

1 **OFFICE OF THE INDEPENDENT MONITOR**
2 **CITY & COUNTY OF DENVER**
3 **COMPLAINT MONITORING GUIDELINES**
4

5 **EXECUTIVE SUMMARY**
6

7 In 2005, in an effort to improve police accountability to the public, the City of Denver
8 created the Office of the Independent Monitor (OIM) and the Citizen Oversight Board
9 (COB), in part, to monitor and report on the handling of citizen complaints by the
10 Denver Police and Sheriff Departments. Since August 1, 2005, citizen complaints may
11 be filed directly with the OIM or the COB; citizen complaints may also be filed at any
12 Police or Sheriff Department office.
13

14 The Complaint Monitoring Guidelines are intended to outline the OIM's review of the
15 Denver Police Department's handling of citizen complaints and the responsibilities of the
16 OIM with respect to taking and monitoring citizen complaints.
17

18 Monitor Responsibilities:

- 19 1. The Monitor's Office ensures that citizens are provided free access to the
20 complaint process by creating a complaint/commendation form and distributing
21 the form throughout the community. The Monitor accepts complaints by phone,
22 fax, e-mail, via the world-wide web, and in person (in writing).
- 23 2. The Monitor's Office works with the Citizen Oversight Board, the Denver Police
24 and Sheriff Departments, the Denver Law Enforcement Unions and the
25 community to maintain a voluntary community-law enforcement mediation
26 program. The Monitor's Office publishes protocols and guidelines for the
27 management of the mediation program.
- 28 3. The Monitor's Office reviews and comments on how complaints are assigned by
29 Internal Affairs Bureau command staff to ensure assignments are made in a fair
30 and consistent manner. An "assignment" is a decision as to whether a complaint
31 will be fully investigated, handled as an "informal" investigation, mediated, or
32 declined for further investigation. If the Monitor's Office concludes that an

1 assignment decision is unreasonable, the Monitor will confer with the
2 Department's command staff (up to and including the Manager of Safety) to
3 ensure that appropriate action is taken. If an unreasonable decision is made, the
4 Monitor may publicly report on that fact in one or more of its annual or quarterly
5 reports.

6 4. The Monitor receives all IAB and Department disposition (closing) letters, on
7 behalf of citizen complainants. The Monitor's office reviews disposition letters
8 for accuracy and appropriateness. The Monitor's office forwards all IAB and
9 Department disposition (closing) letters to the complainant(s) with a cover letter
10 explaining the monitoring process. If the Monitor's Office concludes that a
11 disposition letter is inappropriate or inaccurate, the Monitor confers with the
12 Internal Affairs Commander (and the IAB's chain-of-command as appropriate) in
13 order to ensure that appropriate action is taken.

14 5. The Monitor may decline any complaint that falls outside the jurisdiction of
15 Internal Affairs or the Monitor's Office, or for any reason listed below where the
16 IAB Commander would be justified in declining a complaint and no further
17 information is necessary. The Monitor may also decline a complaint if there is
18 insufficient information, no allegation of misconduct, and/or the complainant is
19 unwilling or unable to provide additional information. If the Monitor declines a
20 complaint, a disposition letter will be sent from the Monitor's Office to the
21 complainant with a copy forwarded to Internal Affairs.

22 6. The Monitor's Office reviews all initial screening/assignment decisions,
23 investigative findings and disciplinary recommendations for reasonableness.

24 7. City ordinance provides that under limited circumstances the Monitor may
25 conduct independent investigations.

26

27 Internal Affairs Command Staff Intake Responsibilities:

28 Upon receipt of a completed intake investigation, the Internal Affairs Bureau
29 Commander, in accordance with the provisions of the Denver Police Department
30 Operations Manual makes any one of several assignment decisions:

31

- 1 1. The complaint can be declined, with a letter addressed to the complainant
2 explaining the reasoning behind that decision, forwarded to the Monitor's Office
3 for review and comment, and then mailed by the Monitor's Office to the
4 complainant;
- 5 2. The complaint can be assigned for expedited handling for a supervisor to debrief
6 the involved officer(s) and document the debriefing in the form of an informal
7 investigation resolution memo.
- 8 3. The complaint can be referred to any Department supervisor or the Chief's Office
9 for further review or to consider policy implications (service complaint);
- 10 4. The complaint can be referred to the Monitor's community-law enforcement
11 mediation program for voluntary mediation; or,
- 12 5. The complaint can be the subject of further intake investigation or a full
13 investigation including the compelled interviews of involved Departmental
14 personnel.
- 15 6. The DPD Professional Standards Unit will track the complaint for purposes of
16 managing employee conduct through the Department's *Personal Assessment*
17 *System*;

18

19 Internal Affairs Declinations:

20 The IAB Commander may dismiss a complaint because of any of the following issues:

- 21 1. Judicial or Administrative Review: The complainant could reasonably be
22 expected to use, or is using, another remedy or channel for the grievance stated in
23 the complaint;
- 24 2. The complaint is untimely. Specifically, complaints involving minor rule
25 violations (such as discourtesy) are normally expected to be filed within 60 days
26 of the alleged misconduct. Complaints involving serious rule violations (such as
27 use of excessive force) are normally expected to be filed within 6 months of the
28 incident. There are no specific deadlines for complaints alleging serious criminal
29 conduct or corruption.
- 30 3. The complaint alleges behavior that is not actually misconduct;

- 1 4. The complaint is false or trivial, not made in good faith, illogical or highly
2 improbable;
- 3 5. The complaint is minor and/or is filed by a third party who was not directly
4 affected by the conduct;
- 5 6. The complaint is about general police procedures or actions that have been
6 repeatedly reviewed by Internal Affairs;
- 7 7. The complainant does not wish to pursue the complaint and the withdrawal does
8 not negatively impact the Department's ability to manage its employees;
- 9 8. The involved officer is no longer employed by the City and County of Denver;
- 10 9. IAB is unable to identify the involved officer;
- 11 10. The complaint has been previously investigated; or,
- 12 11. The Department lacks jurisdiction to investigate the complaint or impose
13 discipline.
14
15