unit, but also to the District Attorney's Office. But for the District Attorney's current practice of issuing shorter and timely letters explaining their filing decision in these cases, the homicide reports would not be as readily available for IAB and OIM review.

In addition, IAB staff should be commended for their substantial efforts in scheduling timely Use of Force Board hearings as soon as case investigations are complete and available for administrative review.

#### The Backlog in the Publication of Decision Letters by the Manager of Safety Has Been Eliminated

In 2006, we also reported on difficulties the Manager of Safety's Office was having in writing public reports relating to each incident where a community member was injured or killed in an officer-involved shooting.

We are pleased to report that as of the end of 2007, the Manager of Safety has eliminated the backlog that existed with respect to the issuance of these public reports. With the support of the OIM, the Manager changed his protocol on the issuance of such reports such that he would only prepare reports when an officer-involved shooting resulted in a death or when a shooting resulted in a death or injury and was determined to be "out of policy." Given that the OIM reports out on critical incidents on a Quarterly and Annual basis, it was concluded that limiting public reports to these circumstances would allow for more timely reports and provide the necessary transparency as well.

The Manager's public reports can be found on his website, at [www.denvergov.org/Safety](http://www.denvergov.org/Safety).

Included in the reports issued in 2007 were three fatal 2006 officer-involved shooting investigations that were identified in our 2006 report as still pending review by the Manager.

## Timeliness Problems in Administratively Resolving One Officer-Involved Shooting Incident

In one case in 2007, the Monitor expressed concerns that an officer-involved shooting may have been “out of policy.” A Use of Force Board was held within 10 weeks of the incident. The Tactics Review Board met approximately six weeks after the Use of Force Board. Immediately thereafter, the Monitor informed the Chief of his concerns. It took almost a month to set up a meeting with the Chief and then more than three months for the Chief to make his own recommendation to the Manager of Safety. Immediately after being informed of the Chief’s decision, the Monitor informed the Manager of Safety of his continued concerns. As of the writing of this report, it has been going on three months since the Manager of Safety was informed about the Monitor’s concerns and no action has, as of yet, been taken.

A six to seven month delay in resolving whether or not this shooting is “out of policy” should not be acceptable to the Department of Safety. If the shooting is found “out of policy,” there will be further delays in the imposition of discipline due to the potential need for a Disciplinary Review Board and a Chief’s Hearing. Imposing discipline more than a year after a critical incident is unfair to the involved officer, the community, and the department as a whole. While the Monitor’s Office is pleased that the Department has improved its timeliness in resolving shootings that are clearly “in policy,” it is just as important (if not more important) to timely resolve those shootings that may be “out of policy.”

### **Summary and Status of 2007 Officer-Involved Shootings, Investigations and Review Processes**

There were seven officer-involved shootings in 2007.

#### Incident #1

March 29, 2007: Officers engaged in a foot pursuit of a suspect who crashed his car while trying to flee a traffic stop. One officer fired two shots at a suspect wielding a possible firearm – the suspect was injured and later arrested. A District Attorney shooting letter was issued on April 30, 2007 (See, [denverda.org/News\\_Release/Decision\\_Letters](http://denverda.org/News_Release/Decision_Letters)).

The shooting itself was determined to be “in policy” as the shooting officer was faced with a suspect who brandished what appeared to be a firearm at the officer in an attempt to escape arrest. The suspect denied being armed, but acknowledged access to a replica firearm which matched the description of the firearm provided by the officer.

The shooting officer and his partner, however, failed to call out the shooting to dispatch and delayed in reporting the shooting to their supervisor. The officers’ actions were publicly criticized by the District Attorney in his “Shoot Letter.”

The Manager of Safety imposed a two-day suspension on the shooting officer for failing to adequately communicate with his partner to ensure that the shooting had been called out. The Monitor believed that the two-day suspension was within the range of disciplinary sanctions that could reasonably have been imposed.

The Manager of Safety imposed a 30-day suspension on the shooting officer’s partner for failing to immediately notify dispatch of the shooting and endangering other officers, themselves and the public through inappropriate tactics.

The Monitor disagreed with the disciplinary decision as to this officer. The Monitor believed that a 60-day suspension was warranted, given all of the circumstances. Specifically, the Monitor believed that more significant discipline needed to be imposed, in part, because the officer made a misleading statement to the dispatcher when he reported that he and his partner were investigating a one car collision (the suspect had crashed his car before the initiation of the foot pursuit) even after shots had been fired by his partner. Even after informing his supervisor that an officer-involved shooting had taken place, the officer failed to notify his supervisor that the suspect was at-large and likely wounded.

The Department's policy that officer-involved shootings are immediately called out to dispatch is an important one. It helps ensure that the scene is quickly contained and that the subsequent investigation and review process has integrity. It also ensures that nearby officers are aware of any danger that a fugitive may present to themselves and the community-at-large. It provides a level of safety for the involved officers that adequate cover arrives quickly and that dispatch is aware of their location and whether they are in any danger. Finally, it ensures that a wounded suspect will be located as soon as possible so that appropriate medical attention can be provided. As such, a violation of this policy was, and needs to be, considered a serious breach of conduct.

In this case, the officer's actions created the appearance that the officer was trying to ensure that this deadly force incident would be handled by officers from within his own special unit. The officer was deceptive in his communication with dispatch, incomplete in his communication with his supervisor and, as such, put numerous lives in potential danger. In addition, his actions had a negative impact on the integrity of a well-thought out and long-standing officer-involved shooting investigation protocol. Finally, but for the suspect's admission that he had access to a replica-type weapon, the department would have been faced with a situation where the officer's false statement to dispatch could have caused credibility issues that would have raised serious questions about the legitimacy of the shooting. For these reasons, the Monitor believed that more severe discipline was warranted.

It should be noted that the Manager of Safety discussed the basis for his decision in this case with the Monitor and took the Monitor's opinions and recommendations into consideration when making his decisions. However, he disagreed with the Monitor as to whether a 60-day suspension was warranted and felt that the 30-day suspension took into consideration the purposes of discipline and all the facts and circumstances of the case.

#### Incident #2

April 4, 2007: A patrol officer pulled in front of a vehicle that contained an armed robbery suspect in order to stop a "slow speed chase" from continuing. The patrol officer stepped in front of the suspect vehicle when he saw the suspect struggling with the driver of the vehicle. The suspect was able to push the driver out of the vehicle and then he drove the vehicle directly at the officer who fired one shot, injuring the suspect. The suspect led officers on a high speed chase and eventually escaped. The suspect was later arrested out-of-state.

On May 7, 2007, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officer.

The Monitor is concerned that the officer acted in an unsafe manner when he drove past the suspect vehicle, forced the vehicle to stop without following felony stop protocols and then put himself in danger by stepping in front of the suspect vehicle.

The case is pending review by the Manager of Safety.

### Incident #3

May 8, 2007: Officers were called to assist mental health professionals with a subject who was in crisis as the result of failing to take necessary medication. Crisis Intervention Team (CIT) officers assisted in attempting to get the subject to come out of his room to be treated by paramedics. The mental health workers concluded that the subject was in immediate need of medical attention and authorized the officers to break down the door to the subject's room due to life threatening circumstances. The officers broke down the door and were immediately confronted with the subject who was armed with a knife. As the subject advanced on the officers, one officer fired one shot at the subject who was wounded and then taken into custody.

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

The Department concluded that the shooting was "in policy." The Monitor concurred with that finding. The officers were in immediate danger from an armed subject. The officers were in such close proximity to the subject that less-lethal force options (the use of a taser) could have been ineffective and led to an officer being stabbed. The officers used their CIT skills in an attempt to deescalate the situation, but were unable to do so and were unaware that the subject was armed at the time that they broke down the door.

### Incident #4

May 12, 2007: Officers were called to a residence where a woman had tried to force entry in a domestic dispute. The woman attacked the door of the residence with a knife. As officers were interviewing the complainants, the woman returned and attempted to chase down the victim while armed with one knife in each hand. In order to stop the woman from stabbing the victim, one officer fired one shot. The woman was wounded and then taken into custody.

On May 29, 2007, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officer.

The Department concluded that the shooting was "in policy." The Monitor concurred with that finding. The victim was in immediate danger of being stabbed and possibly killed. The officer fired only one shot with the intent of stopping the suspect from committing a murder in his presence. The officer likely saved the life of the victim and was able to do so while preserving the life of the suspect as well.

### Incident #5

November 12, 2007: An officer conducted a traffic stop on a suspicious vehicle. When the officer tried to "pat down" the passenger in the vehicle for weapons, the suspect dropped a bag of cocaine and attempted to flee. When the officer attempted to stop the suspect, the suspect hit the officer and knocked him to the ground. The suspect then proceeded to attack the officer who was able to pull out his firearm and fire one shot, wounding the suspect. The officer was then able to take the suspect into custody.

On December 28, 2007, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officer.

The Department concluded that the shooting was "in-policy." The Monitor concurred with that finding. The officer was in immediate danger of losing his firearm and could have been killed by the suspect. The officer was alone and his decision to resort to the use of deadly force to protect himself was warranted.

## Incident #6

November 14, 2007: Two officers were having lunch at a restaurant. An armed robber walked into the restaurant brandishing a shotgun. The suspect was acting aggressively and the officers drew their weapons and fired at the suspect who fired a shotgun blast in their direction. The suspect was wounded and then taken into custody. Three civilians, who were behind the suspect, were wounded by the officers' gunfire.

On January 17, 2008, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officers.

The Department concluded that the shooting was "in-policy." The Monitor concurred with that finding. Although it was unfortunate that the civilians were injured by the officers' gunfire, the officers had little choice but to engage the suspect. He was in the process of robbing the patrons and would have been able to identify them as police officers due to their identification and badges. The officers were forced to make a split-second evaluation as to whether the suspect would have shot them once he realized that they were officers. Based on their observations, they reasonably believed that they would have likely been killed and were forced to take immediate action.

## Incident #7

December 19, 2007: An officer was on routine patrol late at night when he decided to run a vehicle plate as part of a routine check to see if the vehicle was stolen. When he started to follow the vehicle, the driver stopped the vehicle and ran from the officer. At the conclusion of a short foot pursuit, the suspect confronted the officer, brandished what appeared to be a firearm and threatened to kill the officer while identifying himself as a member of a criminal street gang. The officer fired two shots at the suspect who continued to approach and challenge the officer. The officer fired four more shots at the suspect who was fatally injured.

On January 24, 2008, the District Attorney issued a public letter concluding that no criminal charges would be filed against the involved officer.

The Department concluded that the shooting was "in-policy." The Monitor concurred with that finding. Although one witness told investigators that he believed it was the officer who threatened to kill the suspect and not the suspect who threatened to kill the officer, the witness also stated that the officer shot the suspect multiple times in the back. The investigation established that the suspect was shot while facing the officer. The officer's explanation for the incident was corroborated, in part, by other civilian witness and by the physical evidence.

A public report from the Manager of Safety will need to be issued because the shooting resulted in a fatality. This shooting was the first fatal police shooting involving the Denver Police Department in eighteen months.

## **Summary and Status of a 2006 Officer-Involved Shooting Investigation That Was Not Resolved Until After the Release of the OIM 2006 Annual Report**

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 was 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.

The Department concluded the shooting to be "in policy." The Monitor concurred with that assessment based on the fact that at the moment the shot was fired, the officer was in reasonable fear for his life as the suspect was both armed and aggressive towards the officer.

## **Summary and Status of 2007 In Custody Deaths, Investigations and Review Processes**

There were ten in-custody deaths in 2007, eight in the Denver County Jail, and two after suspects were taken into custody by DPD officers. In addition, there was one civilian killed in an officer-involved traffic collision.

### **In-Custody Suicides**

There were four suicides at the County Jail in 2007:

#### Suicide #1

An inmate at the County Jail committed suicide by hanging himself with a bed sheet from his bunk bed. The inmate was discovered in rigor mortis at 6:15 a.m. with a noose tied around his neck. According to the medical examiner, the inmate had been dead for more than an hour before he was found.

Deputies are required to make at least two rounds per hour while alternating rounds to prevent predictability. The last round conducted by the involved deputy was at 5:30 a.m., at which time the deputy failed to see the inmate hanging from his bunk. In addition, the investigation disclosed that the deputy only conducted five rounds from the time he came on duty (at 2:00 a.m.) until the time the inmate was found deceased. During that period of time, the deputy should have conducted at least nine rounds.

There were significant delays in the administrative review of this incident. As such, disciplinary proceedings were still pending as of the writing of this report.

#### Suicide #2

An inmate at the County Jail committed suicide by hanging himself with a bed sheet from the window of his cell. The inmate was discovered during a round conducted by a deputy. Medical staff unsuccessfully attempted to resuscitate him. An administrative investigation of the incident concluded that there was no misconduct on the part of any Sheriff personnel and that the death was unavoidable.

#### Suicide #3

An inmate at the County Jail committed suicide by hanging himself with a bed sheet. The inmate was discovered during a round conducted by a deputy. An administrative investigation of the incident concluded that there was no misconduct on the part of any Sheriff personnel and that the death was unavoidable.

Although family members contacted the OIM with concerns regarding the death, believing it to be a homicide and not a suicide, the criminal investigation disclosed no objective reason to believe that the inmate did not kill himself. The inmate's family was advised of the results of the administrative review upon its conclusion.

#### Suicide #4

An inmate at the County Jail committed suicide by hanging himself with a bed sheet. The inmate was discovered while a deputy was returning another inmate to the same cell. The Sheriff's new "wand" system (which documents a deputy's presence at various posts while conducting rounds) conclusively established that the deputy had conducted a round approximately 15 minutes before the inmate was discovered. An administrative investigation of the incident is still pending.

The OIM requested that Sheriff Training be reviewed in order to ensure that new deputies are trained to hit their personal alarms immediately upon the discovery of an attempted suicide. In this case, the deputy first called for a supervisor for assistance. Only seconds were lost, but in some cases, seconds might mean the difference between a successful and an unsuccessful suicide.

#### **In-Custody Medical Deaths**

There were four medical deaths at the County Jail. Each of the inmates was determined to have suffered from a pre-existing medical condition. Administrative investigations determined that there was no misconduct on the part of any Sheriff personnel and that the deaths were unavoidable.

##### Medical Death #1

Cause of Death: No autopsy was performed at the request of the inmate's family. According to the medical staff, the probable cause of death was natural.

##### Medical Death #2

Cause of Death: According to the autopsy report: "the manner of death [was] natural."

##### Medical Death #3

Cause of Death: According to the autopsy report: "Complications of a probable seizure. The manner of death is accident."

The OIM was contacted by a family member of the inmate who believed that the inmate was not given the medication he needed to avoid seizures. Jail medical records showed that the inmate was seen by medical staff on multiple occasions and was counseled to take his seizure medication. According to medical staff, during his incarceration, the inmate maintained only a 50% compliance rating with regard to taking his medication. The inmate was housed in the infirmary, receiving continuing attention when he died in his sleep after suffering from an apparent seizure. On the night he died, staff perceived him to be sleeping. He was discovered to have died when staff attempted to wake him up for his morning meal.

##### Medical Death #4

Cause of Death: According to the autopsy report: "complications of cardiovascular disease... the manner of death is natural."

There were two deaths following Denver Police officers taking persons into custody:

#### DPD In-Custody Death - Incident #1

A suspect died after being taken into custody. Force included use of a Taser, baton strikes and take-down and control holds. No District Attorney letter was issued. The Department exonerated the officers after an administrative review.

This use of force was publicly criticized by the family of the decedent, who alleged that the decedent was walking his dog at night and was accosted by police officers for no reason. The Monitor supported the Department's decision based, in part, on 911 calls which established that the decedent was attacking and destroying neighbors' property and yelling incoherently. The officers' use of force was in response to the decedent's attacking one officer's vehicle and aggressively approaching another officer in order to stop the officer from getting out of his patrol car.

Per all officer accounts, the decedent engaged in aggressive behavior that warranted the use of a Taser. Upon arrival, officers confronted the decedent, who was running down the street, at 3:00 a.m., wearing only shorts and covered with blood. When confronted by officers, the decedent failed to respond to any commands, and ran around yelling: "Oh my God, Jesus." After the Taser proved ineffective (after four attempts), officers used take-down techniques and baton strikes in an attempt to place the decedent under arrest.

After the decedent was taken into custody, he began to suffer cardiac arrest and the officers administered CPR. He was resuscitated but later died at the hospital at 4:15 a.m.

The autopsy report was unable to provide an explanation for the decedent's death.

The investigation determined that the decedent had a prior incident, when he was 18-years-old, wherein he overdosed on drugs, "freaked out" and thought that if he hit lights he would "go to Jesus." In this case, the decedent was reported to have broken out numerous light bulbs while screaming: "Jesus, Oh my Lord, Jesus" over and over again.

The OIM anticipates future recommendations on the DPD Taser policy in the upcoming Deadly Force Audit (see infra, this Chapter) which will be released in April of 2008.

#### DPD In-Custody Death - Incident #2

Officers responded to reports that a man was trying to break into a residence and was yelling incoherently. The officers arrested the man who had broken into the residence by jumping through a window. Officers used take down techniques to place the suspect into custody. After taking the suspect to the ground, he stopped breathing. He was resuscitated by officers and taken to the hospital where he died 3 days later.

Neither the Homicide Bureau nor the OIM rolled out to this incident as it was reported at the time of the incident that the suspect was resuscitated and was expected to survive. After he died, the use of force and arrest reports were all immediately received and reviewed by IAB and the OIM.

The administrative review of this incident is still pending. For unknown reasons, even though the incident took place several months before the writing of this report, the autopsy report had not been made available and, therefore, the administrative review of the incident could not be completed.

There was one officer-involved traffic collision which resulted in the death of a civilian.

An officer responding to a request for a cover officer was traveling with lights and sirens (“Code 10”) through a red light at a high rate of speed. The patrol car struck a car driven by a civilian who was driving through the green light at a lawful speed. The civilian vehicle did not give the right of way to the patrol vehicle. A passenger in the vehicle, who was not wearing a seat belt, was ejected from the car which rolled over on top of him. The passenger did not survive.

The case was investigated by the Traffic Investigations Bureau (TIB). The OIM rolled out to the scene and monitored interviews conducted by TIB Detectives.

The District Attorney’s Office filed two criminal charges (careless driving causing death and careless driving causing substantial bodily injury) against the officer. The administrative review of the incident has been suspended pending the conclusion of the criminal prosecution.

### **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.

As such, the Monitor hired the Los Angeles-based Police Assessment Resource Center (PARC) 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 between 1999 and 2003.

The report will be published in April of 2008 and will be posted on the Monitor’s website.

The OIM will work with the Manager of Safety and the Chief of Police to determine which recommendations will be implemented and according to what schedule. The implementation of many of these recommendations will be a task of the Monitor for the months and years to come.



**DENVER**  
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## 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 discuss their issues with the facilitation of a professional mediator. Serving as a safe learning opportunity for dialogue, mediation allows each party to gain a better understanding of the other's perspective about an incident. Unlike a courtroom in which one side "wins" over the other and blame is assigned, mediation promotes mutual understanding and learning so that both parties may 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. We know that 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 police department administrators for decisions and resolutions.

The community-police mediation program was developed as a way to give control over the complaint process to the parties 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 possibly 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.

Most police complaints are well-suited for mediation. This is because most community-police conflicts are based on misunderstandings which mediation can often address better than discipline. Unfortunately, relatively few community-police mediation programs exist in the United States, and those that do exist handle only a small number of cases. A national study of community-police mediation programs in 2000 found that of more than 17,000 U.S. law enforcement agencies, there were only 100 with oversight agencies, and a mere 16 of these agencies had mediation programs. Thus, mediations accounted for a tiny fraction of complaint resolutions. (See, *Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders*, [www.cops.usdoj.gov](http://www.cops.usdoj.gov), Sam Walker, Carol Archbold & Leigh Herbst, 2002, U.S. Department of Justice, COPS program.)

## **The Denver Community/Police Mediation Program**

The OIM introduced community-police mediation to Denver in November of 2005. The nationwide averages of satisfaction among both police officers and civilians with the traditional complaint-handling process are notoriously low. As a point in fact, in 2005 the OIM administered a survey evaluating perceptions and 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 and sixty-four percent (64%) of the officers reported dissatisfaction with the complaint process. With mediation, dissatisfaction figures have plummeted to ten percent (10%) and four percent (4%) respectively.

## **Benefits of Mediation**

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, some of whom might have been adversely impacted by the complainant's personal experience.

Mediation is particularly beneficial in resolving racially-biased policing complaints. Many police departments insist on conducting formal investigations in all complaints of racial bias, because they do not want to be accused of failing to adequately address such serious allegations. Investigations in such complaints, however, rarely result in sustained findings because the allegations are difficult to prove or without factual basis. Rather, these complaints often come about not because the officer said or did something explicitly racist, but because the complainant interpreted the officer's words, attitudes, or behavior as stemming from racism. Historically, in these cases, both parties have been dissatisfied with the resolution of these complaints. The complainant believes that the department has covered up the officer's racism in a questionable investigation, and the officer is generally offended that s/he has been labeled a racist.

The OIM has successfully mediated several racial bias complaints because both sides are able to address this allegation directly with the assistance of one or two professional mediators. Beyond the mediation session, having this discussion potentially increases officer sensitivity to and community member understanding of these issues and perceptions. Mediation allows both sides to see each other as individuals, which contributes to better relations between the police and the individual as well as the community.

Benefits of mediation include:

- being heard and understood;
- hearing the other person's perspective and why he/she acted in a particular manner;
- giving the other party feedback about how to avoid similar incidents in the future;
- regaining confidence in police services;
- exercising direct control over the quick resolution of the complaint rather than have it decided by police administrators; and,
- resolving 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 also 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. This is where the real change happens.

### Quote from an Officer After a Completed Mediation:

*“I thought the last few days about my mediation. I strive to be the best police officer I can be, on and off the street. I must tell you that [the] mediation [experience] has made me realize that some of the tactics I have used in the past were not beneficial to me or the other parties. I want to thank [the complainant] for opening this door to me so I may improve as a person! I also want to apologize to him for my actions and the way he was treated.”*

### **Historical Obstacles to Mediation**

Professor Sam Walker, an expert in civilian oversight, 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 officers 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 almost every DPD roll call (and regularly attends the Police and Sheriff Academies) to discuss the program with officers face-to-face. The Monitor also met with all police organizations and the unions to speak about mediation. In 2006, the OIM continued its outreach efforts through the aid of a training video on mediation that was presented to all officers during roll call. Thus far, 91% of officers have accepted complainants' offers to mediate.

The high officer participation figure is not out of proportion with national statistics. We have found that 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, a tool of community policing, and 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 by a preponderance of the evidence. Further, most community member-officer interactions are not witnessed by an objective witness or are not provable through objective evidence. Thus, most cases that are actually mediated would not otherwise result in imposition of discipline against the involved officer.

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 contracted with Community Mediation Concepts (CMC), which has been providing a variety of mediation services for the City of Denver. A pool of mediators that successfully met the OIM's criteria was selected and provided with a specially designed full-day training program prior to allowing them to co-mediate an internal affairs complaint.

### **How Cases Are Selected**

Mediation is approved in cases where the OIM and Internal Affairs 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 sustain. 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 use-of-force cases involving injury or the use of impact weapons from mediation without the specific consent of the Chief of Police, the Manager of Safety (who supervises the police and sheriff departments), and the Monitor.

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. Over the next few years, the OIM will be compiling data regarding complaint patterns in order to establish to what extent mediation can be 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 into 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. The mediation program is voluntary. Any stakeholder (which includes the complainant, the involved officer, Denver Police Department command staff, or the OIM) may decline a case to be mediated 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 the Monitor's office, libraries, and City Council offices. 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. The median number of days to complete a mediation case in 2007 was 40 days. This timeliness is key for two reasons. First, having fresh memories of the incident promotes more constructive dialogue. Second, the quick resolution adds to both parties' satisfaction with the process.

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 mediate. Besides explaining the process, the brochure also lists suggestions for mediating constructively.

Additionally, the OIM furnishes a summary of the incident and allegations to the mediator, so s/he has background knowledge of the dispute before entering mediation. The mediator can get additional information, if necessary, while contacting both parties to schedule the session. A final confirmation notice is sent to all parties of the time, date, and location of the mediation. 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.

### **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 decide to meet separately with the participants in a brief caucus. The process continues until both parties feel they have resolved the issue to their satisfaction. Most mediation sessions last from 60-90 minutes. Officers generally mediate on-duty and in uniform.

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 2007**

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

A husband and wife motel owner alleged that police officers asked them to look through their business records in order to run customers' license plates through a database and check for arrest warrants. The complainants claimed that they complied but the officers did not believe them and threatened them in order to gain more information.

A male who was sexually assaulted alleged that the officer who responded to the hospital refused to acknowledge that he was a victim, stating that there had not been sufficient injury, and unnecessarily lectured him on the dangers of using drugs.

A high school counselor alleged that an officer, who had responded to the school to arrest a student, repeatedly used profanity while talking to him and used unnecessary force against the student.

A deputy sheriff alleged that another deputy sheriff made racially insensitive comments.

A teenager complained that an officer wrongly accused him of violating curfew, followed him home, and entered the home uninvited in order to speak to his mother.

A couple alleged that during an evening picnic at a park, officers unnecessarily ticketed them for trespassing and were discourteous.

A man who had learned (when his wife called him on his cell phone) that his infant had stopped breathing, sped through a residential area to return home. When an officer pulled him over, he alleged that even though he explained the situation, the officer continued to delay his return and ticket him anyway.

An interracial couple was driving with a young child when they were pulled over by an officer. The female complainant stated that the officer asserted she was a prostitute in front of her eight-year-old daughter. The complainant felt that the questions were racially motivated. (The child participated in the mediation as well.)

A woman called the police to take a report on drug paraphernalia left in her renter’s unit. The complainant alleges that the responding officer and his supervisor refused to take a report and were rude and intimidating.

## Mediation Satisfaction Rates

The OIM measures participant satisfaction with the mediation program. Table 7.1 compares satisfaction with the mediation outcome among both officers and citizens in 2006 and 2007. Satisfaction with the outcomes among community members increased by 44% in 2007 while satisfaction among officers increased by 12%.

Rates of neutrality, those indicating they were neither satisfied nor dissatisfied, remained relatively stable between years for both officers and community members.

TABLE 7.1 SATISFACTION WITH MEDIATION OUTCOME BY YEAR

How satisfied were you with the outcome of mediation?	Dissatisfied	Neither Satisfied/Dissatisfied	Satisfied	TOTAL
<b>2006</b>				
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%	
TOTAL				90
<b>2007</b>				
Community Members	7	15	48	70
row %	10.0%	21.4%	68.6%	
Police Officers	3	20	56	79
row %	3.8%	25.3%	70.9%	
TOTAL				149

Table 7.2 provides the comparisons for satisfaction with the mediation process. Approximately, 59% of community members were satisfied in 2006 compared to 85% in 2007. This represents an increase in satisfaction of 44%. Officer satisfaction increased from 70% in 2006 to 85% in 2007; an increase of 21%.

TABLE 7.2 SATSIFACTION WITH THE MEDIATION PROCESS BY YEAR

How satisfied were you with the mediation process in general?	Dissatisfied	Neither Satisfied/Dissatisfied	Satisfied	TOTAL
<b>2006</b>				
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%	
TOTAL				90
<b>2007</b>				
Community Members	5	6	60	71
row %	7.0%	8.5%	84.5%	
Police Officers	2	10	67	79
row %	2.5%	12.7%	84.8%	
TOTAL				150

Table 7.3 presents the findings on how likely mediation participants are to recommend mediation to others. The percentage of officers and community members indicating they were “very likely” increased from 2006 to 2007.

In 2006, officers—56.5% were more likely than community members—43.2% to say “very likely”; however, in 2007 officers and community members were nearly equal in indicating they were “very likely” to recommend mediation to others—59.7% and 58% respectively.

**TABLE 7.3 LIKELIHOOD OF RECOMMENDING MEDIATION BY YEAR**

How likely are you to recommend mediation to others?	Not Likely	Somewhat Likely	Very Likely	TOTAL
<b>2006</b>				
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%	
	TOTAL			90
<b>2007</b>				
Community Members	4	25	40	69
row %	5.8%	36.2%	58.0%	
Police Officers	4	27	46	77
row %	5.2%	35.1%	59.7%	
	TOTAL			146

### Interesting Facts about the OIM Mediation Program in 2007

- The largest mediation had nine participants – five complainants and four officers. The complainants alleged that when they were having a dinner party, officers came into the apartment stating that they were responding to loud noise complaints, stopped the party, and threatened to arrest them.
- Three mediations involved allegations that officers had treated the complainants with bias because of their sexual orientation. (Bias cases in general are difficult to prove. Not only does a complainant have to prove that the officer committed actual misconduct, such as discourtesy, improper procedure, or unnecessary/excessive force, but the complainant must also establish that the officer’s motivation was based on a specific bias.) All of these cases resulted in high satisfaction for complainants and officers.
- While 55 mediations occurred with police officers, 4 mediations took place with the Sheriff Department. Three cases involved disputes between co-workers and one case involved a civilian business owner who alleged that an off-duty deputy abused her authority by inappropriately threatening him. (The OIM does not mediate between inmates and deputies, so cases are limited to allegations made by civilians and by department employees).
- Six mediations had immigrant complainants. They were from Africa, Asia, Europe, and Latin America. Three of these mediations had interpreters: one in Korean and two in Spanish.
- Youths were at the center of seven mediations. In one case, a fifteen-year-old filed a complaint online and mediated along with his mother. In another case, a ten-year-old who was a witness to the incident between his mother and the officers participated in mediation. The youngest mediation participant was an eight-year-old who also witnessed the incident between her mother, her mother’s fiancée and the officer. Four additional cases were filed by adult witnesses who felt that officers mishandled incidents involving youth.

## **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 may continue to observe mediations on a periodic basis, 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 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. The staff identified eight agencies currently operating citizen-police mediation programs nationally that mediated nine cases or more in 2007.

Table 7.4 lists all of the citizen-police mediation programs of which we are aware that facilitated nine or more mediations in 2007, the number of sworn police officers, the number of actual mediations that occurred, and the rate of mediation per capita (number of mediations divided by sworn personnel and multiplied by 1000.)

TABLE 7.4 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	36,000	100	2.78
Denver Police & Sheriff Departments	Office of the Independent Monitor	2,196	59	26.87
San Francisco Police Department	Office of Citizen Complaints	2,364	47	19.88
Washington D.C. Metropolitan Police Department	Office of Police Complaints*	3,912	35	8.95
Seattle Police Department	Office of Professional Accountability	1,233	24	19.46
Minneapolis Police Department	Civilian Police Review Authority*	798	17	21.30
Portland Police Bureau	Independent Police Review Division	946	15	15.86
Pasadena Police Department	Pasadena Police Department	250	9	36.00

\* Washington, D.C. and Minneapolis are the only citizen-police programs which have “mandatory” mediation programs. However, if either party is dissatisfied after attempting to first resolve the complaint through mediation, then either party can request a formal investigation.



**DENVER**  
THE MILE HIGH CITY

## CHAPTER 8

### COMMENDATIONS & AWARDS

In the interest of providing a more balanced view of the Denver Police and Sheriff Departments' service to the community, the OIM reports about commendations and awards received by DPD Officers and DSD Deputies for exceptional services provided to the community and the departments. There were 538 commendations and awards received by DPD employees in 2007. The Sheriff Department handed out 102 commendations and awards to DSD employees in 2007.

## Police Department

Table 8.1 shows the number of commendations and awards received by DPD employees in 2007 compared to 2006 and 2005.

Commendatory Action Reports were the most frequent type of commendation received accounting for 32.3% of the total. Other frequent commendations included commendatory letters (13.2%) and letters of appreciation (16.4%).

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.

TABLE 8.1 COMMENDATIONS RECEIVED BY DPD EMPLOYEES BY YEAR (DPD 2007)

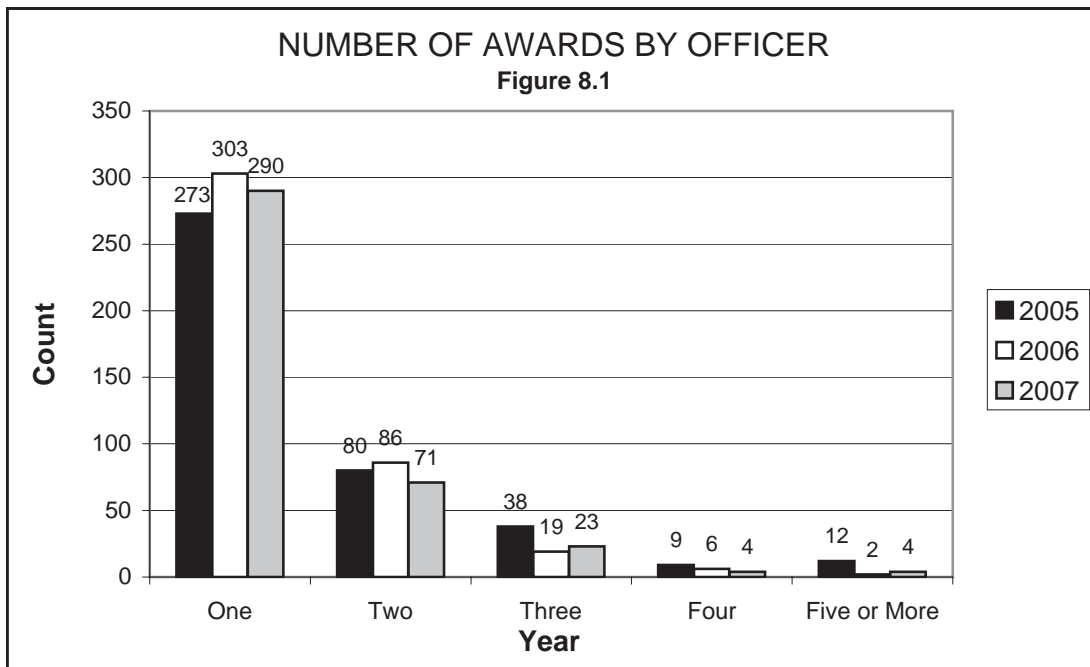
COMMENDATION	YEAR		
	2005	2006	2007
Commendatory Action Report column %	222 33.7%	180 31.5%	174 32.3%
Official Commendation column %	121 18.4%	131 22.9%	79 14.7%
Commendatory Letter column %	106 16.1%	82 14.3%	71 13.2%
Letter of Appreciation column %	95 14.4%	60 10.5%	88 16.4%
STAR Award column %	36 5.5%	34 5.9%	35 6.5%
Merit Award column %	33 5.0%	17 3.0%	15 2.8%
Life Saving Award column %	9 1.4%	17 3.0%	10 1.9%
Citizens Appreciate Police column %	9 1.4%	12 2.1%	2 0.4%
Community Service Award column %	6 0.9%	9 1.6%	3 0.6%
Officer of the Month column %	6 0.9%	3 0.5%	4 0.7%
Distinguished Service Cross column %	5 0.8%	11 1.9%	2 0.4%
Medal of Honor column %	2 0.3%		
Medal of Valor column %	2 0.3%		2 0.4%
Unit Commendation column %	2 0.3%	1 0.2%	53 9.9%
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%	
<b>TOTAL</b>	<b>658</b>	<b>572</b>	<b>538</b>

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 2007, 392 DPD employees received at least one commendation. The majority of these employees (73.9%) received one commendation. Approximately 102 employees received two or more commendations during the course of 2007.



## **A Sample of Commendations and Awards Given to Officers by the Denver Police Department in 2007:**

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

The Denver Bomb Squad assisted Jefferson County with a bomb disposal operation. Due to limited mobility, personnel could not wear bomb suits while in the residence. Three booby trapped hand grenades were located and rendered safe without injury to any personnel. This operation involved two days of intense psychological and emotional stress. Four DPD personnel—one sergeant and three detectives were commended for their bravery, selfless attitude, dedication, and a successful render-safe operation involving live grenades.

Thirteen DPD officers were dispatched to the Safeway Distribution Center on a report of a suspect actively shooting workers inside. It was also reported that the suspect was setting fires inside the warehouse. The officers along with paramedics rescued two people with severe gunshot wounds to the head and several others who were hiding inside the distribution center. The officers’ actions resulted in saving two lives and preventing the death or injury of others while in the presence of great danger.

- 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.”

An officer attempted to contact a suspicious male in a vehicle. The male exited the vehicle and stood near the driver’s side door with his right hand in his pocket. The party refused to remove his hand from his pocket when ordered. The male ran from the officer. As soon as he chased the man, he turned toward the officer and fired a handgun at him. The officer chased after the party in his vehicle but lost him over a fence. The officer held his position and set up a perimeter. The suspect was located and arrested a short time later.

Two officers and a recruit officer responded to a call of a suicidal male, who was armed with a gun, had overdosed on pills, and unhooked his stove allowing his apartment to become filled with natural gas. At great risk to themselves, the officers entered the residence and located a male lying on a bed with his finger on the trigger of a pistol. He appeared to be faking unconsciousness. Two officers took cover positions while the third used a gun take-away move to disarm the suspect.

An officer overheard gun fire. Upon arrival on the scene, the officer initiated a foot chase with an armed suspect. He chased the armed felon through a dark alley and was struck in the forehead by a clothes line wire. This wire lacerated the officer’s eyelid and forehead causing injury. The officer was still able to catch and disarm the suspect. The injury caused permanent disfigurement to the officer’s face.

A sergeant responded to a shooting at the Safeway Distribution Center. The sergeant risked his own safety to rescue numerous employees that were still trapped inside the warehouse, trying to escape, while the gunman was on the loose. The sergeant is commended for his gallantry and heroic acts in the face of extreme danger.

Six detectives responded to a domestic violence case that escalated to the abduction of a five-year-old child. When the detectives announced themselves, the suspect fired a gun through the front door. As the detectives were taking cover under the stairway, the suspect continued to fire. During this assault the detectives maintained positions of cover and calmly directed other officers safely to the scene. The detectives are commended for their courageous professionalism and selfless dedication to protecting the lives of the innocent.

A corporal responded to the Safeway Distribution Center on a report of a suspect actively shooting workers inside. It was also reported that the suspect was setting fires inside the warehouse. The corporal responded to the city wide call for help and was assigned to supervise the north side of the outer perimeter. The corporal had to leave cover several times to escort EMS personnel who were evacuating wounded victims while the gunman was still at large. The corporal is commended for his gallantry and heroism in the face of extreme danger.

An officer responded to the area of northbound I-25 near I-70 on a report of a male party walking in traffic on I-25. The officer spotted a male walking in the lane of traffic on the highway. As the officer approached, the male ran west crossing all lanes of the highway. The officer pursued the male onto the ramp from I-25 to westbound I-70. The male stood in the lane of traffic as a vehicle swerved to avoid hitting him resulting in an accident. The male then attempted to jump off the highway overpass. The officer grabbed the party before he could jump.

- 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.”

An officer responded to a possible drug overdose. Upon arrival, the officer located an adult male who was not breathing, showed no pulse and had a foamy liquid coming from his mouth. The officer utilized his personal mouth shield and gave the victim CPR for 3-4 minutes until a defibrillator and medication were administered by medical personnel. The victim was taken to St. Anthony’s Hospital where he recovered from the overdose.

An officer was dispatched to investigate a “man walking in traffic threatening suicide.” The officer contacted the obviously distraught male. As the officer approached, the male made statements that he wanted to kill himself. The officer, a C.I.T. (Crisis Intervention Team) graduate, immediately employed techniques learned in the class and was ultimately able to secure the man’s agreement to be taken to a mental health facility. Health professionals indicated that without the officer’s effective intervention, it was likely the man would have attempted suicide.

Two officers responded on a suicidal party attempting to jump from a 6<sup>th</sup> floor parking garage structure. The officer contacted this party who was seated on the ledge, legs hanging over, and looking down at the pavement below. The subject refused to acknowledge the officers except to tell him to stay away. Undeterred, the officers worked to establish trust and rapport with the subject by utilizing excellent communication skills and demonstrating empathy. The officers’ efforts led to the subject safely moving away from the ledge and receiving the assistance he needed.

Three officers responded to an officer calling for help at the Johnny Rockets Restaurant on the 16<sup>th</sup> St Mall. When the officers arrived on scene they learned the suspect had been in a violent struggle with an officer and the suspect was not breathing and had no pulse. One officer called for an ambulance and started chest compressions while another officer performed mouth to mouth resuscitation. A third officer took over chest compressions while another officer coordinated the efforts of the two officers administering CPR. The officers were successful in their efforts and the suspect began to breathe on his own. The officers’ quick decisive actions and knowledge of life saving techniques were instrumental in saving the suspect’s life.

An officer responded to the K-Mart parking lot, on a man with a gun, who was menacing people. The suspect was apprehended, behind the store and arrested on unrelated charges. The officer finished his paperwork and was leaving the loading dock area, when he observed what appeared to be a pile of clothes under a large trailer. The officer checked closer and found a young man, frozen to the ground. Paramedics responded and pried him from the ground. This was after our second blizzard of the year and temperatures were quite low. The victim's clothes were frozen to his body and had to be cut off. The paramedics stated if he had not been found by the officer, he surely would have died. The officer is commended for his attention to duty, which surely saved this man's life.

A technician responded to a call of a student on the roof getting ready to jump. The technician observed a female he had previously talked with, and knew to be distraught and suicidal, standing at the edge of the roof. Without concern for his own safety, the technician climbed out the window onto the roof and began talking to the female. Using his Crisis Intervention Training, the technician was able to talk the female over to him where he was able to assist her inside the school. The technician's action during this incident are to be commended. Based on his quick actions the technician saved the life of a 16 year old student and prevented a tragedy from occurring.

Two corporals responded to a shooting and located a male victim bleeding profusely from a single gun shot wound to the upper thigh. Without hesitation, the corporals entered a hostile crowd and obtained a belt and a shirt from a witness. They fashioned the belt into a tourniquet and the shirt into a compress and applied them to the victim's leg in an attempt to stop the bleeding until paramedics arrived. After the victim was transported to the hospital, the emergency room doctor and a paramedic stated that the victim would have not have survived long enough to be treated at the emergency room if it was not for the quick and decisive medical intervention taken by the two corporals.

A corporal aided in the rescue of an officer during flood conditions in the Denver area. The officer had been swept up by the floodwaters and left clinging to a railing, perilously close to being carried away. As a rescue was being organized by the Denver Fire Department, the officer was rapidly succumbing to the combined effects of fatigue and hypothermia. At great risk to themselves, a sergeant and corporal waded into the flood waters and brought the officer to safety. The corporal is hereby recognized for his heroic effort above and beyond the call of duty.

Four officers responded to a potential suicide at Ft. Logan National Cemetery. Officers went to a gravesite, covered deep in snow, where the suicidal man was thought to be. There they found a man with a gunshot wound to the chest. The officers performed CPR for ten minutes, until all four officers could carry the full-size man 200 yards through deep snow to the ambulance. Unfortunately, the man died before reaching the hospital, but the paramedics stated: "No effort was spared in coming to aid of the party, and in no way could anyone have provided better or more professional service."

Officers responded on a report of a suicidal party. The first officer on scene had observed the party holding a knife to his throat. He ordered other parties out of the residence and awaited cover. A corporal arrived and, due to his rank and training as a CIT officer, took control of the scene and the negotiations. The corporal quickly built a rapport with this individual and assured him that he was not in trouble. After the party was in custody, he remarked to the corporal, "You prevented a suicide tonight." There is no doubt that through his exceptional knowledge and behavior, the corporal was instrumental in preventing a suicide.

Two officers observed an unconscious, unresponsive party concealed within a stair well. The officers learned the party had overdosed on heroin just moments earlier. Officers quickly carried the party from the stair well and immediately began checking for vital signs. The officers determined the party was in full cardiac arrest and requested an ambulance. The party was showing no signs of life as they began CPR in an attempt to revive him. While one officer was conducting CPR, the other officer observed an ambulance passing by and quickly flagged them down. Thanks to the quick actions of these two officers this person is still alive today.

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

A police dog named Albo, assisted narcotics detectives and SWAT personnel in executing a warrant. As the residence was secured, a large pit-bull exited the fenced area of the house and walked around to the rear of the house, next to Albo’s location. The pit-bull then viciously attacked Albo, biting him repeatedly in the head, neck, and ears. Albo suffered several lacerations to his head and neck area requiring extensive treatment from a Veterinarian. Officers were forced to destroy the pit-bull to save Albo’s life. Albo is recognized for the injuries received while in the performance of his duty.

A technician and other members of the METRO/SWAT Bureau responded to a shooting. While attempting to rescue people from inside the burning building, the gunman ambushed three technicians. One technician was shot and severely wounded in the leg. The other two technicians had no choice but to return fire, which resulted in the gunman’s death. Because of their heroic efforts the gunman was stopped before he could harm anyone else. These officers are to be commended for disregarding their own personal safety to assist trapped civilians and their fallen comrade.

## Sheriff Department

There were 102 commendations and awards given out by the Denver Sheriff Department in 2007. As indicated in Table 8.3 the most frequent awards occurred for commendations (35%) followed by community service awards (22%).

TABLE 8.3 COMMENDATIONS RECEIVED BY DSD EMPLOYEES BY YEAR (DSD 2007)

COMMENDATION	YEAR		
	2005	2006	2007
Supervisory Commendation column %	27 24.5%	25 23.1%	6 5.9%
Commendation column %	21 19.1%	20 18.5%	36 35.3%
Community Service Award column %	17 15.5%	15 13.9%	22 21.6%
Outstanding Service column %	11 10.0%	10 9.3%	1 1.0%
Outstanding Performance column %	5 4.5%	5 4.6%	8 7.8%
Employee of Quarter column %	4 3.6%	4 3.7%	4 3.9%
#1 Academic Award column %	3 2.7%	3 2.8%	3 2.9%
#1 Defensive Tactic Award column %	3 2.7%	3 2.8%	3 2.9%
#1 Physical Fitness Award column %	3 2.7%	3 2.8%	3 2.9%
Most Improved Physical Fitness Award column %	3 2.7%	3 2.8%	3 2.9%
Top Gun Award column %	3 2.7%	3 2.8%	3 2.9%
Valedictorian column %	3 2.7%	3 2.8%	3 2.9%
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%	5 4.9%
Life Saving Award column %	1 0.9%	5 4.6%	1 1.0%
Purple Heart column %	1 0.9%		
Medal of Valor column %		1 0.9%	1 1.0%
<b>TOTAL</b>	<b>110</b>	<b>108</b>	<b>102</b>

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

**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 and Awards Given to Deputies by the Denver Sheriff Department In 2007:**

- The “Community Service Award” is given 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.

Nine DSD Deputies were recognized for their service to the Black Sheriff’s Protective Association tour program. This program provides educational tours to interested community members and at-risk youth.

Eight DSD Deputies were recognized for purchasing Christmas gifts for low income students at Schenck Elementary School.

A DSD Deputy was recognized for his playing Santa Claus for the Schenck Elementary School Christmas program and also for his work with the Latin American Law Enforcement Association.

Two DSD Deputies were recognized for their participation with the Christmas Crusade for Children. This program provides gifts for disadvantaged children in the community.

One DSD Deputy was recognized for his participation in the Latin American Law Enforcement Association scholarship program.

One DSD Deputy was recognized for his service to youth basketball in Denver. The Deputy has volunteered his time to teach basketball and sportsmanship to Denver’s at-risk youth.

- The “Merit Award” is given to employees who, through personal initiative, developed a program which contributes to the Department’s objectives, goals, or morale.

Two DSD Deputies were recognized for the Schenck Elementary School Christmas program. These Deputies formed the program, nurtured it, and brought the program to its current status.

Three DSD Deputies were recognized for their work on the Denver Sheriff Foundation. The Denver Sheriff Foundation is a privately funded, non-profit organization that assists uniformed officers and civilian employees in times of need. This assistance comes in many forms including providing financial assistance, delivering food, and hospital visits.

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

A DSD Deputy was recognized for his assistance with a man outside the City & County building holding a razor blade against his own neck. The man had several cuts on both arms, as well as, a cut on his neck. This officer responded to the location and began a dialogue with the man. The man stated that he wanted to die. The officer continued to talk to the man but the man refused to remove the razor from his neck. The officer continued his dialogue with the man and was ultimately able to convince the man to throw down the razor. The man was then transported to the hospital for treatment of his wounds.

- The “Lifesaving Award” is given 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 Deputy was on his way home from work when he came upon a rollover accident on the highway. The officer stopped and found a severely injured woman inside the vehicle. The officer removed the woman from her vehicle and began administering first aid until paramedics arrived. As soon as the paramedics arrived they immediately transported the woman to the hospital due to the seriousness of her injuries. If not for this officer’s quick action, training, and selflessness, the woman may have lost her life in the accident.

- The “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.

During an eviction a DSD Deputy observed one of the tenants pack drug paraphernalia into a backpack. The tenant then began to run from the residence. The deputy caught the suspect, restrained him, and returned to the residence with the suspect. While he was questioning the suspect, the suspect’s girlfriend attacked the deputy, first by throwing objects at him and finally by striking at him with her hands. While restraining her, the other suspect began charging at the deputy in an attempt to knock him from his feet. The deputy was finally able to gain control of the situation under threat of firing his Taser. Once the suspects were under control, the house was searched thoroughly and it was discovered the suspects had been running a methamphetamine lab. Due to the deputy’s actions he was able to control the situation even though he was under attack from the suspects.



**DENVER**  
THE MILE HIGH CITY

## CHAPTER 9

# TIMELINESS

One of the primary priorities in dealing with police complaints is the need to resolve these complaints in a timely manner. Improving the timeliness of complaint handling has been a priority for the Office of the Independent Monitor (OIM) since its inception.

## Police Department

Table 9.1 compares case timeliness, days from receiving the complaint to closing, by the complaint type. The cases included in this table are those that were received after August 1, 2005 and closed between January 1, 2007 and December 31, 2007. Additionally, citizen-initiated complaints did not include those cases that were referred for mediation.

TABLE 9.1 NUMBER OF DAYS TO CLOSE COMPLAINT  
CASE BY COMPLAINT TYPE (DPD 2007)

COMPLAINT TYPE	Mean	Standard Deviation	Median	TOTAL
Citizen	62.0	79.3	36	601
Internal	97.7	123.4	48	177
Traffic Accidents	24.4	27.7	16.5	156
Failure to Appear--Court	52.1	31.4	49.5	32
Failure to Qualify-Firearms	28.7	15.7	25	95
Failure to Complete-Education	78.9	188.8	32	12
<b>TOTAL AVERAGE</b>	<b>57.3</b>	<b>77.7</b>	<b>34.5</b>	<b>1073</b>

On average, citizen-initiated complaints were closed within 62 days compared to 98 days for internally-initiated complaints. Traffic accident cases took the fewest days, on average, to close at 24 days. (With the exception of a fatal traffic collision investigation which took several months to complete).

Table 9.2 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, 2007 and December 31, 2007. 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 at 95% and over, 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 83.6% compared to 75.8% for internally-initiated complaints.

TABLE 9.2 END OF YEAR CASE STATUS BY COMPLAINT TYPE (DPD 2007)

COMPLAINT TYPE	CASE STATUS			TOTAL
	Closed	Open - Assigned	Pending Mediation	
Citizen	565	90	21	676
row %	83.6%	13.3%	3.1%	
Internal	135	43		178
row %	75.8%	24.2%		
Traffic Accidents	149	4		153
row %	97.4%	2.6%		
Failure to Appear-Court	89	5		94
row %	94.7%	5.3%		
Failure to Qualify-Firearms	5			5
row %	100.0%			
Failure to Complete-Education	11			11
row %	100.0%			
Obedience to Traffic Regulations	53	9		62
row %	85.5%	14.5%		
<b>TOTAL</b>	<b>943</b>	<b>142</b>	<b>21</b>	<b>1106</b>

## Sheriff Department

Table 9.3 compares case timeliness, days from receiving the complaint to closing, by the complaint type. The cases included in this table are those that were received after August 1, 2005 and closed between January 1, 2007 and December 31, 2007.

Inmate-initiated complaints took the fewest days, on average, to close at 26 days while employee-initiated complaints took the longest, on average—130 days.

TABLE 9.3 NUMBER OF DAYS TO CLOSE COMPLAINT BY COMPLAINT SOURCE (DSD 2007)

COMPLAINT SOURCE	Mean	Standard Deviation	Median	TOTAL
Citizen	39.9	66.5	22	84
Employee	130.1	163.4	35	15
Inmate	26.4	33.9	15	223
Management	90.4	99.8	66	108
Other	81.5	58.7	81.5	2
AVERAGE	73.7	84.5	43.9	432

Table 9.4 provides the end of year cases status by complaint source for those complaints received in 2007. This includes all cases received in 2007.

Ninety-four percent of citizen-initiated complaints were closed in the same year they were received compared to 98% of inmate complaints. Management and employee-initiated complaints had the lowest closure rates at 77% and 73% respectively.

TABLE 9.4 END OF YEAR CASE STATUS BY COMPLAINT SOURCE (DSD 2007)

COMPLAINT SOURCE	CASE STATUS					TOTAL
	Closed	Open - Assigned	Pending Discipline	Sent to DPD	Sent to Manager	
Citizen	72	4		1		77
row %	93.5%	5.2%		1.3%		
Employee	11	4				15
row %	73.3%	26.7%				
Inmate	211	5				216
row %	97.7%	2.3%				
Management	91	18	6		3	118
row %	77.1%	15.3%	5.1%		2.5%	
TOTAL	385	31	6	1	3	426

## **Timeliness Issues Regarding IAB Investigations and Findings**

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

- There were 142 Police Department IAB cases still open as of December 31, 2007, not counting cases pending mediation. Three of the open cases were open more than one year. The oldest case was received on May 2, 2006.
- There were 41 DSD IAB cases still open as of December 31, 2007. None of these cases were open more than one year.

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 is 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, 2007:

- Opened May 2, 2006: An officer was alleged to have altered an official document and lied to internal affairs. The officer requested additional investigation after he had the opportunity to review the internal affairs file. The additional investigation took several months. In addition, there was a substantial delay in convening the officer's Disciplinary Review Board. The case was eventually concluded in February of 2008 after the officer retired.
- Opened: June 19, 2006: An officer was arrested and cited by another jurisdiction for "disturbing the peace" after allegedly causing a disturbance in a bar while off duty and intoxicated. The criminal charges were eventually dismissed more than a year after the incident. The internal affairs investigation was delayed until the criminal case was concluded. The case was finally closed in February of 2008.
- Opened: October 23, 2006: An officer was alleged to have used excessive force on a college student and failed to write a use-of-force report. The administrative review of the findings and recommended discipline was delayed while the Chief's Office decided whether to require the case to be heard by a Disciplinary Review Board. In addition, it took several months before a Disciplinary Review Board was actually convened. The case was finally closed in January of 2008.

## **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, 2007 and December 31, 2007 for both the DPD and DSD.

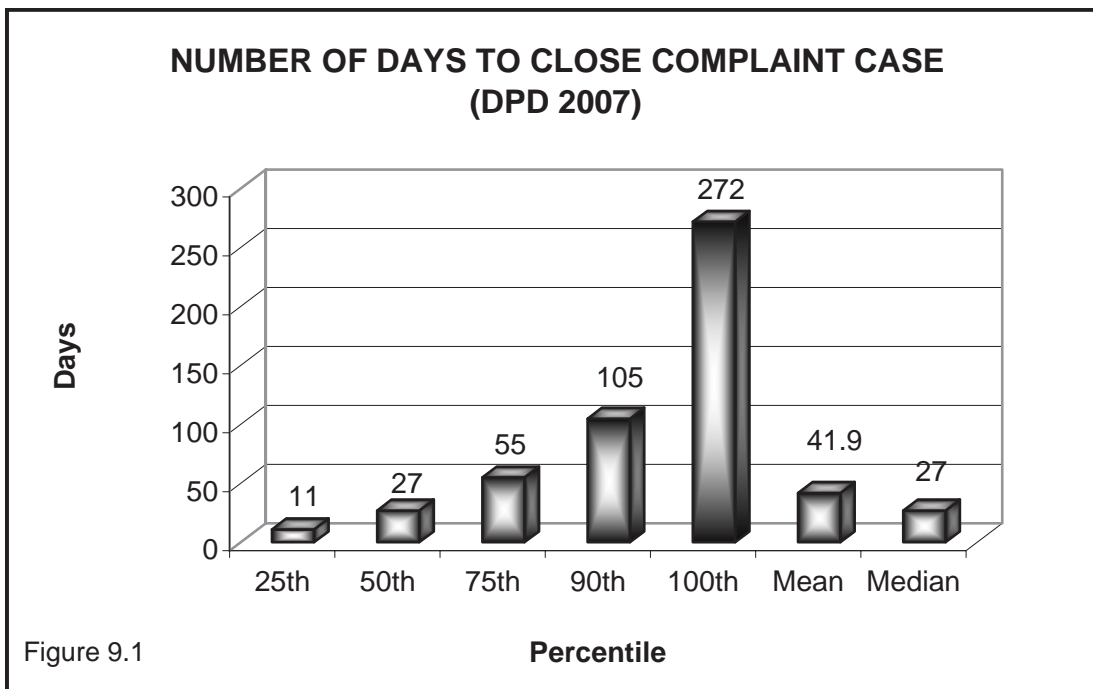
## Performance Goal for Closing All Complaints

### Police Department

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

Figure 9.1 provides the analysis for this goal. This goal is only for citizen and internal complaint cases, not scheduled discipline cases. Additionally, citizen complaints that were scheduled for mediation were excluded from the analysis, as were cases involving law violations.

Ninety percent of the cases closed in 2007 were closed within 105 days of the case being received with an average of 42 days. However, the goal of closing all cases within 150 days was not met. Approximately, 4% of the complaint cases took longer than 150 days to close with one case taking 272 days.

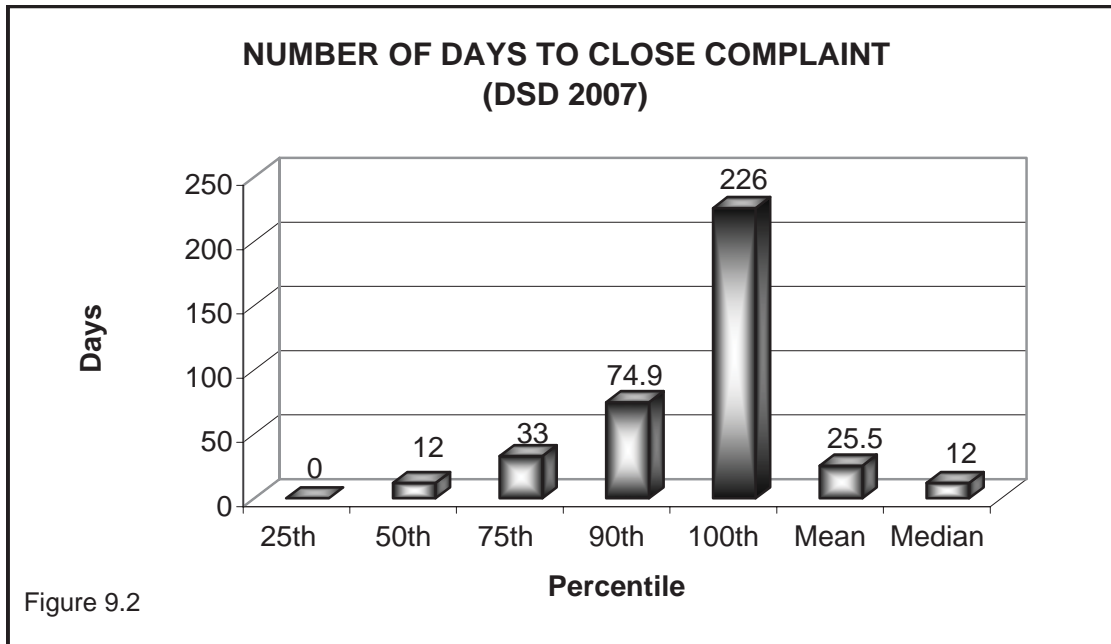


Sheriff Department

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

Figure 9.2 shows that DSD did not meet the performance goal. Ninety percent of the cases received and closed in 2007 were closed within 75 days of the case being received; however, 8% of the cases took longer than 85 days with one case taking 226 days to complete.

Cases involving law violations were excluded from this analysis. This is because law violations are, as a matter of practice, referred to the DPD's IAB, before an administrative investigation by the DSD can proceed.



**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, informal, or service complaint cases. Declines were excluded from the analysis due to data collection limitations.

As shown in Figure 9.3, 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 18 days. Five percent of the cases took over 36 days.

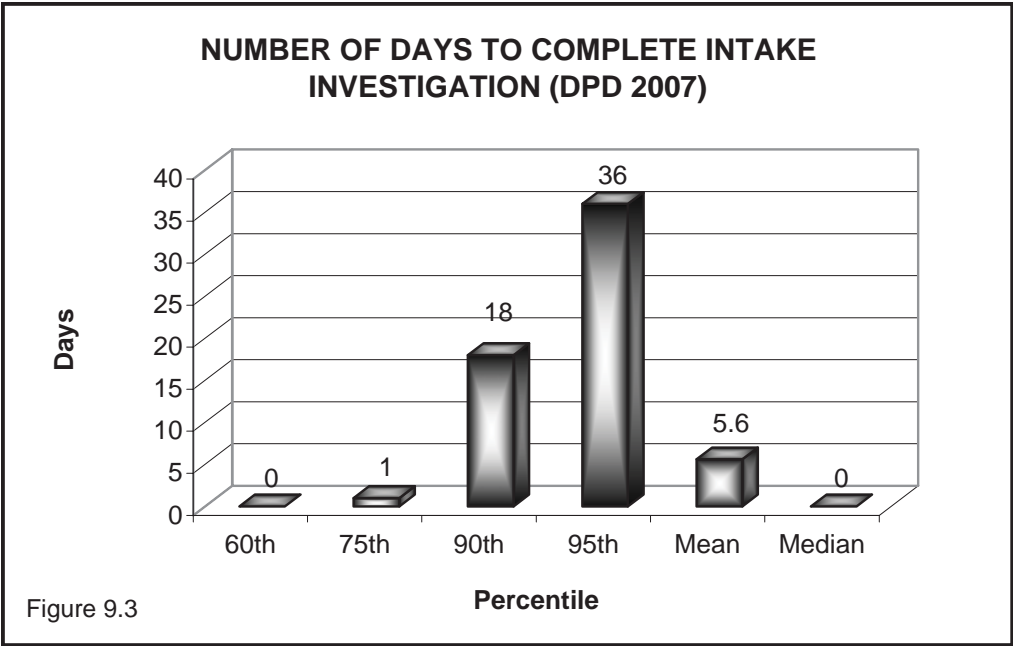


Figure 9.3

Sheriff Department

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

Figure 9.4 shows that DSD met the performance goal for intake investigations with 60% of the cases being assigned on the same day that the case was received. Ninety percent of the cases were assigned within 1 day of receiving the complaint. Only one case took longer than 5 days to assign, and that case was assigned within 16 days.

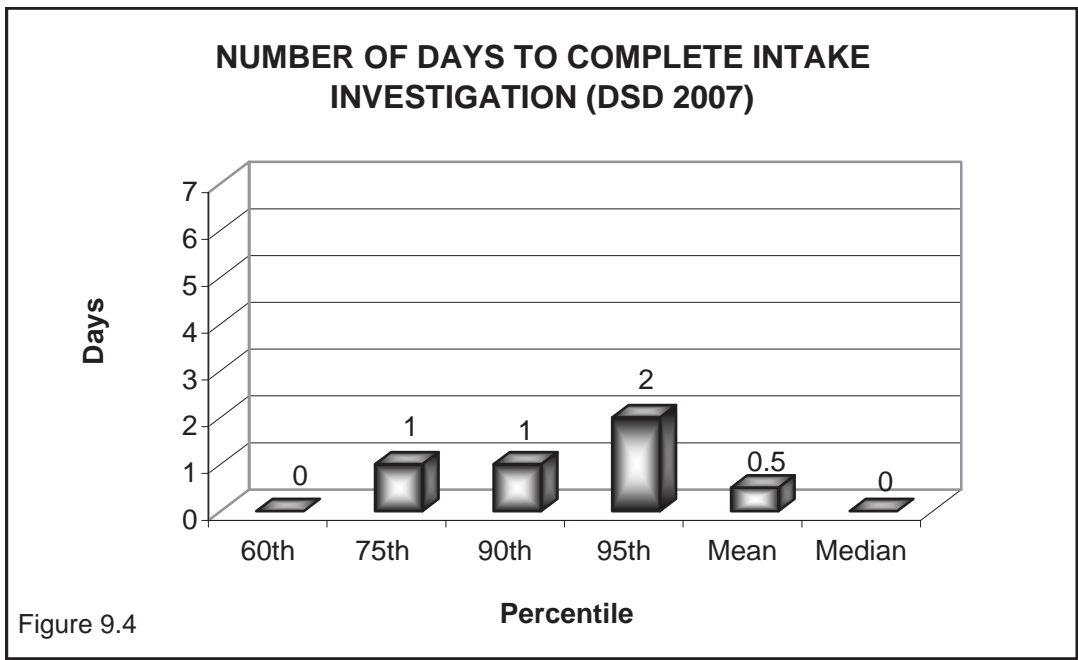


Figure 9.4

## 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.

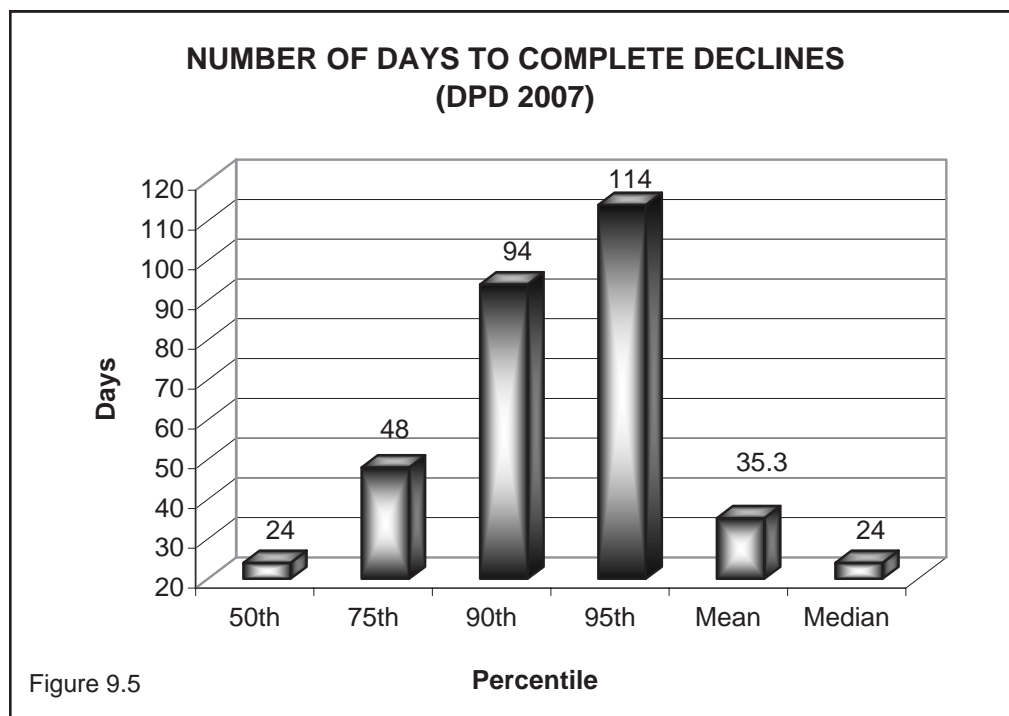
The DPD analysis excludes all cases referred to mediation regardless of whether the case was mediated or not. The reason for this is that DPD does not have direct control over the length of time needed to complete mediations.

### 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 9.5, DPD completed 75% of declines within 40 days of receiving the complaint and 95% within 114 days.

Base on these findings, DPD did not achieve their goals for declines.

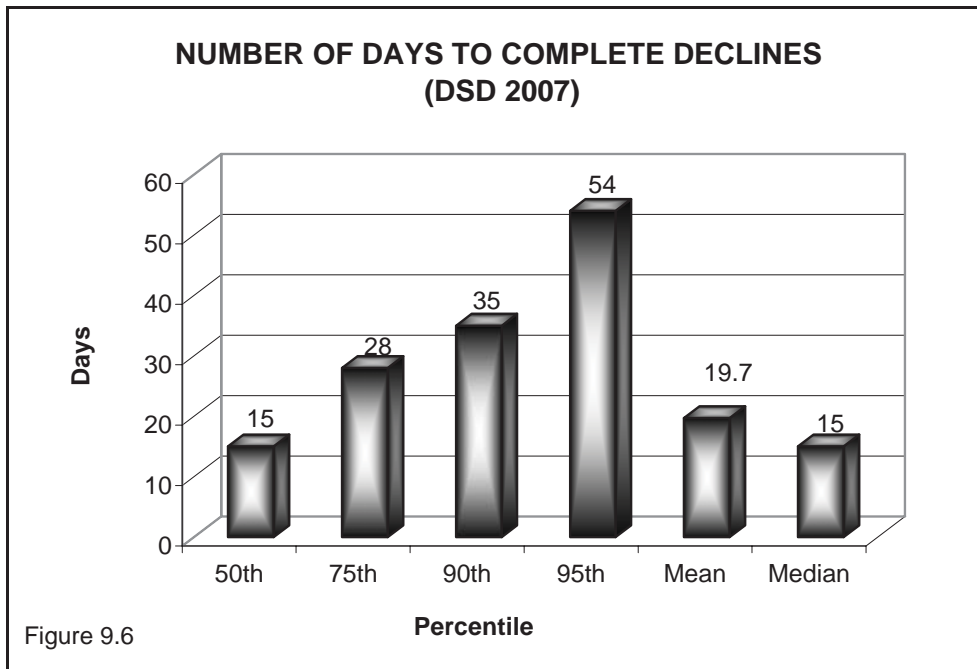


## Sheriff Department

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

Seventy-five percent of the declines were completed within 28 days of receiving the complaint while 95% were completed within 54 days.

DSD was able to achieve their goal at the 75<sup>th</sup> percentile; however, the department did not achieve the goal at the 95<sup>th</sup> percentile.



## **Performance Goals for Informal Investigations / Service Complaints**

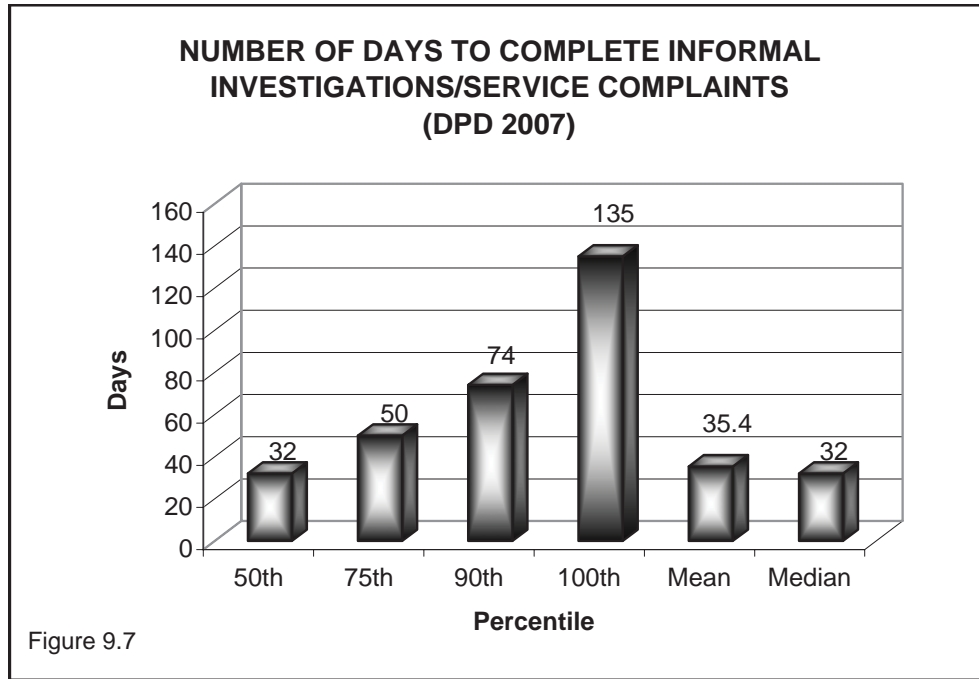
### Police Department

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

In 2007, DPD completed 75% of informal/service complaints within 50 days and 100% within 135 days.

The department failed to achieve the goals for case processing time at both the 75<sup>th</sup> and 100<sup>th</sup> percentiles.

DPD continued...

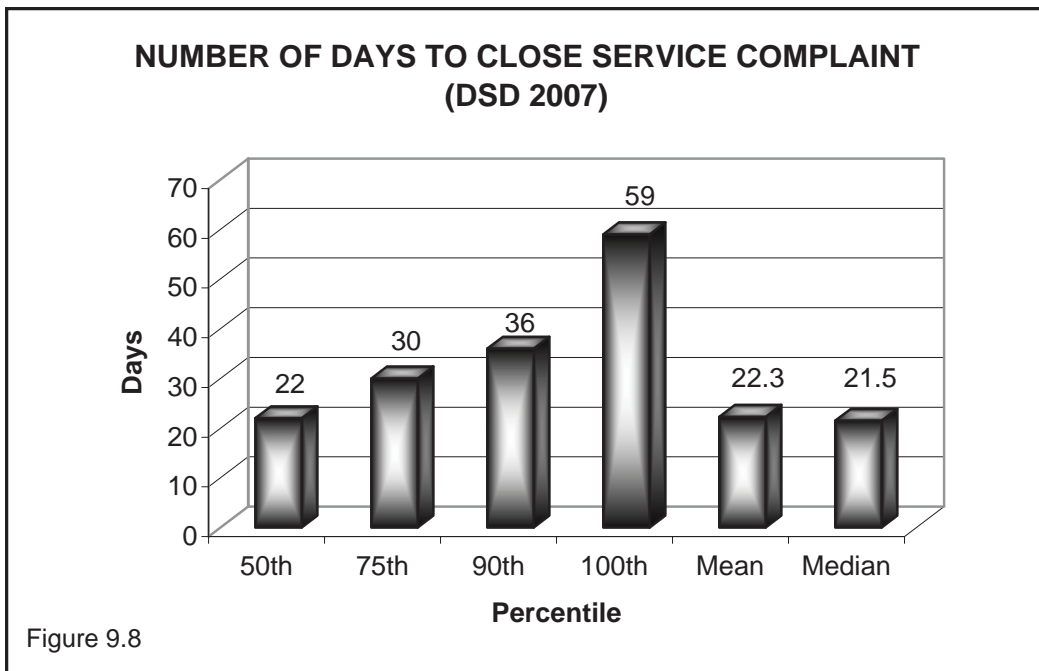


Sheriff Department

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

In 2007, DSD closed 75% of service complaints within 30 days of receiving the complaint and 100% within 59 days.

DSD achieved the goal at the 75<sup>th</sup> percentile but not the 100<sup>th</sup> percentile.



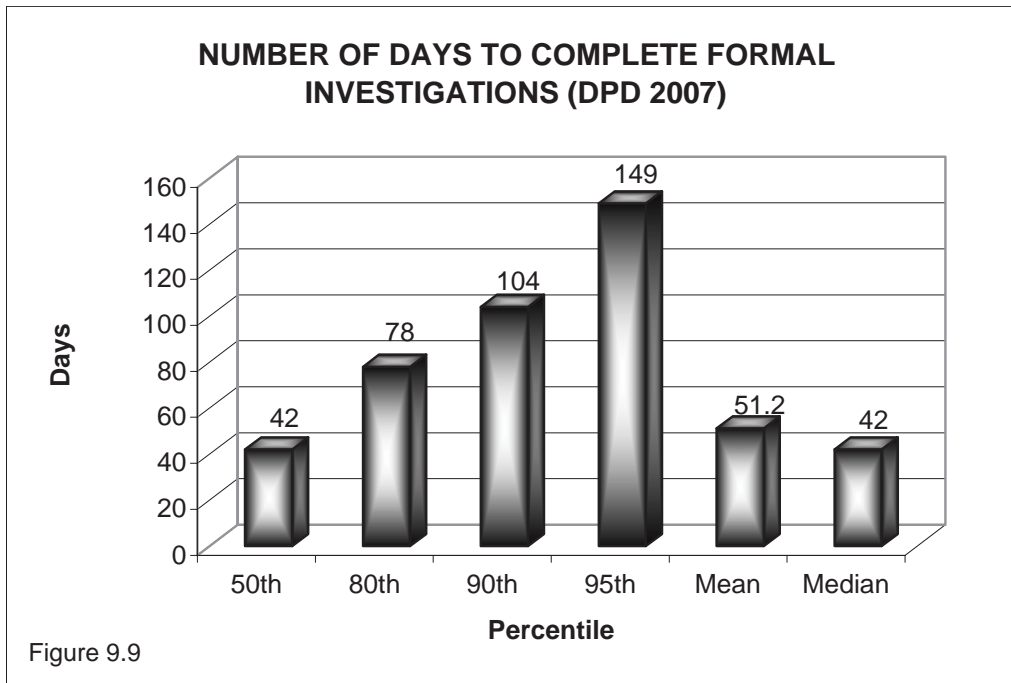
## Performance Goal for Completion of Full Investigations

### Police Department

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

The DPD completed 80% of their 2007 formal investigations within 78 days and 95% within 149 days.

Based on these results, DPD did achieve their goals for case processing of formal investigations.



### Tools Established in 2007 to Improve DPD Timeliness

During the course of the year, the OIM started preparing weekly reports identifying all cases that were in danger of exceeding the aforementioned timeliness goals and submitting those reports to Internal Affairs command staff.

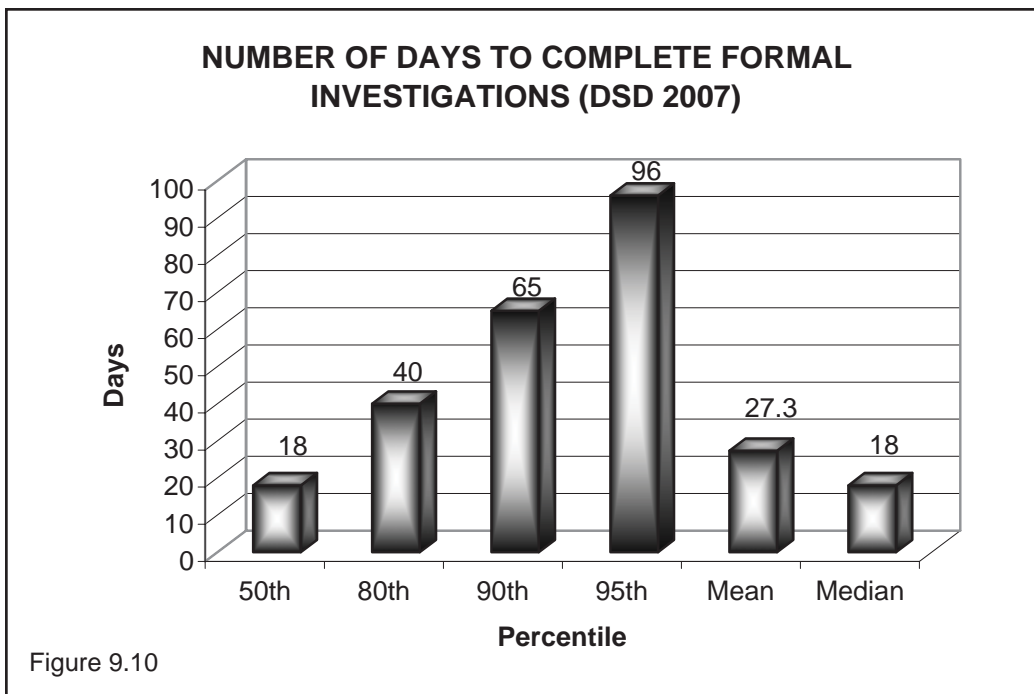
IAB command staff began using these reports in new weekly meetings with all internal affairs investigators. During these meetings, investigators are challenged to explain any delays in their investigations and are encouraged to ensure Internal Affairs is able to make its goals.

Sheriff Department

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

As shown in Figure 9.10, DSD completed 80% of their 2007 formal investigations within 40 days of the complaint being received and 95% within 96 days.

The department was able to achieve their goals for both the 80<sup>th</sup> and 95<sup>th</sup> percentiles.



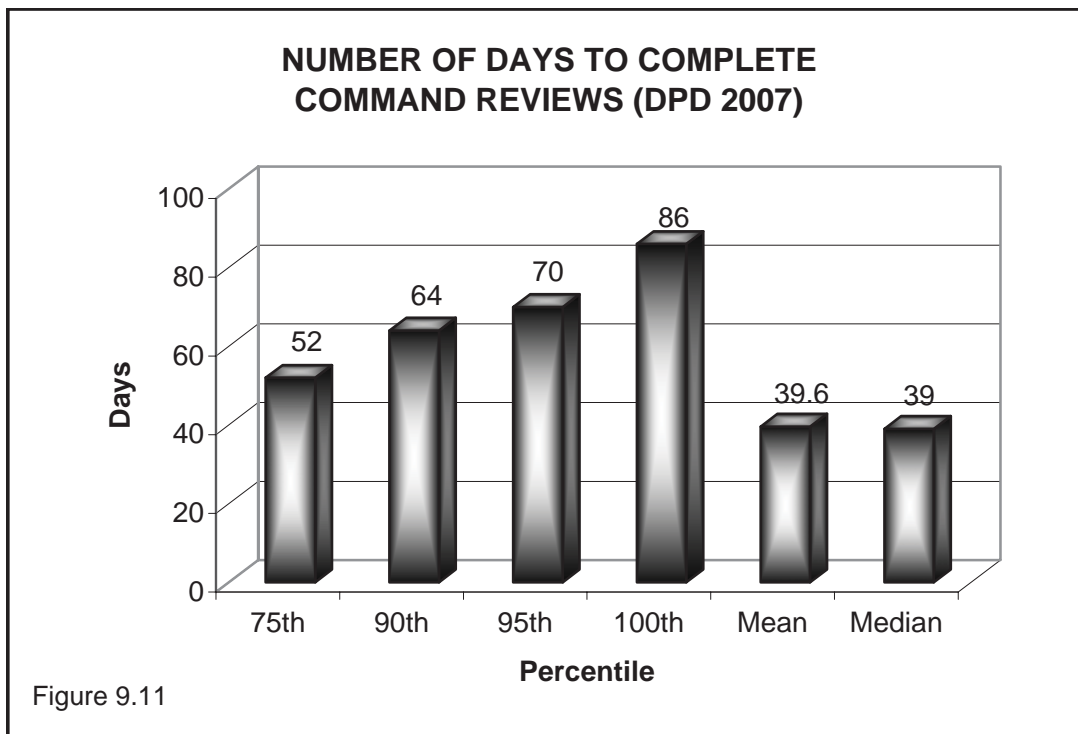
## Performance Goal for Command Review Process

### Police Department

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

Figure 9.11 shows, that DPD did not meet their performance goal for command reviews. It took 86 days to complete 100% of the Command Reviews in 2007. This was, however, substantially less than the 313 days in 2006. However, 75% of the reviews were completed within 52 days in 2007 which was up from 45 days in 2006.

Compared to 2006, the average number of days to complete command reviews increased by 1 day from 39 (2006) to 40 (2007). The median number of days also increased from 35 in 2006 to 39 in 2007.

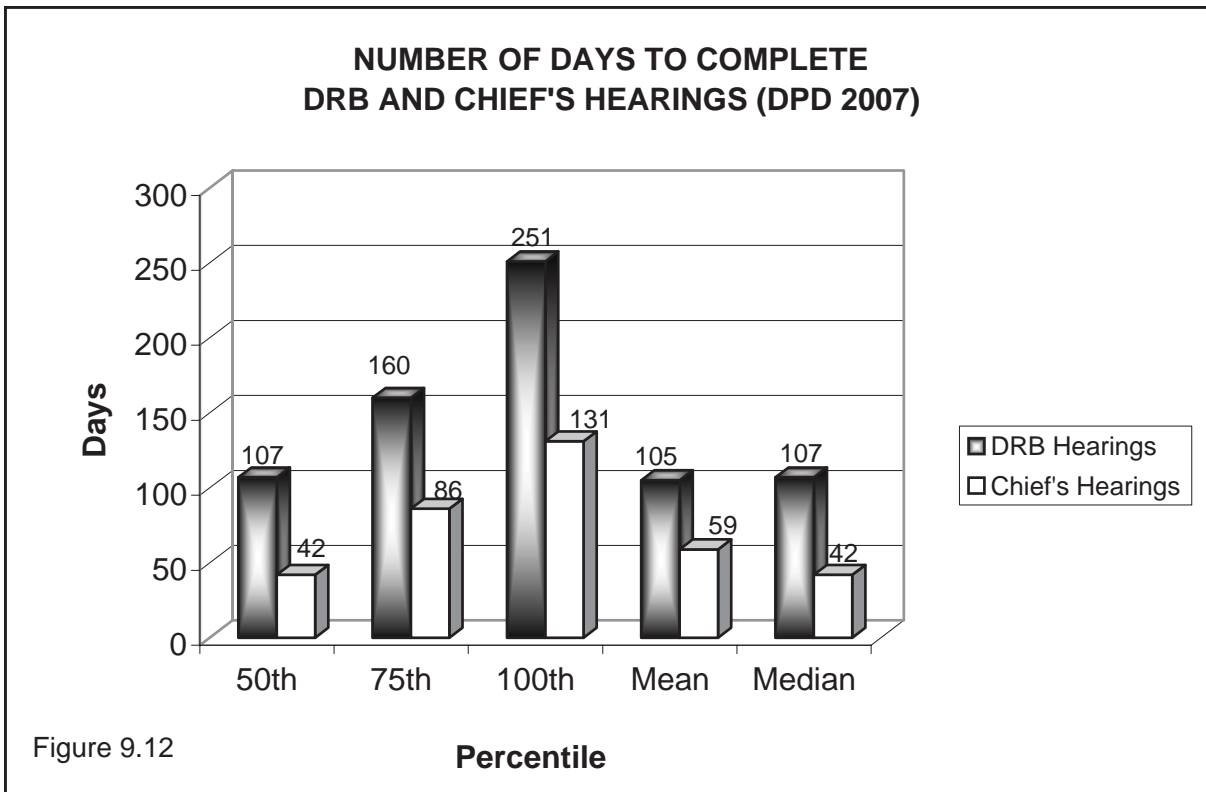


## Performance Goal for Disciplinary Review Boards (DRB) and Chief's Hearings

### 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 2007 were completed within 251 days from the time sustained findings were made. Similarly, 100% of the Chief's Hearings were completed within 131 days from the date of the DRB. DPD did not meet their performance goal for either DRB's or Chief's Hearings.



### Persistent Problems in Timeliness of Imposition of Police Discipline

In last year's Annual Report, we noted persistent timeliness problems with respect to the actual imposition of police discipline. This problem is particularly noticeable with respect to cases requiring recommendations to be made by a Disciplinary Review Board (DRB). DRB's are convened in all cases where there is a recommendation by a Division Chief for a suspension of ten days or more or where an officer receives more than a reprimand and requests a DRB be convened.

## The Process

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 Chain-of-Command must review the investigation and prepare a memo sustaining the appropriate allegations and justify the reason for any sustained findings. The officer's 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 Internal Affairs Bureau must then give the involved officer 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 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.

## The Current Problem

The above-noted process takes entirely too long. In 2007, nineteen cases required DRB's to be conducted. Many of these cases involved disciplinary recommendations that called for suspensions in excess of 30 days. The average number of days it took to impose discipline in these cases was 314 days (from the day that the case was opened until the date that the case was closed). The median amount of time that these cases were open was 274 days.

There are three problematic areas.

### 1. Timeliness Issues Relating to Police Department Command Reviews

The Department's failure to make our goals for timeliness of command reviews in 2007, as indicated above, was a disappointment for the OIM.

In our 2005 Annual Report, we expressed concern 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 was that as of the end of 2006, we reported that there had been a significant improvement in timeliness of command reviews. In our 2006 Annual Report, we commended the DPD command staff for “their excellent work in this regard.”

As indicated above and below, instead of improvement in 2007, there was instead slippage in the average amount of time it took to complete command reviews.

- 2006 – Average number of days to complete all command reviews: 39 days
- 2007 – Average number of days to complete all command reviews: 40 days
  
- 2006 – Days to complete 75% of all command reviews: 45 days
- 2007 – Days to complete 75% of all command reviews: 52 days

We ask the Chief to reinvigorate his command staff and make sure they are aware of the importance of timeliness in the important part of the disciplinary review process. We are still hoping that 100% of all command reviews will be completed within 30 days in 2008.

## 2. Timeliness Issues Relating to Police Disciplinary Review Boards

The OIM recognizes how difficult it has been for Internal Affairs to schedule DRB’s. The number of officers and community members available to serve on DRB’s has been declining over the years since the panel members were initially chosen. Trying to accommodate the schedules of six board members and a Deputy Chief can be almost impossible. As a result, the average number of days to schedule a DRB (from the date that a “sustained” finding was received by Internal Affairs) was 115 days. This timeline is simply unacceptable.

Changes are being made, however, to try to make it easier to schedule these hearings in a more timely manner. First, a new panel of community members was chosen as of December 2007. Second, new panels of officers will be chosen as of February 2008. After all new DRB members are trained in late February 2008, a new process for scheduling hearings will finally be able to take place.

In the near future, instead of scheduling a DRB hearing around the availability of DRB members (who are chosen by lot), a specific date will be chosen and DRB members will be chosen based on their availability on that date. As such, we are hoping to see DRB hearings conducted within 30 days of an investigation being deemed complete by the IAB Commander.

Therefore, we hope and expect to report a significant improvement in timeliness in DRB hearings in the upcoming year.

## 3. Timeliness Issues Relating to Police Chief’s Hearings

The average number of days to hold a Chief’s Hearing (from the date of the DRB) in 2007 was 52 days. The median number of days to conduct a Chief’s Hearing, however, was 39 days which indicates that a small number of cases that took more than 52 days had a substantial impact on the overall average.

The Monitor believes that all Chief’s Hearings should be conducted within 30 days of a Disciplinary Review Board hearing. The Monitor hopes that the Chief will accept this time frame as a goal so he can set an example for his Department and encourage everyone involved to ensure the timely imposition of discipline for the DPD.



# DENVER

THE MILE HIGH CITY

## 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

# APPENDIX A

## COMPLAINT/COMMENDATION FORM DISTRIBUTION SITES

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 Councilman Paul D. López  
69 Knox Ct

City Councilwoman Peggy Lehmann  
3540 S. Poplar St., Ste. 102

City Councilwoman Marcia Johnson  
6740 E. Colfax Ave.

City Councilman Charlie Brown  
2324 E. Exposition Ave.

City Councilwoman Carla Madison  
2713 Welton St.

City Councilwoman Judy Montero  
3457 Ringsby Court, #215

City Councilwoman Jeanne Robb  
1232 E. Colfax Ave.

City Councilman Michael Hancock  
4760 Oakland St., Suite 175



**DENVER**  
THE MILE HIGH CITY

## **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 include:

Rev. Paul Burleson  
Rabbi Steven Foster  
Sam Freeman  
Henry "Hank" Knoche  
David Montez  
Anthony Navarro  
Cathy Reynolds

The Citizen Oversight Board holds its regularly scheduled twice-monthly 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 meetings 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

**D E N V E R**  
THE MILE HIGH CITY

CEP	Continuing Education Program
CID	Criminal Investigations Division
CIT	Crisis Intervention Team
CMC	Community Mediation Concepts
COB	Citizen Oversight Board
CSA	Career Service Authority
CUFFS II	Complaint and Use of Force Filing System (2 <sup>nd</sup> 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
MOS	Manager of Safety
OIM	Office of the Independent Monitor
PARC	Police Assessment Resource Center
PPA	Police Protective Association
PSRC	Public Safety Review Commission
PSU	Professional Standards Unit
SPSS	Statistical Package for the Social Sciences
SSR	Supervisor Situation Record
SWAT	Special Weapons and Tactics
UOF	Use-Of-Force



**DENVER**  
THE MILE HIGH CITY

## APPENDIX D

2007 BUDGET

### OFFICE OF THE INDEPENDENT MONITOR 2007 BUDGET

PERSONNEL COSTS	\$	547,270
INTERNAL COSTS	\$	25,810
EXTERNAL COSTS	\$	45,820
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>618,900</b>

OFFICE OF THE INDEPENDENT MONITOR  
WELLINGTON E. WEBB MUNICIPAL OFFICE BUILDING  
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