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Report: Cop credibility in jeopardy

A watchdog says officers who "depart from the truth" may prove untrustworthy in court.

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The Denver police administration is not adequately handling complaints against officers who have lost credibility by "departing from the truth," according to a report filed by the city's independent police monitor.

Richard Rosenthal, who monitors misconduct allegations, will present the findings from his annual report to members of the City Council on Wednesday.

A copy of the report obtained by The Denver Post shows Rosenthal and police supervisors clashed last year over the handling of officers found to have been dishonest during internal investigations into their activities.

Rosenthal first raised the issue about a year ago, and his recent report shows he still has concerns.

Police Chief Gerry Whitman agreed last year that he would consider any recommendations Rosenthal might make on duty assignments of officers allowed to remain on the force despite a finding that they had failed to tell the truth.

But twice last year, his recommendations on officers found to have departed from the truth were ignored by Whitman, his report said.

Whitman did not respond to requests for comment last week.

Rosenthal has pushed for greater input because he feared the credibility of any criminal-court testimony by officers who have departed from the truth could be challenged by defense lawyers.

In one 2007 case cited by Rosenthal, an officer "repeatedly lied about failing to appear in court," Rosenthal reported.

"The monitor recommended to the chief that the officer not be reassigned back into patrol after he served his suspension," Rosenthal reported. "As of the writing of this 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."

Rosenthal said that in another case, a veteran

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officer was accused of altering an official document. He said the internal-affairs case languished for more than a year. In the end, the officer resigned.

Still, Rosenthal said, the officer was allowed to continue working for more than 21 months from the initiation of the internal-affairs investigation "without regard to the credibility concerns repeatedly expressed by the monitor."

The report did not name any of the officers, and their identities could not be determined.

Rosenthal said he believed that under a new disciplinary plan being crafted by Manager of Safety Al LaCabe, who oversees the police and sheriff's departments, officers will be put on notice that dishonesty in internal-affairs investigations will likely result in termination.

Rosenthal also reported that he believed the Sheriff's Department needs to come up with a better administrative-leave process for deputies accused of significant wrongdoing.

Rosenthal said Deputy of Corrections Bill Lovingier had pushed to fire two deputies for misconduct but that they remained on the force for a year after the alleged incident. The two are still on the force while final determinations of their case are pending.

In one of the cases, a deputy apparently filed a false report after being caught on camera using unnecessary force on an inmate, Rosenthal's report states.

In the other case, a deputy was arrested for soliciting a prostitute.

Rosenthal said he would prefer that the Sheriff's Department follow the protocol at the Police Department, which places officers on paid leave "when there is a significant possibility that the officer will be terminated as the result of provable misconduct."

Rosenthal noted that internal-affairs investigations generated by management complaints at the Sheriff's Department jumped nearly 574 percent last year, from 35 to 236.

The increase stemmed from a policy directive that required managers to forward all their reprimands to internal affairs for further investigation. In the past, those managers could issue verbal and written reprimands that required no further investigation, Rosenthal said.

Rosenthal's report also rapped the Colorado Fraternal Order of Police for administering a legal-defense fund that reimburses sheriff's deputies for any pay they lose when they are suspended for findings of wrongdoing.

Rosenthal said that "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."

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