



**DENVER**  
THE MILE HIGH CITY

# EXECUTIVE SUMMARY

## MISSION & RESPONSIBILITIES

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

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

### Core Functions of the Monitor's Office

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

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

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

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

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

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

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

### 2006 Goals

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

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

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

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

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

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

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

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

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

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

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

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

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

## COMPLAINT ASSIGNMENTS, INVESTIGATIONS, AND FINDINGS

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

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

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

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

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

## DISCIPLINE

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

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

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

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

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

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

## EARLY INTERVENTION

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

## COMPLAINT PATTERNS

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

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

## SPECIAL INITIATIVES

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

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

## CRITICAL INCIDENT REVIEW

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

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

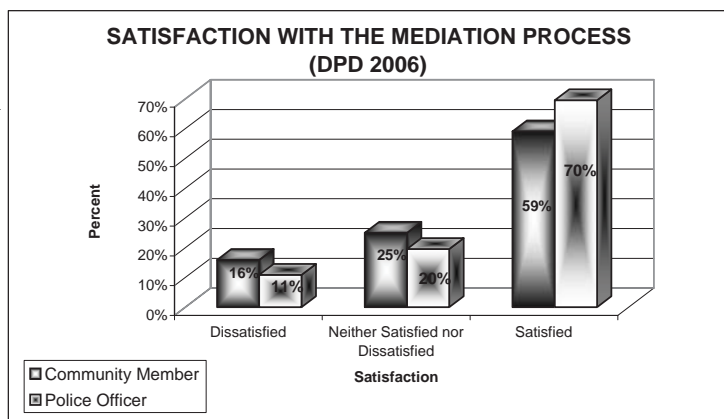
There were three in-custody deaths within custodial facilities administered by the Denver Sheriff’s Department during 2006. Two were by suicide (one in the City Jail and one in the County Jail), and one was the result of injuries sustained prior to the inmate being placed into custody.

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

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

## MEDIATION

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



the facilitation of a professional mediator.

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

## COMMENDATIONS AND AWARDS

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

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

## OUTREACH

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

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

## TIMELINESS

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

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

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