

## 503.00 - PERFORMANCE

### 503.01 Complaint and Discipline Procedures for Sworn Officers

(1) Policy:

The policy of the Denver Police Department in creating a complaint and discipline process is to establish a set of accountability standards that address how complaints of officer misconduct are made, filtered, processed and evaluated at all levels. These standards are driven by the Mission, Vision and Value statements of the Department and find, as their chief cornerstones, the Law Enforcement Code of Ethics and the rules and regulations of the Department. These documents set the foundation for accountability of the Department and its members to citizens whom it serves, to the greater law enforcement community of which it is a member and to the Constitution of the United States, which the Department has sworn to uphold.

The Department recognizes the vital importance of the internal investigation process and that no system of discipline can be effective without investigations that can be considered by members of the Department and the general public as unbiased and trustworthy. The Department is committed to investigating all allegations of officer misconduct in a fair, thorough and timely manner in accordance with accepted Department policies and procedures. Such investigations must be conducted with the full regard for the Officer's Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the Department, all complainants and witnesses and all other citizens. The administration of the discipline process shall not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State or local law or regulation. The Department further believes that truthfulness is vital in an internal investigation and is expected and demanded from all Department personnel who may be the subject of or a witness in an investigation. Lastly, the Department understands that timeliness in the imposition of discipline is a critical component of the complaint handling and disciplinary processes and that untimely imposition of the discipline is unfair to the involved officers, community members harmed by officer misconduct and the Department as a whole.

This policy applies only to members of the classified service of the Denver Police Department.

(2) Guidelines and Definitions:

- a. Subject Officer: The officer under investigation for possible misconduct.
- b. Complaint: An allegation of misconduct.
- c. Service Complaint: A citizen complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee.
- d. Misconduct: A violation of a law, policy, procedure, or rule and regulation. There are several classifications of misconduct:
  1. Minor Misconduct: Potential violations of policy or procedure that have minimal adverse impact on the operation or integrity of the Department and that are not likely to result in a formal disciplinary action against a named employee.
  2. Pattern Misconduct: A pattern of potential misconduct by an officer or group of officers that includes, but is not limited to, allegations or complaints over time that indicate conduct of more concern than that created by infrequent or isolated incidents of citizen complaints or unacceptable conduct.
  3. General Misconduct: All potential violations that do not fall into the categories of minor, serious, or pattern misconduct are considered general misconduct. Examples of general misconduct include but are not limited to: violation of a policy that requires a fixed penalty such as failure to attend court, failure to attend scheduled training, or failure to complete firearms qualification.

4. Serious Misconduct (including Conduct Prohibited by Law): Potential violations of policies, procedures, rules, or regulations that have an adverse impact on the operation or integrity of the Department and that, if proven, would likely result in formal disciplinary action against a named employee. Investigations involving allegations of serious misconduct or law violations shall be conducted by the Internal Affairs Bureau. Examples of serious misconduct include but are not limited to: commission of a deceptive act, sexual misconduct, inappropriate force, harassment, discrimination, and conduct prohibited by law.
- e. Complaint Intake: The initial fact-finding stage of an investigation in which a sergeant or above determines whether or not the complaint, if true, would constitute misconduct, or if the issue amounts to a service complaint.
- f. Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines: The official guide adopted by the Manager of Safety and Chief of Police to be utilized by all persons responsible for making disciplinary recommendations and determinations. The "Discipline Handbook" sets forth the procedures for determining whether officers have violated DPD rules or policies and, if so, guidelines for making penalty recommendations and determinations.
- g. Discipline Matrix: The official guide adopted by the Manager of Safety and Chief of Police establishing penalty ranges and limits for misconduct to be utilized when making penalty recommendations and determinations.
- h. Dismissal: The Chief of Police or his designee may elect not to investigate and thereby dismiss certain complaints. The grounds for dismissal of complaints are outlined in OMS 503.01(4)(b).
- i. Formal Investigation: All allegations of misconduct that are not classified as minor misconduct, service complaints, or dismissals shall be formally investigated. An Internal Affairs Bureau (IAB) complaint number shall be issued for each Formal Investigation and an official disposition must be reached at the conclusion of each Formal Investigation. A Formal Investigation may be handled either by the subject officer's chain of command or by the Internal Affairs Bureau.
- j. Informal Investigation: Informal Investigations are conducted when there is a complaint of minor misconduct. If applicable, the investigation should include debriefing the subject officer regarding a complainant's concerns about the officer's actions or quality of service. The informal investigation is an expedited process that does not result in a formal finding or the imposition of discipline.
- k. Investigative Review Process (IRP): The Investigative Review Process (IRP) is a review process consisting of two (2) phases. Phase I consists of a review by the subject officer (and his or her representative) of the IAB investigative reports. Phase II consists of a meeting between the subject officer, his or her representative, the investigator, and the IAB commander with the intent of reaching an agreement as to the material facts of the case.
- l. Disciplinary Review Board (DRB): A review panel, consisting of sworn members of the department alongside volunteer citizen representatives, that hears evidence from disciplinary cases and recommends to the Chief of Police, for each separate specification, a specific penalty or no penalty. DRB procedures are thoroughly discussed in OMS 503.01(7).
- m. Deliberative Process: The Office of Independent Monitor, the Citizen Oversight Board, and the officers and citizens who serve on the Department's internal review boards such as, the Disciplinary Review Board, Use of Force Review Board, and Tactics Review Board are all part of the City's deliberative process regarding investigative and disciplinary procedures for sworn personnel. As such, all information learned by any of those persons or groups during the exercise of their duties shall be protected by the deliberative process privilege.

(3) Roles and Responsibilities:

- a. Individual Officer Responsibility:
  1. All officers of the Department shall report possible misconduct by other officers to a supervisor, command officer, or the IAB regardless of whether the reporting officer has first-hand knowledge of, or has otherwise learned of, the alleged misconduct. If the possible misconduct involves the officer's supervisor or command officer, the reporting officer may report the possible misconduct directly to the IAB or the Chief of Police.

2. Any sworn personnel who becomes aware that he or she is under investigation for, or charged with any crime other than traffic infractions, shall self-report such investigation or charge immediately to a supervisor, command officer, or Internal Affairs. IAB shall relay the information to the Office of Independent Monitor and Manager of Safety within three (3) business days.
  3. Officers shall cooperate in a Department investigation and shall answer questions by, or render material and relevant statements to, the appropriate supervisor, command officer, or IAB investigator. Officers shall answer all questions fully and truthfully and shall not omit any material facts.
  4. For the duration of the complaint process, including the Complaint Intake, Formal Investigation, IRP, and DRB process, the subject officer and his or her representative are prohibited from contacting and/or interviewing any witnesses or conducting any type of investigation into the allegations. The only officers authorized to interview witnesses or the subject officer or to conduct any further investigation of a case on behalf of the Department or its members are those investigators designated by the commander of IAB or the Chief of Police.
  5. A subject officer shall not be armed during the DRB hearings or the pre-disciplinary meeting with the Chief of Police or designee (Chief's hearing).
- b. Supervisor and Command Officer Responsibilities:
1. General
    - a. A supervisor or command officer must assume the duties and obligations of his or her rank in the investigation of misconduct by police personnel.
    - b. A supervisor or command officer shall continually examine areas of the police operation under his or her purview.
    - c. A supervisor or command officer shall not look to higher authority to initiate investigations when the actions in question are within his or her own authority.
    - d. When the complexity of the case justifies, the assistance of the Internal Affairs Bureau may be requested.
    - e. A supervisor or command officer of a district or bureau shall resolve minor procedural violations in accordance with this policy.
    - f. A supervisor or command officer of a district or bureau shall conduct an investigation in accordance with this policy.
    - g. A supervisor or command officer of a district or bureau shall immediately report to IAB all allegations of serious misconduct, including conduct prohibited by law.
    - h. A supervisor or command officer of a district or bureau shall, in a timely manner, notify the IAB regarding allegations of general misconduct or pattern misconduct that is not serious in nature and does not constitute conduct prohibited by law.
    - i. Supervisors and command officers shall obtain the assistance of IAB or a superior officer when assistance is needed with the complaint process or while conducting a complaint intake or investigation.
    - j. If a supervisor or command officer observes or learns of possible misconduct by an officer not under his or her supervision, the supervisor or command officer shall notify the supervisor or command officer of the subject officer. (See OMS Duties and Responsibilities sections 7.0 and 8.0 regarding responsibilities of all supervisors and command officers with respect to discipline and conduct of officers.)
    - k. Any command officer (or supervisor, with the approval of a higher-ranking officer) may relieve an officer of duty when the charges are of a serious nature and it appears that such action would be in the best interest of the Department or the officer. Officers shall surrender their badges and identification cards when relieved of duty.

- l. Whenever it becomes necessary to place a Denver police officer in any detention facility, the ranking supervisor or command officer handling the case shall immediately relieve the officer of duty and retain all Department property in the officer's possession. Requests to hold or obtain the subject officer's police uniform shall be made to the proper authority in the detention facility. The ranking supervisor or command officer shall immediately notify the IAB of the subject officer's detention or incarceration.
  - m. The IAB Commander, the Chief of Police or the Manager of Safety shall report all allegations of serious misconduct, including conduct prohibited by law to the Officer of Independent Monitor within three business days of becoming aware of the allegations.
2. Investigating Supervisor and Command Officer Responsibility:
- a. When alleged misconduct is classified as serious misconduct, including conduct prohibited by law, the supervisor or command officer shall immediately contact the IAB, which shall coordinate the intake for such allegations. The IAB may also handle investigations for other allegations of misconduct where complainants contact the IAB directly or when ordered by the Chief of Police.
  - b. If not previously determined, the bureau/district commander shall review the matter to determine whether the investigation should be conducted at the bureau/district level or forwarded to the IAB. The bureau/district commander should consult with the commander of the IAB if there is any question as to where the investigation should be conducted. If the investigation shall be conducted by the IAB, the bureau/district commander is responsible for ensuring that all original reports, forms, related documentation, and materials collected during the intake process are sent to the IAB along with a request for a Formal Investigation.
  - c. The command officer and division chief of a subject officer shall ensure that complaints are processed as required by this policy.
  - d. The commander of the district/bureau shall be responsible for monitoring the performance and conduct of employees under his or her command and, if any conduct indicates an emerging pattern of unacceptable behavior, the commander shall initiate actions to correct the behavior, including advising the involved employees that any further allegation of a pattern of unacceptable behavior may be handled as a formal investigation.
  - e. If the commander determines that training, oral admonishment, counseling, etc. is an appropriate action involving an employee, the commander shall be responsible for ensuring that the training, oral admonishment, counseling, etc. is accomplished and documented.
- c. Internal Affairs Bureau Authority and Responsibilities:
- 1. Officers of the IAB act directly pursuant to the command and with the authority of the Chief of Police. They have the authority to require any officer of the Department, regardless of rank or appointment, to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with that officer's, or any other officer's duties and obligations as an officer of the Department. The IAB Commander may, at his/her discretion, investigate any complaint lodged against any other officer of the Department, regardless of rank or appointment.
  - 2. Upon receipt of information from an officer or supervisor regarding an allegation of serious or pattern misconduct, the IAB shall immediately begin a formal investigation into the allegations.
  - 3. The IAB shall have the full authority to conduct an investigation without interference from any officer.
  - 4. The primary duty of the IAB shall be to ensure the integrity of the Department. The IAB shall direct its efforts toward conducting an efficient, impartial, prompt, and complete investigation of allegations of misconduct by officers of the Department.

5. The IAB shall maintain a central file of disciplinary investigations pursuant to the applicable document retention schedule of the Department and the City. The central file shall contain all complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases.
- d. Monitor's Role in IAB Investigations.
1. The Office of Independent Monitor shall actively monitor and participate in any criminal investigation of the incidents set forth. In addition, IAB shall investigate any incident set forth below and the Monitor's office shall actively monitor and participate in such IAB investigations:
    - a. Any shooting involving a Denver police officer, whether duty related or not;
    - b. Any in-custody death;
    - c. Any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in C.R.S. §18-1-901(3)(p), as it may be amended from time to time;
    - d. Any incident whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a felony;
    - e. Any incident, whether or not duty-related, in which a Denver police officer is under investigation for, or charged with, any crime set forth in C.R.S. Title 18, Article 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
    - f. Any incident, whether or not duty-related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
  2. If no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the Monitor's office shall nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
  3. In addition, the Monitor's office shall monitor any other internal investigation of possible misconduct by Denver police personnel when requested to do so by the Citizen Oversight Board or Manager of Safety. The Board or Manager shall advise the Monitor's office of the reasons why the Board or the Manager believes the Monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the Board or the Manager, the Monitor's office shall advise IAB only that the Monitor's office will monitor the investigation.
  4. The Monitor and/or his designee may attend all Internal Affairs officer and civilian interviews. The Monitor may suggest questions for the IAB interviewers to ask of the witnesses but the IAB interviewer retains the discretion to determine the subject matter and form of the questions to be asked.
  5. The Monitor shall have access to all evidentiary items and stages of the administrative investigation. Where the investigation involves potential criminal charges, the DA may restrict or place conditions on access that he or she believes would jeopardize the integrity of the investigation or adversely impact any potential criminal prosecution. The Monitor shall also have complete access to all Department documents and electronic files relating to any complaints against, or investigations of, sworn personnel within the Monitor's jurisdiction and personnel files, including work history and officer statements but not including documents protected by the attorney-client privilege or the attorney work product privilege.
  6. During the course of the investigation, the Monitor may discuss the investigation with IAB including recommending additional investigation.

7. For any investigation that it monitors, the Monitor shall review the investigation to ensure that it is thorough and complete. If the Monitor cannot certify that the investigation is thorough and complete, the Monitor may request that IAB conduct additional investigation. If IAB does not complete the additional investigation to the Monitor's satisfaction, the Monitor may conduct additional investigation, including issuing subpoenas. The Monitor shall advise the Citizen Oversight Board, Manager of Safety, and Chief of Police of the reasons that the Monitor was not satisfied with IAB's investigation and of the additional investigation conducted by, or to be conducted by, the Monitor. The IAB shall not forward the investigation until the Monitor has completed its supplemental investigation, if any, and then the IAB shall forward its investigation together with the Monitor's supplemental investigation to the appropriate person(s).
8. The Monitor shall treat all documents and information regarding specific investigations or officers as confidential and shall divulge such information on a need-to-know basis or unless otherwise disclosed by the City and County of Denver.

(4) Complaint Intake Procedures

a. Processing Allegations:

1. Allegations by citizens: Any officer who is contacted by a citizen wishing to complain about possible misconduct by an officer shall immediately put the citizen in contact with an on-duty supervisor. The supervisor shall attempt to make contact with the complainant immediately, but in no case later than the end of his or her shift. The supervisor shall complete a Commendation/Complaint Intake Form as prescribed in this policy.
2. Allegations by officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer shall report the same directly to a supervisor in the reporting officer's or subject officer's chain of command or to the IAB. Any officer who initiates an allegation shall either prepare an Inter-Department Correspondence, DPD 200, outlining the allegations and/or other reports as directed by a supervisor. The reporting officer shall not communicate his or her allegation to any other agency, officer, or individual without proper authorization in compliance with all Operations Manual sections governing the same.
3. Allegations by government officials: Allegations of misconduct made by government officials (including, but not limited to, law enforcement agencies, judges and prosecutors) shall be handled by the IAB. The IAB shall review the allegation and determine whether the case shall be handled at the district/bureau level or by the IAB.
4. Allegations by filing of law suits or tort claims: Allegations of misconduct made in the form of tort claims or law suits shall be reviewed by the Monitor's Office and IAB to determine whether an IAB investigation would be warranted.
5. Complaints against the Chief of Police: If the Chief of Police has engaged in possible misconduct, the IAB shall forward a copy of the allegation to the Manager of Safety for his or her direction. The Manager of Safety will confer with the Independent Monitor (and may retain an independent investigator from outside the Department) in such circumstances.

b. Complaint Screening: the Supervisor or command officer receiving the complaint shall make an initial determination whether the complaint describes possible misconduct, the issue amounts to a service complaint, or the complaint is eligible for mediation and/or dismissal based on the criteria set forth below.

1. If the supervisor concludes that the complaint should be handled as a service complaint or describes possible misconduct, the complaint shall be documented on the Commendation/Complaint Intake Form, DPD 687, and forwarded to Internal Affairs. Regardless of who will eventually handle the investigation or complaint resolution, the supervisor or command officer conducting the Complaint Intake will collect any evidence necessary to ensure that there can be a complete determination of facts in the case.

2. If the supervisor concludes that the complaint does not state a violation of a law, policy, procedure, rule and regulation, the supervisor may resolve the issue by explaining the law, policies, procedure, rules and regulations to the complainant and indicating that no further investigation will take place. If the complainant is not satisfied with the explanation provided, the supervisor shall refer the complainant to Internal Affairs or the Monitor's Office.
3. If the supervisor believes the complaint is eligible for mediation and/or dismissal, the responsible supervisor shall be required to initiate and complete, as much as possible, and per policy, the investigation of the complaint regardless of any possible future mediation option. The complaint shall then be referred to the Internal Affairs Bureau for a final determination.
4. A complaint may be dismissed for the following reasons:
  - a. Mediation: Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Independent Monitor. There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder may decline to allow a complaint to be resolved through the mediation process for any reason. No stakeholder shall be required to state the reason for declining to participate in a mediation or agreeing to assign a case for mediation. Statements made during mediation cannot be used against a police officer in a criminal or civil matter. Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (*i.e.*, cannot be used for purposes of considering "consistent discipline"). A complaint will be dismissed upon the completion of a mediation session administered by the Monitor's Office.
    1. A complaint may be considered for mediation if it resulted from a failure to communicate or a lack of communication such that the allegation would be resolved better through mediation than through the formal disciplinary process and if it meets any other requirements set forth below. A complaint which, if proven, could constitute a violation of RR-138, Discrimination, Harassment, and Retaliation, may be eligible for mediation only in accordance with **the provisions of the Department of Safety EEO Investigation Procedures**.
      - a. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is ineligible for mediation:
        1. Category E: Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the Department.
        2. Category F: Any violation of law, rule or policy which: foresee ably results in death or serious bodily injury; or constitutes a willful and wanton disregard of Department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.

- b. Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of Sergeant, Lieutenant, or Captain is ineligible for mediation.
  - c. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the Manager of Safety, the Chief of Police, and the Independent Monitor all agree that mediation is appropriate.
    - 1. Category D: Conduct substantially contrary to the values of the Department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.
  - d. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the Internal Affairs Bureau and the Independent Monitor agree that mediation is appropriate.
    - 1. Category A: Conduct that has a minimal negative impact on the operations or professional image of the Department.
    - 2. Category B: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
    - 3. Category C: Conduct that has a pronounced negative impact on the operations or professional image of the Department, or on relationships with other officers, agencies or the public.
  - e. Even if a complaint is eligible for mediation, the Manager of Safety, the Chief of Police or his/her designee, or the Monitor or his/her designee has the authority to decide for any reason that a case should not be assigned for mediation.
2. Mediation Procedures: If the complainant expresses an interest in mediating the complaint, that fact shall be documented on the Commendation/Complaint Intake Form which will be forwarded to Internal Affairs for further review. Both the IAB Commander and the Monitor must agree that a complaint is appropriate for mediation for the complaint to be assigned to the mediation program.
- a. The complainant will be advised that the complaint is eligible for mediation, and a determination will be made whether the complainant is still interested in mediation.

- b. If a complaint has been approved for mediation, a notice will be sent in writing by the Office of Independent Monitor to the involved officer(s), with a copy to their commanding officer, which shall include: the complaint number, the name of the complainant(s), the nature of the allegations, an explanation of the mediation program, an advisement to the officer(s) of the IAB and Monitor's conclusion that the case is appropriate for mediation, a request from the Monitor that the involved officer(s) contact the Monitor's Office within the officer(s) next five (5) working days of receipt of the notice, an explanation that participation in the mediation program is voluntary and that upon completion of the mediation, the complaint will be dismissed. A failure to respond to the request shall be construed to mean the officer has declined the opportunity to mediate the complaint. ]
  - c. The involved officer's supervisors shall ensure that the IAB mediation notice is delivered to the involved officer(s) as soon as possible.
  - d. If any of the involved officers decline to participate in mediation, the complaint shall be returned to the intake process in accordance with normal IAB policies and procedures.
  - e. If a complainant fails to appear for a scheduled mediation, without good cause as determined by the Chief of Police or his designee, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAB.
  - f. If any of the involved officers fail to appear for a previously scheduled mediation, without good cause, the Monitor will notify IAB so that appropriate action can be taken. The complaint may then be processed by IAB as per normal policies and procedures.
  - g. Upon completion of the mediation, the complaint will be dismissed. No new complaint shall be accepted based on the conduct of an officer during mediation. The mediation session shall be confidential as per C.R.S. §13-22-307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V and there shall be no requirement that an agreement be reached during the course of mediation.
- b. Judicial or Administrative Review: The complainant could reasonably be expected to use, or is using, another remedy or channel for the grievance stated in the complaint. Complaints that are subject to judicial, administrative, ] or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint may be dismissed. A complaint should be dismissed on this basis only if the alternative channel is reasonably accessible to the complainant and can provide an adequate remedy.
  - c. Untimely: The complainant delayed too long in filing the complaint to justify present examination. IAB may waive the timeliness requirement for good cause.
    - 1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations should be filed within sixty (60) days of the incident.
    - 2. Except for good cause, complaints of serious misconduct including, inappropriate force, egregious acts of disparate treatment, or major ] rules violations should be filed within six (6) months of the incident. IAB may waive the time limit if there is substantial corroborating evidence of the misconduct.

3. There is no specific deadline for complaints alleging criminal conduct or corruption. Such complaints will be evaluated on their merits with due consideration for the quantity and quality of available evidence.
- d. No Misconduct: Even if all aspects of the complaint were true, no act of misconduct would have occurred. An allegation that fails to describe at least a potential violation of federal, state, or municipal law, or City or Department policy will be dismissed. Occasionally, a complaint that fails to state misconduct may merit a referral to the Chief's Office for policy or other considerations or to mediation as a means of improving police-community relations. A complaint may be dismissed if it is apparent that no misconduct was committed and if it is likely that additional investigation would not reach a different conclusion.
  - e. False or Trivial: The complaint is trivial, frivolous, false, or not credible.
    1. Allegations determined to be intentionally and materially false shall be dismissed.
    2. Trivial or frivolous complaints may be dismissed. Trivial or frivolous complaints allege minor technical violations of procedural rules which have negligible adverse effects on the public or the credibility of the Department.
    3. Complaints that are grossly illogical or improbable may be dismissed during intake by IAB or recommended for dismissal by District or Bureau supervisors, per the procedure outlined in OMS 503.01(4)(b). However, care and compassion must be exercised to ensure that a full, fair and complete investigation is made of complaints made by those who may be suffering from a mental illness.
  - f. Third-Party Complaints: A complainant must generally have a reasonably direct relationship to the incident in order to file a minor complaint. Complainants are considered to have a direct relationship if they were directly affected by the alleged misconduct (first-hand sources), witnessed the alleged misconduct (second-hand sources), or have special, professional, or organizational knowledge about the alleged misconduct (e.g., a lawyer, a judge, etc.)
    1. Third-hand or anonymous complaints that allege corruption or other very serious police misconduct will not be dismissed.
    2. Dismissal is not allowed for third-party complaints of less serious misconduct if there is a reasonable explanation why a person with standing has not filed a complaint (e.g. the person who was directly affected is a minor child; is elderly, disabled, or deceased; cannot communicate easily in English is not a citizen; is wanted on criminal charges; or has been threatened, etc.).
    3. Anonymous complaints of minor misconduct may be dismissed. However, supervisors will urge the complaining party to encourage a person with standing to file the complaint.
  - g. Complaints about Repeatedly Reviewed Categories of Police Activity: IAB may receive allegations about some categories of police action (e.g. police procedures related to photo radar operations) that in the past have been repeatedly reviewed, preliminarily investigated, and subsequently dismissed by IAB. The discretion to summarily resolve a category of complaints should be exercised carefully with due regard to the nature and seriousness of the complaints.

- h. History of Unfounded Complaints: Occasionally, a single individual repeatedly files non-meritorious, unfounded, or duplicative complaints, diverting time, attention and resources from other complaints. The IAB Commander may authorize in writing that repeated complaints from specifically-named individuals receive special handling. District and Bureau supervisors may also recommend dismissal and/or special handling for repeated complaints from specifically-named individuals. Special handling may mean that designated persons are required to file their complaints in writing or that they not be interviewed as part of the intake investigation. This procedure may be used if IAB can demonstrate that a person:
1. Has a history of filing unverifiable, non-credible, or non-meritorious complaints and was warned in writing that the filing of similar complaints in the future may resulting special handling, rapid disposition, or other specified actions, or;
  2. Previously filed a demonstrably false complaint. The discretion to specially handle complaints from named individuals must be exercised with great care and only with a supporting record.
- i. Complainant Withdraws: The complainant withdraws the complaint or fails to complete the necessary complaint steps. The complaint may be dismissed if the complainant requests that it be withdrawn or explicitly agrees that his or her concern has been resolved and that no further action need be taken on the complaint. The complaint may also be dismissed if the complainant cannot be located, does not respond to requests for information, or fails to complete other necessary steps in the complaint process. Whether dismissed during the intake process or during post-intake screening, the file needs to demonstrate a good faith effort to communicate with the complainant. The complainant's request to withdraw a complaint or failure to cooperate in an investigation does not require that IAB dismiss a complaint.
- j. Unable to Identify Officer: The identity of the officer cannot be determined. In some cases there is no reasonable means of identifying the employee who is alleged to have committed misconduct. Depending on the nature of the complaint, dismissal may be prudent and proper to conserve limited public resources. The complaint may be dismissed if, after a good faith effort, the involved employee cannot be identified and it would be unlikely that the employee would be identified. IAB may forward the complaint to an appropriate District or Department Commander for information and educational purposes.
- k. No Jurisdiction: DPD lacks jurisdiction. The authority to dismiss for lack of jurisdiction is inherent in the limited sovereignty of the City and County of Denver. IAB will dismiss complaints over which it has no jurisdiction, including complaints against person who were not employed or supervised by DPD at the time the alleged misconduct was committed. If possible, IAB will refer the complainant to the proper department, agency or government. Complaints brought against Career Service employees may be taken by IAB or at any District or Bureau and will be forwarded to IAB for further action.

The DPD lacks jurisdiction to discipline persons it no longer employs. As such, a complaint may be dismissed if the employee resigns, retires or will no longer be employed by the Department by the time the investigation and discipline process can be completed. However, in cases of serious misconduct by former employees, the IAB Commander may:

1. Conduct an investigation and refer it to the District Attorney's Office and/or place the findings in the employee's IAB or personnel file, or
2. Review the actions of the employee's supervisors, or
3. Review the Department's policies and training curriculum.

4. If it appears that the employee may be rehired by the Department or by another law enforcement agency, IAB may elect not to dismiss the complaint until after an investigation has been completed.

(5) Conducting Investigations:

- a. Informal Investigation: A complaint which alleges minor misconduct may be handled in an expedited manner. Informal Investigations shall be completed within five (5) days from the time the complaint is received by the District/Bureau. Exceptions may occur when the involved employees are unavailable due to time off, vacation, illness, or other emergencies.

1. Supervisors shall complete the following steps when handling a minor misconduct complaint:
  - a. Discuss the incident and the nature of the complaint with the involved officer(s) as well as the Department'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 possibly used to improve service.
  - b. Document the incident and actions taken on the Commendation/Complaint Intake Form, DPD 687.
  - c. If the investigation can be completed during the current tour of duty, all documentation shall be forwarded to IAB where a case number will be assigned upon receipt.
  - d. If the investigation cannot be completed during the current tour of duty, the supervisor shall contact IAB for a case number, and forward all documentation to IAB upon completion of the investigation.

2. IAB shall review the documentation and determine if the actions taken by the investigating supervisor were sufficient to address the officer's alleged misconduct.
  - a. If IAB determines that the complaint is eligible for dismissal based on the criteria outlined in OMS 503.01(4)b, the complaint shall be forwarded to the Chief of Police or his designee for final disposition.
  - b. If IAB determines that the action taken by the investigating supervisor/command officer sufficiently addressed the complaint, IAB shall advise the officer's chain of command that no further action is required.
  - c. If IAB determines that the actions taken by the investigating supervisor/command officer did not sufficiently address the complaint:
    1. The informal complaint may be sent back to the concerned officer's commanding officer for further follow-up as prescribed by IAB. An additional five-day (5) deadline is granted, with exceptions as noted in OMS 503.01(5)a above, or
    2. The complaint can be reclassified as a formal investigation to be investigated at the station level. IAB will send all documentation to the concerned officer's commanding officer for follow-up, or
    3. The complaint can be reclassified as a formal investigation to be investigated by IAB.

- b. Formal Investigations: Allegations of general, pattern, or serious misconduct (including conduct prohibited by law) will result in a Formal Investigation.

1. If the complaint intake performed by the supervisor of a bureau or district indicates that a Formal Investigation is warranted, the supervisor shall notify the IAB, which shall assign an IAB case number regardless of whether IAB or the district/bureau conducts the investigation.

2. The supervisor or command officer of a bureau or district handling a general misconduct allegation shall contact the IAB for a case number. The supervisor or command officer of the district or bureau shall prepare or cause to have prepared the Statement Form, DPD 366, and Commendation/Complaint Intake Form, DPD 687. The statement should address all allegations and complaints. Should clarification be necessary, questions and answers should supplement the statement. When a complaint is taken by telephone, the supervisor taking the complaint shall complete the Commendation/Complaint Intake form and write a narrative summary of the complaint on a Statement Form. The IAB investigator assigned to the case, if the IAB is investigating the matter, should use these same forms.
3. At the commencement of a Formal Investigation, the investigating officer shall confer with his or her commanding officer in order to determine whether:
  - a. The subject officer should be allowed to remain in his or her usual assignment;
  - b. The subject officer should be allowed to remain on duty but in another assignment; or
  - c. The subject officer should be relieved of duty.
4. The IAB shall immediately be notified when action is taken under 503.01(5)(b)(3)(b) or 503.01(5)(b)(3)(c) and the IAB shall, in turn, notify the Chief of Police.
5. If the officer is charged with a felony, the Chief of Police shall indefinitely suspend the officer pursuant to Denver City Charter Section 9.4.17.
6. An Officer Notice of Investigation (NOI), DPD 627, shall be generated and provided to an officer who is the subject of a Formal Investigation when that investigation is commenced, unless such notification may jeopardize the ongoing investigation. The NOI shall outline the general nature of the Formal Investigation and include a summary of the allegations subject to the Formal Investigation. The NOI shall be generated by the IAB or district/bureau command conducting the investigation.
7. When directed by an investigator, every officer who has knowledge, whether direct or indirect, of the alleged misconduct shall prepare and submit an individual, written statement before the end of the shift when he or she is directed to provide the report. Reports should be supplemented by questions and answers if necessary for clarification. The statement form is to be provided to the supervisor or command officer conducting the investigation. A copy of the written statement shall be sent to the commander of the reporting officer. The written statement must be accurate and complete.
8. Prior to making any statement or answering any questions as a part of an Informal or Formal Investigation, the subject or witness officer shall be provided a copy of the Advisement Pursuant to Internal Investigation, DPD 455, (also known as the *Garrity* Advisement) by the supervisor, command officer, or IAB investigator conducting the investigation. The officer shall be provided a reasonable amount of time to review DPD 455 and to sign the same. If the officer declines to sign DPD 455, the investigator shall write "declined" in the officer's signature space. Although an officer may refuse to sign DPD 455 in a disciplinary investigation, the officer must still give a statement. An officer's refusal to give a statement may result in disciplinary action in accordance with the DPD Disciplinary Handbook.
9. Statements shall be taken from witnesses and complainants whenever possible and should be supplemented by questions and answers if necessary for purposes of clarification.
10. If the Formal Investigation concerns an allegation of a law violation, the Miranda Advisement form, DPD 369, shall be given to the subject officer in lieu of the Advisement Pursuant to Internal Investigation, DPD 455, before questioning. The statement should be supplemented by questions and answers if necessary for purposes of clarification.

11. The administrative investigation of any incident requiring mandatory monitoring shall be completed within thirty (30) calendar days of its initiation. For all other investigations under the jurisdiction of the Monitor, the thirty-day (30) time limit shall not apply unless the Manager of Safety directs that the investigation and/or any related disciplinary actions be subject to the time limits set forth in this policy or to other time limits set by the Manager. Failure to comply with any time limits set forth in this policy shall not serve as a basis for sworn personnel to challenge the jurisdiction of any entity referenced in this policy, nor shall such failure serve as a basis to challenge any administrative action, including discipline, which may be taken against such sworn personnel nor shall it constitute misconduct by any member of the Department.
12. If IAB is not able to complete within thirty (30) calendar days any investigation of any incident requiring mandatory monitoring or the time limits set by the Manager of Safety, the head of IAB may request in writing that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. IAB's request must identify the specific reasons that it has not been able to complete the investigation within thirty (30) calendar days and must explain why it believes the investigation can be completed within the requested extension of time.  
  
Requests for extensions and responses thereto shall be copied to the Monitor, Citizen Oversight Board, and the Manager of Safety.
13. When an investigation is complete, the subject officer's chain of command from lieutenant to division chief shall then review the facts gathered during the Formal Investigation and make a determination for each specification charged whether it has been proven to have occurred by a preponderance of the evidence following procedures and protocols outlined in the Discipline Handbook. Each specification charged will then be categorized according to one of the following categories:
  - a. Unfounded – The investigation indicates that the subject officer's alleged actions relating to the Department policy, procedure, rule, regulation or directive in question did not occur.
  - b. Exonerated – The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the Department.
  - c. Not Sustained – There was insufficient evidence to either prove or disprove the allegation.
  - d. Sustained – The subject officer's actions were found, by a preponderance of the evidence, to have been in violation of the Department policy, procedure, rule, regulation, or directive in question.
14. The review of an IAB investigation for the purpose of making determinations and recommendations shall be accomplished by an officer holding the rank of lieutenant or above unless approved by the subject officer's division chief.
15. After the subject officer's captain or commander has made disciplinary recommendations, the subject officer shall be afforded the opportunity to review the recommendations of his or her superiors. The officer shall then be given the opportunity to sign at the bottom of the report indicating that he/she was allowed to review the recommendation.
16. At the conclusion of the review and recommendations, the subject officer's captain or commander shall prepare a letter notifying the complainant of the outcome of the investigation. The letter shall include the complaint number, the date of the incident, the date the complaint was made, the name of the involved officers, a description of the allegations, the specific findings made by the Department and, with respect to only allegations that have not been sustained, a brief summary of the evidence that led the Department to conclude that the allegations could not be sustained. The letter should also contain the name and phone number of a supervisor who can be contacted for further information. The completed letter shall be forwarded to the IAB through the chain of command along with the IAB case.

17. After the division chief has reviewed and taken action on the report, it shall be returned to the IAB for final processing. IAB shall notify the officer of the division chief's recommendation.
  18. IAB investigations are internal personnel matters and, as such, all investigative reports, command officer's conclusions, and recommendations shall be secured in a manner that prevents unauthorized review and disclosure of findings.
  19. The subject officer's chain of command shall be that of the officer's current, permanent assignment at the time the case is submitted for review unless specified otherwise by the Chief of Police.
  20. The subject officer's captain or commander and then his or her division chief shall make a specific penalty recommendation in writing on each sustained specification in accordance with the ranges and limits established in the Discipline Matrix and following all procedures and protocols contained in the Discipline Handbook, unless directed otherwise by the Chief of Police.
    - a. For matters in which a Use of Force Review Board is not impaneled, the review and accompanying recommendations by the subject officer's chain of command shall be completed within thirty (30) calendar days of the later of IAB's completing its investigation or the Monitor's completing its investigation, if any.
    - b. If the chain of command is not able to complete its review and recommendations within thirty (30) calendar days, the subject officer's captain, commander, or division chief may request in writing that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. That request must identify the specific reasons that the chain of command has not been able to complete its review and recommendations within fifteen (15) calendar days and must explain why it believes the review and recommendations can be completed within the requested extension of time. Requests for extensions and responses thereto shall be copied to the Monitor and the Manager of Safety.
  21. After the final decision has been made by the Chief of Police and any case results in disciplinary action (either a written reprimand, an oral reprimand, suspension, or dismissal), IAB shall forward the Final Case Summary sheet to both the officer and the officer's commander.
    - a. When the discipline is an oral reprimand, defined in OMS 503.02(2)a, the commander shall issue the reprimand to the officer, then forward to IAB documentation of the reprimand, including the date and time that it was administered.
    - b. The Chief of Police issues all other disciplinary action. The paperwork required for such actions is the responsibility of IAB.
- (6) Resolution of Sustained Specifications:
- a. An IRP shall be commenced, a DRB hearing held, and a Chief's Pre-Disciplinary Conference held if the Chief of Police so orders, upon an officer's request (if the division chief's total recommended penalty from a single case results in a suspension without pay, a fine of days off, or a combination of those penalties of less than ten (10) days) or if the division chief's total recommended penalty from a case (the aggregate penalty for all sustained specifications) results in any of the following:
    1. A suspension without pay of ten (10) days or more
    2. A fine (loss of days off) of ten (10) days or more
    3. A combination of suspension and fined time with penalties of ten (10) days or more
    4. A demotion or a dismissal

- b. As an alternative to the DRB-Pre-Disciplinary Conference process, the subject officer may elect to accept the penalty assessment and voluntarily waive an IRP, a DRB hearing, and a Chief's Pre-Disciplinary Conference, if the Chief of Police, with the approval of the Manager of Safety, accepts the penalty recommendation.
- c. Either before or after the IRP, if the subject officer chooses to accept that penalty, he or she may write a letter to the Chief of Police through the commander of the IAB outlining mitigating or exonerating circumstances. The commander of the IAB must receive such letter within seven (7) calendar days of the date that the subject officer is served with the division chief's recommendations or within seven (7) days following the IRP. The subject officer may meet with the Chief of Police to outline mitigating or exonerating circumstances. If a meeting is scheduled with the Chief of Police, the Chief of Police may waive the seven-day (7) time limit and meet with the subject officer as scheduling permits.
- d. If the subject officer accepts the penalty recommendation, the Chief of Police shall review the case and may:
  - 1. Accept the recommended penalty and then forward it to the Manager of Safety for his or her approval; or
  - 2. Not accept the recommended penalty or request a DRB hearing, which shall result in the case being returned to the IAB for initiation of the IRP process (if not already completed), a DRB hearing, and possibly a Chief's Pre-Disciplinary Conference.
- e. If the Chief of Police, with the approval of the Manager of Safety, agrees to allow the subject officer to accept the total recommended penalty, the IRP shall not be commenced, no DRB shall be impaneled, and a Chief's Pre-Disciplinary Conference shall not be held.
- f. All time limits set forth below for completing various stages of the Disciplinary Review Board, including the Investigative Review Process, are subject to the requirement that the entire DRB process must be completed within thirty (30) days for types of cases which have mandatory monitoring jurisdiction, unless an extension is granted by the Chief of Police.
- g. Investigative Review Process (IRP)
  - 1. Phase I: The IAB shall contact the subject officer within five (5) business days (excluding weekends and City holidays) of receipt of a sustained case to notify the subject officer that the case has been completed and that the investigative report and recommendations are available for review. The subject officer shall have five (5) business days (excluding weekends and City holidays) to review the investigative report and to make note of any issues in dispute.
    - a. If the subject officer is on vacation, accrued sick leave, or other approved leave, the five-day (5) period shall begin upon the subject officer's return to active duty unless otherwise ordered earlier by the Chief of Police.
    - b. If the subject officer is serving a suspension, the IRP/DRB hearing process shall begin when the officer returns to active duty or at the direction of the Chief of Police.
    - c. The review period may be extended at the discretion of the IAB commander for as many as ten (10) additional business days (excluding weekends and City holidays).
    - d. Subject officers may select one (1) member of the classified service to represent them during the IRP and DRB process. No officer shall serve as a representative if he or she has been identified as a witness or as another subject officer in the same IAB case being reviewed or if he or she is in the subject officer's chain of command. The officer or representative may review the investigative file at the same time the subject officer reviews the file. Unless there are extenuating circumstances, as determined by the commander of the IAB or the chairperson of the DRB, the same officer shall represent the subject officer during the IRP and the DRB process.
    - e. Prior to commencement of the IRP, all persons who shall review the investigative file shall sign a Confidentiality Declaration, DPD 628a. Failure to sign the Confidentiality Declaration shall preclude review of any files.

- f. A subject officer and his or her representative shall be allowed to review the entire investigative file regarding the subject officer's sustained violations.
  - g. A subject officer shall not remove the draft report from the IAB offices at any time during his or her review. A subject officer shall not be allowed to copy any portion of the investigative file. A subject officer may, however, make and retain notes regarding the review. A copy of those notes shall be retained with the IAB case file.
  - h. Officers are prohibited from retaliating in any manner against any officer, other employee, or citizen who has made a charge, testified, assisted, or participated in any manner in an Investigation, IRP, DRB hearing, Chief's Pre-Disciplinary Conference, or Civil Service hearing.
2. Phase II: The second phase of the IRP consists of the meeting between the subject officer, one (1) officer-representative, the investigator, and the IAB commander or designee. Phase II shall be conducted within five (5) business days of the completion of Phase I of the IRP. The focus of the IRP is to attempt to reach agreement on the material facts of the case. Subjective, disputed facts such as the intent or opinions of the subject officer, complainants, and witnesses shall not be addressed at the IRP.
- a. Disputed factual issues shall be discussed during Phase II of the IRP in an attempt to reach an agreement or understanding as to the content of the report. If the parties are not able to agree on all of the facts, the subject officer may within seven (7) calendar days of the Phase II IRP meeting submit a memorandum of dispute not to exceed ten (10) pages, to be included with the investigative file prior to its submission to the DRB for review. The content of the memorandum of dispute shall be limited to specific factual issues mentioned in the IAB report.
  - b. During Phase II of the IRP, the subject officer may petition, in writing, the IAB commander to conduct further investigation into the case. The subject officer must articulate specific reasons why he or she believes further investigation is needed. The commander shall make the final decision as to whether further investigation is necessary. If the IAB commander determines that further investigation is needed, the original investigation shall be re-opened and further investigation conducted at the IAB commander's direction. The subject officer shall be provided an opportunity to review the supplemental report, which shall be included in the original investigative report after the case is returned to the division chief for consideration.
  - c. A supplement to the original investigative report shall be prepared and transmitted to the subject officer's division chief, who, upon review of the supplemental information, may set aside any previously sustained specification or adjust any of his or her original penalty recommendations at his or her discretion.
  - d. In cases involving multiple subject officers, there shall be a separate IRP for each subject officer unless a joint IRP is agreed to by the IAB commander and each subject officer.
- (7) **Disciplinary Review Board**: The Disciplinary Review Board (DRB) is a review panel consisting of six (6) persons: one (1) command officer (captain or higher) who is not in the subject officer's chain of command, one (1) supervisor (sergeant or lieutenant) who is not in the subject officer's chain of command, one (1) peer officer not of the same specific assignment as the subject officer (of the same rank as the subject officer), and three (3) citizens selected at random from the citizen's pool. No member who served on the Use of Force Board or Tactics Review Board for a particular case may also serve on the DRB for that case. A deputy chief, who is not in the subject officer's chain of command, shall serve as the non-voting chairperson of the DRB. The citizen representatives shall be volunteers who serve without compensation. The DRB shall hear evidence from disciplinary cases either sustained by a division chief or designated for submission to the DRB by the Chief of Police. The DRB shall recommend to the Chief of Police, for each separate specification, a specific penalty or no penalty. The Chief of Police is not required to accept the DRB penalty recommendations and can raise, lower, or accept each penalty recommendation.

## a. Citizen Selection Process:

1. There shall be a "citizens' pool" available to provide a sufficient number of panel members for the Use of Force Review Board and Disciplinary Review Board panels. The members of the citizens' pool shall be selected by a panel comprised of three (3) persons: the Manager of Safety, the Executive Director of the Denver Civil Service Commission, and a City Council member (to be selected by the City Council President).
2. Each citizen selected for the citizens' pool shall be a member of the pool for two (2) years from the date of his or her selection, except that one-half (1/2) of the persons selected for the initial citizens' pool shall be members of the pool for only one (1) year. After the initial selection process, the selection panel shall select one-half (1/2) of the members of the citizens' pool on an annual basis.
3. The selection panel shall establish criteria for selecting members of the citizens' pool, who shall reflect the diversity of Denver, including the diverse professional backgrounds, experience, and expertise of the citizens of Denver. In doing so, the selection panel may consider relevant factors including the following:
  - a. That the member is a resident of the City and County of Denver;
  - b. Ability of the individual to provide unbiased input into the decisions made by the Use of Force Review Board or Disciplinary Review Board panels;
  - c. Not have any felony convictions;
  - d. Not be a current employee of the City and County of Denver;
  - e. Never have been employed by the Denver Police, Sheriff, or Fire Departments;
  - f. Not have any immediate family members (defined as grandparents, parents, siblings, spouse, domestic partner, children, grandchildren, or in-laws) who have ever been employed by the Denver Police, Sheriff, or Fire Departments;
  - g. For five (5) years prior to applying for membership in the citizens' pool, not have been a party to any lawsuit against the City and County of Denver, alleging misconduct by the Denver Police, Sheriff, or Fire Departments or any employees of those departments; and
  - h. For five (5) years prior to applying for membership in the citizens' pool, not have filed a complaint with the Denver Police, Sheriff, or Fire Departments, the Public Safety Review Commission, or the Monitor alleging misconduct by the Denver Police, Sheriff, or Fire Departments or any employees of those departments.
4. The Denver Police Protective Association and the Citizen Oversight Board may each strike four (4) names from the names provided by the selection panel. The citizens' pool shall consist of the remaining persons.
5. A person shall be removed from the citizens' pool by the Manager of Safety based upon criteria established by the Citizen Oversight Board including:
  - a. Failure to complete the training required to serve on a Use of Force Review Board or Disciplinary Review Board panel;
  - b. Subsequent to a member's selection to the citizens' pool, unauthorized disclosure of any confidential information;
  - c. Subsequent to a member's selection to the citizens' pool, engaging in any conduct that would disqualify him or her from membership in the citizens' pool;
  - d. Subsequent to a member's selection to the citizens' pool, information becomes known to the Manager of Safety or Citizen Oversight Board that, had it been known when the person was selected, would have disqualified him or her from being selected; and
  - e. Failure to serve on any other Use of Force Review Board or Disciplinary Review Board panels for which his or her name was drawn unless the person had a valid reason for not serving on the panel.

6. The Manager of Safety shall require any member selected for a Use of Force Review Board or Disciplinary Review Board panel, prior to serving on that panel, to provide information to establish that the member is currently qualified to be a member of the citizens' pool and does not have any conflict of interest that would prevent him or her from serving on the upcoming Use of Force Review Board or Disciplinary Review Board panel.
  7. No member of the citizens' pool shall serve on more than three (3) Use of Force Review Board or Disciplinary Review Board panels during any twelve month period unless all other members of the pool have served on three (3) such panels during that twelve month period or the Citizen Oversight Board determines that it is in the best interest of the City for members of the citizens' pool to serve on more than three (3) panels during a twelve (12) month period.
  8. The Manager of Safety, with input from the Citizen Oversight Board and the departments, shall establish an appropriate training program for members of the citizens' pool so that those persons shall possess the applicable knowledge to effectively perform their duties as Use of Force Review Board and Disciplinary Review Board panel members.
- b. Officer Selection Process:
1. The IAB shall be responsible for maintaining a current list of DRB panel officers by classified service ranks and appointed ranks and a current list of qualified citizen panel members for selection in the DRB process. There shall be separate pools of qualified board members, consisting of citizens, peer officers, supervisory officers, and command officers. Each subject officer shall have officers of equal rank or appointment as a peer officer. For example, a subject officer who holds the rank of patrol officer shall have one (1) first grade patrol officers as a peer officer, a subject officer-technician shall have one (1) technician as a peer officer, a subject officer-detective shall have one (1) detective as a peer officer, a subject officer-corporal shall have one (1) corporal as a peer officer, a subject officer-sergeant shall have one (1) sergeant as peer a officer, a subject officer-lieutenant shall have one (1) lieutenant as a peer officer, etc.
  2. Selection of officers to participate in the Disciplinary Review Board process will be based upon, but not limited to, the following criteria:
    - a. A history of exemplary conduct throughout the officer's law enforcement career;
    - b. A history of behavior by the officer, both on and off duty that is ethical and has not brought discredit to the Department or the police profession;
    - c. A proven ability to make sound decisions based on good judgment; and
    - d. The officer's IAB records and personnel file must not display a pattern of possible misconduct or any sustained formal investigations during the past five (5) years or any sustained violations of the law (other than traffic violations) or sustained violations for departing from the truth for the entire career of the officer.
  3. The selection of officers to be included in the pools for the Disciplinary Review process is within the discretion of the Chief of Police.
  4. The Department shall impanel an Executive Disciplinary Review Board (EDRB) if the subject officer holds the rank of captain or above. The EDRB shall consist of:
    - a. One (1) peer officer holding the rank of captain;
    - b. Two (2) command officers holding the rank of division chief or commander; and
    - c. Three (3) citizen representatives.
  5. The commander of IAB or their designee shall randomly draw three (3) names from the citizens' pool and one (1) name each from the command officer pool, supervisor pool, and peer officer pool to serve on the Disciplinary Review Board panel.

6. If any of those persons shall be unable to serve on the Disciplinary Review Board panel, the pertinent portions of the process shall be repeated until the positions on the Disciplinary Review Board panel are filled.
7. Any DRB member may recuse himself or herself if that member has a conflict of interest, believes he or she cannot render a fair judgment in the case, or believes his or her presence on the DRB creates an appearance of impropriety.
8. The subject officer and/or the DRB chairperson or their designee may move to strike a DRB member for cause at any time before the actual commencement of the DRB hearing if the person moving to strike can demonstrate that a DRB member has a conflict of interest. The subject officer or the DRB chairperson or their designee must be able to articulate the specific reasons from which cause exists for the disqualification. The DRB chairperson may also, on his or her own initiative, order stricken for cause a panel member who the DRB chairperson believes has a conflict of interest. The DRB chairperson shall have the final authority to retain or dismiss a panel member.
9. If a DRB member recuses him or herself or is stricken for cause, the subject officer, in the presence of the DRB chairperson, shall randomly draw a substitute member from the applicable pool.  
  
The DRB chairperson shall order the continuance of the DRB if necessary so that the designated number of people from each pool can participate on the DRB. The substitute who is drawn from the pool can only be stricken for cause as described above.
10. If a DRB member cannot serve at a DRB hearing because of illness or other incapacitation, the subject officer may request that the hearing be re-scheduled or proceed with five (5) DRB panel members. The DRB chairperson has the discretion to either re-schedule the hearing or grants the subject officer's request to proceed with five (5) DRB panel members.
11. The stricken panel members shall be returned to the pool and subject to being selected in the next random draw.
12. A DRB chairperson may request that multiple subject officers involved in the same incident consolidate their cases so that only one (1) DRB hearing shall be held as to any alleged misconduct occurring during the same incident. However, a single DRB may review the cases of multiple subject officers in one (1) proceeding if and only if each such subject officer has agreed to such consolidation. Any subject officer not agreeing to such consolidation shall have his or her own DRB hearing.
13. Once the DRB members have been chosen, IAB shall immediately notify those persons that they have been selected to serve on the panel. IAB shall notify each panel member of the date and time of the DRB hearing.
14. Once a DRB member has been notified that he or she has been selected for a DRB, he or she shall contact the IAB to make an appointment to review the investigative file. This review should be completed no sooner than two (2) weeks prior to, and not less than one (1) day before, the DRB hearing. Peer and command officers shall make every effort to schedule their review during their regular on-duty hours.

c. Disciplinary Review Board Procedures:

1. General:
  - a. Except as provided in 503.01(7)(c)(1)(e) below, the DRB shall review all matters in which the subject officer's division chief has sustained a disciplinary specification against an officer resulting in a penalty recommendation of a suspension without pay, fined loss of days off, demotion, or termination, and the subject officer has not accepted the division chief's recommended penalty.
  - b. For matters in which a Disciplinary Review Board is impaneled, the Disciplinary Review Board hearing and recommendations must be completed within thirty (30) calendar days after the completion of the IRP Phase II.

- c. If the Disciplinary Review Board is not able to complete its hearing within thirty (30) calendar days, the chairperson of the Disciplinary Review Board may request in writing that the Chief of Police grant a specified, reasonable amount of time in which to complete the hearing. That request must identify the specific reasons that the Disciplinary Review Board has not been able to complete its process within thirty (30) calendar days and must explain why it believes the Disciplinary Review Board process can be completed within the requested extension of time. Requests for extensions and responses thereto shall be copied to the Monitor and the Manager of Safety.
- d. The Chief of Police may order that a DRB be impaneled and hear evidence on any IAB case or other disciplinary matter.
- e. Except as otherwise provided, cases involving the failure to qualify for use of a firearm, preventable accidents, and failure to attend court shall not be heard by the DRB. However if the subject officer's division chief recommends a penalty outside the normal scheduled range of penalties for violations of the specifications identified in this sub-paragraph, the subject officer may request a DRB.
- f. A deputy chief or designee, who shall serve as the chairperson for the DRB, shall facilitate the DRB. The chairperson of the DRB should not be in the subject officer's chain of command. The chairperson of the DRB shall not be a voting member of the board.
- g. Unless the Chief of Police directs otherwise, all DRB hearings shall be held in a location determined by the Internal Affairs Bureau.
- h. All officers participating in the DRB, whether as a subject officer, participant, DRB member, or otherwise, shall report to the location where the DRB is scheduled to be conducted fifteen minutes prior to the scheduled hearing in their regulation uniform or acceptable business attire.
- i. The subject officer is not required to attend the DRB hearing relating to his or her alleged misconduct. If the subject officer decides not to attend the DRB hearing, the hearing shall be held in the officer's absence.
- j. The subject officer may have an officer appear as a representative with him or her at the DRB hearing. Unless prior approval is obtained from the DRB chairperson, the officer representative shall be the same person throughout the IRP and the DRB process. Further, upon the consent and invitation of the subject officer or the Chief of Police, a non-participating observer (who must also be a member of the classified service of the Department) may attend the DRB hearing. The non-participating observer shall sign and comply with all confidentiality requirements pertaining to the hearing.
- k. Legal representation is not allowed at a DRB hearing.
- l. No recordings or formal minutes of the proceedings shall be permitted.
- m. In order to perform their duties on Disciplinary Review Board panels, the members of the citizens' pool shall be allowed to review, but shall not become the custodian of, pertinent portions of the officers' IAB files. The members of the citizens' pool shall not be allowed access to documents protected by the attorney-client privilege or the attorney work product privilege.
- n. DRB board members are prohibited from conducting any independent investigation or contacting or interviewing any witness or subject officer of the DRB they are scheduled to hear.
- o. Members of the citizens' pool and the police pool (commander pool, supervisor pool, and peer officer pool) shall keep all information learned while on a Use of Force Review Board or Disciplinary Review Board panel confidential. Prior to review of the investigative file, all DRB members shall sign a Confidentiality Declaration, DPD 628A, each time they are selected for a panel. Failure to sign the Confidentiality Declaration shall preclude review of any files.

- p. Other than during discussions with other members of Disciplinary Review Board panels while serving on those panels, the members of the citizens' pool and the police pool (commander pool, supervisor pool, and peer officer pool) shall not discuss with any person or group the status of specific investigations or release to any person or group any information regarding those investigations or any other confidential information.
2. Hearings: The hearing process shall proceed as follows:
- a. Only the DRB members may question any of the persons making presentations.
  - b. The person who conducted the Formal Investigation for the IAB or the bureau or district shall present the facts of the case to the DRB. The investigator shall present to the DRB the subject officer's career history of commendations and complaints. The investigator shall also present the comparative discipline range for the preceding three (3) years for the specific violations under consideration.
  - c. At the end of the presentation, the investigator shall answer any questions posed by the DRB.
  - d. The subject officer's division chief, or a designee with approval of the appropriate Deputy Chief, shall present to the DRB his or her recommendations of discipline along with a discussion thereof.
  - e. At the discretion of the subject officer, the current, immediate supervisor of the subject officer may be called to relate the subject officer's career history under that supervisor. This may include, but is not limited to, the officer's productivity and general attitude. At the end of that presentation, the supervisor shall answer any questions posed by the DRB and shall thereafter be excused from the proceedings.
  - f. The subject officer and his or her representative may then present the subject officer's side of the case. The presentation shall be limited to the facts of the case. The subject officer and his or her representative shall not make any disciplinary recommendation as part of their presentation.
  - g. After all presentations have been made, the DRB members may question the investigator and the subject officer or his or her representative in any order the members choose and to the degree the DRB members feel necessary in order to understand the issues in the case. However, the chairperson shall in his or her discretion limit the questions as he or she feels necessary.
  - h. At the conclusion of all presentations, the DRB shall require everyone except board members, the chairperson, and the Monitor, and/or the Monitor's designee, to leave the room. The DRB shall then commence private deliberations regarding the penalty recommendation for each specification. The Monitor, and/or the Monitor's designee, shall be permitted to attend DRB deliberations but may not participate in those deliberations.
3. DRB Deliberations and Recommendations:
- a. The DRB shall be allowed up to one (1) hour to complete its deliberations. The chairperson may waive the one-hour (1) time limit in unusual circumstances or when there is more than one (1) subject officer involved in the case.
  - b. The DRB shall only consider and make penalty recommendations on specifications sustained by the subject officer's division chief.
  - c. After completing deliberations and reaching a decision on a disciplinary recommendation for each specification, the DRB shall recall only the subject officer and his or her representative. The chairperson of the DRB shall announce the recommended discipline, if any. The Monitor, and/or the Monitor's designee, shall be permitted to be present when the DRB announces its recommendation, including any statement made by the DRB chairperson in connection with the announcement of that recommendation.

- d. The DRB recommendation for each specification must be one (1) of the following:
  - 1. Adopt the division chief's penalty recommendation;
  - 2. Make a new penalty recommendation; or
  - 3. Make a recommendation of "no penalty."
- e. If a majority of the DRB members agree upon a penalty recommendation for each specification, that recommendation shall become the DRB recommendation to the Chief of Police or his or her designee for that specification.
- f. The Monitor shall be permitted to attend Disciplinary Review Board hearings but may not participate in the presentations or the questioning of the presenters. The Monitor shall have access to all materials to which the Disciplinary Review Board members have access.
- g. The chairperson of the DRB shall prepare a formal, written recommendation of discipline, identifying the DRB penalty recommendation for each specification and providing a brief explanation of the DRB rationale for each recommendation. The chairperson shall send that report to the subject officer's deputy chief and the Chief of Police.
- h. If two (2) DRB members disagree with the majority opinion as to the penalty recommendation for any specification, and if both of those members believe the penalty recommendation should be greater than that of the majority of the board or both believe that the penalty recommendation should be less than that of the majority of the board, those two (2) members shall prepare a written penalty recommendation as to each such specification together with a brief explanation of their rationale for the recommendation. The chairperson of the DRB shall transmit to the Chief of Police or his or her designee the minority recommendation. The written penalty recommendations provided to the Chief of Police shall not identify which DRB members were in the majority or the minority as to the penalty recommendation.
- i. If the DRB is split 3-3 on a penalty recommendation for a specification, both of the recommendations shall be transmitted to the Chief of Police or his or her designee by the chairperson.
- j. The DRB may recommend discipline outside the comparative range of discipline issued on similar infractions during the three (3) years preceding the DRB proceeding. In such cases, however, the DRB must articulate to the chairperson the rationale for making a recommendation outside the range of past discipline and that rationale shall be included in the written formal recommendation of discipline that is forwarded to the subject officer's deputy chief and the Chief of Police.
- k. When the recommendation is presented to the subject officer, the chairperson of the DRB may make a "gravity statement." A gravity statement is designed to give the subject officer guidance regarding the Department's concern over the conduct at issue.
- l. The subject officer may:
  - 1. Accept all of the DRB penalty recommendations by signing the DRB recommendation and, thereby, voluntarily waiving a Chief's hearing, if the Chief of Police, with the approval of the Manager of Safety, accepts the penalty recommendation; or
  - 2. Not accept the DRB recommendation, in which case a Chief's Pre-Disciplinary Conference shall be scheduled.

- m. If the subject officer accepts the penalty recommendation, the Chief of Police shall review the case and may either accept the recommended penalty and then forward it to the Manager of Safety for his or her approval or not accept the recommended penalty, in which case a Chief's Pre-Disciplinary Conference shall be scheduled.

(8) Chief's Pre-Disciplinary Conference:

- a. Except as expressly provided above, the Chief of Police or his or her designee shall conduct a "Chief's Pre-Disciplinary Conference" after review of the DRB recommendation, even if the DRB issues a recommendation of "no penalty" for all specifications charged against the subject officer.
  - 1. For each matter for which a pre-disciplinary meeting will be held, a pre-disciplinary letter shall be prepared and provided to the subject officer within ten (10) business days of the Disciplinary Review Board hearing.
  - 2. For each investigation that it monitors, the Monitor may review the pre-disciplinary letter and may discuss it with the Chief of Police and/or the Manager of Safety prior to the letter's being sent to the subject officer.
  - 3. A pre-disciplinary meeting shall be held no less than seven (7) and no more than ten (10) business days after the issuance of the pre-disciplinary letter.
  - 4. The Monitor may attend the pre-disciplinary meeting (a/k/a "Chief's hearing").
- b. As to each specification, the Chief of Police or his or her designee shall have the option of accepting the DRB penalty recommendation or of increasing or decreasing the recommended penalty. The Chief of Police may add additional specifications provided that the subject officer is given notice of, and a reasonable opportunity to respond to, the additional specifications.
- c. Prior to the Police Chief's making a recommendation as to whether any rule violations should be sustained and as to the level of discipline, if any, to be imposed upon the officer, the Police Chief shall confer with the Monitor regarding such recommendation
- d. After holding a Chief's Pre-Disciplinary Conference, the Chief or his designee may initiate disciplinary action by a written command ordering the specific disciplinary action, which written command shall be submitted pursuant to Denver City Charter section 9.4.14(a) to the Manager of Safety for approval.
- e. Within five (5) business days of the Police Chief's recommendation of discipline, the Monitor shall advise the Manager of Safety whether he or she agrees with the Police Chief's recommendation as to whether any rule violation should be sustained and the level of discipline, if any. If the Monitor disagrees with the Police Chief's recommendation, the Monitor shall state specific reasons for disagreeing with the recommendation.
- f. In accordance with Denver Charter section 9.4.14(b), the Manager of Safety shall approve, modify, or disapprove the written order of discipline and shall issue a written departmental order. As to each specification, the Manager of Safety shall have the option of accepting the penalty recommendation of the Chief of Police or of increasing or decreasing the recommended penalty.
  - 1. Within fifteen (15) calendar days of the Police Chief's recommendation, the Manager of Safety shall impose discipline, if any, by issuing a disciplinary order.
  - 2. Prior to imposing discipline, if any, the Manager of Safety shall confer with the Monitor regarding the Monitor's disciplinary recommendation and the Monitor's evaluation of the investigation.
  - 3. The Monitor shall be allowed to review, but shall not become the custodian of, the Manager of Safety's disciplinary order.

(9) Appeals Process

- a. If a subject officer does not agree with a departmental order of discipline (other than a reprimand) issued by the Manager of Safety, the subject officer may appeal such discipline to the Denver Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect. (See Denver City Charter sections 9.4.15 regarding departmental disciplinary procedure and review of disciplinary actions).

- b. When the subject officer appeals a departmental order of discipline to the Civil Service Commission, the penalty recommendations of the DRB, as prepared by the chairperson, shall be submitted by the Manager of Safety to the Civil Service Commission and its hearing officer assigned to the case for consideration.
  - c. Notwithstanding the fact that the DRB penalty recommendations shall be provided to the Civil Service Commission and the assigned hearing officer, a subject officer is still entitled to a de novo hearing before a hearing officer of the Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect.
  - d. No subject officer may appeal to the Civil Service Commission or the hearing officer the manner in which the IRP or DRB hearing was conducted; nor may a subject officer appeal to the Civil Service Commission the penalty recommendations of a DRB. A DRB recommendation is an advisory opinion that does not constitute a final departmental order of discipline.
- (10) Duty Time and Overtime Compensation
- a. All officers who participate in the IRP or DRB hearing or who serve as the subject officer's representative at the IRP or DRB hearing shall have that time counted as duty time.
  - b. A non-participating observer shall not have his or her time at the DRB hearing count as duty time unless pre-approved, in writing, by the Chief of Police.
  - c. Officers up to and including the rank of captain who participate in the IRP or DRB hearing or who serve as the subject officer's representative at the IRP or DRB hearing and who are off duty shall be paid overtime in accordance with the provisions of the collective bargaining agreement then in effect.
- (11) Executive Order 94 Policies for Alcohol and Drug Testing
- a. Training on Executive Order 94
    - 1. All new supervisors and command officers should be trained on Executive Order 94 and Memorandum A during the first six months following their promotion. This training, at a minimum, should include the study of Executive Order 94 and Memorandum A, instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor's reasonable suspicion, and the supervisor's responsibility for escorting employees to the testing sites and through the testing process. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each supervisor and command officer with each supervisor and command officer acknowledging, in writing, receipt of the policy and the training.
    - 2. All employees without supervisory or command officer duties should be trained on Executive Order 94 and Memorandum A during their first year of employment. Training, at a minimum, should include the study of Executive Order 94 and Memorandum A, and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each employee with each employee acknowledging, in writing, receipt of the policy and the training.
  - b. Prohibitions for all city employees including classified members of the police and fire departments
    - 1. Alcohol
      - a. Employees are prohibited from consuming, being under the influence of, or impaired by alcohol while performing City business, while driving a City vehicle or while on City property.
        - 1. There are three exceptions to this prohibition.
          - a. An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation only library reception.
          - b. An employee is not on duty and at a City location as a customer, e.g., playing golf on a City course.

- c. An employee is a member of the Police Department and as a part of the employee's official duties, consumes alcohol in accordance with Police Department procedures as described in OMS 304.10.
  - 2. As part of official duties, members of the Police Department according to established department procedures may consume alcohol. However, it is grounds for discipline, up to including immediate dismissal, if members of the Police Department consume alcohol in violation of their department procedures.
    - a. The alcohol levels defined by the state legislature that may be amended from time to time for defining "under the influence of alcohol" and "impaired by alcohol" are adopted here for purposes of this Operations Manual.
      - 1. These current alcohol level definitions are contained in the Addendum to Executive Order 94. If there is a conflict between the state legislature and the DOT regulation, alcohol level definitions and the ones contained in the Addendum to Executive Order 94, the state legislature and DOT regulation definitions will take precedence.
      - 2. Employees holding Commercial Driver's licenses (CDL) are also subject to the alcohol levels defined by the Department of Transportation (DOT) regulations that may be amended from time to time for "under the influence" which are adopted here for purposes of Executive Order 94.
2. **Illegal Drugs**
- a. Employees are prohibited from consuming, being under the influence of, or impaired by illegal drugs while performing City business, while driving a City vehicle or while on City property.
  - b. Employees are also prohibited from selling, purchasing, transferring or possessing an illegal drug.
    - 1. There is one exception to this rule. As a part of official duties, illegal drugs may be handled, controlled and disposed of according to established department contraband procedures by employees. However, it is grounds for discipline, up to and including immediate dismissal if employees sell, purchase, transfer or possess illegal drugs at any time other than as a part of their official duties.
  - c. **Legal drugs**
    - 1. It is the responsibility of the employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public to advise their supervisors that they are taking prescription medication that may affect their performance.
    - 2. Employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public are prohibited from consuming, being under the influence of, or impaired by legally obtained prescription drugs while performing City business, unless the following two determinations have been made:

- a. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer, after consulting with the Occupational Health and Safety Clinic (OHSC) personnel, that the employee's job performance will not be affected and that the employee does not pose a threat to his/her own safety.
- b. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer after consulting with the OHSC personnel that the employee will not pose a threat to the safety of co-workers or the public, and the employee will not disrupt the efficient operation of the agency.
  - 1. If appropriate, the OHSC personnel may contact the employee's personal physician. Prior to making contact with the employee's personal physician, the OHSC personnel should obtain a medical release from the employee.
  - 2. The OHSC shall keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
  - 3. Employees may be required to use sick leave, take a leave of absence or comply with other appropriate non-disciplinary actions determined by the appointing authority until the above determinations can be made.
- 3. The DOT regulations prohibit employees with CDLs from using marijuana, even for approved medical reasons. If the federal and Colorado laws are in conflict on this issue, the federal law will take precedence. Therefore, a positive marijuana drug test will be treated as an illegal drug use for employees with CDLs, subjecting them to all rules contained herein for illegal drug use even if a physician has prescribed the marijuana for medical reasons.
- d. Drug and alcohol testing
  - 1. Pre-Employment
    - a. The Civil Service Commission or interviewing agency shall perform pre-employment drug screening of all applicants in accordance with their policies and procedures.
    - b. Employees who will be filling jobs defined as safety-sensitive or requiring a CDL, prior to the first time the employee performs a safety-sensitive function, shall be tested for controlled substances and may be tested for alcohol.
    - c. Refusal by an applicant to submit to a pre-employment test shall result in denial of employment.
  - 2. Reasonable Suspicion Testing
    - a. When a supervisor or command officer has reasonable suspicion that any employee is consuming, under the influence of, or impaired by alcohol or illegal drugs after taking appropriate safety measures, i.e., removing the employee from any situation which may pose a safety risk to the employee, co-workers or the public, the supervisor or command officer shall immediately consult with the Internal Affairs on-duty/on-call command officer to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor or command officer to promptly initiate alcohol and/or drug testing. The supervisor or command officer shall initiate testing as follows:
      - 1. Alcohol

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- a. Document in writing on Drug and Alcohol Testing, DPD 667, the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee's appearance, behavior, and speech or body odors.
- b. When possible, have a second supervisor or command officer, confirm the specific contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors.
- c. Advise the employee that the supervisor or command officer is ordering the employee to go to the testing site for testing.
- d. Escort the employee to the testing site as soon as possible. However, if the supervisor or command officer is unable to escort the employee, the supervisor or command officer should have another individual escort the employee for testing. The individual selected to escort the employee shall be of a higher grade/rank than the employee being tested.
- e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee/badge number to the testing site.
- f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or command officer should tell the employee that the testing request is a direct order and that refusal to comply with a direct order of an authorized supervisor or command officer might subject the employee to discipline, up to and including dismissal.
- g. After the initial test results are known, the supervisor, command officer or escort shall contact the Internal Affairs on-duty/on-call command officer for further guidance. If the Internal Affairs on-duty/on-call command officer is unavailable and the supervisor, command officer or escort has a reasonable doubt about the employee's ability to satisfactorily and safely meet job requirements, the supervisor, command officer or escort shall place the employee on investigatory leave pending results of testing or other administrative determinations.
- h. No supervisor, command officer or escort should allow an employee to drive to or away from the testing site or the work site. However, if the employee does drive off, follow OMS 204.02.
  1. During regular OHSC hours, the testing shall be conducted at one of the OHSC testing sites. These testing sites are located at the Denver Health and Hospital Authority, 605 Bannock Street, 4th floor, and the Denver International Airport, Main Terminal, 6th level. After regular hours, the supervisor or command officer shall page the OHSC alcohol and drug testing personnel at (303) 851-2877 to arrange for immediate testing.
  2. Testing should be administered within two (2) hours of making a reasonable suspicion determination. If this **two-hour** (2) time frame is exceeded, the supervisor or command officer should document the reason the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within this established time frame may be subject to discipline, up to and including dismissal.

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3. Supervisors, command officers and escorts shall keep the employee's name and identifying information restricted to persons who "need to know."
2. **Illegal drugs**
    - a. Follow the steps listed above in Section 16.d.2.(1).a. (1 through 8).
    - b. However, testing for illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight-hour (8) time frame is exceeded, the supervisor or command officer must document the reasons the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within the established time frame may be subject to discipline, up to and including dismissal. ]
    - c. If a supervisor or command officer has reasonable suspicion that an employee appears to be in possession of, selling or transferring illegal drugs not within the employee's official duties, the Internal Affairs on-duty/on-call command officer shall be notified.
  3. **Post-accident testing**
    - a. As soon as practicable following a driving or other workplace accident, the supervisor or command officer shall ensure that driver-employee is tested for alcohol and drugs when the accident:
      1. May have been the fault of the employee and the accident involves a fatality; or
      2. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident; or
      3. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or,
      4. There is reasonable suspicion to test the employee.
    - b. Post-accident alcohol and drug testing should be administered within two (2) hours following the accident. Supervisors or command officers who do not test employees within the established time frames may be subject to discipline, up to and including dismissal.
    - c. When one of the post-accident criteria for testing applies and the incident involved a death, serious injury or an allegation that a serious crime has been committed, the District Attorney's Office shall be contacted prior to ordering drug and/or alcohol testing.
  4. **Random Testing**
    - a. The Department may implement, with the City Attorney's approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the Department.

- b. Pursuant to the DOT regulations, random alcohol testing shall be conducted annually on 25% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing shall be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.
- c. Pursuant to the DOT regulations, random drug testing shall be conducted annually on 50% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Drug testing shall be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. Return to Duty Testing

- a. If an employee has violated the prohibited conduct listed in Section 15 b. of this provision, the employee shall not return to perform Department duties unless the employee has completed a successful return to duty alcohol and drug tests and any other requirements imposed by Executive Order 94.

e. Testing and Documentation

- 1. When a Denver Police Department employee is taken for an Executive Order 94 related test, whether Post Accident, Reasonable suspicion or other test, both a drug and alcohol test are required. Testing will be done at the Occupational Health and Safety Clinic or Denver Health Medical Center under most circumstances.
- 2. Escorting Supervisors will complete Drug and Alcohol Testing, DPD 667, briefing outlining the reason for the test and follow the distribution at the bottom of the form.

f. Injured Employees

- 1. When a Denver Police Department employee is transported to a medical treatment facility, the supervisor shall determine the following:
  - a. If the employee will be released within two (2) hours of the incident the supervisor will escort the employee to the Occupational Health and Safety Clinic (OHSC) for testing.
  - b. If the employee is not going to be released within two (2) hours, the OHSC Lab Technician will be contacted and respond to DHMC to administer the tests. If the employee is hospitalized at another treatment facility, the OHSC Lab Technician will not respond. The escorting supervisor must ask the treatment staff to perform the tests.
  - c. If the employee is initially unconscious and regains consciousness within the two-hour (2) period, both drug and alcohol tests will be administered.
  - d. If the employee regains consciousness after the two-hour (2) period but before eight (8) hours, the alcohol test will not be administered, but the drug test will be completed.
  - e. If the employee remains unconscious for more than eight (8) hours, contact the Professional Standards Unit who will in turn contact the City/District Attorney's office to proceed.
  - f. If the event of a change in shift, it is the responsibility of the original supervisor to inform the on-coming supervisor of the situation. The on-coming supervisor shall then ensure that the tests are completed within the time constraints.

- g. **Positive Tests**  
When an employee is tested for drugs and alcohol, the requesting Supervisor will receive the test results immediately. Should the results indicate positive for drugs and/or alcohol, the supervisor will immediately notify the on-duty or on-call Internal Affairs Bureau representative.
- h. **Evening/Weekend Tests**  
In the event a test is needed during other than normal duty hours (0700-1500) and a call-out is necessary, employees shall contact the Radio Room who will then page the OHSC on-call Technician.

(12) **Discipline Advisory Group Standing Committee**

- a. The Discipline Advisory Group (DAG) Standing Committee shall consist of: (i) the Manager of Safety and/or Deputy Manager of Safety; (ii) the Chief of Police and/or his or her designee; (iii) two officers from each command officer rank starting at Lieutenant and up to and including Commanders; (iv) one Deputy Chief or Division Chief selected by the Chief of Police; (v) one officer from each employee organization that is designated by the Manager of Safety for representation on the DAG Standing Committee; (vi) two officers of any rank from the bargaining agent and one legal representative from the bargaining agent; (vii) the Executive Director of the Denver Civil Service Commission; (viii) a representative from the Denver City Attorney's Office; (ix) a representative from the Office of Independent Monitor; (x) a representative from the Citizen Oversight Board; and (xi) a specified number of representatives from the community as determined by the Manager of Safety and the Chief of Police. The Manager of Safety or his or her designee shall be the Chairperson. The Chief of Police or his or her designee shall be the acting Chairperson in the absence of the Chairperson.
  - 1. All sworn members of the Standing Committee shall serve, at the discretion of the Manager of Safety, for no more than three (3) years with the exception of the initial committee. See OMS 503.01(12)(a)(3).
  - 2. Members shall be selected by a process to be established by the Manager of Safety.
  - 3. After the initial Standing Committee has been established and has functioned for three (3) years, one third of the sworn members of the committee shall be replaced through the process established by the Manager of Safety for each successive year until the entire original sworn committee members have been replaced.
  - 4. The command officers selected for the committee shall include at least two (2) but no more than four (4) representatives from the Patrol Division.
  - 5. Non-sworn committee members shall be selected, serve and be replaced at the discretion of and through a process to be established by the Manager of Safety and the Chief of Police.
- b. **DAG Standing Committee Responsibilities**
  - 1. The Standing Committee shall review and suggest changes, where appropriate, to the Conduct Principles and Disciplinary Guidelines, as contained in the Discipline Handbook, and other Departmental policies and procedures regarding discipline.
  - 2. The implementation of any changes suggested by the DAG Standing Committee shall be within the sound discretion of the Manager of Safety and Chief of Police.

**503.02 Supervisor's Situation Record, DPD 127**

- (1) The Supervisor's Situation Record, or Incident Book, shall be used by supervisors to record incidents of minor misconduct or exceptional attention to duty. Disciplinary matters and commendations will also be noted. See OMS 109.02(2) #127.
- (2) **Oral Reprimands**
  - a. Oral Reprimands are an approved police department disciplinary action administered as the result of a sustained disciplinary action.
  - b. Oral Counseling or admonishment may be administered for failures of standard policy or procedural guidelines, such as tardiness, failure to wear the uniform hat, incomplete report, etc. This activity should be recorded in the Supervisor's Situation Record, DPD 127, and will not be termed an Oral Reprimand.

- (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 days of learning of the adverse comment, file a written response to be attached to the adverse comment.

### 503.03 Commendations

- (1) Definitions
- a. A Police Department commendation is an award presented to an individual for a specific act or acts of gallantry or meritorious service.
  - b. Acts of gallantry or meritorious service performed by an entire unit may be recognized on the Chief's Unit Citation.
- (2) Types of Police Department commendations are as follows:
- a. Medal of Honor
  - b. Medal of Valor
  - c. Distinguished Service Cross
  - d. Purple Heart
  - e. STAR (Superior Tactics and Response) Award
  - f. Police Merit Award
  - g. Lifesaving Award
  - h. Community Service Award
  - i. Official Commendation
  - j. Chief's Unit Citation
  - k. Commendatory Letter
  - l. Officer of the year Awards
    - 1. Officer of the Year- all officers of any grade are eligible.
    - 2. Technician of the year- all officers serving in the assignment of Technician are eligible.
    - 3. Corporal of the Year- all officers serving in the assignment of Corporal are eligible.
    - 4. Detective of the Year- all officers serving in the assignment of Detective are eligible.
    - 5. Sergeant of the Year- all officers serving in the rank of Sergeant are eligible.
    - 6. Command Officer of the Year- all officers serving in the rank or assignment of Lieutenant and above are eligible.
  - m. Family/Survivor Award
  - n. Family Member Award - Chief's Citation
  - o. Family Member Award - Officer's Citation
- (3) Procedures
- a. All commendations shall be prepared by the commending officer using the Inter-Office, DPD 200, the Commendatory Letter, DPD 139D, or the Chief's Unit Citation, DPD 139F. All commendations will include thorough documentation of the incident.
    - 1. All commendations prepared on the Inter-Office DPD200, shall be signed by the commending officer and forwarded through his/her chain of command for approval. After approval, all Official Commendations shall be forwarded to the Deputy Chief of Operations for review by the Commendations Board.
    - 2. All commendations prepared on the Commendatory Letter, DPD 139D, shall be signed by the commending officer and forwarded through his/her chain of command to the Division Chief of the officer receiving the letter.

- b. Commendations shall be written in a clear and concise fashion, omitting police jargon and detailed information about suspects in the incident (example: race, age, D.O.B., direction of flight), etc. Additional documents such as Supplementary Reports, After Action Reports, Commendatory Action Report, or correspondence should be submitted as well to assist the Board in determining the appropriate award.
  - c. When more than one officer is involved in a commendable incident, the narrative of the commendation shall specify the actions of each individual officer. Individual specifics will aid the Commendations Board to recommend the most appropriate award. The only exception to this requirement is when writing the Chief's Unit Citation. See OMS 503.03(5)i.
  - d. All recommendations for commendations must be submitted to the Commendations Board within six (6) months of the incident.
  - e. Any person wishing to appeal the decision of the Commendations Board must do so within ninety (90) days of the Board's original decision.
  - f. All commendable actions resulting from involvement in a major event, such as an officer-involved shooting, shall be considered by the Commendations Board at the same time.
    - 1. If deemed necessary, a special meeting of the Board may be called, dedicated solely to the major event in question.
    - 2. The investigator assigned to the incident will be required to attend the meeting and make available the entire case file, including any and all video and audio tapes.
    - 3. The Commendations Board members will, at this meeting, review the case with the investigator and view all video tapes and listen to any audio tapes. All aspects of the incident and all proposed commendations will be discussed but no final determination will be made concerning any awards at this time. The Board will reconvene within 48 hours to vote on the awards.
  - g. An awards ceremony will be held to present officers with a certificate, ribbon and medal for the Purple Heart, Medal of Honor, Medal of Valor Distinguished Service Cross and Life Saving Awards. Officers being awarded will be in full uniform and granted Over-time or S/A time for the quarterly awards ceremony only.
    - 1. The PIO shall prepare a press release synthesizing the officer's meritorious acts of bravery and inviting the media to the ceremony.
    - 2. The District Commander will present the officer with the lapel pin prior to the quarterly awards ceremony
- (4) The Commendations Board
- a. The Commendations Board will consist of the Deputy Chief of Operations as chairperson in a non-voting capacity (except to break a tie), three (3) members from the rank of sergeant, and three (3) members from the rank of patrol officers, detective or technician (one each from Special Operations, Criminal Investigation Division and Patrol.)
    - 1. The selection of board members will be made by the Chief of Police.
    - 2. Each sergeant board member will serve for a period of three years. The board members representing the Special Operations, Criminal Investigation and Patrol divisions will serve for a period of three years.
  - b. The Board will review and evaluate each commendation based on the information received. During the consideration of awards, the Board is empowered to call any officer witness or invite civilian witnesses to appear.
  - c. After the review and evaluation, the Board will determine by majority vote the appropriate award to be presented as defined by OMS 503.03(5)a. through h. The Board will prepare the corresponding form which will include the officer's rank, first and last name, serial number, date, commanding officer and signature of the Chief of Police. The Board will endeavor to maintain a high standard of consistency in its decision-making process in order to make each award more meaningful to its recipient.

- d. The commending officer may appeal the decision of the Commendations Board by presenting any additional facts in writing to the Board. The officer making the appeal will be given the opportunity to appear in person at a future Board meeting. Any further appeal is to be made to the Chief of Police whose decision will be final.
- e. Eligibility
  1. Eligibility for the Medal of Honor, Medal of Valor, Distinguished Service Cross, Purple Heart, Lifesaving Award, Community Service Award, Official Commendation, Chief's Unit Citation and Citizens Appreciate Police Awards is limited to active or reserve members of the Denver Police Department and Public Safety Cadets.
  2. Citizens and CSA employees of the Denver Police Department may be commended on the Commendatory Letter, DPD 139D.

(5) Eligibility Requirements

a. Medal of Honor

1. Awarded by the Chief of Police to members who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.
2. There must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the actions must clearly render the officer conspicuous by an act so outstanding that it clearly distinguishes gallantry beyond the call of duty from lesser forms of bravery. It must be the type of deed that, if not done, would not subject the officer to any justified criticism.
3. A posthumous award may be made to a member who has lost his life under conditions where he endangered himself in circumstances consistent with good police practices.
4. The award will consist of a Medal of Honor and a Medal replica to be worn on the uniform and a certificate.

b. Medal of Valor

1. Awarded by the Chief of Police to members who distinguish themselves by extraordinary heroism not justifying the award of the Medal of Honor.
2. To warrant this distinctive decoration, the act or the execution of duty must be performed in the presence of great danger or at great personal risk and must be performed in such a manner as to render the individual highly conspicuous in the police service.
3. The award will consist of a Medal of Valor and a Medal replica to be worn on the uniform and a certificate.

c. Distinguished Service Cross

1. Awarded by the Chief of Police to members who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor. The heroic act(s) performed must render the individual conspicuous and well above the standard expected.
2. The award will consist of a Distinguished Service Cross and a Medal replica to be worn on the uniform and a certificate.

d. Purple Heart Award

1. Awarded by the Chief of Police to members who are killed, seriously wounded or seriously injured in the performance of an official action.
2. The award will consist of a Purple Heart Medal and an enamel bar to be worn on the uniform and a certificate.

e. STAR (Superior Tactics and Response) Award

1. Awarded by the Chief of Police to members 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.

- a. For purposes of this award, a "critical incident" shall refer to any rapidly unfolding and dynamic incident where the suspect is armed and the ability or intent to use lethal force is present but not readily apparent. The tactics displayed or performed must be conspicuously effective and above the standard expected.
    - b. "Exceptional tactics" shall include utilization of proper tactics and appropriate force which mitigated the level of danger to the officer and which were directly responsible for preventing the incident from escalating to a deadly force situation.
  - 2. The award will consist of an enamel bar to be worn on the uniform and a certificate.
- f. Police Merit Award
  - 1. Awarded by the Chief of Police to members who distinguish themselves by exceptional meritorious service, who:
    - a. Through personal initiative, tenacity and great effort acts to solve a major crime or series of crimes, or
    - b. Through personal initiative and ingenuity, develops a program or plan which contributes significantly to the Department's objectives and goals.
  - 2. This award will consist of an enamel bar to be worn on the uniform and a certificate.
- g. Lifesaving Award
  - 1. Awarded by the Chief of Police 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.
  - 2. This award will consist of an enamel bar to be worn on the uniform and a certificate.
- h. Community Service Award
  - 1. Awarded by the Chief of Police to a member who, by virtue of sacrifice and expense of his or her own time, fosters 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.
  - 2. This award will consist of an enamel bar to be worn on the uniform and a certificate.
- i. Official Commendation
  - 1. Awarded via the chain of command, including the Chief of Police, to a member, who by exemplary conduct and demeanor, performs his/her assigned functions in an unusually effective manner.
  - 2. The award will consist of a certificate.
- j. Chief's Unit Citation
  - 1. Awarded by the Chief of Police to an entire unit of the police department whose members perform their assigned function in an unusually effective manner. The size of the commended segment of the department may range from divisional to unit size.
  - 2. The award will consist of a written account of the exemplary conduct prepared on the Chief's Unit Citation, DPD 139F.
  - 3. When the commending officer's purpose is to commend an entire unit, the narrative should make reference to the actions of the entire unit and should not refer to any officer individually.
- k. Commendatory Letter. The Commendatory Letter may be used to recognize police officers, Career Service employees of the Police Department and private citizens.
  - 1. Awarded to Police Officers via the chain of command, including the commended member's Division Chief, to members who, through alertness and attention to duty, perform their assigned functions in a commendable manner.

2. Awarded to Career Service employees to acknowledge commendable performance.
3. Awarded to a citizen whose action furthers the police mission. Any member of the department may document commendable action on Inter-Department Correspondence and forward it to the Office of the Chief of Police for appropriate investigation and action.
4. The award will consist of a written account of the commendable conduct prepared on the Commendatory Letter, DPD 139D. When a police officer is being recognized, a copy of the letter shall be forwarded to the Internal Affairs Bureau and the Human Resource Management Bureau, where it will be filed in the individual officer's file. A copy will also be forwarded to the officer's commander who will file it in the officer's station file.

I. Officer of the Year Award

1. This award will be made available to an officer who has represented 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.
2. This award may be awarded annually to an individual officer, technician, corporal, detective, sergeant, and command officer or as determined by the Chief of Police.
3. Any sworn officer of the department can make nominations, for an Officer of the Year Award, directly to the Commendations Board. The nomination must be submitted by January 31st of the year following the calendar year for which the officer is being nominated.
4. The Officer of the Year Awards will consist of a plaque, certificate of recognition, and a name tag including the year in which the officer received the award. The recipient's name will also be included on a plaque displayed in a prominent location in Police Headquarters.

m. Family/Survivor Award

1. This small medallion is made available to the spouse/partner, children or parents of an officer killed in the line of duty. It is limited to the immediate family members of such officers. The purpose is to identify them as a family member who lost a loved one in the daily war against crime.
2. The recognition will consist of a small medallion presented at the yearly Memorial Service held in May of each year with the permission of the family member.
3. The responsibility of tracking the award and notifying the chief will be included with the duties of the Department Liaison Officer according to the Denver Police Department's Line-of-Duty Death Protocol.

n. Family Member Award - Chief's Citation

1. This award is made available to acknowledge the important role played by a family member of a sworn or non-sworn department employee who has encountered either a personal or job related hardship or other significant event.
2. The department employee may request the award by preparing a synopsis of the justification on an Inter-Department Correspondence, DPD 200, directly to the Chief of Police for review.
3. The award will consist of a small medallion and certificate signed by the requesting department employee and the Chief of Police.

o. Family Member Award - Officer's Citation

1. This award is made available to acknowledge the role played by the family member of a sworn or non-sworn department employee in support of, or as an integral part of, the employee's personal life, which enables the employee to be a successful public servant.

2. The department employee may request the award by preparing a brief synopsis of the request on an Inter-Department Correspondence, DPD 200, directly to the Chief of Police.
  3. The award will consist of a certificate signed by the requesting department employee and the Chief of Police.
- p. Citizens Appreciate Police Award (C.A.P.)
1. Awarded by Citizens Appreciate Police, Inc., to members who distinguish themselves by performing a service which significantly displays an interest in the citizens we serve, in a manner which is beyond the call of duty and shows a real concern for the welfare and well-being of his/her fellow citizen.
  2. This award is a special award, not intended to duplicate existing department medals, but is strictly intended for commending a "community service" action.
  3. This award will consist of a medal bar to be worn on the uniform and the Citizens Certificate of Commendation.
- (6) Multiple awards of any bar award will be designated by a Roman Numeral displayed on the bar.
  - (7) All letters of compliment and commendation from sources outside the Denver Police Department are to be sent to the Office of the Chief of Police.

#### **503.04 Performance Evaluation Reports**

- (1) The officer performance evaluation report (OPER) will be completed annually on each officer up to and including the rank of captain. Evaluations will document an officer's performance for the time from January 1st through December 31st each year. The evaluations will be due to the Human Resource Management Bureau March 1st.
  - a. Officer's immediate supervisors will make a minimum of one Supervisor's Situation Record (SSR) entry per officer, during each work period. The officer's chain of command is responsible for insuring the entry is made. Supervisors should refer to the annual Evaluation Training Bulletin for specific instructions regarding these entries.
  - b. In those instances where a period in excess of three months has expired since their last performance evaluation, an officer will receive an officer performance evaluation report completed by the officer's immediate supervisor upon any transfer from an assignment, including transfers due to promotion. Performance evaluations are not mandated when an officer transfers to the medical unit or specialized training lasting up to three months (detective training for example).
  - c. All evaluations require documentation for the rater to assign a numeric value above or below a '3'. No rated task will be assigned a '4' unless the rater can provide specific documented incidents primarily in the form of SSR entries
    1. To support the rating, copies of the Supervisor Situation Record entries made within the time frame of the evaluation must be attached to the evaluation prior to the evaluation being sent through the chain of command to The Human Resource Management Bureau.
    2. Command officers will not approve an evaluation that does not include the attached SSR copies.
  - d. The Human Resource Management Bureau will not send out evaluation forms for completion. Each bureau or district commander is responsible for insuring that every officer under their command is evaluated as described above, and that the evaluations are sent to the Human Resource Management Bureau by March 1 of each year. The evaluations will be produced on the computer using the evaluation form template.
- (2) Probationary officer's performance reports shall be completed as follows:
  - a. While assigned to the Police Academy, a Recruit Officer will be evaluated at the end of each work period. The Recruit will be evaluated on the Training Bureau End of Period Evaluation, DPD 292D. The Academy staff or Field Training Officers assigned to the Academy shall prepare these reports.

- b. After leaving the Academy and while receiving field training, each probationary officer shall be evaluated by a Field Training Officer. The evaluation will be documented on the Daily Observation Report, DPD 292, and End of Phase Report, DPD 292B.
    - 1. Each completed Daily Observation Report shall be reviewed by a F.T.O. Coordinator and filed in the station personnel files.
    - 2. Every End of Phase Evaluation report shall be approved by a F.T.O. coordinator and District Commander before the original copy is sent to the Program Coordinator. A copy shall also be placed in the station personnel files.
  - c. After successfully completing the F.T.O. Training Program, the probationary officer shall be rated at the end of each work period by his/her immediate supervisor on the Officer's Performance Evaluation Report.
- (3) All raters should refer to the Officer Performance Evaluation Report Training Manual.
  - (4) In making performance evaluation, supervisors should consider the available information on the Supervisor's Situation Record, DPD 127, and any other information about the officer being rated that would indicate work habits, work performance and work product.
  - (5) Each officer shall be rated by his immediate supervisor. The rating form shall then be forwarded to the next level of command for approval or rating change.
  - (6) The rater will then hold the mandatory performance evaluation meeting with the officer. At this time, the officer must sign the first page of the OPER. This does not indicate agreement with the rating, just that the OPER has been reviewed with the officer.
  - (7) Any rating changes recommended by a second level supervisor or any rating changes made by a unit commander shall be brought to the attention of the individual officer being rated as well as to the attention of the immediate supervisor who prepared the original rating.
  - (8) The ranking officer in the chain of command shall, after approval of and/or changes in rating, forward the original to the Human Resource Management Bureau.
  - (9) Any employee who appeals his or her performance evaluation must file the appeal in writing within 15 days of the date they sign for their evaluation. The appeal shall only be made through the chain of supervisors responsible for the original rating, regardless of where the supervisors may currently be assigned. No supervisor outside the original supervisory chain is allowed to change an employee's performance evaluation. The final decision for any appeal rests with the respective Division Chief. Evaluations are not eligible for appeal beyond the Division Chief.
  - (10) The appeal must be processed through the entire chain of command no later than 30 days from the date the employee signed the evaluation. At the conclusion of the 30 day appeal period, which begins the day the employee originally signed for his/her performance evaluation, all rating scores will be final.