



## OFFICE OF THE INDEPENDENT MONITOR

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### **THE INDEPENDENT MONITOR ANNOUNCES THE ISSUANCE OF ITS 2008 ANNUAL REPORT**

The Office of the Independent Monitor (OIM) publicly released its 2008 Annual Report on Monday, March 16, 2009. The report details investigations of 2008 officer-involved shootings and in-custody deaths, complaint investigations and findings, the status of OIM goals, and policy initiatives and concerns identified by the Independent Monitor over the past year.

The mission of the OIM is to provide fair and objective oversight of public safety and ensure transparency and accountability. The OIM is responsible for (1) monitoring and participating in investigations of sworn police and sheriff personnel; (2) making recommendations to the Manager of Safety, Chief of Police and Undersheriff/Director of Corrections regarding case findings and discipline; and (3) making broader policy recommendations.

“This report details the Safety Department’s commitment to policing itself and holding employees accountable. The police and sheriff departments continue to respond positively to our recommendations,” said Independent Monitor Richard Rosenthal.

#### ***Officer-Involved Shootings and In-Custody Deaths***

The OIM rolled out to 11 incidents in 2008. Specifically, the Monitor’s Office rolled out to six DPD officer-involved shootings and one DPD in-custody death in 2008. In addition, the OIM also rolled out to the County Jail for the three suicides and one medical death that occurred during the course of the year. All Internal Affairs (IA) investigations into these incidents were actively monitored by the OIM.

There were six officer-involved shooting incidents in 2008. The number of shootings continues a downward trend from 11 in 2006 and 7 in 2007.

#### ***Complaint Handling and Discipline:***

Citizen complaints against DPD officers decreased approximately 7% between 2007 and 2008 with a reduction in the number of complaints from 644 to 605. One DPD officer was ordered terminated by the Manager of Safety, seven officers resigned or retired while disciplinary decisions were pending and four officers received suspensions of 10 or more calendar days. Details of these cases can be found in Chapter 2 of the report.

With respect to the Sheriff Department, four Deputies were ordered terminated by the Manager of Safety and one Deputy resigned prior to the issuance of a disciplinary order. In addition, eight Deputies received suspensions of 10 or more working days. Details of these cases can be found in Chapter 3 of the report.

***Special Initiatives and Policy Concerns Identified by the Independent Monitor:***

1. THE DEMOCRATIC NATIONAL CONVENTION (DNC) - The Monitor's Office actively monitored all large-scale police actions and all DNC-related Internal Affairs cases. Given the high number of contacts with the community, there were very few complaints. Cases in which officers were "sustained" for failing to follow policy were mostly minor and none involved injuries to members of the community.

2. DEPARTING FROM THE TRUTH - Previously, the Monitor expressed concern regarding the Police and Sheriff Departments' failure to terminate employees "sustained" for lying during internal affairs investigations. As of October 1, 2008, DPD has initiated a new "disciplinary matrix" which calls for presumptive termination of an officer who has intentionally "departed from the truth" during the course of a judicial hearing or a criminal or administrative investigation. The Sheriff Department is expected to adopt a similar disciplinary matrix next year.

3. COMMUNITY CONCERNS REGARDING BIASED POLICING - The OIM has become aware of community concerns that "Broken Windows" policing is adversely impacting communities of color. In 2008, the Monitor worked with IA command staff to ensure that biased policing complaints were being appropriately categorized. The OIM is currently working with the Department to determine if it is possible for the "Personnel Assessment System" to identify potential patterns of bias among officers. The OIM is also evaluating whether customer satisfaction surveys should be conducted after traffic and pedestrian stops. Finally, the Citizen Oversight Board has asked the Monitor's Office to research to what extent cameras can be placed in patrol cars (or on officers' persons). Audio and video evidence of police traffic stops and contacts could be used to prove or disprove allegations of misconduct.

4. PERSONNEL ASSESSMENT SYSTEM (PAS) - DPD's early identification and intervention system is designed to identify potential problematic patterns and provide intervention plans to individual officers. The OIM's analysis of the PAS system in 2008 revealed that it was operating according to policy.

5. POLICE DEPARTMENT SMOKING POLICY - The OIM received a number of complaints from community members about DPD officers who were observed smoking cigarettes or cigars while on duty, directing traffic, or otherwise being in public view, while in uniform and acting in an official capacity. The DPD's smoking policy only prohibits officers from smoking in city buildings and vehicles.

The OIM reviewed policies from eleven policing agencies in the Denver metro area and found that all agencies except one have more restrictive policies than Denver. The Monitor agrees that officers' smoking in public view does not reflect well on the DPD and believes that the Denver Police Department should re-evaluate its policies in that regard.

The OIM's Annual Report, and its executive summary, can be accessed online at [www.denvergov.org/oim](http://www.denvergov.org/oim).

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