



DENVER
THE MILE HIGH CITY

**EXECUTIVE
SUMMARY**

2007

MISSION

The mission of the Office of the Independent Monitor (OIM) is to monitor the Denver Police (DPD) and Sheriff (DSD) Departments, provide for fair and objective oversight of the uniformed personnel of these departments, and to ensure public confidence in the ability of these departments to police themselves. The Monitor's mission is directed at transparency and accountability which will ensure public confidence in Denver's uniformed personnel and the policies which govern them.

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

Core Functions of the Monitor's Office

The Monitor's Office "core functions" for 2007 included:

Monitoring and reviewing DPD and DSD critical incident investigations, specifically officer-involved shootings, in-custody deaths and uses of force resulting in great bodily injury or death. This task includes the monitoring of Use-of-Force Review Board deliberations and recommendations.

Monitoring the DPD and DSD internal affairs decision-making processes to ensure fairness and consistency in the assignment and handling of citizen and internally-initiated complaints and investigations.

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

Monitoring and making recommendations on DPD and DSD findings as to whether officers have violated DPD rules or policies and, if so, appropriate disciplinary sanctions. This task includes the monitoring of Disciplinary Review Board deliberations and recommendations.

Ensuring that the citizen complaint process is accessible to the entire community and making community members aware of how their complaints are handled.

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

Goals for 2007

Goal: Publish the report of the Police Assessment Resource Center (PARC) which will provide recommendations regarding the DPD's deadly force policies and handling of critical incident investigations.

Status of Goal: The PARC report will be published and made available to the public in April of 2008. The PARC report will make a number of recommendations for change with respect to DPD deadly force policies and the investigation and review of critical incidents.

Goal: Continue and expand the use of the OIM community-police mediation program, while maintaining a high level of satisfaction for its participants.

Status of Goal: As of the end of 2007, the OIM Mediation program had facilitated 104 community member-police mediations since the mediation program's inception in December of 2005. Fifty-nine of those mediations were conducted during 2007; forty-one of those mediations were conducted during 2006, resulting in a 44% increase in the number of mediations conducted from 2006 to 2007. The mediation program continues to be the second largest community-police program in the United States. Only the New York City Police Department, a Department more than 16 times the combined size of the Denver Police and Sheriff Departments, conducted more mediations than Denver's program during the 2007 calendar year. In addition, complainant and officer satisfaction with the mediation process and outcome increased significantly between 2006 and 2007.

Goal: Evaluate the implementation of the DPD Personnel Assessment System and assist the DSD in the implementation of its own system.

Status of Goal: The DPD began its implementation of its new Personnel Assessment System (PAS) in 2007. The PAS Board, which is charged with implementing the new policy (which will assist the department in evaluating the performance of its employees), met in September of 2007 to prepare the agency's rollout of the program. The Department is prepared to start the new program, by evaluating 4th Quarter 2007 data, in early 2008. Over the course of the coming year, the OIM will be given the opportunity to audit the new PAS policy and will comment on its effectiveness in our next annual report.

Goal: Assist the Manager of Safety in the implementation of a Disciplinary Matrix and assist the DSD in the evaluation of a similar matrix.

Status of Goal: The Manager of Safety completed his proposal to reform the DPD Disciplinary process through, in part, the creation of a "disciplinary matrix." The Monitor's Office has been actively involved in this project since its inception and strongly supports the concept. The matrix system is expected to be put in place in the near future after extensive training is conducted by the Department.

Goal: Examine the possibility of a new process for handling the intake of community member complaints.

Status of Goal: The Monitor's Office presented the concept for the creation of a "Citizen Complaint Authority" within the OIM, which would receive and handle all citizen complaints regarding the DPD and DSD, to the City Council's Safety Committee and the Mayor's Office. At this point in time, there does not appear to be a perceived need to change from the current complaint handling process to a new process due to the additional costs that would be required. Unfortunately, complainant satisfaction with the complaint handling processes continues to be extremely low, however, low response rates to citizen surveys has greatly restricted our ability to accurately gauge current satisfaction rates.

Goal: Increasing the timeliness of formal internal affairs investigations and disciplinary review boards.

Status of Goal: In the latter part of 2007, we saw significant improvements in the timeliness of formal internal affairs investigations, in part, as a result of IAB Command Staff's heightened vigilance in meeting with their investigators on a weekly basis to ensure cases were not being allowed to languish. The IAB Command staff also tightened deadlines in cases wherein complainants were non-responsive to IAB investigator calls.

The timeliness of Disciplinary Review Boards (DRB) and Chief's Hearings, however, continue to be problematic. The average number of days to schedule a DRB (from the date that a "sustained" finding was made by the Division Chief) was 115 days. The average number of days to hold a Chief's Hearing (from the date of the DRB) was 52 days. The average number of days it took to close cases that were heard by a DRB was 314 days. The OIM looks forward, however, to significant improvements in timeliness for this process in 2008, due to a new DRB scheduling process and the expectation that the Chief of Police will make the timeliness of Chief's Hearings a priority in the upcoming year.

Significant Issues & Concerns in 2007

The Monitor noted a number of significant issues and concerns relating to the Denver Police and Sheriff Departments during the course of the year:

1. The Police Department continues to suffer from an inability to impose timely discipline in serious cases due to a lack of timeliness in the scheduling of Disciplinary Review Boards and Chief's Hearings. (See above).
2. Although the overall timeliness of the administrative review of officer-involved shootings has improved significantly, in the one officer-involved shooting where the Monitor expressed concerns regarding the tactics used by the officer, it has taken the Chief of Police and the Manager of Safety more than six months to review the case. As of the writing of this report, the case remains without a finding by the Manager of Safety, even though the incident took place almost one year ago.

3. The Police Department has allowed officers who have lied during the course of internal investigations to continue to work in assignments which require the officers to testify in court on a regular basis.
4. The Police and Sheriff Departments have failed to terminate employees who have repeatedly lied during the internal affairs investigation and disciplinary processes.
5. The Sheriff Department does not put officers on administrative leave, even after the Director of Corrections has concluded that an officer should be terminated. In addition, the DSD does not put officers on administrative leave, even when the officer is facing an investigation where there is substantial cause to believe termination will be the likely result.
6. The Colorado Fraternal Order of Police Legal Defense Fund, provides its members (which includes Denver Deputy Sheriffs) a “pay in lieu” option which allows some Deputies to be reimbursed for lost pay in cases where the Department has imposed the disciplinary sanction of suspensions without pay, thereby undermining the ability of the Department to affect the conduct of its employees.

COMPLAINT HANDLING PROCESS

A community member who wishes to file a complaint against (or a commendation in favor of) an officer employed by the Denver Police Department or a deputy employed by the Denver Sheriff’s Department may do so via forms that have been distributed throughout the community, the internet, fax, phone, U.S. mail or in person at the OIM or at any police or sheriff office or facility. Complaints received by the Mayor and City Council are forwarded to the OIM as a matter of practice.

Complaint Assignments, Investigations, and Findings

In 2007, the Denver Police Department received or initiated 1,106 new complaints encompassing 1,239 allegations. There were 644 citizen complaints compared to 462 internal complaints (of which 348 involved preventable traffic accidents, minor traffic violations, and officers’ failure to appear in court, for continuing education classes or for failure to qualify with their firearm, which is required on a quarterly basis).

There was a statistically insignificant increase in the number of citizen complaints between 2006 and 2007. A significant increase in the number of complaints between 2005 and 2006 was likely the result of the creation of the OIM program and the new policies that resulted from its ability to independently take citizen complaints.

DPD continued.....

TABLE 1. TOTAL COMPLAINTS BY COMPLAINT TYPE AND YEAR (DPD 2007)

COMPLAINT TYPE	YEAR		
	2005	2006	2007
Citizen	502	620	644
column %	50.4%	57.5%	58.2%
Internal	113	115	114
column %	11.3%	10.7%	10.3%
Obedience to Traffic Regulations	14	76	59
column %	1.4%	7.1%	5.3%
Traffic Accidents	122	150	152
column %	12.2%	13.9%	13.7%
Failure to Appear-Court	180	101	94
column %	18.1%	9.4%	8.5%
Failure to Complete-Education	44	0	11
column %	4.4%	0%	1%
Failure to Qualify-Firearm	22	16	32
column %	2.2%	1.5%	2.9%
TOTAL	997	1078	1106

In 2007, the Denver Sheriff Department received 584 complaints. This represents an increase of 51% in the total number of complaints from 2006 to 2007. The increase in the number of complaints is attributed to two factors. First, inmate complaints likely increased due to an increased awareness on the part of inmates about their ability to file a complaint with the OIM. Second, management complaints increased dramatically due to a new policy that required all supervisor-issued reprimands to be forwarded to internal affairs and documented in the internal affairs database.

TABLE 2. TOTAL COMPLAINTS BY COMPLAINT SOURCE AND YEAR (DSD 2007)

COMPLAINT SOURCE	YEAR		
	2005	2006	2007
Citizen	53	73	77
column %	15.2%	18.8%	13.2%
Employee	34	26	16
column %	9.8%	6.7%	2.7%
Inmate	108	163	216
column %	31.0%	42.0%	37.0%
Management	72	35	236
column %	20.7%	9.0%	40.4%
Other	2	6	0
column %	0.6%	1.5%	0.0%
Unknown	79	85	39
column %	22.7%	21.9%	6.7%
TOTAL	348	388	584

Table 3 provides the findings for formal internal affairs investigations closed in 2007. Scheduled discipline cases including traffic accidents and failure to appear had the highest sustained rates among all complaint types (96.8% and 89.5% respectively).

TABLE 3. FINDINGS FOR FORMAL CASES CLOSED IN 2007 BY CASE TYPE (DPD 2007)

FINDING	COMPLAINT TYPE						TOTAL
	Citizen	Internal	Traffic Accidents	Failure to Appear-Court	Failure to Qualify-Firearms	Failure to Complete-Education	
Sustained	47	131	153	85	19	3	438
column %	24.0%	63.6%	96.8%	89.5%	59.4%	25.0%	
Unfounded	64	11	1	2	2	1	81
column %	32.7%	5.3%	0.6%	2%	6%	8%	
Exonerated	14	30	2	5	9	7	67
column %	7.1%	14.6%	1%	5.3%	28.1%	58.3%	
Not Sustained	62	27	2	3	0	0	94
column %	31.6%	13.1%	1%	3.2%	0%	0%	
Not Reviewed	9	7	0	0	2	1	19
column %	4.6%	3.4%	0.0%	0%	6%	8%	
TOTAL	196	206	158	95	32	12	699

Citizen-initiated complaints were the least likely to be sustained—a 24% sustained rate. Internally-initiated complaints other than scheduled discipline had a sustained rate of 63.6%.

In 2007, the Denver Sheriff’s Department closed 594 complaint cases involving 690 allegations. This includes all cases received after August 1, 2005 and closed during 2007.

Table 4 provides the results of the findings for all DSD complaint cases closed in 2007. Approximately 30% of the allegations resulted in a sustained finding in 2007.

Discipline

The disciplinary actions available to the DPD to address misconduct includes written reprimands, suspensions, fines, reduction in grade and dismissals. Non-disciplinary actions include verbal or oral reprimands, cautionary letters, counseling and SSR entries. Disqualification may also be imposed if an officer becomes legally ineligible to perform the essential duties of his or her position. For ease of reference, the Monitor is characterizing all of these actions as “discipline” in the statistical data provided in this report.

TABLE 4. FINDINGS FOR CLOSED COMPLAINT CASES (DSD 2007)

FINDING	Count	Percent
Sustained	207	30.0%
Unfounded	114	16.5%
Exonerated	38	5.5%
Not Sustained	78	11.3%
Resolved	55	8.0%
Referred	27	3.9%
Declined	157	22.8%
Informal	14	2.0%
TOTAL	690	100%

TABLE 5. DISCIPLINE FOR SUSTAINED CASES FOR 2007 (DPD 2007)

DISCIPLINE	2007	Percent
Dismissed	1	0.2%
Suspended Time	18	4.5%
Fined Time	48	11.9%
Written Reprimand	87	21.6%
Oral Reprimand	245	60.9%
SSR Entry	3	0.7%
Total	402	100.0%

Table 5 provides the discipline and non-disciplinary actions imposed for sustained cases in 2007.

One officer was terminated in 2007, 4 officers resigned while administrative investigations or disciplinary proceedings were pending.

“Fined time” requires an officer to work additional days without additional compensation. “Suspended time” causes an officer to lose his or her police powers and pay for a specified period of time.

TABLE 6. DISCIPLINE FOR SUSTAINED CASES FOR 2007 (DSD 2007)

DISCIPLINE	Count	Percent
Suspension	19	10.4%
Written Reprimand	46	25.3%
Verbal Reprimand	104	57.1%
Cautionary Letter	5	2.7%
Counseled	5	2.7%
Disqualification	3	1.6%
TOTAL	182	100.0%

Table 6 shows the discipline for sustained cases for the DSD in 2007.

The most common forms of discipline in 2007 consisted of verbal reprimands (51%) and written reprimands (24%). There were no demotions or terminations in 2007. There were, however, 4 resignations which were related to the initiation of an internal affairs investigation or the potential imposition of discipline.

CRITICAL INCIDENT REVIEW

There were seven officer-involved shootings by on-duty Denver Police Department officers in 2007.

There were two in-custody deaths in 2007 involving the Denver Police Department. In addition, there was one officer-involved traffic collision that resulted in the death of a civilian.

There were eight in-custody deaths within custodial facilities administered by the Denver Sheriff's Department during 2007. Four were by suicide (all in the County Jail), and four were as the result of pre-existing medical conditions.

The OIM actively monitored all officer-involved shooting and in-custody death investigations during the course of the year. During 2007, DPD found all officer-involved shootings to comply with the Department's use of force policies, although one shooting was still pending review by the Manager of Safety based on concerns expressed by the Independent Monitor.

In the last five years, the number of officer-involved shootings has ranged from three to ten on an annual basis. The average number of shootings over the past five years has been seven per year.

TABLE 7. OFFICER INVOLVED SHOOTINGS by YEAR: 2003--2007

Year	Number of Shootings	# of suspects injured	# of suspects killed	Non-hits
2003	10	2	8	0
2004	4	1	3	0
2005	3	0	1	2
2006	11	3	3	5
2007	7	6	1	0
Five year Totals	35	12	16	7

MEDIATION

Mediation is an alternative to the normal complaint handling process. This voluntary program allows a community member and involved officer(s) to sit down face-to-face in a neutral, non-confrontational and confidential environment to talk out their issues with the facilitation of a professional mediator. Mediation allows each party to gain a better understanding of the other's perspective by serving as a safe learning opportunity. The goal is not one side winning over the other, or assigning guilt or blame, but providing a forum to be fairly heard, increase mutual understanding, and discuss ways to prevent similar problems in the future.

Table 8 provides the comparisons for satisfaction with the mediation process. Approximately, 59% of community members were satisfied in 2006 compared to 85% in 2007. This represents an increase in satisfaction of 43%. Officer satisfaction increased from 70% in 2006 to 85% in 2007; an increase of 18%.

TABLE 8. SATISFACTION WITH THE MEDIATION PROCESS BY YEAR

How satisfied were you with the mediation process in general?	Dissatisfied	Neither Satisfied/Dissatisfied	Satisfied	TOTAL
2006				
Community Members	7	11	26	44
row %	15.9%	25.0%	59.1%	
Police Officers	5	9	32	46
row %	10.9%	19.6%	69.6%	
TOTAL				90
2007				
Community Members	5	6	60	71
row %	7.0%	8.5%	84.5%	
Police Officers	2	10	67	79
row %	2.5%	12.7%	84.8%	
TOTAL				150

COMMENDATIONS AND AWARDS

The police department presented 538 commendations and awards in 2007 compared to 572 in 2006. Commendatory Action Reports were the most frequent type of commendation received accounting for 32.3% of the total. Other frequent commendations included commendatory letters (13.2%) and letters of appreciation (16.4%). In addition, in 2007, the DPD awarded two “Medals of Valor,” two “Distinguished Service Crosses,” ten “Life Savings Awards” and thirty five “STAR Awards” (for excellent tactics not requiring the use of deadly force).

There were 102 commendations and awards given out by the Denver Sheriff Department in 2007. The most frequent awards occurred for commendations (35%) followed by community service awards (22%). In addition, the DSD awarded one “Medal of Valor” and one “Life Saving Award” in 2007.

TIMELINESS

One of the primary concerns for dealing with complaints is the ability to resolve those complaints in a timely manner. Improving the timeliness of complaint handling is a priority for the Office of the Independent Monitor (OIM).

OIM created timeliness goals for both the Police and Sheriff Departments for 2007. Both Departments have committed to trying to meet those goals. In 2007, all of those goals were not achieved. The OIM will continue to work with the Departments’ Internal Affairs Bureaus in order to further improve on timeliness in the upcoming year.

As shown in Table 9, citizen-initiated complaints were closed within 62 days, on average, compared to 98 days for internally-initiated complaints.

Three of the four scheduled discipline type cases (accidents, courts, and firearms) were closed in less time, on average, than either citizen or internal complaints.

TABLE 9. NUMBER OF DAYS TO CLOSE COMPLAINT CASE
BY COMPLAINT TYPE (DPD 2007)

COMPLAINT TYPE	Mean	Standard Deviation	Median	TOTAL
Citizen	62.0	79.3	36	601
Internal	97.7	123.4	48	177
Traffic Accidents	24.4	27.7	16.5	156
Failure to Appear--Court	52.1	31.4	49.5	32
Failure to Qualify-Firearms	28.7	15.7	25	95
Failure to Complete-Education	78.9	188.8	32	12
TOTAL--ALL CASES	57.3	77.7	34.5	1073

In cases involving the imposition of substantial discipline, as noted above, the OIM noted continued problems with the Police Department's ability to conduct timely Disciplinary Review Boards and Chief's Hearings. Solutions for these persisting problems have been proposed and are expected to be implemented in 2008.