

117.00 - OFFICERS' AND CAREER SERVICE AUTHORITY EMPLOYEES' RIGHTS

117.01 Officers' Bill of Rights

- (1) No police officer shall be disciplined or discriminated against in regard to his employment, or be threatened with any such treatment, by reason of his exercise of the rights granted in this Police Officers' Bill of Rights.
- (2) Police officers shall not be discriminated against or penalized in regard to their employment because of national origin, race, creed, sex, age, religion, sexual orientation, disability, or for any reason not related to performance or the ability to perform as professional police officers.
- (3) No officer shall have any comment adverse to his interest entered in the Situation Record or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty (30) days of learning of the adverse comment, file a written response to be attached to the adverse comment.
- (4) No locker or other space for storage that is provided by the Department and assigned to an officer shall be searched except in the officer's presence, or with the officer's consent, or unless a valid search warrant has been obtained, or when notification has been made that a search will be conducted.
- (5) Except for those restrictions provided by law and departmental procedures governing off-duty employment and except when on-duty or when acting in his official capacity, no police officer shall be prohibited from engaging in political activities, provided such activities do not impede or impair the efficient operation of the Department.
 - a. No officer while seeking or holding any political office shall appear in that capacity in the Denver Police uniform or use his position as an officer to gain political office or carry out the duties thereof.
- (6) An officer under internal investigation shall be informed of the general nature of the investigation as soon as practical after the complaint has been received. This provision shall not apply to a complaint/investigation that would be jeopardized by such notification.
- (7) Officers subject to an internal investigation shall be permitted to read the written complaint summary prior to being required or compelled to make a verbal or written statement concerning the matter under investigation. The complainant's name will not be deleted from the complaint summary unless the disclosure of such information would jeopardize the ongoing investigation.
- (8) All police officers, who are the subject of an internal investigation, may at their option, be accompanied to the administrative interview by an immediately available Observer of the officer's choice. The Observer chosen must be able to attend the interview within a reasonable period of time. No interview shall be conducted unless the requested Observer is present. During the interview, however, the Observer may only act as a witness to the proceedings. The Observer may be excluded if his behavior becomes disruptive to the interview. This section is intended to apply to investigations initiated by the Internal Affairs Bureau or any formal investigation initiated by an officer's supervisor. It is not intended to interfere with normal inquiries and counseling sessions conducted by an officer's supervisors.
 - a. Any witness to the alleged offense or violation will not be permitted to act as an Observer for the officer under investigation.
 - b. If a Denver Police Officer is selected and agrees to act as an Observer, he/she shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information of a NONCRIMINAL nature received from the officer under investigation. Information regarding criminal acts is not privileged and must be disclosed by a police officer acting as an Observer.
- (9) Any officer contacted by the Internal Affairs Bureau with regard to providing a statement or other information shall be advised, prior to the interview, as to his or her status with reference to the matter under investigation, that is, whether or not the officer is being questioned as a witness or as the subject or possible subject of an internal investigation.
- (10) An officer called for a subsequent internal investigation interview shall be afforded the opportunity to review all of his prior statements, whether written, sound or video recorded, prior to being asked any further questions.

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- (11) Internal investigation interview sessions shall be for reasonable periods, and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary. At a minimum, at the officer's request, there shall be one (1) five-minute (5) break in each hour of interview. The times of all such breaks, as well as the beginning and ending times of the interview, shall be noted in the reports/recordings of the interview.
- (12) Whenever an officer is interviewed pursuant to an internal investigation, the interview documents, including written reports and/or sound or video recordings, shall contain the names of all persons present during the course of the interview and the date, time, and times of the breaks during the course of the interview shall also be included:
 - a. Upon request, the officer interviewed shall receive a copy of his statements.
 - b. An officer will be allowed to sound record the interview, provided that the Internal Affairs Bureau is permitted to make a copy of the recording.
- (13) Unless immediate action is required, the internal investigation interview shall be conducted at a reasonable hour, preferably during the officer's normal work shift.
- (14) All internal investigation interviews shall be conducted in a private setting, if at all possible.
- (15) All investigations conducted by the Internal Affairs Bureau should, if possible, be performed by an officer of the next rank higher than that person being investigated. Ideally, all investigating officers should have investigative experience or skills and prior supervisory experience.
- (16) Officers under investigation by the Internal Affairs Bureau shall not be compelled to submit to a polygraph. An officer under investigation may, of his own volition, request to undergo a polygraph examination. If a polygraph is to be conducted at the officer's request, prior approval by the Chief of Police will be required.
- (17) Prior to an officer being questioned regarding any incident that could result in departmental or criminal charges, the person conducting the internal investigation interview will make a decision to give the officer either the Miranda warning, when law violations are suspected, or the administrative advisement pursuant to internal investigation. If, during the questioning, it is suspected that the officer may be involved in a law violation, the interviewer will cease questioning and give the Miranda warning.
- (18) No officer being interviewed shall be subjected to offensive language or threatened in any manner, either physically or psychologically, except that an officer refusing to respond to questions shall be informed that failure to answer questions directly related to the investigation may result in disciplinary action.
- (19) By appointment, all officers may review the contents of their Personnel file. Officers have the ultimate responsibility for insuring that their files are complete, current, and accurate in terms of personal information and commendations. Officers should review their files on an annual basis, at minimum, to verify the contents.

117.02 Assignment of Uniformed Officers

- (1) No assignment of uniformed officers relating to festivals or parades shall be made on the basis of an officer's race, color, national origin, gender, or sexual orientation. This policy shall in no way limit the Department from assigning any uniformed officer to work at a parade or festival who volunteers to do so.

117.03 Discrimination, Harassment, and Retaliation

- (1) Policy and Declaration - It is the policy of the Department of Safety that its employees (both CSA and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.
- (2) Conduct Prohibited - Examples of conduct that could violate this policy include, but are not limited to:

- a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
 - b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
 - c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis;
 - d. Threats or demands to submit to sexual requests in order to keep a job or avoid some other negative consequence, and offers of job benefits in return for sexual favors;
 - e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, or termination) on any of the protected categories identified above; and
 - f. Retaliation for good faith reporting, opposing, or otherwise participating in a complaint or investigation process concerning potential violations of this policy.
- (3) Individuals who believe they are being subjected to prohibited discrimination or harassment are strongly urged to make it clear to the offending employee that such behavior is offensive and should be discontinued unless the individual experiencing the alleged misconduct is uncomfortable communicating that to the offending employee.
- (4) Reporting Procedures
- a. All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken, subject to the confidentiality requirements of agency peer support programs. Potential violations should be reported to any of the following:
 - 1. Any supervisor in the reporting employee's or offending employee's agency or work unit, inside or outside the chain of command;
 - 2. The Internal Affairs Bureau for the reporting employee's or offending employee's agency (available twenty-four hours per day, seven days per week);
 - 3. The Human Resources Management Bureau for the reporting employee's or offending employee's agency;
 - 4. The Manager of Safety's EEO Coordinator; and/or
 - 5. The Career Service Authority Employee Relations Unit.
 - b. Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative shall not constitute reporting of a potential policy violation, nor shall it be considered legal knowledge or notice to the City or Department of Safety.
 - c. A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise participating in the complaint or investigation process should understand that confidentiality will be maintained to the extent possible but that absolute confidentiality and anonymity cannot be guaranteed.
- (5) Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Manager of Safety's EEO Coordinator and their agency head. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity shall not constitute reporting or notice to the agency, Department of Safety, or City.
- (6) The Department of Safety maintains "zero tolerance" regarding violations of this policy, meaning the Department will not knowingly tolerate acts of discrimination, harassment, or retaliation.
- a. Allegations about potential violations of this policy will be taken seriously and the Department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. If an investigation is deemed necessary, it will be conducted promptly, thoroughly, and impartially.

- b. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.
- (7) Retaliation is strictly prohibited against employees who have in good faith:
- a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;
 - b. Reported conduct that the employee experienced or observed and reasonably believes to constitute a potential violation of this policy; or
 - c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint, or providing a witness interview during an investigation.
- (8) Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above-listed protected activities.
- a. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from co-workers, and escalating harassment.
 - b. Any Department of Safety employee engaging in or encouraging retaliation may be subject to appropriate actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

117.04 Grievance Filed Under the Collective Bargaining Agreement

- (1) Any grievance filed under the Collective Bargaining Agreement between the City and County of Denver and the Denver Police Protective Association will follow the procedure outlined in the Collective Bargaining Agreement in force at the time.
- (2) The central repository for storage of any grievances at the conclusion of Step 2 under article 25.4 of the Collective Bargaining Agreement, will be the Civil Liability Bureau within the Denver Police Department.

117.05 Disclosure of Information Protected

- (1) It is the policy of the Denver Police Department to encourage the disclosure of information regarding the violation of any rules, regulations, or laws by any city employee. No employee of the Denver Police Department shall retaliate in any manner against another employee or civilian witness for disclosure of such information to a police investigator, city official, governmental agency, Disciplinary Review Board, Public Safety Review Board, or the City Board of Ethics. No employee of the Department shall intimidate or attempt to deter another employee or civilian witness from disclosing such information. All such disclosures must be made in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.
- (2) Any conduct in violation of this policy is prohibited and will subject the employee to appropriate discipline.
- (3) Any disclosure of information made in bad faith, or without reasonable regard for the truthfulness of the information disclosed, or made in violation of a prohibition recognized by law, rule, or regulation, may subject the employee making the disclosure to appropriate discipline.

117.06 Racial/Ethnic Intimidation:

- (1) Policy and Declaration: The Denver Police Department recognizes and declares that it is the right of every employee to work in a professional environment, free from any form of intimidation and/or harassment based on actual or perceived race, color, ancestry, religion, gender, national origin, or sexual orientation. The Denver Police Department is committed to zero-tolerance of violations of this policy. All allegations will be thoroughly investigated and violators disciplined accordingly. Nothing in this policy is intended to limit a victim's right to pursue additional remedies outside the DPD.

- (2) Definition: Racial/Ethnic Intimidation is defined as any behavior, intentional or not, that is used to harass, intimidate, or deter a person from some activity based on actual or perceived race, color, ancestry, religion, gender, national origin, or sexual orientation. Racial/Ethnic Intimidation includes, **but is not limited to**, jokes, slurs, statements, writings, audio or video recordings, postings, and verbal exchanges.
- (3) Procedure: All allegations of Racial/Ethnic Intimidation will be thoroughly investigated by the Internal Affairs Bureau.
 - a. Anonymous complaints will be evaluated by the Commander of the Internal Affairs Bureau (IAB) to determine the appropriate course of action.
 - b. The Commander of IAB must advise the Chief of Police of all complaints of Racial/Ethnic Intimidation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
 - c. All complaints of Racial/Ethnic Intimidation will be given an IAB case number.
 - d. The complainant will be notified at the on-set of the investigation, periodically during the investigation, and at the conclusion of the investigation.
 - e. The complainant will be advised in writing by IAB of the final disposition of the case.

