

# **Denver Sheriff Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines**

**By order of the Director of Corrections and approval of the Manager of Safety,  
these principles and guidelines shall apply to all violations occurring on or after  
January 1, 2011.**

## **Policy Statement**

*An effective discipline system is one that is fair, rational, efficient, reasonably consistent and transparent, reflects the mission, vision and guiding principles of the Denver Sheriff Department and fosters respect, trust and confidence among all Department personnel as well as between the Department and the community it serves.*

*The purpose of this Discipline Handbook: Conduct Principles and Disciplinary Guidelines is to provide sworn members of the Denver Sheriff Department with notice of the principles and guidelines which shall be employed by the Department in making disciplinary decisions. This Handbook should be reviewed and considered in conjunction with revisions to Department Rules and Regulations, all other Department policies and procedures related to discipline, and the rules of the Career Service Authority. This Handbook is not intended to establish any appellate or other legal rights not granted by the Career Service Authority.*

## PREFACE

On January 7, 2009, the Manager of Safety and the Director of Corrections instituted what became known as the Denver Sheriff Department Disciplinary Advisory Group (DAG) process in order to undertake a thorough study and evaluation of the Department's disciplinary practices and to recommend changes in those practices where needed. The goal of the process was to create a more transparent discipline system which provided Department personnel and community members with greater notice of the principles and guidelines which would be employed by the Department and the Manager of Safety in making disciplinary decisions and greater notice of the potential ranges of disciplinary sanctions which could be imposed for specific types of violations.

The DAG consisted of approximately 90 volunteer members who represented a cross section of sworn and civilian members of the Sheriff Department from all ranks and positions as well as other government officials and community members.\*

More specifically, DAG membership was drawn from the following groups/organizations, among others:

- Denver Manager of Safety Office
- Office of the Independent Monitor
- Citizen Oversight Board
- Denver City Attorney's Office
- Denver City Council
- Denver Career Service Authority
- Denver Office of Risk Management
- Denver County Court
- Representatives of the Denver Sheriff Department Fraternal Order of Police
- Representatives of other Denver Sheriff Department employee groups
- Command, supervisory and non-supervisory members of the Denver Sheriff Department (sworn and civilian)
- Police Administration / Criminal Justice professors from Denver area universities
- Members of the clergy
- Other interested community members
- Members of the Denver Fire Department
- Members of the Denver Police Department

Both the Manager of Safety and the Director of Corrections believed that extensive input and discussion from all points of view were essential to the success of the process and such input was continually invited and encouraged. Participation of the Denver Police Department was solicited because the Police Department had concluded a similar Disciplinary Advisory Group process in 2008. In fact, a number of the members of the

Sheriff Department DAG had also participated in the Police Department process in anticipation of conducting a similar process on the Sheriff Department. However, it is critical to note that while the processes were somewhat similar, the resulting recommendations had to be adapted to the different mission, duties, responsibilities and practices of the Sheriff Department and to the different rules and practices of the Denver Career Service Authority.

During the course of the Denver Police DAG process (in which the Denver Sheriff Department participated), the Manager of Safety's Office conducted extensive research into the disciplinary practices of law enforcement agencies throughout the United States. Of particular significance was the research which indicated that the publication of written disciplinary guidelines within an agency led to greater consistency in the discipline process and greater confidence among members of the agency and the public with regard to the fairness and effectiveness of the discipline system. Similarly, research indicated that the creation of a discipline matrix with a detailed classification of offenses and explicit ranges of potential penalties also led to greater consistency in discipline and greater confidence in the fairness of disciplinary sanctions. During the course of the Sheriff Department DAG process, this research was again discussed and the DAG recommended that a system of written guidelines and matrix-based disciplinary sanctions should be developed for the Sheriff Department.

Consequently, over a period of 18 months beginning in January of 2009, various committees and sub-committees of the DAG met on a monthly (and sometimes weekly) basis to vigorously discuss improvements to current disciplinary practices and to create a system of written disciplinary guidelines including a discipline matrix to meet the needs of the Department.

During the course of its extensive discussions, the DAG closely examined the Department's current disciplinary practices along with Career Service Authority rules and prior decisions of Career Service hearing officers and the Career Service Board. As a result of its efforts, the DAG noted the following areas of concern, among others:

- A lack of sufficient emphasis by the Department on rehabilitative programs or "re-training" in order to assist deputies in avoiding disciplinary sanctions;
- A lack of written guidelines for determining whether a violation should be sustained;
- A perception by some that discipline was based upon position, status or "connections" within the Department;
- A lack of Department-wide acceptance of the various goals and purposes of discipline;
- A lack of written guidelines for determining disciplinary sanctions. There was a general perception that sanctions changed from administration to administration for no valid reason and that there was no effective method of determining the rationale for prior decisions other than the "recollection" of those who may have participated in or "heard about" a particular decision;

- A lack of effective notice to deputies or the public as to the likely discipline sanction in a given type of case;
- The perception by some deputies that the discipline system was unfair and weighted against them;
- The perception by some members of the public that the discipline system was unfair and weighted in favor of deputies;
- The need to revise certain practices of the Department's Internal Affairs Bureau; and
- The need to revise existing Rules and Regulations and to create new ones.

Also of great importance during the DAG process was a discussion of whether a matrix-based system should be created for both sworn and civilian members of the Sheriff Department. It was concluded that while civilian employees of the Department should certainly be held to a high standard of professionalism and accountability, it is particularly important that deputy sheriffs be held to the highest of standards because of their status as law enforcement officers and the authority and responsibilities granted to them. A number of reasons for this distinction were discussed and acknowledged by the DAG. Among them were:

- As law enforcement officers, Deputy Sheriffs hold a "position of trust" bestowed on them by the Department and the community. They are given enormous discretion in carrying out their duty to maintain the care and custody of inmates. This discretion includes the authority to make arrests, restrict personal freedom, seize and control property and use force, up to and including deadly force.
- Deputy Sheriffs are subject to extensive psychological testing and background investigations to ensure they are qualified to hold such a "position of trust". They must have demonstrated characteristics which indicate the ability and willingness to perform with integrity, honesty and good judgment, to work in stressful environments, to treat others fairly and judiciously and to appropriately use authority and physical force. While these characteristics are important in the hiring process, it is even more critical that deputies be held to these same high standards after being hired.
- Because of the nature of their duties and responsibilities, deputy sheriffs pose a high risk for civil liability on the part of the City when they engage in misconduct.
- The community justifiably has an expectation of the highest degree of integrity and accountability on the part of its law enforcement officers.
- To be regarded as professional and deserving of the trust and authority bestowed on it, the Denver Sheriff Department understands that it must promote and maintain a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism among its deputies.

Based upon these rationales and the areas of concern noted previously, the DAG concluded that a matrix-based system of discipline should be created for sworn personnel only.

As a result of the extensive work done by the DAG, the following outcomes have been achieved:

- Creation of the Discipline Handbook: Conduct Principles and Disciplinary Guidelines to provide:
  - Written guidelines for determining whether a violation should be sustained;
  - A matrix-based system for determining appropriate disciplinary sanctions;
  - Notice to deputies and the public of the guidelines for making disciplinary decisions and the likely range of sanctions for particular types of violations;
  - A system of written justifications to better determine the rationale for disciplinary recommendations and decisions;
  - Creation of a Disciplinary Advisory Group Standing Committee to monitor the effectiveness of this revised discipline system;
  - An expanded discussion of the Department's Guiding Principles and their relationship to discipline; and
  - A list of non-disciplinary programs and training available to deputies.
- Revisions to Department Rules and Regulations
- Revisions to certain practices of the Department's Internal Affairs Bureau
- Creation of a "schedule of discipline" for Violations of RR-100.10.2 – Unauthorized Leave

Finally, the Manager of Safety and the Director of Corrections would like to sincerely thank the members of the Disciplinary Advisory Group for their valuable input and tireless dedication in bringing this process to a successful conclusion and in creating a discipline system which should bring even greater professionalism to the Department. Obviously, this could not have been accomplished without the valuable contributions of each and every DAG member.

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\* Participation in the DAG does not necessarily constitute an endorsement of any or all of the provisions of the revised discipline system nor does that participation waive the right of any individual or group to challenge any of those provisions. The DAG is advisory in nature and the final decision as to revisions in the discipline system was the responsibility of the Manager of Safety and the Director of Corrections.

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## **1.0 The Purpose and Importance of an Effective Disciplinary System**

- 1.1 The overall objectives of this disciplinary system are to facilitate the orderly functioning and operation of the Denver Sheriff Department; to ensure employee adherence to reasonable and acceptable standards of performance and conduct; and to provide fair and equitable consequences for failing to adhere to those standards.
- 1.2 Deputy Sheriffs hold a “position of trust” – a trust bestowed upon them by the Department and the community – and are visible representatives of government. They are given enormous discretion in carrying out their duties – discretion which also carries tremendous responsibility. Deputy Sheriffs are given the responsibility to provide for the care of persons held in the custody of the City and County of Denver and the right to restrict personal freedom and use force, including deadly force, when appropriate.
- 1.3 Because of the trust placed in them and the enormity of the discretion and authority granted to them, deputy sheriffs must understand that the community has every right to expect and demand the highest level of accountability from the Department and from individual deputies. Deputies must know that when they engage in misconduct, they will receive fair and appropriate discipline commensurate with the level of misconduct. Discipline should not be an unexpected event but rather an anticipated consequence of inappropriate conduct.
- 1.4 An effective system is one that is fairly administered, reasonably consistent and based upon Department-wide standards known and enforced by all members of the Department and designed to ensure timely results. This system serves the public, the deputies and the administration by uniformly reinforcing the acceptable standards of conduct and presenting a clear methodology for consequences related to a failure to abide by such standards.
- 1.5 An effective disciplinary system results in strengthened relationships and increased levels of trust within the Department as well as with the community by ensuring both clarity in expectations and accountability for actions by both the Department and the individual deputies.

## **2.0 General Principles of Discipline**

- 2.1 The discipline system must be fairly, efficiently, and consistently administered so as to promote and maintain a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism.
- 2.2 Discipline should reflect the Guiding Principles of the Department and promote respect and trust within the Department and with the community.



- 2.3 Discipline should be based upon reasonable notice of the standards by which conduct will be judged and the likely consequences of the failure to adhere to Department rules and policies.
- 2.4 Programs and practices outside the discipline system such as triage (also known as “filtering”), mediation, education, training, mentoring and the like, which assist deputies in adhering to Department standards and modifying behaviors, should be promoted and utilized to their fullest extent.
- 2.5 The investigation of allegations of misconduct must be fair, thorough, conducted with full regard for the rights of deputies and designed to develop all relevant facts necessary for the fair determination of the issue in question.
- 2.6 Truthfulness is vital to the investigation and review process and shall be expected and demanded of all subject deputies, witness deputies, complainants, other witnesses, and all persons involved in the investigation and review of allegations of misconduct.
- 2.7 The determination of whether an allegation of misconduct should be sustained must be based upon the application of Department-wide standards and the fair consideration of only those facts relevant to that determination.
- 2.8 Where allegations of misconduct are sustained, disciplinary sanctions must be imposed for legitimate purposes and must reflect all facts and circumstances relevant to the determination of appropriate discipline.
- 2.9 Timeliness is essential to the fair administration of discipline. Adherence to reasonably established timelines for the investigation and review of allegations of misconduct must be a Department priority.
- 2.10 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.
- 2.11 All persons involved in the administration of the discipline process have the duty to fairly and conscientiously carry out their responsibilities in accordance with Departmental procedures and policies.
- 2.12 The administration of discipline must be based upon the fair, consistent application of disciplinary principles and guidelines and the exercise of reasonable and prudent judgment.
- 2.13 No rule or policy shall be created, interpreted or applied so as to lead to a result which is unjust, unreasonable or unconscionable, and contrary to the goals and purposes of these Conduct Principles and Disciplinary Guidelines.

### **3.0 Achieving Reasonable Consistency in Discipline<sup>1</sup>**

3.1 To achieve reasonably consistent discipline requires the consistent application of guidelines, policies and procedures throughout the Department and at every level of disciplinary review to:

3.1.1 Ensure reasonable consistency in determining whether a violation of Department rules has been proven; and

3.1.2 Ensure reasonable consistency in determining a fair and reasonable disciplinary sanction if a violation has been proven.

### **4.0 Practices in Support of an Effective, Efficient Disciplinary System**

4.1 An effective and efficient disciplinary system requires an approach that will provide deputies with fair notice and a clear understanding of the potential consequences of misconduct and that will result in fair treatment of all deputies. In addition, the tremendous importance of programs and practices that can make the disciplinary system more efficient and effective or that may assist deputies in modifying behaviors without the imposition of disciplinary sanctions is of equal value. Among them are triage or filtering, mediation, peer support, psychological services, education and training, mentoring, and recognition of deputies' positive actions on behalf of the Department and the public.

#### **4.2 Triage or Filtering**

4.2.1 When the Office of the Independent Monitor (OIM) was created in 2005, the Monitor recommended that the Department initiate a "triage" or filtering approach to the review and handling of all complaints. This approach, which the Department has adopted, ensures a better allocation of Department and Internal Affairs resources. More investigation and command review time should be devoted to serious cases of misconduct as opposed to minor violations of Departmental rules and expectations. A filtering process allows for the proper allocation of Department resources in this regard. The result of the current filtering system has been greater timeliness in the handling of complaints and fewer delays in the completion of investigations, the determination of findings and the ultimate imposition of discipline. This strategy has resulted in more equitable, meaningful and credible outcomes for both deputies and citizens.

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<sup>1</sup> The goal of achieving reasonably consistent discipline is intended to help ensure that discipline is appropriately imposed and not based upon some improper factor such as bias, prejudice, favoritism or the like. Reasonably consistent discipline is also intended to help alleviate any perception by members of the Sheriff Department or the public that discipline is being unfairly administered. This Handbook does not intend to create or imply any form of "comparable" or "comparative" or "consistent" discipline as those terms may be interpreted to apply to classified members of the Police and Fire Departments governed by the Civil Service Commission. As noted previously, this Handbook is not intended to create or imply any appellate or other legal rights not granted by the Career Service Authority.

## 4.3 Mediation

- 4.3.1 The mediation of citizen complaints, as well as some internal complaints, is strongly endorsed and encouraged by the Department. As a voluntary option, mediation provides both deputies and community members the opportunity to gain a better understanding of each other's perspective. When conducted by professional mediators in a neutral, non-confrontational and confidential manner, mediation can increase understanding and trust between deputies and community members.
- 4.3.2 Miscommunication and misunderstanding either create or exacerbate the vast majority of complaints made by community members. Mediation is an exceptional tool for creating common ground between the Department's deputies and the community. All parties involved are encouraged to recognize mediation as an opportunity to educate and explain varying perspectives. When deputies who have acted entirely within policy are offered mediation to resolve a citizen complaint, the hope is that they will recognize mediation as an educational opportunity which will allow them to help a community member understand Department policy and the law enforcement perspective. Likewise, providing deputies the opportunity to mediate in lieu of conducting an internal investigation gives deputies a unique opportunity to understand the perspectives of complainants and the effects of deputies' behavior on those persons. Additionally, providing a mediation option for internal complaints which arise from deputy sheriffs and other employees can resolve misunderstandings, clarify misconceptions and build solid foundations for better working relationships.
- 4.3.3 The above described mediation program is not intended to apply to inmate grievances or complaints. These are to be handled through the already established inmate grievance process or other appropriate processes.

## 4.4 Education and Training

- 4.4.1 All successful professional organizations recognize the importance of continuing education and training. The Denver Sheriff Department has long embraced "in-service" training and education as essential to its success as an organization. By providing deputies with the knowledge, skills and abilities needed to effectively and safely perform their duties, the Department will ensure that its deputies can provide effective, safe and ethical service to both the Department and the public.

- 4.4.2 Continuing education and training is intended to teach and develop new skills and knowledge while reinforcing and strengthening knowledge and skills already learned. Deputies, supervisors and command personnel are encouraged to avail themselves of the training opportunities afforded by the Department as well as outside sources.
- 4.4.3 In addition, Department managers and supervisors should always consider whether a deputy is in need of any remedial training as the result of observations made by peers or supervisors. In cases where a deputy is under investigation for misconduct or has been found to have committed misconduct, additional training, in addition to any possible imposition of discipline, should be considered. If the Department is committed to a deputy remaining on the job, supervisors and command officers have a responsibility to ensure that the deputy receives whatever additional training is necessary to ensure that, if at all possible, he or she will serve as an effective member of the law enforcement community.
- 4.4.4 A menu of programs which may be considered for certain types of misconduct is included as Appendix D in this Handbook. Command and supervisory officers must be aware of these programs and make them available, when appropriate, to all deputies.

#### 4.5 Mentoring

- 4.5.1 Mentoring programs provide deputies with role models who exemplify the highest level of integrity and competence. The Denver Sheriff Department's mentoring process begins with the Field Training Officer (FTO) program for deputies who have recently graduated from the Academy. Recent graduates are subject to close supervision by Field Training Officers who have been identified as having the skill and knowledge necessary to train new deputies. The Field Training Program is mandatory and may include deputies who have completed the program but are temporarily reassigned for re-training.
- 4.5.2 The Department recognizes, however, that mentoring can be of great value to other deputies as well. An effective mentoring program would team deputies who are particularly successful in certain areas with other deputies who could learn from them. Supervisors and commanders should consider the value of one-on-one mentoring as they become more familiar with the specific strengths and weaknesses of individual deputies and as they conduct their regular performance reviews. The mentoring process would be voluntary for both the involved deputy and the mentor.

#### **4.6 Recognition of Positive Actions**

- 4.6.1 The need for recognition of good work done by deputies on an ongoing basis is crucial. Department and community acknowledgement of deputies through the giving of honors and awards is essential to maintaining good morale within the Department and ensuring community pride and respect for its law enforcement officers.
- 4.6.2 Personal recognition by peers, supervisory and command staff, and citizens is strongly encouraged to provide balance to the necessities of the disciplinary system. To accomplish that goal, efforts will be made to make it easier for the community and the Department to give positive recognition to deputies in numerous locations throughout the City, on the Department website and in the reports of both the Department and the Independent Monitor's Office. Informing the public and the Department when deputies receive commendations or awards is a critical component in providing the community with a balanced view of the deputies who serve the community.

#### **5.0 Specific Notice Regarding Practices in Support of the Disciplinary System**

- 5.1 Practices such as filtering, mediation, remedial training, mentoring, and the like are a means to affect the performance and conduct of deputies apart from the imposition of disciplinary sanctions and to improve the efficiency and effectiveness of the disciplinary system. These practices are not discipline nor are they part of the disciplinary process. Additionally, they are not intended to relieve deputies of responsibility for their misconduct. Therefore, the failure of the Department to provide any of the above or the failure to apply any of the programs or practices to a particular deputy or a particular disciplinary case does not create a defense to misconduct or constitute a mitigating circumstance.

#### **6.0 Specific Notice Regarding the Ancillary Consequences of the Disciplinary System**

- 6.1 The disciplinary penalties that may be imposed on Department members are verbal reprimand, written reprimand, involuntary temporary reduction in pay, suspension without pay, involuntary demotion with a reduction in pay and dismissal. The Manager of Safety is responsible for imposing all disciplinary penalties, except for reprimands, which may be issued by the Director of Corrections / Undersheriff and his/her designees. As a matter of practice, the Director of Corrections is primarily responsible for other internal practices, procedures and operational decisions within the Department subject to the approval of the Manager of Safety, as appropriate.

- 6.2 As a result, the Director of Corrections may establish practices, make decisions and enter orders with regard to matters not directly related but ancillary to the imposition of discipline. These can include, but are not limited to, no-contact orders, temporary or permanent assignments, regulating on-duty work hours and responsibilities, regulating secondary employment privileges, ordering psychological or other work related examinations, determining necessary remedial training or entering any other order, restriction or condition deemed appropriate under the circumstances. These practices do not constitute the imposition of discipline and are not regarded as a part of the disciplinary system. Therefore, the imposition of any of the above orders, conditions or restrictions may not be considered in determining whether a violation should be sustained and, if so, what the appropriate penalty should be.
- 6.3 Similarly, the imposition of disciplinary sanctions may also have an impact on future status and benefits including, but not limited to, assignments, promotions or appointments. The Director of Corrections, the Manager of Safety or the Denver Career Service Authority may establish policies and practices with regard to any of these areas. These policies and practices do not constitute the imposition of discipline and should not be regarded as a part of any disciplinary sanction. Therefore, the future impact of the imposition of disciplinary sanctions may not be considered in determining whether or not a violation should be sustained and, if so, what the appropriate penalty should be.
- 6.4 Finally, the imposition of disciplinary sanctions will no doubt have personal and financial impact on the deputy who is disciplined. Understandably, that impact will vary from deputy to deputy based upon his/her personal circumstances. For example, a 10-day suspension imposed on a deputy with other sources of income may have less of an impact than the same 10-day suspension imposed on a deputy with three dependents and no other source of income. Similarly, the same suspension imposed on a captain and a deputy sheriff will amount to a greater loss of income to the captain. Because of the endless variables that may exist, it should not be expected that a system of reasonably consistent discipline should take these kinds of differences into account. Therefore, these types of variables may not be considered in determining whether a violation should be sustained and, if so, what the appropriate penalty should be.
- 6.5 In summary, deputies should always bear in mind that the imposition of discipline may have ancillary consequences which result from the particular facts and circumstances of the violation and the personal circumstances of the deputy being disciplined. Those consequences cannot be regarded as part of the disciplinary sanction. In attempting to treat deputies in a reasonably consistent manner, these ancillary consequences must not play a part in the decision of whether a violation should be sustained or what the appropriate penalty should be.

## **7.0 Summary of Determinations to be made in the Disciplinary Process**

- 7.1 There are four basic determinations which need to be made during the course of the disciplinary process. They include the following:
  - 7.1.1 The viability of a complaint must be assessed and a determination made of how it will be handled.
  - 7.1.2 Where appropriate, an investigation must be conducted to determine the facts of the case, the issues in dispute and what, if any, Department or CSA rule violations should be considered.
  - 7.1.3 Upon review of the rules to be considered, a determination must be made as to whether there is sufficient evidence to sustain a given rule violation or whether some other finding should be made.
  - 7.1.4 If a rule violation is sustained, the appropriate disciplinary sanction must be determined.

## **8.0 Determining the Facts: Statement with Regard to Internal Investigations**

- 8.1 The integrity of the internal investigation process is essential to the fair administration of discipline. No system of discipline can be effective without investigations that can be considered unbiased and trustworthy by members of the Department as well as the general public.
- 8.2 Investigations must be fair, thorough, timely and in accordance with accepted Department policies and procedures. Investigations must be conducted with full regard for the deputies' rights and all other rights and respect due to fellow deputies. 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 members of the public. Investigations shall not discriminate against anyone on the basis of actual or perceived 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.
- 8.3 Investigations must be designed to develop all relevant facts necessary for a fair determination of the issue in question. They should not be slanted to favor any particular interest, affect any particular outcome or shield any relevant facts from disclosure.
- 8.4 Truthfulness is vital in an internal investigation. It must be expected and demanded. Department personnel are required to cooperate and be completely truthful or face disciplinary sanctions. Non-Department personnel must also be truthful. A failure to do so will result, where appropriate, in a referral of the case to the appropriate prosecutor's office for consideration of criminal charges including false reporting.

## **9.0 Determining Whether a Violation Has Been Proven**

- 9.1 Upon completion of the internal investigation, the disciplinary process requires a determination of whether the violation should be sustained, that is, whether the violation has been proven to have occurred by a preponderance of the evidence. Fairness requires that Department rules, regulations, policies and procedures be applied equally to all deputies, regardless of rank. Fairness also requires that the same standards be used when any individual is reviewing evidence and information with regard to any allegation of misconduct.
- 9.2 To help ensure that all reviewers of discipline cases are applying the same standards, the instructions detailed below (Section 10.0) must be followed by all persons involved in the review of allegations of misconduct and the determination of whether a violation has been proven.

## **10.0 Determining Whether a Violation Has Been Proven – Instructions**

- 10.1 In determining whether a violation of any Departmental rule, regulation, policy, procedure or directive has been proven, the reviewer must act as a finder of fact. This process is separate and distinct from any consideration of what disciplinary sanction, if any, is appropriate if it is determined that a violation has been proven.
- 10.2 As a finder of fact, the reviewer must rely only upon the evidence in the case, which must be thoroughly reviewed. Evidence consists of witness statements, including those of subject deputies, witness deputies, and civilian witnesses or inmates. Evidence also includes documents, photographs, videos, audio recordings, diagrams and other facts which are part of the case file. All other items which are contained in the investigative file, including the complaint and the subject deputy's disciplinary history, are also evidence in a disciplinary case.
- 10.3 The reviewer must consider only the evidence that is contained in the investigative file and any reasonable inferences to be drawn from that evidence. An inference is a deduction or a conclusion which reason and common sense lead the finder of fact to draw from other facts that have been proven.
- 10.4 Evidence may be direct or circumstantial. Circumstantial evidence is the proof of facts or circumstances from which the existence or nonexistence of other facts may reasonably be inferred. All other evidence is direct evidence. The law makes no distinction between direct and circumstantial evidence.
- 10.5 The reviewer is expected to use his/her common sense and life experiences when acting as a finder of fact. However, he/she is not to base any conclusions on information known to him/her regarding the matter or the persons involved in the matter if that information is not part of the investigative file.



- 10.6 As the finder of fact, the reviewer must judge the credibility of witnesses and the weight to be given their statements.

In doing so, he/she should take into consideration the witnesses' means of knowledge, strength of memory and opportunities for observation; the reasonableness or unreasonableness of their statements; the consistency or lack of consistency in their statements; their motives; whether their statements have been contradicted or supported by other evidence; their bias, prejudice, or interest, if any; their manner or demeanor while making statements; and all other facts and circumstances shown by the evidence which affect the credibility of the witnesses.

In considering witness credibility, the reviewer should apply the same criteria to all witnesses regardless of whether the witness is a subject deputy, a witness deputy, a complainant, a civilian witness, a supervisor or command officer, or an inmate. The reviewer should not automatically consider any witness to be more credible than another witness simply because that witness is or is not a deputy sheriff. Furthermore, he/she is not to afford any particular degree of credibility to a witness simply because of that witness' rank.

There may be instances where a fact finder receives conflicting evidence and different accountings from different witnesses. It should be remembered that this does not necessarily mean that a witness is intentionally being untruthful, although that is a possibility to be considered. Discrepancies in a witness' statement or between one witness and another do not necessarily mean that either witness should be discounted. Failure of recollection is common. An innocent mistake in recalling events is not uncommon. Two persons witnessing the same event may see, hear, or otherwise perceive it differently. Where such discrepancies exist, the reviewer should consider, based upon all the facts and circumstances, whether the discrepancies result from an intentional falsehood or from some other reason. Additionally, the reviewer should consider whether any discrepancy relates to a matter which is significant or insignificant to the issue to be determined.

Based on all of these stated considerations and all the facts, circumstances, and evidence in the case, the reviewer may believe all, part or none of any witness' statements. He/she may also determine what weight, if any, to give to any witness' statements.

- 10.7 The weight or sufficiency of evidence is not necessarily determined by the number of witnesses presenting evidence in support of or against a particular issue. An issue should not be decided by the simple process of counting the number of witnesses on opposing sides. The test to be applied is not the number of witnesses but the convincing force of the evidence presented by the witnesses.

- 10.8 The reviewer must thoroughly review the policy, procedure, rule, regulation or directive alleged to be violated and apply it to the facts as he/she determines them. The reviewer must do so without regard for whether he/she personally agrees with the particular policy, procedure, rule, regulation or directive or whether he/she believes it should be amended or repealed.
- 10.9 The Department always bears the burden of proving that a violation has been committed by an accused deputy. In determining whether there is sufficient evidence to establish that a violation has occurred, the reviewer must apply the standard of proof known as “preponderance of the evidence.” To prove something by a “preponderance of the evidence” means to prove that it is more likely than not. Therefore, the Department has the burden of proving that the evidence establishes that it is more likely than not that the alleged violation was committed and that the accused deputy committed it.
- 10.10 In determining whether the burden of proof of “preponderance of the evidence” has been met, reasonable care and caution should be used to consider all the evidence in the case and the weight that evidence should be afforded. The quantum of evidence that constitutes a preponderance must be sufficient to lead to the reasonable conclusion that the accused deputy committed the violation which is being considered. A suspicion, belief or opinion not supported by the weight of the evidence is not sufficient.
- 10.11 A finding of whether or not a violation has been proven by a preponderance of the evidence must be based on a fair and rational consideration of all of the evidence and only the evidence in the case. The finding must **not** be based on or be influenced by any of the following:
- 10.11.1 Guesses or speculation;
  - 10.11.2 Facts not contained in the investigative file;
  - 10.11.3 Sympathy, bias, or prejudice for or against the subject deputy, any witness, any other person involved, the Department or its administration, or any other person or entity having an interest in the case;
  - 10.11.4 The reviewer’s personal assessment of the subject deputy’s reputation, work history or discipline history, where such evidence is not a part of the investigative file or is not relevant to the determination of whether there is sufficient evidence to sustain the violation currently being considered;
  - 10.11.5 The rank of the subject deputy unless rank is an element of the alleged violation;

- 10.11.6 The anticipated or perceived effect which the finding may have on the subject deputy, such as the penalty that might be imposed or the effect that the finding may have on areas outside of the discipline system but within the discretion of the Director of Corrections / Manager of Safety such as secondary employment, assignment, appointment, promotion or the like; or
- 10.11.7 The anticipated or perceived effect which the finding may have on any witness or other involved person, the Department or its administration, the public or public opinion, or any other person or entity having an interest in the case.

It is again emphasized that the finding of whether a violation has been proven, and therefore sustained, must be based on the evidence and the evidence alone.

- 10.12 If the evidence fails to establish by a preponderance that the subject deputy has committed the violation in question or if the evidence is so balanced that a preponderance cannot be determined, the allegation must not be sustained. If the evidence does establish by a preponderance that the deputy committed the violation in question, then the allegation must be sustained.
- 10.13 After thoroughly reviewing all the evidence and after determining formal findings are necessary, the reviewer must make one and only one of the following findings for each of the rule violations considered:
  - 10.13.1 Unfounded: The investigation indicates that the subject deputy's alleged actions relating to the Department policy, procedure, rule, regulation or directive in question did not occur.
  - 10.13.2 Exonerated: The investigation indicates that the alleged actions of the subject deputy were within the policies, procedures, rules, regulations and directives of the Department.
  - 10.13.3 Not Sustained: There was insufficient evidence to either prove or disprove the allegation.
  - 10.13.4 Sustained: The subject deputy'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.
- 10.14 Each alleged rule violation should be considered separately and a separate decision reached as to whether there is a preponderance of evidence establishing that the alleged violation occurred. The sustaining of any one rule violation does not compel the sustaining of other rule violations.

- 10.15 As a finder of fact, the reviewer may be reviewing the disciplinary recommendations of others with regard to the same case or participating in a group deliberation process. In doing so, the reviewer should carefully consider the recommendations and opinions of others but he/she is entitled to give them whatever weight, if any, he/she believes they reasonably deserve based on the evidence. As a finder of fact, the reviewer is entitled to independently assess the evidence and reach his/her own independent findings in accordance with all of the instructions given herein and a fair consideration of all the evidence presented.
- 10.16 As a finder of fact, the reviewer may be participating in an official disciplinary proceeding such as a Pre-Disciplinary Hearing where information in addition to the investigative file, such as a statement by the subject deputy, is presented for consideration. The reviewer may properly consider that additional information, assess its credibility, and afford it whatever weight he/she deems appropriate.
- 10.17 At each level of review, the reviewer must document his/her findings and the reasons/rationales for those findings in accordance with these Conduct Principles and Disciplinary Guidelines and other established Department policies and procedures.

## **11.0 Determining Appropriate Discipline – The Goals and Purposes of Disciplinary Sanctions**

- 11.1 Discipline that is to be considered “fair and rational” should be imposed for legitimate purposes reasonably related to the misconduct being addressed. This is a concept that must be consistently applied throughout the Department. The purposes of discipline must also be understood by all members of the Department as well as the community if they are to trust that discipline is being justly administered.
- 11.2 The purposes to be achieved by the imposition of discipline in a particular case are properly dependent on all the facts and circumstances of that case. Those purposes may vary based upon a consideration of numerous factors including, but not limited to, the nature and seriousness of the misconduct, the circumstances under which the misconduct was committed, the harm or prejudice arising from the misconduct, and the existence of any relevant mitigating or aggravating circumstances.
- 11.3 Among the primary purposes of disciplinary sanctions are the following:
  - 11.3.1 To modify/correct the conduct of the disciplined deputy;
  - 11.3.2 To deter future misconduct by the disciplined deputy;
  - 11.3.3 To impose an appropriate penalty on the disciplined deputy, taking into account the nature and seriousness of the misconduct, any mitigating or aggravating factors, and the deputy’s disciplinary and work history;

- 11.3.4 To address/reflect the harm or risk of harm arising from the misconduct and the effects of the misconduct both inside and outside of the Department; and
  - 11.3.5 To provide notice of the consequences of misconduct to all members of the Department and to deter future misconduct by all members.
- 11.4 In addition, the imposition of appropriate discipline will also serve to help accomplish other goals of the discipline system including but not limited to:
  - 11.4.1 Ensuring the orderly functioning and operation of the Department and adherence to its established standards of conduct;
  - 11.4.2 Reinforcing the Guiding Principles of the Department;
  - 11.4.3 Reinforcing training;
  - 11.4.4 Effectively managing risk and potential civil liability for deputies, the Department, and the City; and
  - 11.4.5 Establishing trust in and respect for the discipline system and the Department, both internally and in the community.
- 11.5 It is important for all members of the Department and the public to understand that the goals and purposes of the discipline system are different from those of the criminal justice and civil law systems. Those systems are administered under separate rules and principles and provide for sanctions which are different from the discipline system.
  - 11.5.1 While some of the factors taken into consideration in the civil and criminal systems may overlap with factors considered in the discipline system, it must be remembered that the purposes of disciplinary sanctions are different from the purposes of civil and criminal law sanctions. Disciplinary sanctions are not intended to function as “damages” which may be available to an aggrieved party under the civil law. Similarly, disciplinary sanctions are not intended to function as “sentences” or “punishment” which may be available under the criminal law for deputy misconduct that rises to the level of a provable criminal offense. It is not the function of the prosecutor’s office, through the criminal justice system, to enforce the rules, regulations and policies of the Sheriff Department. Nor is it necessary that a deputy be criminally convicted in order for the Department to discipline the deputy for misconduct which is prohibited by law.

- 11.5.2 As noted previously, the imposition of appropriate discipline is designed to accomplish, among other things, the orderly functioning and operation of the Department and ensure adherence to established standards of conduct. The responsibility for accomplishing this goal rests with the Director of Corrections and the Manager of Safety through a properly functioning, fair and effective discipline system.

## **12.0 Development of the Discipline Matrix**

- 12.1 The discipline matrix was designed through extensive input from representatives of the Sheriff Department, City Management, appointed officials, legal advisors and concerned members of the public.
- 12.2 The matrix was designed to accomplish the following goals:
  - 12.2.1 Define conduct categories and set discipline levels;
  - 12.2.2 Identify, to the extent possible, what Rules and Regulations fall into each conduct category;
  - 12.2.3 Identify sanctions that would be appropriate for each conduct category and discipline level while recognizing that all situations are not alike and some flexibility is required;
  - 12.2.4 Identify a fair and reasonable presumptive penalty for each discipline level;
  - 12.2.5 Provide fair and reasonable ranges of penalties at each discipline level in the event there are compelling mitigating and/or aggravating factors to be considered;
  - 12.2.6 Provide notice to deputies and the community of the likely sanction for a particular violation unless the particular facts and circumstances justify a different result; and
  - 12.2.7 Provide a framework for reasonably consistent discipline based upon Department established standards applicable to all members of the Department.
- 12.3 In defining categories of conduct, deciding what Rules and Regulations (R&Rs) should be placed in each category, and determining reasonable presumptive, mitigated and aggravated penalties, consideration was given to the nature and seriousness of the conduct proscribed by each R&R; how the violation of the R&R impacts the operations, mission, guiding principles and professional image of the Department; the potential or actual harm, injury or prejudice arising from the violation; and the purposes and goals of disciplinary sanctions. For violation of other disciplinary rules in addition to Departmental Rules and Regulations (such as CSA rules, Mayor's Executive Orders, etc.), the facts underlying

the rule violation must be applied to the definition of each category of conduct in order to determine which category should be used to determine the appropriate presumptive penalty.

- 12.4 The overall goals and principles contained in these Conduct Principles and Disciplinary Guidelines shall apply to all disciplinary recommendations and decisions made by the Denver Sheriff Department regarding deputy sheriffs. However, if deemed appropriate by the Director of Corrections and the Manager of Safety, the Department may establish a system of “scheduled discipline” for particular violations to be used in lieu of the discipline matrix in certain circumstances. Where such a “schedule of discipline” is established, the instructions for determining the appropriate discipline within the schedule are to be followed. As an example, the Department has established a schedule of discipline for violations of RR-100.10.2 - Unauthorized Leave. (See Appendix C and Appendix G)

### **13.0 Categories of Conduct**

- 13.1 There are six categories of conduct on the matrix. Categories range from the least serious to most serious with regard to the nature of the conduct and its harm/impact on the Department and community. (See Appendix E)
- 13.1.1 Category A – Conduct that has a minimal negative impact on the operations or professional image of the Department.
- 13.1.2 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 deputy sheriffs, employees, agencies or the public.
- 13.1.3 Category C – Conduct that has a pronounced negative impact on the operations or professional image of the Department; or on relationships with other deputy sheriffs, employees, agencies or the public.
- 13.1.4 Category D – Conduct that is substantially contrary to the guiding principles of the Department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to deputy sheriff, employee or public safety.
- 13.1.5 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 deputy sheriff, employee or public safety, or to the professionalism of the Department.

- 13.1.6 Category F – Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of Department guiding principles; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to a deputy sheriff's fitness to hold his or her position; 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 condition of employment required by contract or mandated by law.

## **14.0 Assigning Conduct Categories to Specific Rules and Regulations**

- 14.1 Although the pre-determined categories contained in the matrix will likely cover the vast majority of disciplinary violations, several issues of importance are here noted:
- 14.1.1 The individual Rules and Regulations have been placed into particular conduct categories (see Appendix E) based upon the nature and type of misconduct to which the Rule and Regulation has historically been applied. However, the unique and extraordinary factual circumstances of a given case may justify the application of a different conduct category than that previously assigned to the particular violation in the matrix. As such, command officers, the Director of Corrections, the Manager of Safety, the Hearing Officers, and the Career Service Authority can and may determine that a previously assigned conduct category is not appropriate under the unique and extraordinary factual circumstances of the case. In this situation, a deviation from the Matrix is allowed. Any such deviation must be documented, be reasonable under the circumstances and be justified by the facts of the case. Such deviation shall be guided by the analysis contained in Section 15.0 below.
- 14.1.2 A limited number of Rules and Regulations could fit into any or all of the conduct categories based upon the nature of the conduct being addressed. An example is RR-300.11.6 - Conduct Prejudicial. Anyone reviewing such a case will need to analyze the factors noted below (Section 15.0) and consider the various facts presented in order to determine the most appropriate conduct category.
- 14.1.3 Certain Rules and Regulations could fit more than one but not all conduct categories. An example of this is RR-200.11 - Sleeping on Duty. Any violation of that Rule has been determined to be at least a Conduct Category "C" but could fall into a higher category based upon the particular facts and



circumstances. Again, anyone reviewing such a case will need to analyze the various factors noted below (Section 15.0) in order to determine whether the violation should fall into a category higher than “C”.

- 14.1.4 No attempt has been made to categorize all sources of rules which may apply to alleged misconduct by deputy sheriffs. Clearly, the Career Service Rules and the Department Rules and Regulations govern deputy conduct but there are other rules and orders that might apply to misconduct. These include such things as Mayor’s Executive Orders, post orders, other policies and procedures, directives, special orders, training bulletins, or the like. As a general practice, violations of any of these are usually alleged as a violation of RR-300.19.1 or C.S.R. 16-60(J), (K), (L), (Q), or (Y), which then references the particular rule, regulation, directive, policy, etc. violated. Again, anyone reviewing misconduct based upon any of these types of violations will have to analyze the conduct based upon the factors outlined below (Section 15.0) in order to determine the appropriate conduct category.

## **15.0 Determining Appropriate Conduct Categories – Analysis**

- 15.1 Situations will arise where personnel charged with the responsibility of recommending or ordering disciplinary sanctions will have to determine the appropriate conduct category into which the misconduct falls and whether the alleged misconduct satisfies the definition of a particular category. This is a necessary first step in determining the appropriate sanction. In analyzing the misconduct, the following questions, among others, should be considered:
  - 15.1.1 What is the general nature of the misconduct?
  - 15.1.2 How does the misconduct relate to the stated mission, vision and guiding principles of the Department?
  - 15.1.3 How does the misconduct impact the operations and image of the Department and its relationship with other agencies or the community?
  - 15.1.4 What is the actual and demonstrable harm or risk of harm involved?
  - 15.1.5 Does the misconduct involve an actual and demonstrable impact on deputy, employee or public safety, or a demonstrable serious risk to deputy, employee or public safety?
  - 15.1.6 Did the violation result in actual injury to a deputy, employee or a member of the public? If so, what is the extent of the injury?

- 15.1.7 Does the misconduct involve unethical behavior or a serious abuse or misuse of authority?
- 15.1.8 Did the misconduct foreseeably result in death or serious bodily injury?
- 15.1.9 Does the misconduct constitute a failure to adhere to any condition of employment required by contract or mandated by law?
- 15.1.10 Is there a Rule and Regulation which has a pre-determined conduct category which addresses similar misconduct that gives any guidance?
- 15.1.11 Has there been a previous case decided after the implementation of these Conduct Principles and Disciplinary Guidelines that gives guidance to the appropriateness of the conduct category to be chosen?
- 15.2 In determining the conduct category, the reviewer must continually bear in mind that this analysis focuses on the nature of the misconduct and how it conforms to the specific definitions of conduct categories already established. It should be distinguished from the analysis of mitigating and aggravating factors which determines penalties within a given conduct category.
- 15.3 In determining the conduct category, the definition of the category and the analysis described in this section should control the determination of what category applies to the violation in question. No attempt should be made to unjustifiably or unreasonably “fit” a violation into a particular conduct category based upon the desire to reach or avoid a certain discipline level or a certain penalty.

## **16.0 Brief Description of Matrix Tables**

- 16.1 The disciplinary matrix has two primary tables: The Categories, Violations and Discipline Level Assignments Table and the Penalty Table (Appendix E).
- 16.2 The Categories, Violations and Discipline Level Assignments Table identifies:
  - 16.2.1 The definitions of each Conduct Category (A through F);
  - 16.2.2 Example violations in the form of Rules and Regulations (R&Rs) that are found within each of these conduct categories; and
  - 16.2.3 The discipline level assigned to each conduct category based, in part, on the number of offenses of an equal or greater conduct category that have occurred during the specific time periods assigned to that conduct category. This table also

shows how the discipline level (levels 1 through 8) increases by one level for each repeated violation of an R&R of an equal or greater conduct category during the specified time period.

16.3 The Penalty Table identifies:

16.3.1 Eight discipline levels (1 through 8) ranging from least serious to most serious; and

16.3.2 The penalties associated with that discipline level with specification of the presumptive penalty and the mitigated and aggravated penalty ranges.

## 17.0 Establishing Presumptive Penalties

17.1 The Penalty Table (Appendix E) identifies a “presumptive penalty” for each discipline level. The “presumptive penalty” is tied to the discipline level but will increase if a deputy has prior sustained violations of the same or higher conduct category within the specified timeframe. Only prior sustained violations occurring within the specified timeframe will be considered in the determination of whether the discipline level must be increased.

17.2 To achieve reasonable consistency, presumptive penalties are presumed to be the reasonable and appropriate penalties that should be given. It is only when mitigating or aggravating factors are established that a departure from the presumptive penalty may be justified. Even then, the penalty will remain within the penalty ranges established for that particular discipline level unless “special circumstances,” as explained below (Section 25.0), exist. The factors or circumstances relied upon to find mitigation, aggravation, or “special circumstances” must be articulated and justified in writing.

17.3 A presumptive penalty has been established for each conduct category and each discipline level. That presumptive penalty is presumed to be the appropriate sanction and shall be imposed, absent specific articulable mitigating, aggravating or special circumstances overcoming the presumption and justifying a departure from that penalty.

## 18.0 Considering Prior Violations which Shall Increase Discipline Levels

18.1 The matrix addresses repeated violations of the same offense or offenses of an equal or greater conduct category by raising discipline levels when the second and subsequent offenses fall within specified timeframes. This is set out in the Categories, Violations and Discipline Level Assignments Table (Appendix E). Once the current violation is sustained, a disciplinary history review will determine whether it is a repeat violation or whether there are prior violations of an equal or greater conduct category within the prescribed timeframe. The timeframes are as follows:

- 18.1.1 Violations of rules falling into Category A have a limitation of 3 years.
  - 18.1.2 Violations of rules falling into Category B have a limitation of 4 years.
  - 18.1.3 Violations of rules falling into Category C have a limitation of 5 years.
  - 18.1.4 Violations of rules falling into Category D have a limitation of 7 years.
  - 18.1.5 Violations of rules falling into Categories E and F have no time limitations.
- 18.2 Calculating the Timeframe for Considering Prior Violations – For the purpose of calculating the above timeframes, the date of prior violations being considered is the date of imposition of discipline by the Manager of Safety or the date of the issuance of a reprimand by the Director of Corrections or his/her designee. The date of the current violation is considered to be the date on which the violation occurred. However, where an incidence of misconduct involves multiple rule violations or multiple acts of related misconduct, the date of violation shall be considered the date on which the earliest act of misconduct occurred. For example, where an alleged violation gives rise to an internal investigation and during the course of that investigation a deputy intentionally gives a materially false statement in violation of RR-200.4.2, for the purposes of this section, the date of occurrence for the violation of RR-200.4.2 shall be considered the date upon which the initial violation giving rise to the investigation occurred.
- 18.3 For violations within the applicable time period which occurred prior to the implementation of the discipline matrix, the conduct category to be assigned to the prior violation shall be the specific conduct category currently assigned to that violation.
- 18.4 When the prior violation is one which now could fall into more than one conduct category under the matrix, the analysis detailed in Section 15.0 above shall be used to determine the appropriate conduct category for the prior violation.
- 18.5 For the purpose of determining prior violations which will increase the discipline level, multiple rule violations arising from a single prior incident shall be considered as only one prior violation. The highest conduct category of this prior violation shall be used to determine whether the current discipline level must be increased.
- 18.6 It should be noted that the use of prior sustained violations involving an equal or higher conduct category within the specified time period to increase the discipline level on the matrix is intended as a form of

progressive discipline. These prior violations operate to mandatorily increase the discipline level and the corresponding presumptive penalty. This increase in discipline is not discretionary. These mandatory increases in the discipline level are different from the discretionary prior sustained violations which may be considered “aggravating factors or circumstances” as explained in Sections 19.0 and 21.0 below.

## **19.0 Consideration of Mitigating and Aggravating Circumstances**

- 19.1 The presumptive penalty assigned to each discipline level may be increased or decreased, based upon mitigating or aggravating circumstances. The reviewer must take into account all of the circumstances of a case to determine whether the mitigated penalty, the presumptive penalty or the aggravated penalty should be imposed.
- 19.2 In determining mitigating and aggravating factors, the reviewer may look to the misconduct itself, the history of the deputy involved in the misconduct or any other circumstance that might justify a departure from the presumptive penalty.<sup>2</sup>
- 19.3 The mitigating and aggravating circumstances considered must be documented.
- 19.4 In determining mitigating and aggravating factors, care should be used to ensure that a potentially mitigating or aggravating factor has not already been taken into consideration in the definition of the specific conduct category into which the violation falls or the definition/elements of the specific violation which has been sustained.
- 19.5 Mitigating circumstances may justify a penalty less than the presumptive. However, the presence of mitigating circumstances does not automatically require the imposition of a penalty in the mitigated range. In addition, the presence of mitigating circumstances cannot support a penalty less than the mitigated range for that discipline level unless there are specified special circumstances as described below. (See Section 25.0)
- 19.6 Mitigating circumstances may include, but are not limited to:
  - 19.6.1 Willingness to accept responsibility and acknowledge wrongdoing;
  - 19.6.2 Circumstances under which the rule was violated;

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<sup>2</sup> As noted elsewhere in this Handbook, it would be impossible to pre-determine all the factors which might be considered mitigating or aggravating in a particular case. However, as a general rule, facts and circumstances which may impact procedural processes only, such as factors which might contribute to delays in the timeliness of the investigative or review process of a case, shall not be considered in determining mitigation or aggravation.

- 19.6.3 The culpable mental state of the deputy in the commission of the violation;
  - 19.6.4 Complimentary history, including awards, commendations and positive public recognition;
  - 19.6.5 If minimal, the severity of the current offense and the lack of or minimal nature of any consequences caused by the current offense;
  - 19.6.6 Prior work history, such as positive evaluations and/or work performance, or voluntary, advanced, job-related training; or
  - 19.6.7 Minimal or lack of prior disciplinary history relative to the deputy's years of service.
- 19.7 The above are intended only as a guide in determining mitigating factors. It is impossible to list all the circumstances which might be considered mitigating in a particular case. The question any reviewer should contemplate is: Are there any factors not already taken into consideration in the conduct category or the definition of the specific violation that might justify decreasing the disciplinary sanction below the presumptive penalty?
- 19.8 Aggravating circumstances may justify a greater penalty than the presumptive. However, the presence of aggravating circumstances does not automatically require the imposition of a penalty in the aggravated range. In addition, the presence of aggravating circumstances cannot support a penalty that exceeds the aggravated range for that discipline level unless there are specified special circumstances, as described below. (See Section 25.0)
- 19.9 Aggravating circumstances may include, but are not limited to:
- 19.9.1 Injury or harm to a member of the public, a deputy, or an employee;
  - 19.9.2 Endangerment to a member of the public, a deputy or an employee;
  - 19.9.3 The existence of an actual and demonstrable legal or financial risk to the Department or the City (including, but not limited to, cases involving allegations of civil rights violations, unlawful search and seizure, excessive use of force, unlawful detention or arrest, or improper care and treatment of an inmate);
  - 19.9.4 The supervisory or command rank of the deputy who committed the violation (See Section 20.0 below);
  - 19.9.5 The deputy's prior disciplinary history (See Section 21.0 below);

- 19.9.6 Actual and demonstrable prejudice to the Department;
  - 19.9.7 Jeopardizing the Department's mission and/or relationship with other agencies;
  - 19.9.8 Loss or damage to city or private property;
  - 19.9.9 A criminal conviction of the involved deputy arising out of the underlying event;
  - 19.9.10 Lack of candor, or lack of completeness or full disclosure on the part of the deputy;
  - 19.9.11 Prejudicial conduct regarding race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other protected classifications;
  - 19.9.12 Harassment or retaliatory conduct;
  - 19.9.13 The culpable mental state of the deputy in the commission of the violation; or
  - 19.9.14 Unsatisfactory work history.
- 19.10 The above potential aggravators are intended as a guide only. It is impossible to list all the circumstances which might be considered aggravating in a particular case. The question any reviewer should contemplate is: Are there any factors not already taken into consideration in the conduct category or the definition of the specific violation that might justify increasing the disciplinary sanction above the presumptive penalty?

## **20.0 Rank as an Aggravating Factor**

- 20.1 The rank of a deputy is not used in any determination of whether or not a violation should be sustained, unless that rank is an element of the violation alleged.
- 20.2 However, the supervisory/command rank of a deputy who committed a violation may be considered a factor in aggravation which may warrant a penalty higher than the presumptive penalty for that violation. It is appropriate for the Department to have higher expectations for supervisors and command officers than subordinate deputies. Further, it is appropriate for the Department to expect that a supervisor or command officer should exercise even greater restraint and circumspection than a subordinate deputy. Supervisors and commanders are expected to lead by example. They are responsible for holding others accountable and should likewise be accountable.

- 20.3 Nevertheless, the rank of an officer, like other arguably aggravating factors, must be weighed in relation to all other factors to determine its significance. It should not be regarded as an “automatic” aggravator. The question any reviewer must consider is whether the rank of the officer sufficiently justifies any increase in the disciplinary sanction over that which would be imposed on a non-supervising or non-command officer for similar misconduct, recognizing that a goal of this discipline system is to treat all deputies, regardless of rank, similarly.
- 20.4 At the same time, a supervisor or command officer’s prior complimentary history, including awards, commendations and positive public recognition and prior work history, such as positive evaluations and exceptional work performance, should not be ignored as potential mitigating circumstances when considering the appropriate penalty.

## **21.0 Prior Disciplinary History as an Aggravating Factor**

- 21.1 A deputy's prior disciplinary history not already used to mandatorily increase the discipline level (for example, a prior sustained violation in a conduct category lower than the present violation) may be considered in determining whether the disciplinary sanction should be increased from the presumptive penalty to the aggravated range. It may also be considered in determining whether special circumstances exist justifying a penalty in excess of that allowed under the matrix up to and including involuntary demotion with a reduction in pay or dismissal.
- 21.2 As with any other potentially aggravating factor, the reviewer must determine the weight or significance of the history. Factors which may be considered in the weighing process include, but are not limited to:
- 21.2.1 The nature and seriousness of any prior violation;
  - 21.2.2 The number of prior violations;
  - 21.2.3 The length of time between prior violations and the current case;
  - 21.2.4 The relationship between any prior violation and the present misconduct;
  - 21.2.5 Whether the prior history demonstrates a continuation or pattern of the same or similar misconduct; and
  - 21.2.6 Whether the prior history demonstrates continuous misconduct, even if minor, evidencing a failure to conform to rules or to correct said behavior.
- 21.3 Remoteness – Where there has been an appreciable amount of time between the prior and present misconduct and the prior misconduct was minor, the prior misconduct should not be considered as an aggravating factor. An exception to this rule would be where the prior misconduct, even if remote or minor, evidences repeated, continual or pattern misconduct.



## **22.0 Weighing Mitigating and Aggravating Factors**

- 22.1 As noted earlier, the presence of possible mitigating or aggravating factors does not lead automatically to the conclusion that a departure from the presumptive penalty is justified. The factors must be weighed against each other and against the misconduct in question. The presence of one or more mitigating circumstances along with one or more aggravating circumstances may well justify the imposition of the presumptive penalty.
- 22.2 The concept of “weighing” basically means determining how significant or insignificant the factors are when compared to each other and to the misconduct in question. This is not a simple process of counting the number of mitigators or the number of aggravators. Nor is it an attempt to assign a certain numerical “weight” to each factor considered. It is a determination of whether or not the factors are sufficiently significant to justify a decrease or increase in the presumptive penalty.
- 22.3 In this weighing process, consideration must be given to the nature and gravity of the misconduct, the harm, injury or prejudice arising from the misconduct, the impact of the misconduct on Department Guiding Principles, and the specific purposes of discipline to be achieved in the case.
- 22.4 As a general rule, the absence of any mitigating factors should not be considered aggravating. Likewise, the absence of any aggravating factors should not be considered mitigating.
- 22.5 The reviewer’s consideration of mitigating or aggravating circumstances and their relative significance or insignificance must be documented.

## **23.0 Explanation for Definitive Ranges of Mitigated/Aggravated Penalties**

- 23.1 In this discipline system, repeated emphasis has been placed on the desire to achieve reasonable consistency and for all deputies to have a clear understanding of the consequences of their misconduct and the likely sanction for that misconduct.
- 23.2 The creation of a disciplinary matrix which clearly defines the discipline that will result from specific misconduct has been shown to have a positive impact on establishing and maintaining reasonable consistency and reasonably managing supervisory discretion. Additionally, a genuinely positive impact on deputies can result from a clear understanding of the potential consequences of misconduct and demonstrable consistency in the penalties given to all deputies, regardless of rank, for that misconduct.

- 23.3 It is important that deputies and citizens can feel confident that they know the likely disciplinary consequences of a sustained violation. As a result, the matrix has been intentionally created with definitive presumptive penalties. By the same token, it is also important that the matrix incorporate some flexibility to account for unexpected considerations. For these reasons, the matrix allows for definitive mitigated and aggravated ranges of penalties in order to better ensure reasonable consistency among all deputies similarly situated, yet allow for varying degrees of mitigation and aggravation within a set range. Therefore, if the determination is made that the conduct violation is either appropriately mitigated or aggravated, the reviewer is allowed to assign a mitigated or aggravated penalty within the ranges prescribed.

#### **24.0 Policy of Maximum Suspension of 90 Calendar Days**

- 24.1 The Manager of Safety and the Director of Corrections have instituted a policy of a 90-calendar day maximum suspension in cases where lengthy suspension as opposed to dismissal is considered the appropriate penalty. The Manager of Safety has determined that the purposes of discipline and the interests of the Department, the disciplined deputy, and the community are all sufficiently served by reasonable limits on the length of suspensions.

#### **25.0 Special Circumstances**

- 25.1 It should be recognized that any matrix system can only be designed for the large majority of cases and that on limited occasions there will be extraordinary circumstances which would justify a penalty less than or greater than that allowed under the matrix. This is what is generally referred to as “going outside the matrix.” The authority to do so is within the sound discretion of the Director of Corrections and the Manager of Safety and is reasonable and necessary to avoid injustice. A properly functioning matrix system cannot be so rigidly applied as to mandate a certain sanction or limit a certain sanction where doing so would lead to an unjust result or fail to reflect the totality of the particular circumstances.
- 25.2 These issues will generally arise in the following situations:
- 25.2.1 Cases involving extraordinary mitigation;
  - 25.2.2 Cases involving extraordinary aggravation;
  - 25.2.3 Cases involving misconduct that justify an involuntary demotion with a reduction in pay; or
  - 25.2.4 Cases involving misconduct that justifies dismissal, even though dismissal is not the presumptive or aggravated penalty indicated by the matrix.

## 25.3 Extraordinary Mitigation

- 25.3.1 In the event that a command officer, the Director of Corrections or the Manager of Safety believe that the facts and circumstances of a particular case warrant a penalty less than the mitigated penalty allowed for in the matrix, a lesser penalty may be recommended or imposed.
- 25.3.2 In order to impose a penalty less than the mitigated penalty established in the matrix, it must be concluded that the matrix fails to appropriately address the conduct, issues specific to the case, or issues specific to the deputy such as his/her performance, disciplinary history, etc. This could include a factor in mitigation that is so extraordinary that the mitigated penalty called for in the matrix would be unjust or would not reflect the totality of the circumstances.
- 25.3.3 The reasons for departing downward from the minimum penalty called for in the matrix as well as the basis for determining the particular penalty must be documented and explained.

## 25.4 Extraordinary Aggravation

- 25.4.1 In the event that a command officer, the Director of Corrections or the Manager of Safety believe that the facts and circumstances surrounding a particular case warrant a penalty greater than that allowed for in the matrix, the following are available:
  - 25.4.1.1 Suspension of up to 90 calendar days;
  - 25.4.1.2 Involuntary demotion with a reduction in pay; or
  - 25.4.1.3 Dismissal, regardless of whether dismissal is the presumptive or aggravated penalty specified in the matrix for the current violation.
- 25.4.2 In order to recommend or impose a penalty greater than the maximum penalty called for in the matrix, it must be concluded that the matrix fails to appropriately address the conduct, issues specific to the case or issues specific to the deputy, such as his/her performance, disciplinary history, etc. This could include a factor in aggravation that is so extraordinary that the maximum penalty called for in the matrix would be inadequate to effect the purposes of discipline or to reflect the gravity of the circumstances even if the maximum penalty were to be imposed.
- 25.4.3 The reasons for departing upward from the maximum penalty called for in the matrix as well as the basis for determining the particular penalty must be documented and explained.

25.4.4 Listed below are factors to consider in determining whether extraordinary aggravation exists that would warrant the imposition of discipline over and above what is anticipated by the matrix and could result in a penalty up to and including dismissal, even above and beyond the presumptive or aggravated penalty range of the matrix for the current violation. These factors include, but are not limited to:

25.4.4.1 Commission of a series of acts which constitute a course of conduct characterized by a continued inability or unwillingness on the part of the deputy sheriff to conform to expected standards of conduct;

25.4.4.2 Commission of an act or acts which clearly cause a continuing, disruptive effect on the efficient and/or safe operations of the Department or clearly constitute a substantial risk to public safety;

25.4.4.3 Commission of an act or acts which call into serious question the deputy sheriff's trustworthiness and/or integrity so as to interfere with the continued performance of his or her assigned duties and responsibilities, or which demonstrate a serious lack of the ethics, character or judgment necessary to hold the position of deputy sheriff;

25.4.4.4 Commission of an act or acts which have had or may be reasonably demonstrated to have an appreciable negative effect on the general public's confidence and/or trust in the operations of the Department; or

25.4.4.5 Commission of an act or acts which create a serious legal or financial risk for the Department or the City or as a result of which, retention of that deputy could create a serious legal or financial risk for the Department or the City.

## 25.5 Involuntary Demotion with a Reduction in Pay

25.5.1 Involuntary demotion with a reduction in pay of a deputy sheriff may occur if, after considering all of the facts and circumstances surrounding an incident, it is determined that a deputy sheriff lacks the ability, willingness or worthiness to perform in the current rank. Involuntary demotion with a reduction in pay reflects the determination that a deputy sheriff has demonstrated by his/her misconduct that he/she is unfit to fulfill the responsibilities and duties required for his/her current position at the specific rank.

- 25.5.2 In making a decision to recommend or impose an involuntary demotion with a reduction in pay, the reviewer should consider the effect on the organization of maintaining the deputy sheriff in his/her current position. If the commission of the violation prior to attaining the current rank would have raised substantial questions as to the deputy sheriff's fitness to hold that rank in the first place, an involuntary demotion with a reduction in pay may be considered.
  - 25.5.3 The importance of the ability to perform the duties and responsibilities of the rank in a credible and professional manner cannot be minimized. Additionally, supervisory and command officers must lead by example and maintain a culture in which subordinate sheriff deputies will "behave with prudence, justice, courage, intellectual honesty, responsibility, self-effacement of interests and trustworthiness and where these virtues can be continuously exercised as standard operating procedure." (See Ethics, Integrity and the Police Culture, Swope, International Criminal Police Review – No. 483 (2001).)
  - 25.5.4 An involuntary demotion with a reduction in pay may be imposed in conjunction with or in lieu of other appropriate disciplinary sanctions.
- 25.6 Dismissal
- 25.6.1 It must be universally recognized that certain acts of misconduct are so serious that the appropriate penalty is dismissal. This may result from the severity of the act or acts or from the damage the misconduct causes to the Department or public. In other circumstances, dismissal may be an option when there have been repeated acts of misconduct. Repeated misconduct may result in dismissal when it is clear that lesser corrective or punitive actions are not likely to be effective or would only serve to depreciate the seriousness of the offense. Repeated acts of misconduct may also result in dismissal where the pattern of conduct gives rise to a demonstrable concern of future civil liability on the part of the Department or the City.
  - 25.6.2 Dismissal, while a disciplinary option to be used only after careful deliberation, provides a necessary management tool for dealing with the most serious acts of deputy misconduct. Certain acts of misconduct are so egregious that dismissal is necessary. Dismissal may be necessary to both punish the deputy sheriff and protect the public and the Department from the possibility of future egregious misconduct. In the same vein, certain acts of misconduct require the penalty of dismissal because they are indicative of a deputy sheriff's inability to

continue serving in a position of trust. Dismissal may also be necessary because the commission of certain acts of misconduct has caused such damage to the Department that the continuation of employment would prevent the Department from effectively performing its mission in the community or because the retention of the deputy sheriff would constitute deliberate indifference to the duty of the Department to protect the public.

- 25.6.3 As noted above, the factors listed with regard to extraordinary aggravation apply equally to the issue of whether dismissal may be appropriate. (See Section 25.4)

**26.0 Assessing the Seriousness of Misconduct, the Harm Arising from that Misconduct and the Causal Connection Between the Conduct and the Harm for the Purposes of Determining the Appropriate Conduct Category, the Weight to be Given to Mitigating and Aggravating Circumstances or in the Consideration of “Special Circumstances”**

- 26.1 In assessing the seriousness of any conduct/violation, a reviewer should carefully consider the following questions:
  - 26.1.1 What is the purpose of the rule or policy which forbids the conduct?
  - 26.1.2 What is the “harm” against which the rule or policy is intended to guard?
  - 26.1.3 What is the overall effect of the misconduct on the goals, guiding principles, operation, image or professional standards of the Department?
- 26.2 When assessing the “harm” or “risk of harm” which arises from a particular violation, it should be understood that “harm” is not limited to physical injury. The term “harm” is intended to apply to any demonstrable wrong, prejudice, damage, injury or negative effect/impact which arises from the violation.
- 26.3 In certain instances, conduct is categorized based, in part, upon the foreseeable harm or injury which arises from the conduct (for example, conduct which foreseeably results in serious bodily injury). In determining whether the injury or harm “results” from the conduct, caution must be used to determine whether there is a sufficient causal connection between the conduct and the foreseeable result in order to justify holding the subject deputy accountable for the result.

- 26.4 In determining the causal connection between a deputy's violation and the result, the violation may be based upon a deputy's act (for example, inappropriate force which causes serious bodily injury) or a deputy's omission or failure to act (for example, an intentional violation of RR-200.17.2 - Failure to Aid and Protect Fellow Deputy).
- 26.5 When determining whether the "results" of a violation were "foreseeable," caution must be used to consider whether the harm, risk of harm or result was known to, or reasonably should have been anticipated by, the deputy at the time of the violation. In determining foreseeability, the reviewer must look to all the facts and circumstances known or which reasonably should have been known to the deputy at the time of the violation.

**27.0 Issues Related to Disciplinary Recommendations made to the Director of Corrections and the Manager of Safety – Requirement of Written Justification**

- 27.1 The Manager of Safety is charged with the responsibility of ordering all discipline issued to uniformed members of the Denver Sheriff Department greater than a reprimand. Consequently, all input into the issue of whether or not a deputy has violated a Departmental rule or policy and, if so, what the appropriate sanction should be, are in the form of recommendations to the Director of Corrections/Manager of Safety. Likewise, any findings made by the Director of Corrections with regard to those same issues are also in the form of recommendations to the Manager of Safety.
- 27.2 The Director of Corrections and the Manager of Safety consider the above recommendations but are not bound by them. The Director or the Manager may approve, modify or disapprove any recommendation made to him/her. No provision of the City Charter or Career Service Authority Rules requires the Director or the Manager to follow any recommendation.
- 27.3 While not being bound to follow disciplinary recommendations made to them, the Director of Corrections and the Manager of Safety shall consider any recommendations as a part of their review of a disciplinary case. These recommendations are intended to better inform the Director's and Manager's decision-making process. However, their failure to follow any particular recommendation is not grounds for appeal.
- 27.4 In order to more effectively communicate any recommendation made to the Director of Corrections or the Manager of Safety, any reviewer making recommendations will be required to articulate in writing the basis for the recommendation. It is vital for the Director and the Manager to understand the reasons underlying any recommendation made to them in order for the recommendation to be useful in their disciplinary decision-making and to determine what weight, if any, the recommendation should be afforded.

- 27.5 The Department shall develop forms and institute practices to satisfy this requirement of written justification. The written recommendation shall contain a summary of the relevant facts, the rules reviewed, the findings as to each rule violation and an explanation of the evidence relied upon in sustaining or not sustaining each rule violation. Any penalty recommendation shall also contain the specific penalty recommended, the basis of the recommendation, any mitigating, aggravating or special circumstances considered and all other factors which contributed to the recommendation.
- 27.6 Disciplinary recommendations and their underlying rationale are part of the Manager of Safety's deliberative process. Therefore, the Department may develop policies and procedures to limit access to, keep confidential, or otherwise protect recommendations/rationales from public disclosure except as required by law or to the extent necessary to facilitate decision-making at various stages of the disciplinary process. Among other things, keeping the recommendations and rationales confidential encourages honest discussion of issues and alternatives; provides the Manager of Safety with better and more candid advice; and results in better disciplinary decisions as a whole.

## **28.0 Chain-of-Command Recommendations in the Discipline Process**

- 28.1 Once the fact-finding investigation relating to a specific incident or complaint against a deputy has been completed, the investigative file shall be sent to the subject deputy's Division Chief. The Division Chief will make the determination as to how the case will proceed through the chain of command (a process known as "command review"). The Division Chief may choose to review the investigative file himself or herself and make recommendations to the Director based on his/her review only. In the alternative, the Division Chief may assign the case to a major or a captain to analyze and review the facts in order to determine whether the deputy's actions violated or did not violate one or more Department rules. However, the major and captain do not make recommendations regarding what disciplinary sanctions should apply; only the Division Chief makes disciplinary recommendations to the Director. Although it is preferred that the reviewing major and captain be in the subject deputy's chain of command, the Division Chief may choose to go outside the chain of command for legitimate purposes.
- 28.2 If the Division Chief assigns the case to a captain, the captain shall review the case thoroughly and determine what, if any, specific rule violations should be considered. The violations considered should be those which most adequately and specifically fit the conduct in question. The captain will also write an initial report containing a detailed analysis of the facts of the case and justification for recommended findings as to the violations being considered. These recommendations must be made by applying all the relevant principles and guidelines contained herein. If



a captain makes any findings, the assigned major must make findings subsequent to the captain's initial findings and document the basis for his/her agreement or disagreement. This documentation need not be as detailed as the captain's initial report but must be sufficient to inform the Division Chief, the Director of Corrections and the Manager of Safety of the reasons why any of the major's findings may differ from the captain's findings. The reported findings of the captain/major are forwarded to the Division Chief for his or her review and his or her determination of any recommended disciplinary sanctions.

- 28.3 If the Division Chief assigns the case directly to a major and the case does not first go through a captain's review, the major is responsible for those duties and responsibilities outlined in Section 28.2 above for the captain. If the Division Chief does not assign the case to a captain or a major and conducts his/her own review, the Division Chief is responsible for those duties and responsibilities outlined for the captain in Section 28.2 above.
- 28.4 After the Division Chief reviews and analyzes the facts and possible rule violations (whether pursuant to his/her own review or pursuant to the captain's and/or major's report) the Division Chief then makes a recommendation as to the disciplinary sanctions he/she believes are appropriate. The documentation of this recommendation should include findings as to the appropriate conduct category, the discipline level, relevant disciplinary history, the presumptive penalty, and any mitigating and aggravating factors considered. The documentation should also contain an explanation of the reasons why a disciplinary recommendation deviates from the presumptive penalty and, if applicable, the rationale for a penalty outside the matrix resulting from special circumstances.
- 28.5 If a captain or a major has made any findings, the Division Chief must document the basis for his/her agreement or disagreement with those findings. This documentation need not be as detailed as the initial recommendation(s) but must be sufficient to inform the Director of Corrections and the Manager of Safety of the reasons for the recommendations, the factors considered in making the recommendations, and the reasons why any recommendation may differ from the previous reviewer, if applicable.
- 28.6 The Division Chief must recommend a separate penalty for each violation sustained. For each sustained violation, the presumptive penalty contained in the matrix is assumed to be the appropriate penalty absent articulable factors which overcome the presumption. As always, the specific rationale for these recommendations must be provided.
- 28.7 A recommendation of discipline should be based upon the specific violation(s) which best addresses the misconduct in question. The Division Chief should ensure that each rule violation for which a

disciplinary sanction is recommended addresses separate and distinct conduct or different aspects of, or different harm arising from, the same misconduct.<sup>3</sup>

## **29.0 Pre-Disciplinary Process**

- 29.1 After the subject deputy's Division Chief has made his/her disciplinary recommendations, the subject deputy will be advised of the recommendation and be provided with the opportunity to review the documents prepared during the course of the command review of his/her case. If the recommendation is a five day suspension or less, the deputy shall then be given the opportunity to accept the recommended penalty and waive the pre-disciplinary hearing process, if applicable. If the deputy accepts the penalty and waives any applicable pre-disciplinary hearing, he/she must also agree to waive any right he/she might have to file a grievance under Career Service Rule (CSR) 18 or an appeal under CSR 19. This acceptance and waiver must be approved by the Director of Corrections and the Manager of Safety.
- 29.2 If the recommendation from the Division Chief involves more than a five day suspension or if the acceptance and waiver discussed in Section 29.1 is not approved by the Director and the Manager, or if the recommended penalty is higher than a reprimand but less than or equal to a five day suspension and the subject deputy requests a hearing, a pre-disciplinary hearing will be conducted. In accordance with Department procedure, a pre-disciplinary hearing will not be held where the disciplinary recommendation is no higher than a reprimand.
- 29.3 In cases where a pre-disciplinary hearing is to be held, it shall be scheduled by Internal Affairs. A pre-disciplinary letter will be prepared by Internal Affairs and delivered to the subject deputy at least seven (7) days before the scheduled pre-disciplinary hearing. In addition to summarizing the facts underlying any sustained findings, the pre-disciplinary letter will inform the subject deputy of the deputy's right to review the portions of the Internal Affairs file indicated in Section 29.4 below upon providing at least 48 hours written notice to Internal Affairs. The purposes of the pre-disciplinary hearing are to allow the deputy the opportunity to correct any errors in the information or facts, to tell his/her side of the story, and to present any mitigating information as to why possible disciplinary action should not be taken.

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<sup>3</sup> This discipline system recognizes that there could be different rules which address the same misconduct. For example, there may be a Departmental Rule or Regulation which has a corresponding Career Service Rule that addresses the same misconduct. When this occurs, the Division Chief may consider the corresponding rule and sustain it where applicable but should recommend that any disciplinary sanction resulting from that violation be served concurrently with any sanction resulting from the violation of the rule with which it corresponds. This practice allows the Division Chief to consider alternative rule violations for the same misconduct but ensures that the penalty is not unfairly or unreasonably increased by doing so.

- 29.4 In preparation for a pre-disciplinary hearing, the subject deputy and his/her chosen representative (excluding any witness to the investigation) shall be permitted to review the documents prepared during the course of the command review of the case, any video depicting the involved incident and any incident reports written by the subject deputy and the audio or video of the subject deputy's interview(s) with Internal Affairs.
- 29.5 The pre-disciplinary hearing will be conducted by the Director of Corrections in the presence of at least two Division Chiefs, one or more representatives of the Independent Monitor's Office, one or more representatives of the Internal Affairs Bureau and, as necessary, one or more representatives of the City Attorney's Office. At the conclusion of the pre-disciplinary hearing, the subject deputy and his representative, if any, will be dismissed and the remaining participants will consider the case. The deliberations of the participants in the pre-disciplinary hearing shall remain confidential. The purpose of these deliberations is to allow participants to have candid discussions and to provide input to the Director of Corrections to assist in making his/her recommendations to the Manager of Safety. The requirement that recommendations be made in writing contained in Section 27.0 does not apply to statements made during this deliberation process.

### **30.0 The Role of the Director of Corrections in the Disciplinary Process**

- 30.1 It is the responsibility of the Director of Corrections to oversee the administrative disciplinary process, make decisions and enter orders with regard to matters ancillary to discipline, conduct the pre-disciplinary hearing and preside over the resulting deliberations. The Director (as well as others in the chain of command) has the authority to issue reprimands. If the Director believes that discipline should be imposed at a level higher than a reprimand, he/she shall initiate that action by submitting a written recommendation to the Manager of Safety for approval.
- 30.2 In reviewing disciplinary recommendations made to him/her and in making any recommendation to the Manager of Safety, the Director of Corrections is guided by the provisions of the Charter, the Rules of the Career Service Authority, the Rules and Regulations and policies and procedures of the Department, these Conduct Principles and Disciplinary Guidelines, including the discipline matrix, and all other laws relevant to the imposition of discipline.
- 30.3 The Director shall make findings as to each rule violation considered and shall determine the discipline he/she believes to be appropriate by applying the principles, guidelines and procedures detailed herein. In determining the appropriate discipline, the Director shall be guided by the general rule that the penalties shall be imposed consecutively. However, in appropriate cases, the Director may recommend that penalties be run concurrently as set forth in more detail in Sections 32.7 thru 32.9 below.

The Director shall also follow the guidelines contained in Sections 32.10 and 32.11 below concerning the maximum length of suspensions and viewing misconduct in its entirety.

- 30.4 The Director's recommendation to the Manager of Safety shall contain a written summary of his/her findings, the basis for any disciplinary sanction recommended, and an explanation of how the sanction was determined. This summary shall include the facts relied upon, the findings as to each rule violation, a determination of the appropriate conduct categories and discipline levels, the deputy's commendatory and/or disciplinary history, any mitigating or aggravating circumstances considered, and any factors which justify the decision to impose a penalty other than the presumptive or a penalty "outside the matrix" as a result of special circumstances. The recommendation shall also include a statement that the deputy was given oral or written notice of the charges against him/her, an explanation of the evidence supporting those charges, and an opportunity to respond to those charges prior to the determination of the Director's recommendation of discipline.

### **31.0 The Role of the Independent Monitor**

- 31.1 The Office of the Independent Monitor (OIM) was created by City Ordinance to provide for fair and objective professional civilian oversight of the uniformed personnel of the Police and Sheriff Departments and to ensure public confidence in the ability of these Departments to police themselves.
- 31.2 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 regarding administrative actions, including possible discipline for such uniformed personnel; and
  - 3.) Making recommendations regarding broader policy and training issues.
- 31.3 The OIM has created policies to ensure that the complaint and commendation process is accessible to all members of the community. As such, community members and inmates can file complaints and commendations through the OIM. The OIM refers these complaints and commendations, as appropriate, to the Internal Affairs Bureau (IAB) and to Department supervisors. Once complaints are received, the OIM works with IAB command staff to ensure timely and thorough formal investigations by engaging in a triage process. Complaints that do not

require a formal investigation are filtered out of the traditional IAB process by declining complaints that do not need further investigation, assigning complaints to the Monitor's community-law enforcement mediation program, if appropriate, and assigning complaints to command staff for their review and handling (without findings or the imposition of discipline).

- 31.4 The OIM actively monitors some IAB investigations and reviews all formal investigations to ensure they are thorough and objective. At the conclusion of the command review process, the OIM reviews all findings and disciplinary recommendations for reasonableness. Subsequently, the OIM makes recommendations to the Director of Corrections and the Manager of Safety regarding the reasonableness of disciplinary recommendations made through the chain-of-command and the pre-disciplinary hearing process.
- 31.5 The OIM is empowered by ordinance to have access to the proceedings of Departmental boards involved in the disciplinary process. As such, the OIM is empowered by Department policy to attend all pre-disciplinary proceedings and participate in deliberations. The information learned by attending and participating in these deliberations are used by the OIM to evaluate the appropriateness of any findings and disciplinary recommendations.
- 31.6 The OIM issues quarterly discipline reports, which are published on its website, summarizing all disciplinary actions taken by the Department in the prior quarter. The OIM also issues an Annual Report (in March of each year) which provides details about the Department's complaint handling and disciplinary processes.
- 31.7 In carrying out its duties, the OIM, like all others involved in the investigation and review of allegations of misconduct, follows the provisions of these Conduct Principles and Disciplinary Guidelines, including the discipline matrix. The Manager of Safety and the Director of Corrections shall consider, but are not bound by, any recommendations made by the OIM.

## **32.0 The Role of the Manager of Safety in Imposing Discipline**

- 32.1 Authority of the Manager of Safety – The Manager of Safety is responsible for ordering all discipline of sworn personnel, with the exception of reprimands, in the Denver Sheriff Department. In doing so, the Manager of Safety is guided by the provisions of the Charter, the Rules of the Career Service Authority, the Rules and Regulations and policies and procedures of the Denver Sheriff Department, applicable policies of the City and County of Denver and all other laws relevant to the imposition of discipline.
- 32.2 The Manager of Safety is also empowered with reasonable discretion in exercising his/her authority to administer the Department of Safety.

- 32.3 Review of Investigative File – The Manager of Safety reviews the entire investigative file, a copy of the pre-disciplinary letter containing a summary of the facts, the deputy's disciplinary and commendation history, the audio recording of the pre-disciplinary hearing held by the Director of Corrections, and a listing of the violations considered. The recommended finding as to each violation is listed along with the recommended penalty as to each. The investigative file will also contain recommendations from the deputy's Division Chief. The Manager thoroughly reviews the entire file and considers the recommendations of the deputy's Division Chief, the Director of Corrections and the Office of the Independent Monitor but is not bound by them. In the exercise of reasonable discretion, the Manager of Safety may give these recommendations any weight he/she believes they should be accorded.
- 32.4 In determining his/her findings as to whether or not any of the violations should be sustained, the Manager of Safety must follow the same rules and instructions followed by all other reviewers.
- 32.5 If the Manager of Safety finds that there are insufficient facts or information to make a final determination of appropriate discipline, the Manager of Safety may return the case for further investigation or otherwise order that the facts or information be provided.
- 32.6 Determining the Appropriate Discipline – In determining the appropriate discipline, the Manager of Safety must follow the same rules, principles and guidelines, including the matrix, followed by other reviewers. The Manager must determine the conduct category, the discipline level and the presumptive penalty for each violation. He/she must consider whether any relevant disciplinary history within the specified time period justifies an increase in the discipline level and the corresponding presumptive penalty. The Manager must then consider whether there are any mitigating or aggravating circumstances that justify the imposition of a penalty in the mitigated or aggravated ranges for the appropriate discipline level. The Manager shall also consider whether there are any special circumstances such as extraordinary mitigation or extraordinary aggravation that would justify a lesser or greater penalty than that allowed by the matrix. Finally, in appropriate cases, he/she shall consider whether there are any special circumstances that justify an involuntary demotion with a reduction in pay or dismissal, even though dismissal is not the presumptive or aggravated penalty listed by the matrix.
- 32.7 Penalty as to Each Rule Violation Sustained – The Manager of Safety shall impose a separate penalty for each violation sustained. For each sustained violation, the presumptive penalty is presumed to be the appropriate penalty absent articulable factors which overcome the presumption. As a general rule, penalties shall be imposed consecutively, except as noted in Sections 32.8 thru 32.10 below. However, where suspension is determined to be the most appropriate penalty for one or more sustained violations, the total suspension shall not exceed 90 calendar days.

- 32.8 Avoiding the Impact of “Stacking” – A balanced disciplinary system should impose fair and appropriate discipline based upon the nature of the misconduct and not simply upon the number of rule violations that could arguably be charged and sustained. Discipline should be based upon the most specific violation(s) possible to adequately address the misconduct. In fashioning a final order of discipline in cases involving multiple rule violations, the Manager of Safety must ensure that each rule violation addresses separate and distinct conduct or addresses a different aspect of, or a different harm arising from, the same conduct. Rule violations which are only alternate theories of addressing the same conduct should not operate so as to unfairly increase the penalty. If multiple violations are sustained which are merely alternative theories of addressing the same conduct, the sustained violations should run concurrently with the most serious violation. Only if separate and distinct misconduct or different aspects of, or different harm arising from, the same misconduct are found, should penalties run consecutively.
- 32.9 To avoid unfair impact on the subject deputy or to otherwise further the interests of fairness and reasonableness, the Manager of Safety may elect to choose among the rule violations sustained, to impose disciplinary sanctions concurrent to each other, to hold penalties or portions of penalties in abeyance, or to otherwise fashion a disciplinary sanction which more appropriately addresses the nature and totality of the subject deputy’s misconduct while still reflecting the principles and purposes of discipline enumerated in this Handbook.<sup>4</sup>
- 32.10 Maximum Suspension of 90 Calendar Days
- 32.10.1 Where the application of the matrix or any of the principles and guidelines supporting it results in a suspension in excess of 90 calendar days and dismissal or involuntary demotion with a reduction in pay is not otherwise appropriate, the Manager of Safety shall fashion the penalty so as to not exceed a 90 calendar day suspension. While the Manager of Safety may order all suspended days indicated by the matrix for each rule violation, he/she may impose the suspensions concurrently or suspend the execution of the order for that portion of the suspension which exceeds 90 calendar days.

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<sup>4</sup> Caution and sound judgment are urged in the application of this section. Its intent is to allow the Manager of Safety, in the exercise of sound discretion, to fashion disciplinary sanctions consistent with the principle enunciated in Section 2.13 of this Handbook. However, that principle must be weighed and balanced against the goals and purposes of discipline contained in Section 11.0, other disciplinary principles and rationales enunciated throughout this Handbook and the assumptions inherent in the disciplinary sanctions contained in the Matrix. This section is intended to take into consideration the totality of the facts and circumstances surrounding the rule violations being considered and/or the conduct or circumstances of the deputy being disciplined. It is not intended to apply to or be a remedy for procedural issues such as the timeliness of the investigative or review process in a particular case.

32.11 Viewing Misconduct in Its Entirety – The Manager of Safety may impose a penalty greater or less than that provided for in the matrix when the conduct taken as a whole justifies a finding of special circumstances. If special circumstances are found, the Manager of Safety may impose a penalty less than that provided for by the matrix or may impose a suspension of up to 90 calendar days, an involuntary demotion with a reduction in pay, or dismissal.

32.12 Manager's Final Order of Discipline

32.12.1 The Manager of Safety shall prepare the Final Order of Discipline. The Manager shall also prepare a confidential addendum to the Final Order of Discipline detailing his/her deliberative process in reaching the final discipline. This addendum shall include a summary of the rule violations sustained, the conduct categories found, any mitigating/aggravating/special circumstances considered, and an explanation of how the final discipline sanction was determined.

32.12.2 A copy of the Final Order of Discipline of the Manager of Safety and the confidential addendum shall be maintained pursuant to established Department policy.

**33.0 Sources of Disciplinary Rule Violations**

33.1 Rule violations are in essence “charges” brought against subject deputy sheriffs as notice of the specific violations alleged. Throughout these Conduct Principles and Disciplinary Guidelines, sources of disciplinary rule violations have been variously referred to as Rules and Regulations, Career Service Rules, Mayor’s Orders, directives, policies, procedures, post orders and the like. The use of one reference is not intended to exclude the other. Nor is the use of the references noted in this section intended to exclude any source upon which rule violations may be based.

**34.0 Application Considerations Regarding Certain Areas of Misconduct – Definitions and Explanation of Terms**

34.1 The Manager of Safety and the Director of Corrections have identified a number of areas of misconduct that may require special consideration in applying the matrix and the guidelines and principles contained herein. These areas are discussed in Appendix C. All persons who review cases or make disciplinary decisions involving violations related to these areas of misconduct shall consult Appendix C for a better understanding of the issues involved. These areas include:

- 1.) Untruthfulness
- 2.) Interfering with Investigations/Questioning
- 3.) Conduct Prohibited by Law



- 4.) Use of Inappropriate Force
  - 5.) Use of Force Reporting
  - 6.) Abuse of Prisoners
  - 7.) Sexual Misconduct and Fraternization
  - 8.) Sleeping on Duty, Conducting Rounds, Protecting Prisoners and Attention to Duties
  - 9.) Violation of Sick Leave Policy, Feigning Illness, Unauthorized Leave and Absent from Duty
  - 10.) Conduct Prejudicial
  - 11.) Careless Handling of Firearms
  - 12.) Driving Violations Resulting in Injury or Death
  - 13.) Soliciting Preferential Treatment
- 34.2 Appendix C also contains definitions/explanations of terms that persons reviewing cases or making disciplinary decisions should be aware of. These include:
- 1.) Bodily Injury and Serious Bodily Injury
  - 2.) References to the "Public", "Community", "Citizens" or Similar Descriptions
  - 3.) Deputy or Deputy Sheriff
  - 4.) The "Rank of Deputy Sheriff"
  - 5.) Employee
  - 6.) Delegation of the Duties and Responsibilities of the Manager of Safety, Director of Corrections and other Command Ranks
  - 7.) References to "Rules and Regulations", "Policies", "Procedures" and the Like

### **35.0 Negotiated Settlement of Disciplinary Actions**

- 35.1 The Department and the Manager of Safety recognize that, notwithstanding the reasonable consistency which is to be achieved by the application of the disciplinary matrix, circumstances may arise which necessitate meaningful settlement discussions between the subject deputy sheriff, the Director of Corrections and the Manager of Safety. Therefore, the Manager of Safety or the Director of Corrections may engage in settlement discussions with the subject deputy. These discussions may focus either on the specific violation(s) to be charged and/or the discipline to be imposed. Nonetheless, deputy sheriffs should understand that settlement negotiations are not a matter of right and

refusal by the Director of Corrections or the Manager of Safety to enter into settlement discussions or to reach a settlement agreement cannot be a basis for appeal.

- 35.2 Settlement, while encouraged in appropriate cases, should occur only for legitimate purposes and not in an effort to circumvent the application of the matrix or the purposes and goals of these Conduct Principles and Disciplinary Guidelines. All settlement agreements must be approved by the Manager of Safety.

### **36.0 Establishment of the Manager of Safety's Discipline Advisory Group Standing Committee**

- 36.1 The Manager of Safety shall establish a Standing Committee to review and suggest changes, where appropriate, to these Conduct Principles and Disciplinary Guidelines and other Departmental policies and procedures related to discipline.
- 36.2 The membership of the Standing Committee shall be composed of a cross section of Department personnel, including representatives of the bargaining agent as well as persons outside the Department and shall meet on a regularly established basis. (See Section 39.0)

### **37.0 Application of these Conduct Principles and Disciplinary Guidelines**

- 37.1 The provisions outlined herein shall apply to all alleged violations of Department rules, policies, etc. committed on or after January 1, 2011.
- 37.2 Any amendments to these Conduct Principles and Disciplinary Guidelines or other policies and procedures related to discipline shall take effect only upon reasonable prior notice to all members of the Department.
- 37.3 In cases where a deputy sheriff is alleged to have committed a rule violation before January 1, 2011, but commits a subsequent violation related to the investigation of the original violation, the provisions of this Discipline Handbook shall apply to the subsequent violation only and not to the original alleged violation. For example, if a deputy makes a false statement after January 1, 2011 during the course of an investigation of a violation which occurred before January 1, 2011, the Discipline Handbook shall apply only to the false statement allegation.
- 37.4 In cases where a deputy has more than one pending case, the case which was first reported to Internal Affairs will be considered the first case for purposes of calculation of discipline.

### **38.0 The Vital Role of All Persons Involved in the Discipline Process**

- 38.1 In order to ensure an effective discipline system consistent with the stated goals, purposes and policies of these Conduct Principles and Disciplinary Guidelines, all persons involved in the investigation and review of allegations of misconduct are obligated to conscientiously apply the

principles and guidelines contained herein and to judiciously follow the procedures outlined. No system of discipline can be perceived as fair, nor can it succeed in promoting respect and trust within the Department or with the community, without such a commitment.

38.2 All persons who are involved in the investigation and the review of misconduct, recommend disciplinary findings or sanctions, make decisions at any stage in the disciplinary process, or otherwise participate in the administration of the disciplinary process, as well as their legal or Department representatives, are obligated to keep disciplinary deliberations, recommendations, and rationales confidential except where:

- 1.) Disclosure is necessary for the administration of the disciplinary process;
- 2.) Approved by the Director of Corrections or the Manager of Safety;
- 3.) In accordance with established Department policy and procedure; or
- 4.) Allowed by the rules of the Career Service Authority, the ordinances of the City and County of Denver, or any applicable state or federal laws.

### **39.0 Discipline Advisory Group Standing Committee**

39.1 The Discipline Advisory Group (DAG) Standing Committee shall consist of:

- 1.) The Manager of Safety and/or Deputy Manager of Safety;
- 2.) The Director of Corrections and/or his or her designee;
- 3.) Two sergeants, two captains and two majors selected by the Director of Corrections;
- 4.) One Division Chief selected by the Director of Corrections;
- 5.) One deputy sheriff from each employee organization that is designated by the Manager of Safety for representation on the DAG Standing Committee;
- 6.) Two deputy sheriffs of any rank from the bargaining agent and one legal representative of the bargaining agent;
- 7.) The Executive Director of the Career Service Authority or his or her designee;
- 8.) A representative from the Denver City Attorney's Office;
- 9.) A representative from the Office of the Independent Monitor;

- 10.) A representative from the Citizen Oversight Board; and
  - 11.) A specified number of representatives from the community as determined by the Manager of Safety and the Director of Corrections.
- 39.2 The Manager of Safety or his or her designee shall be the Chairperson. The Director of Corrections or his or her designee shall be the acting Chairperson in the absence of the Chairperson.
- 39.3 All members of the Standing Committee chosen by the Manager of Safety or the Director of Corrections shall serve at the discretion of the Manager of Safety and the Director of Corrections for a term of three years. All members may be reappointed for additional terms.
- 39.4 DAG Standing Committee Responsibilities – The Standing Committee shall review and suggest changes, where appropriate, to these Conduct Principles and Disciplinary Guidelines and other Departmental policies and procedures regarding discipline. The implementation of any changes suggested by the DAG Standing Committee shall be within the sound discretion of the Manager of Safety and Director of Corrections, in consultation with the City Attorney's Office, as appropriate.

# DENVER SHERIFF DEPARTMENT

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## MISSION

*Our mission is to provide public safety and security for the community by ensuring secure care, custody and transportation of detainees and operating safe, secure, efficient and humane facilities that adhere to Federal, State and local laws.*

## VISION

*The Denver Sheriff Department's vision is to:*

- Achieve and maintain ACA Accreditation.
- Improve the quality of service with innovative programming, training and the use of emerging technologies.
- Promote diversity, leadership, partnerships and best practices through collaboration and staff participation.
- Maintain open and effective communication with the community.

## Guiding Principles

- |            |                       |
|------------|-----------------------|
| ➤ Honesty  | ➤ Sensitivity         |
| ➤ Respect  | ➤ Personal Leadership |
| ➤ Fairness | ➤ Integrity           |
| ➤ Openness | ➤ Accountability      |
| ➤ Teamwork | ➤ Professionalism     |
| ➤ Judgment |                       |

## Appendix B – Comment on Department Guiding Principles

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### History of the Guiding Principles

In 1999, in preparation for the Millennium in 2000 and for the Sheriff Department's 100<sup>th</sup> Anniversary in 2002, supervisors and command personnel at that time were given a special project. During in-service training weeks, all of the sergeants and captains throughout the Department worked with the division chiefs to craft a document that described the values to which the Department subscribed. These values were called "Guiding Principles". Those personnel working on the project went on to explain each of the principles and why they were important to the Department and to the communities served by the Department. These Guiding Principles subsequently became an integral part of newly created Mission and Vision Statements for the Department.

To achieve its vision and accomplish its mission, the Department must be committed to these guiding principles. All members of the Department, whether sworn or civilian, rank and file or supervisor/command, must embrace these guiding principles and strive to demonstrate them in their professional and private lives.

As part of the Disciplinary Advisory Group (DAG) process, a select committee was tasked with the responsibility of discussing and commenting on the Guiding Principles and on their importance with regard to the administration of the discipline process. The excellent work of that committee was adopted by the entire DAG and is included herein as guidance to all members of the Department.

### Honesty

*Being ethical and honest in everything we do or say.*

Honesty is being truthful and forthright in everything we do and say.

Honesty is expected of every employee in the Department. Avoiding deception, misrepresentation or omission of relevant facts and telling the complete truth are essential to ensuring honesty and fostering respect in the Department and in the community.

In the discipline process, no decision can be fairly made and no case completely investigated without honesty. If the Department fails to demand honesty, it breaks faith with the public and its own employees. Honesty must be expected of everyone, from the Director to the newest deputy, recruit or employee. The Department must reinforce the guiding principle of honesty with its actions, words, and conduct.

## Respect

*Acting with respect to all, including other deputies, employees and the public.*

Respect is treating others as you like to be treated and acknowledging the worth of all people. Giving courteous, considerate and fair treatment to everyone is the hallmark of respect. Respect requires that we acknowledge the dignity of each individual with whom we have contact and act in an appropriate and honorable way in our dealings with every person.

Respect is a two-way street. When we commit to respectful treatment in all of our interactions with the City, the Department, co-workers and citizens, including the inmates in our care, that respect is returned to us and to the Department as a whole.

The disciplinary process must be grounded in respect and demands that those involved in the process be treated accordingly.

## Fairness

*Treating others as we would want to be treated. Upholding the values of the constitution of this nation, including freedom from prejudice and favoritism and providing justice for all.*

Fairness is the result of equitable, just and impartial treatment of all people. Freedom from prejudice, bias and favoritism are some of the essential components of fairness.

Fairness is one of the cornerstones of justice and creates a foundation of trust and respect. Trust and the expectation of fair treatment make deputies and employees safer in all facets of their work and encourages the cooperation of all those in contact with the Department as well as those within the Department.

Fairness is essential in the disciplinary process. When the Department applies the rules, regulations and laws in an impartial and unbiased manner, fairness is achieved. When deputies and employees feel that they have been treated fairly and impartially, they have greater confidence in the Department.

## Openness

*Being objective, accessible, tolerant, flexible and adaptable. Listening to the points of view of others. Striving for open communication and willingness to compromise.*

Openness results from being approachable, receptive and direct. When we are accessible and tolerant, we create transparency and openness within the Department and develop trust with members of the Department and the community.

Openness instills a sense of integrity and credibility in the Department. A Department that values openness enables its members and the community to communicate in a manner that embraces constructive ideas and different points of view. Openness thereby improves the Department's internal and external relationships and ultimately, improves its decisions.

Openness in the disciplinary process ensures that Department members and the public are educated about how disciplinary decisions are made and the potential consequences of misconduct. Openness creates a climate in which the disciplinary process gives notice, is transparent, improves internal and external relationships and encourages employees to have confidence in that system.

### Teamwork

*Encouraging a harmonious, supportive environment, putting the "team" first, and fostering positive working relationships.*

Teamwork results when individuals work collectively. By combining the strengths, skills and experiences of a diverse group of Department members, teamwork enhances decision-making and better achieves goals, based upon a collaborative effort.

Teamwork is critical to the community and the Department because it increases safety and improves operational efficiencies. The result of teamwork is a better functioning Department and deputies and employees who have greater morale and feel more invested in their colleagues and their Department. Teamwork elevates the professionalism of the organization.

In the disciplinary process, teamwork creates a collective sense of responsibility and accountability in both individual employees and the team as a whole. Successful teamwork results in openness, as well as better analysis and decision-making. These outcomes inherently reduce the likelihood of misconduct.

### Judgment

*Making reasonable decisions based on common sense and good judgment.*

Judgment is the exercise of sound decision-making. It is based upon many elements, including character, training, common sense and a consideration of the totality of the circumstances.

Judgment is important to the Department and the community because the Department must rely upon its deputies' and employees' good judgment to ensure a safe and secure environment for all.

The exercise of sound judgment is vital to the administration of the discipline system if decisions are to be considered fair and trustworthy. Additionally, recognition of one's exercise of judgment, whether good or bad, is critical in the disciplinary process so that future behaviors can, if necessary, be corrected.



### Sensitivity

*Recognizing the humanity in others and being able to deal with difficult people and situations with compassion and concern.*

Sensitivity is being thoughtful and considerate in our dealings with others. When we show sensitivity, we show compassion and concern for those in all situations.

Sensitivity reinforces the essential principle that all people want to be heard and valued. In being sensitive to these needs, the Department enhances its understanding of its own personnel and the community it serves.

Sensitivity enables the Department and its personnel to de-escalate potentially unsafe and adverse situations. Sensitivity can assist Department personnel to be proactive in identifying and avoiding situations that could potentially result in misconduct and involvement in the disciplinary process.

### Personal Leadership

*Taking personal responsibility and initiative to get things done. Being proactive rather than reactive. Setting goals and looking towards the future. Setting a positive example for others to follow.*

Personal leadership is displayed when deputies and employees embrace personal responsibility and initiative.

Being productive, setting goals and reflecting a sense of pride in accomplishing the Department's mission and in the law enforcement profession generally displays personal leadership. Those who demonstrate personal leadership inspire others and improve the Department as a whole.

In the disciplinary process, personal leadership provides the avenue to achieving fair and equitable results. Those who strive to take ownership of their duties, responsibilities and the obligations that come with their authority set the highest standard of personal leadership. It is only by personal leadership, as seen in the honest acknowledgment of personal conduct – whether good or bad, that the disciplinary process has the potential to reach fair and equitable results.

### Integrity

*Having the courage to do the right thing. Maintaining self-discipline, control and self-restraint.*

Integrity means acting out of a sense of moral principle and having the courage to do the right thing. Deputies and employees with integrity are those whose word can be trusted and whose decisions are fair and equitable.

Integrity is the cornerstone of the public's trust of the Department and is essential to the creation of partnerships with the community. It is also the foundation for belief in and respect for the Department. Denver Sheriff Department deputies and employees are in a unique position to increase the trust and confidence of both the public and the inmate community by acting with integrity.

Integrity creates a greater awareness of proper behavior. It helps to guide decisions and increases deputies' and employees' awareness and understanding of the ethical conduct required of them. A lack of integrity can have severe consequences, including corruption, bias, ineffectiveness and loss of respect, and can undermine everything that the Department values.

### Accountability

*Being accountable for everything we do.*

Accountability means being responsible and answerable to both the public and the Department for our own conduct.

We demonstrate accountability by acknowledging our own conduct, both on and off duty, and accepting the results of our actions. Being accountable also means that we understand that our community looks to us to set positive examples in our professional and personal lives.

In the disciplinary process, we achieve accountability by taking responsibility for our words and actions and providing information and documentation, if requested to do so. We also understand and recognize that there are disciplinary consequences for misconduct. Accountability is a necessary component of community, deputy and employee confidence in the Department.

### Professionalism

*Demonstrating skill, knowledge and competency in carrying out all assigned duties. Striving for excellence and continued self-improvement.*

Denver Sheriff Department personnel exhibit professionalism through the application of specialized training, acceptance of the high expectations and standards of the law enforcement profession and demonstrated desire for improvement. Professionalism results when we are motivated by the honor of authority bestowed upon us and our recognition that the price of that honor is a commitment to excellence.

Professionalism requires that all deputies and employees of the Department maintain and improve the core competencies and specialized skills that are necessary to fulfill their duties. Professionalism is critically important in ensuring that the Department fulfills its obligation to protect the lives and safety of individuals in our care, custody and control. Additionally, when we act with professionalism, we enhance the ability of the Department to protect the safety of deputies, employees, and the public.

It is the expectation of the Department that we act with professionalism at all times. A lack of professionalism diminishes the reputation of the Department as well as the reputations of the individual deputies and employees and further creates an environment where deputies and employees may feel free to engage in conduct that is contrary to the Department's standards and expectations.

## **Appendix C – Application Considerations Regarding Certain Areas of Misconduct – Definitions and Explanation of Terms**

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### **Untruthfulness**

“Honesty” is a guiding principle of the Denver Sheriff Department. As indicated previously in this Handbook, honesty is defined as “being truthful and forthright in everything we do and say.” Honesty is expected of each individual deputy. Avoiding any deception or misrepresentation and telling the complete truth are necessary to ensure honesty in the Department. There is no basis for respect or trust without honesty. If the Department fails to demand honesty, it breaks faith with the public and its own employees. The Department must reinforce the guiding principle of honesty with its actions, words and conduct. Honesty must be expected of everyone, from the Director of Corrections to the newest deputy, employee or recruit. No complaint can be fully investigated, no finding can be legitimately reached, and no discipline can be fairly imposed without honesty.

One issue is whether the Department should attempt to distinguish between falsehoods which have a serious impact and falsehoods which are not as serious. One opinion is that any attempt to distinguish between the two would send the message both to the Department and the community that “lying” is tolerated by the Denver Sheriff Department. Some law enforcement agencies have adopted so-called “zero tolerance” policies against untruthfulness. In fact, untruthfulness by a law enforcement officer has often been described as a “death penalty offense” for an officer’s career. However, in many departments that claim a zero tolerance policy for untruthfulness, less impactful falsehoods are often not referred through the disciplinary process in order to avoid terminating an officer.

False statements have special significance in the disciplinary process because they impact the integrity of deputies in fundamental ways. It is the conclusion of the Manager of Safety and the Director of Corrections, however, that a false statement allegation, if proven, need not automatically lead to dismissal. Otherwise, those false statements that do not require dismissal will not be brought to the attention of the Department’s administration and may not be dealt with in an appropriate manner.

In the past, the sanctions for untruthfulness (variously referred to as “departing from the truth”, “departing” or “dishonesty”) have ranged from a 25 day suspension without pay (in addition to the penalty imposed for any underlying violation) to dismissal depending on the particular circumstances. In the new matrix, certain “departing” violations will now involve presumptive dismissal for the involved deputy. As noted above, not all cases of false statements warrant the penalty of dismissal. In addition, in some cases, a deputy’s early admission of untruthfulness could be a mitigating factor for a false statement that was made without premeditation.

Previously, the Department dealt with issues of untruthfulness through CSA Rule 16-60.E.3 (“any act of dishonesty, which may include, but is not limited to: lying to superiors or falsifying records with respect to official duties, including work duties, disciplinary actions, or false reporting of work hours”) and Department RR-200.4

("Deputy sheriffs and employees shall not depart from the truth, knowingly make misleading statements or falsify any report, record, testimony or work related communications"). The CSA Rule is still in effect and still applies to deputy conduct. However, Department RR-200.4 has been expanded to distinguish between different types of "departing" violations.

RR-200.4.1 – Misleading or Inaccurate Statements: "Deputy sheriffs and employees shall not knowingly make a misleading or inaccurate statement relating to their official duties." This new section applies to inaccurate and misleading statements that are made without premeditation or without any intent to influence the outcome of an investigation. This type of statement can either be a Category D or a Category E violation based upon a consideration of the totality of the circumstances. The possible penalties for a first time violation of this section if it is determined to fall within Category D of the matrix (absent any prior disciplinary history or special circumstance) would range from a mitigated penalty of 4 - 6 days suspension (with the presence of mitigating factors) to a presumptive penalty of 10 days suspension to an aggravated penalty of 14 -16 days suspension (with the presence of aggravating factors). If the violation is determined to fall within Category E of the matrix, the possible penalties for a first time violation (absent any prior disciplinary history or special circumstance) would range from a mitigated penalty of 18 – 22 days suspension (with the presence of mitigating factors) to a presumptive penalty of 30 days suspension to an aggravated penalty of 38 – 42 days suspension (with the presence of aggravating factors).

RR-200.4.2 – Commission of a Deceptive Act: "In connection with any investigation or any judicial or administrative proceeding, deputy sheriffs and employees shall not willfully, intentionally, or knowingly commit a materially deceptive act, including but not limited to, verbally departing from the truth, making a false report, or intentionally omitting information." This new section refers to untruthfulness violations that impact investigations or official proceedings and amount to a willful disregard of the Department's Guiding Principles of Integrity, Honesty and Accountability. A first-time offender of this section should expect to be dismissed. Only with the existence of appropriate mitigating circumstances would the mitigated penalty of 90 days be imposed. Only with extraordinary mitigation would an offender of this section receive anything less than a 90 day suspension.

A factor in mitigation that may be considered would be that the untruthfulness would not have been discovered but for the deputy coming forward and making a truthful statement. In those circumstances, the presumptive penalty of dismissal may be avoided. Similarly, in those cases in which an admission of untruthfulness is made after a deputy has been untruthful, the presumptive penalty of dismissal may also be avoided. The Department must be cognizant, however, that even in these circumstances, a deputy's failure to be truthful may need to end that deputy's career. Untruthfulness of the type contemplated in RR-204.2 may justifiably raise questions of the deputy's trustworthiness and integrity and may impact the deputy's ability to effectively perform his/her duties and responsibilities with regard to the criminal justice system. Instances of untruthfulness may also need to be disclosed to the District Attorney's or City Attorney's Offices in order for prosecutors to meet their discovery obligations under the law.

## New Rule & Regulation – RR-200.4.7 – Interfering with Investigation/Questioning

A professional, respectful, competent and trustworthy Internal Affairs process is essential to many of the Department's guiding principles, including Accountability, Fairness, Honesty, Integrity, Professionalism and Respect. As such, a deputy's failure to cooperate with, or a deputy's interference with, an Internal Affairs investigation would be a violation that would demonstrate a serious lack of the integrity, ethics or character related to a person's fitness to hold the position of deputy sheriff.

As such, the creation of a new rule was necessary to deal specifically with this issue. The new R&R reads: "Deputy sheriffs and employees shall not knowingly engage in conduct or have direct or indirect contact with any witness, complainant or investigator which is intended to, or actually does, obstruct, compromise or interfere with an internal or criminal investigation. Internal investigations shall include those initiated by the Internal Affairs Bureaus of the Denver Police or Sheriff Departments, the Director of Corrections or designee, the Manager of Safety or his or her designee, the Manager of Safety's EEO Coordinator or the Office of the Independent Monitor."

The presumptive penalty for a first-time violation of this rule is dismissal. Only with the existence of appropriate mitigating circumstances would the mitigated penalty of 90 days be imposed. Only with extraordinary mitigation would an offender of this section receive anything less than a 90 day suspension.

It should be noted that the new rules relating to untruthfulness and interfering with an investigation ensure accountability for deputies who either make materially false statements in connection with any investigation or any judicial or administrative proceeding or who interfere with Internal Affairs investigations. There needs to be recognition, however, that certain rights beget certain responsibilities. Specifically, the Sheriff Department and the Independent Monitor have created a system that makes the complaint handling process accessible to all members of the community and the Department. In those unfortunate cases where a complainant makes a false complaint against a deputy, there should be accountability for such a false statement. As such, the Internal Affairs Bureau policy is that a referral for possible criminal prosecution be made to the appropriate prosecutorial agency upon the review and determination of the IAB command staff.

### **Conduct Prohibited by Law**

Undoubtedly, the Manager of Safety and Sheriff Department need to be able to discipline deputies for engaging in conduct that is prohibited by criminal statutes or other laws. A primary reason for that need is that Sheriff personnel are employed, in large part, to enforce custodial rules and protect Constitutional rights. Consequently, conduct by deputies that violates the law is totally antithetical to a deputy's role in society and diminishes the public image of law enforcement officers in general. Engaging in conduct that violates a law, particularly a criminal law, may also negatively affect a deputy's ability to perform his/her job functions.

Rewrite of RR 300.11 and renumbering to 300.11.1 – Now titled “Conduct Prohibited by Law” – Conduct that violates any type of law can be used as the basis for a violation of RR-300.11.1, Conduct Prohibited by Law, or RR-300.11.2, Aggravated Conduct Prohibited by Law. Thus, whenever a preponderance of the evidence shows a deputy engaged in conduct that is forbidden by a felony statute, misdemeanor statute, municipal ordinance, or other law, the Department may discipline the deputy for violating RR-300.11.1 or RR-300.11.2 (depending upon the type of misconduct).

No Requirement of Criminal Conviction – The standard of proof in an administrative setting for establishing the violation of a disciplinary rule by a deputy who has passed probation is the “preponderance of the evidence” standard, which is a lower standard than the “proof beyond a reasonable doubt” standard applicable in a criminal proceeding. Therefore, there is no requirement that a deputy actually be convicted of a criminal offense for the Department/Manager of Safety to find that the deputy has engaged in conduct that is prohibited by law. Nor is there any necessity for the deputy even to be arrested or charged with a crime.

Refusal of Criminal Filing by Prosecutor Not Dispositive – It is noteworthy that a prosecutor can refuse to file a criminal case for a variety of reasons that may not be relevant to the decision to bring a disciplinary action, such as:

- (a) The prosecutor may believe there is no reasonable likelihood of obtaining a criminal conviction;
- (b) There may be insufficient identification of the perpetrator;
- (c) The victim of the crime may be reluctant to testify (e.g., the victim may not want to see the perpetrator charged criminally);
- (d) Municipal charges may be more appropriate than State charges;
- (e) The matter is primarily civil in nature and, therefore, not suitable for resolution in a criminal proceeding; or
- (f) The matter is better handled through an administrative action than through the criminal justice system.

Therefore, a prosecutor’s refusal to file a criminal case does not compel a conclusion that a violation of RR-300.11.1 or RR-300.11.2 should not be charged or sustained against the deputy. Nor does a prosecutor’s refusal to file charges serve as a mitigating factor in the administrative action. Thus, if the preponderance of the evidence establishes that the deputy has engaged in conduct that is prohibited by law, the Director/Manager of Safety may sustain a violation of RR-300.11.1 or RR-300.11.2 even though the prosecutor refused to file criminal charges.

Effect of Plea or Finding of Guilty – On the other hand, actions that occur within the criminal justice system that establish a deputy’s violation of a criminal law (such as a guilty verdict following a trial or a guilty plea) generally will be considered by the Department/Manager of Safety as proof, for disciplinary purposes, that the deputy has

engaged in conduct that is prohibited by law. The reason that a conviction or guilty plea is generally dispositive of conduct prohibited by law is that, as noted above, the standard of proof for a criminal conviction is higher than the standard of proof for sustaining an administrative violation. Thus, if a judge or jury determines, under a proof beyond a reasonable doubt standard, that the evidence proves a deputy has violated a criminal statute or ordinance, that evidence would also prove, under a preponderance of the evidence standard, that the deputy engaged in the conduct that violated the criminal statute. Hence, a violation of a disciplinary rule based upon the same conduct as the criminal conviction would be conclusively established. Likewise, any other type of criminal disposition that essentially requires an admission that the deputy engaged in the unlawful conduct (such as a plea of nolo contendere or a deferred judgment) will conclusively establish a violation of a disciplinary rule based on the conduct at issue in the criminal case.

Effect of Finding of Guilty as to Lesser Charges – If a deputy is not found guilty of violating the most serious crime with which he/she is charged but instead is found guilty of a lesser offense, a violation of RR-300.11.1 or RR-300.11.2 could still be sustained if the evidence establishes that the deputy engaged in conduct that is prohibited by law. Thus, the Department/Manager of Safety could sustain a violation of RR-300.11.1 or RR-300.11.2 for the lesser crime for which the deputy was convicted, any higher level crime for which the deputy was not convicted, or any other crime applicable to the deputy's conduct.

Effect of Finding of Not Guilty – A similar situation could arise if a deputy charged with one or more criminal violations is found not guilty or the case is dismissed for any reason. For the reasons already stated in this section, a violation of RR-300.11.1 or RR-300.11.2 could still be sustained if a preponderance of the evidence establishes that the deputy engaged in conduct prohibited by that law. However, sound reasonable judgment and caution must be exercised in such cases in order to avoid an injustice and to ensure that the administrative action is being taken for legitimate and appropriate purposes.

Mere Filing of Case Not Evidence – Of course, the mere fact that a criminal case is filed against a deputy is not evidence supporting a violation of RR-300.11.1 or RR-300.11.2. Nor does the mere filing of criminal charges result in an aggravation of the administrative case because, like any other citizen, the charged deputy is entitled to a presumption of innocence.

Criminal Conviction Not Mitigating But Can Be Aggravating – The fact that a deputy has been charged with or convicted of a criminal offense, and thus suffered some detriment, should never be a reason for the Department/Manager of Safety to decline to consider or impose disciplinary action against a deputy for engaging in conduct that is prohibited by law. Nor should such prosecution or conviction serve in any way as a mitigating factor in imposing a disciplinary sanction on the deputy if he/she is sustained for violating RR-300.11.1 or RR-300.11.2. On the other hand, conviction of a criminal offense based upon the same conduct at issue in the disciplinary case can be an aggravating factor.



The Decision to Consider and Sustain Disciplinary Action Based Upon Conduct Prohibited by Law – From a legal standpoint, a violation of RR-300.11.1 or RR-300.11.2 could be considered and sustained whenever a preponderance of the evidence indicates that the deputy has engaged in conduct prohibited by law. However, caution and sound reasonable judgment should guide the decision to proceed administratively under a “Conduct Prohibited by Law” theory, especially where a deputy has not been prosecuted criminally or criminal charges have been dismissed and there are other administrative rule violations which address the misconduct. A thorough review of all the facts and circumstances of the case must be undertaken to ensure the appropriateness of any action taken. Consultation with the appropriate prosecutor’s office may better inform such a decision.

Cautionary Instructions When Reviewing an Alleged Violation of RR-300.11.1– Conduct Prohibited by Law, or RR-300.11.2 – Aggravated Conduct Prohibited by Law – In those circumstances in which either the deputy has not been criminally prosecuted with a law violation or criminal charges have been dismissed, a violation of RR-300.11.1 – Conduct Prohibited by Law, or RR-300.11.2 – Aggravated Conduct Prohibited by Law may be sustained. Reviewers, however, are cautioned that to sustain violations of both RR-300.11.1 or RR-300.11.2 and another Departmental rule prohibiting the underlying conduct may result in a “stacking of charges” as outlined in Section 32.8 of these Conduct Principles and Disciplinary Guidelines. Sound reasonable judgment and caution must be exercised in such cases in order to avoid an injustice and to ensure that the administrative action is being taken for legitimate and appropriate purposes.

Start of Administrative Investigation when Criminal Charges Pending – It is also important for deputies to know what will trigger an administrative investigation when a criminal proceeding is pending against a deputy. Generally, the Department will not proceed with the administrative case while a criminal case is pending but rather will await the disposition of the criminal matter before proceeding. However, the Department need not do so in every instance. Many factors may influence the decision to proceed. This decision should be made cautiously and in consultation with the prosecutor’s office handling the pending criminal case. The factors for consideration include, but are not limited to:

- (a) The seriousness of the deputy’s alleged conduct/nature of charges;
- (b) The strength of the evidence;
- (c) The amount of additional investigation necessary;
- (d) The length of the criminal process;
- (e) The potential detrimental effect on the criminal prosecution; and
- (g) The potential detrimental effect on the operations of the Department.

Application of the Matrix and Considerations in Determining the Appropriate Penalty in “Conduct Prohibited by Law” Cases – As indicated above, violations of the law are now divided into two categories – RR- 300.11.1 – Conduct Prohibited by Law and RR-300.11.2 – Aggravated Conduct Prohibited by Law.

Under the matrix, RR-300.11.1 is intended to apply to a wide range of conduct prohibited by local ordinances and State or Federal statutes. This conduct includes, but is not limited to criminal, civil, traffic and other violations of law and may range from minor infractions to extremely serious misconduct.

It is unreasonable to attempt to pre-determine what conduct category would apply when a violation of RR-300.11.1 is sustained. Therefore, RR-300.11.1 is listed in every conduct category (A - F) in the matrix. A reviewer must analyze the conduct underlying the violation in accordance with Section 15.0 Determining Appropriate Conduct Categories – Analysis, in order to determine the appropriate presumptive penalty. As part of that analysis, the reviewer must determine, among other things, the general nature and seriousness of the misconduct, how the misconduct relates to the guiding principles of the Department and how it otherwise meets the definition of a specific conduct category. In doing so, the reviewer should determine whether the alleged violation involves any of the following, which are considered by the Department to be serious departures from Department standards:

- (a) Conduct involving dishonesty, a serious lack of integrity or other forms of moral turpitude;
- (b) Conduct involving assaultive or threatening behavior;
- (c) Conduct involving the use or threatened use of a deadly weapon;
- (d) Conduct involving offenses of a sexual nature;
- (e) Conduct which could affect a deputy's legal authority to possess or carry a firearm;
- (f) Conduct which would constitute a mandatory disqualifier to being hired by the Department;
- (g) Conduct involving offenses listed as decertifying under POST standards;<sup>1</sup> and
- (h) Misconduct foreseeably resulting in serious bodily injury or death.

In contrast, RR-300.11.2 – Aggravated Conduct Prohibited by Law, is intended to give all deputies notice of the types of misconduct prohibited by law which the Department has pre-determined to carry a presumptive penalty of dismissal. These include any conduct which constitutes a felony or class one misdemeanor and any conduct prohibited by State or Federal criminal statutes that occurs either while a deputy sheriff is on duty or is acting under the color of authority as a law enforcement officer while off duty.

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<sup>1</sup> The Disciplinary Advisory Group, the Manager of Safety and the Director of Corrections acknowledge that Denver deputy sheriffs are not currently required by the City of Denver to be certified by the Colorado Peace Officer Standards and Training (POST) Board. However, Denver deputy sheriffs are "peace officers" under the laws of the State of Colorado. POST maintains a list of offenses which are deemed to be serious enough to disqualify an officer from service as a certified peace officer in the State of Colorado. (See CRS 24-31-305) The Manager of Safety and Director of Corrections have determined that these offenses shall also be considered serious by the Denver Sheriff Department and may be weighed in conjunction with all other relevant factors in the consideration of the appropriate discipline to be imposed on a deputy sheriff in a particular case.

Conduct Prohibited by Law Involving Driving Under the Influence and Driving While Ability Impaired – The Denver Sheriff Department fully recognizes the serious public safety issues involved when persons who have consumed alcohol and/or drugs operate motor vehicles. The Department is routinely placed in charge of inmates who are arrested for violations of laws related to driving offenses involving alcohol/drugs. Consequently, the Department has a significant interest in deterring such misconduct by its deputies and in imposing appropriate discipline for such misconduct. Therefore, the violation of RR-300.11.1 – Conduct Prohibited by Law related to driving offenses involving alcohol/drugs should generally be considered a Conduct Category D violation – “Conduct substantially contrary to the values of the Department or that substantially interferes with its mission, operation or professional image or that involves a demonstrable serious risk to deputy, employee or public safety.”

Nonetheless, when warranted by the particular facts and circumstances of the specific case, certain driving offenses involving alcohol/drugs may meet the definitional criteria described in Conduct Categories E or F or may constitute a violation of RR- 300.11.2 – Aggravated Conduct Prohibited by Law. Similarly, the particular facts and circumstances may give rise to charged or sustained violations of additional Departmental rules and regulations, where appropriate.

In determining the appropriate penalty for driving offenses involving alcohol/drugs, the reviewer must follow the principles and guidelines contained in this Handbook. A factor which may be considered mitigating in addition to those in Handbook Section 19.0 is:

- (a) A blood alcohol content (BAC) level less than .08.

Among the factors which may be considered aggravating (or may result in a higher conduct category or justify additional allegations of misconduct) in addition to those contained in Handbook Section 19.0 are:

- (a) Driving resulting in death or physical injury;
- (b) Driving resulting in more than minimal property damage;
- (c) Reckless driving or excessive speeding (20 mph or more over the speed limit);
- (d) Threatening, discourteous, abusive, disrespectful or unprofessional conduct toward investigating law enforcement officers;
- (e) Attempts to elude apprehension;
- (f) Resisting detention or arrest;
- (g) Carrying a firearm on your person or displaying a firearm;
- (h) Attempting to improperly influence the investigation by use of the deputy's rank or position as a law enforcement officer;
- (i) Leaving the scene, tampering with or altering evidence, making false statements to investigators, or other attempts to avoid detection or responsibility;
- (j) The loss of or restrictions to driving privileges; and
- (k) A blood alcohol level of .15 or greater

Apart from the imposition of appropriate discipline, deputies should always be aware of other consequences which may result from driving offenses involving alcohol/drugs. These consequences may affect a deputy's ability to perform an essential function of his/her position as a deputy sheriff. Deputies should also be aware of the provisions of Mayoral Executive Order 94 which address alcohol/drug-related conduct while "on duty", while in city facilities, or while operating city vehicles.

### **Use of Inappropriate Force**

One of the most important issues that a disciplinary system for any law enforcement agency must address is the use of force. Due to the myriad consequences that can flow from such an incident, no issue is likely to impact the public's relationship with, and respect for, the Department more than the inappropriate use of force. Consequently, all law enforcement agencies must be vigilant in ensuring that they set appropriate standards for the use of force by their sworn personnel; that allegations of inappropriate force are thoroughly and objectively investigated; and that, when the evidence points to a use of inappropriate force, disciplinary penalties commensurate with the seriousness of the misconduct are imposed.

Among the use of force issues addressed in this Handbook are the following:

- (a) Adopting the term "inappropriate force" to replace the terms "excessive force" and "unnecessary force";
- (b) Defining the types of uses of force that can constitute "inappropriate force";
- (c) Identifying factors that can be used to determine whether a particular use of force was, in fact, appropriate or inappropriate;
- (d) Determining the conduct category for a use of inappropriate force by viewing the totality of the circumstances; and
- (e) Identifying factors that can be used to determine whether the presumptive disciplinary penalty, a penalty in the mitigated or aggravated ranges, or some other penalty should be imposed.

Use of Term "Inappropriate Force" and Its Application – All uses of force which fall outside the standards established by Departmental policy shall be classified as "inappropriate force." As such, this will help to eliminate the confusion that has resulted from using the terms "unnecessary force" and "excessive force" and having to determine which of those amorphous terms applies to a particular use of force. The term "inappropriate force" encompasses all of the following situations:

- (a) A deputy has used force in a particular circumstance but, under Departmental policy, no force should have been used;
- (b) A deputy has used a particular level of force but, under Departmental policy, a lesser degree of force should have been used;
- (c) A deputy has used a particular type of weapon, device or instrumentality but, under Departmental policy, that type of weapon, device or instrumentality should not have been used or should not have been used in that manner;

- (d) A deputy has used force in a particular way but, under Departmental policy, the deputy was not justified in using force in that way; and
- (e) Any other situation in which the deputy's use of force is not justified by Departmental policy.

Factors to Consider in Whether a Use of Force was Inappropriate – A number of factors should be considered in determining whether a use of force was inappropriate. One such factor is the vulnerability of the person against whom the force was used. If a person was unable to pose a credible threat to the deputy or unable to defend himself/herself against the force used by the deputy, it is more likely that the use of force would be inappropriate. An example of a vulnerable person may be someone who is handcuffed and generally compliant.

Another factor in deciding whether a use of force was inappropriate is whether the force was used as a form of punishment. Departmental Order 5011 reads in pertinent part: "It is the policy of the Department that deputies use physical force only as prescribed by Colorado State Statute, to perform any legitimate law enforcement or detention related function. The amount of force used will be proportional in relationship to the threat faced. In all cases, force will be discontinued (brought to a control maintenance level), once the legitimate function is achieved or the resistance has ceased. The use of force may be necessary in situations that cannot be otherwise controlled without it. Force should not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Physical force will not be used as punishment, under any circumstances. Inmates will be protected from personal abuse, corporal punishment, personal injury, disease, property damage and harassment. Deputies are responsible for justification of their actions in the use of force and must report any use of force incident, in accordance with departmental rules and state statute. Deputies shall utilize only those "use of force" techniques and weapons in which the deputy has been properly trained and is authorized by the department to use."

Another factor in deciding whether a use of force was inappropriate is a deputy's motivation for using the force. If a deputy had an inappropriate purpose in using the force, such as for retaliation, intimidation, improper coercion, or discrimination, it is more likely that the use of force would be inappropriate.

The way in which the force was applied can be significant in the analysis. For example, if the deputy applied the force in such a way as to maximize or minimize the pain or injury to the person against whom the force was used, the application of force could be either inappropriate or appropriate. This list of factors to consider in determining whether a deputy's use of force was appropriate is not exhaustive. Therefore, anyone reviewing the use of force must decide whether, under the particular circumstances in which the force was used, the deputy was justified in using the force he/she used. The weight given to any particular factor will vary according to the circumstances. Thus, in one situation multiple factors might be given equal weight in determining whether the force used was appropriate, while in a different situation one of the factors may weigh more heavily than the others.

Multiple Conduct Categories Pertaining to the Inappropriate Use of Force – Because the totality of the circumstances must be considered in analyzing whether a particular use of force was inappropriate, the level of culpability for using inappropriate force will vary from situation to situation according to the particular circumstances surrounding each use of force. Therefore, violations of RR-300.22 – Inappropriate Force, are listed in the matrix as ranging from at least a Conduct Category D (“Conduct substantially contrary to the values of the Department,” etc.) up to Conduct Category F. Any reviewer must look to all the facts and circumstances of the particular use of inappropriate force to determine which conduct category (D, E or F) is most appropriate. In doing so, the reviewer should be guided by the analysis detailed in Section 15.0 of these Conduct Principles and Disciplinary Guidelines. This same analysis must be accomplished when an inappropriate use of force is charged by use of RR-300.19 as it relates to a violation of a particular provision of the Department’s Use of Force policy.

Use of the Matrix to Determine the Appropriate Penalty – Once a determination has been made that a particular use of force was “inappropriate” and the proper conduct category for that particular “inappropriate force” has been identified, the reviewer must follow and apply the Disciplinary Guidelines contained in this Handbook.

Mitigation and Aggravation – In determining mitigating and aggravating circumstances, the reviewer should be guided by Sections 19.0 through 23.0 of these Conduct Principles and Disciplinary Guidelines. In addition, many of the same factors that were discussed above in determining whether the use of force was appropriate are also relevant to determining whether the discipline should be mitigated or aggravated. For example, the vulnerability of the person against whom force is used is a factor in considering mitigation or aggravation of the discipline. If a person is unable to pose a credible threat to the deputy or unable to protect himself/herself against the force, that vulnerability could be an aggravating factor. Another factor to be considered in mitigation or aggravation is the deputy’s motive for using the force. Discipline may be aggravated if the deputy had an inappropriate purpose in using the force, such as, but not limited to, retaliation, intimidation, improper coercion or discrimination.

The way in which the force was applied can also be significant in the analysis of whether to mitigate or aggravate the discipline. For example, if the deputy applied the force in such a way as to minimize or maximize the pain or injury to the person, that could be either a mitigating or an aggravating factor. Likewise, if the deputy chose a weapon or other device that would allow him/her to control the person with a minimum or maximum of pain or injury to the person, that too could be a mitigating or an aggravating factor.

If an involved deputy has a history of inappropriate force violations, that history could be a factor in raising the disciplinary sanction from the presumptive penalty to the aggravated penalty. Furthermore, even when a prior sustained violation of inappropriate force is used to increase the disciplinary level on the matrix, a pattern of using inappropriate force could also justify, within the disciplinary level, imposition of the aggravated penalty rather than the presumptive penalty and consideration of whether the pattern amounts to “special circumstances” as defined in Section 25.0.

Of course, this list of mitigating and aggravating factors is not exhaustive. Therefore, the person reviewing the use of force must decide whether, under the particular circumstances in which the force was used, there are any other mitigating or aggravating factors to be considered. Furthermore, the weight given to any particular factor will vary according to the circumstances. Thus, in one situation multiple mitigating and aggravating factors might be given equal weight, while in a different situation one of the factors may weigh more heavily than the others (See Section 22.0). Finally, the reviewer should also consider whether there are special circumstances which may justify a penalty greater than or less than that indicated by the matrix (See Section 25.0).

### **Use of Force Reporting**

Due to the importance of ensuring that only appropriate force is used by Denver deputy sheriffs, the Department has created policies to ensure that all uses of force are reported by both the deputies who use force and those who witness others' use force as well. The Department requires witnesses to uses of force to report their observations in order to ensure that Department managers are able to tightly control the application of force and ensure accountability for the Department as a whole. Deputies who use force or witness force being used need to memorialize the incident while their memories are fresh in order to protect themselves, other deputies and the Department from liability for unjustified claims of inappropriate force. Use of force reporting is also needed to allow the Department to preserve evidence that may otherwise be lost (such as video of the incident and documentation of injury, or lack thereof, to the inmate upon whom force was used). If no report is prepared, when one is required, the credibility of the involved deputies and the Department as a whole can be called into question. The Department's current use-of-force reporting policy enhances the integrity of the Department (both internally and externally) when there is an atmosphere where deputies are required to report uses of force accurately and immediately. Additionally, such an atmosphere discourages the use of inappropriate force because all deputies are aware that any inappropriate use of force will be immediately reported.

Updated RR 200.2 reads: "Deputy sheriffs and employees who use force or witness the use of force shall immediately report the use of force to a supervisor and complete a written report." RR 200.2 falls within all Categories (A-F) in the matrix. The failure to report inappropriate force or a questionable use of force should, of course, result in more severe discipline than the failure to report force that is within policy. Given that the use of inappropriate force is categorized as at least a Category D violation, the failure to report the use of inappropriate force will need to be categorized as no less than a Category D violation as well. If the inappropriate force that was not reported falls into Category E or F, the failure to report that use of force would need to fall within Category E or F as well. In addition, the failure to report inappropriate force may also fall within RR-204.1 (Inaccurate or Misleading Statement) or RR 204.2 (Commission of a Deceptive Act) and would require the imposition of discipline according to the guidance provided above relating to the section of this handbook entitled: "Untruthfulness."

## **Abuse of Prisoners**

Abuse of Prisoners – RR 400.6 prohibits employees from subjecting inmates to physical abuse or from soliciting others to do so. Neither physical injury nor physical harm is required to violate this rule. Because the core function of the Department is to provide for the care and custody of inmates and to ensure the basic rights of inmates, a violation of RR 400.6 is, at minimum, a Category E offense.

## **Sexual Misconduct & Fraternization**

In the past, the Department has frequently dealt with issues relating to sexual misconduct by imposing discipline pursuant to RR-300.10. The rule, as previously written, prohibited deputies from participating in any “immoral, indecent or disorderly conduct that would impair their orderly performance of duties or cause the public to lose confidence in the Department.” The substance of RR-300.10 has been retained (without the word “disorderly”) in a new rule numbered RR-300.10.1, and a new disciplinary rule has been created, RR-300.10.2, Sexual Misconduct, which reads as follows: “While on duty, deputy sheriffs and employees shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation or sexual abuse. The same conduct is prohibited while off duty, either in uniform in a public place or in any vehicle or facility to which a deputy or employee has access by virtue of their authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial.”

The purpose of RR-300.10.2 is to address sexual conduct that a deputy or employee should reasonably know is inappropriate to engage in while on duty or when off duty in uniform in a public place, or in any Department vehicle or facility. Such inappropriate conduct is not limited to sexual intercourse or oral sex but includes any sexual conduct that a reasonable member of the Department should anticipate is offensive to the Department or the public in light of the duties and authority with which deputies and employees are entrusted. It should be emphasized that the purpose of the rule is not to control a deputy sheriff’s or employee’s private sex life. The rule attempts, rather, to keep Department members’ private lives separate from their roles and responsibilities as deputy sheriffs and employees.

Sexual misconduct as defined by RR-300.10.2 constitutes a willful and wanton disregard for numerous guiding principles of the Department, such as Integrity, Judgment, Professionalism and Respect. It also demonstrates a serious lack of integrity, ethics or character related to a deputy’s fitness to hold the position of deputy sheriff. As such, the presumptive penalty for a first-time offender of RR-300.10.2 is dismissal.

Only when appropriate mitigating circumstances exist would the mitigated penalty of a 90-day suspension be imposed. And only with extraordinary mitigation would an offender receive a sanction less than a 90-day suspension.



Fraternization with a Prisoner – Fraternization with a prisoner (except in line with authorized duties) was previously prohibited by RR 300.17. Fraternization is now covered by RR-300.17.1 which reads: “Deputy sheriffs and employees shall not fraternize with any prisoner in any jurisdiction except in line with authorized duties or as explicitly authorized by the Director of Corrections or designee.” The Department has always recognized that fraternization with an inmate compromises the integrity of the involved deputy sheriff or employee and the Department as a whole. Sexual contact with an inmate is in violation of state law and due to the disparity of power between a deputy and a prisoner, consent to such contact cannot be given by a prisoner. Fraternization with an inmate, regardless of whether by a personal relationship or a sexual or intimate relationship damages public trust, threatens a deputy’s personal integrity and presents a potential for conflict of interest or corrupt behavior. As such, a violation of RR-300.17.1 involves the presumptive penalty of dismissal.

### **Sleeping on Duty, Conducting Rounds, Protecting Prisoners & Attention to Duties**

The core mission of the Sheriff Department is to provide for the care and custody of its inmates. Sleeping on duty, failing to conduct rounds as required, failing to protect prisoners and failing to be attentive while on duty can endanger the safety of inmates, the involved deputy, other deputy sheriffs, employees and even the public at large. This conduct can also compromise the security of the facility and result in the Department’s inability to protect the Constitutional rights of its prisoners and the lives of prisoners, deputies and employees. In addition, such failures can result in enormous civil liability to the City.

RR-200.11 prohibits sleeping on duty: “Deputy sheriffs and employees shall not sleep while on duty.” Due to the impact of such a violation on the Department’s core mission, a violation of RR-200.11 has been determined by the Department to be, at a minimum, a Conduct Category C and depending on the circumstances may range up to a Conduct Category F resulting in a presumptive dismissal. Any reviewer must perform the analysis detailed in Section 15.0 to determine whether the most appropriate Conduct Category is C, D, E or F.

RR-400.8.2 requires deputies to conduct required rounds: “Deputy sheriffs shall not willfully or negligently fail to make their required rounds.” Due to the impact of such a violation on the Department’s core mission, the critical nature of conducting rounds in a correctional facility and the numerous consequences which can flow from the failure to conduct rounds, the Department has determined that a violation of RR-400.8.2 is, at a minimum, a Conduct Category D and depending on the circumstances may range up to a Conduct Category F resulting in a presumptive dismissal. Any reviewer must perform the analysis detailed in Section 15.0 to determine whether the most appropriate Conduct Category is D, E or F.

Two (2) other rules, RR-400.7 (Protecting Constitutional Rights of Prisoners) and RR-400.8.1 (Protecting Prisoners from Physical Harm) address the duties of a deputy sheriff to protect a person from the specific types of harm described in each rule. As noted in the first paragraph of this section, those duties are part of the core mission of

the Sheriff Department and the failure to carry them out can have significant consequences. In studying the types of factual situations where these rules have been applied in the past and are likely to be applied in the future and the varying types of harm each rule is intended to protect against, the Department has determined that RR-400.7 should be, at a minimum, a Conduct Category C and RR-400.8.1 should be, at a minimum, a Conduct Category D. The latter was viewed as more serious because even at a minimum, it is specifically intended to protect against physical harm to an inmate. However, in light of the range of consequences which may result from the violation of either rule, each might meet the definitions of higher conduct categories up to Conduct Category F resulting in a presumptive dismissal. As with certain other rules, the analysis detailed in Section 15.0 must be performed to determine the most appropriate conduct category.

Finally, RR-200.9 (Full Attention to Duties) may arguably be applied to a myriad of circumstances. It reads: "Deputy Sheriffs and employees shall devote their full attention to their duties in accordance with the policies and procedures of their assigned posts." Obviously, the harm being protected against would vary based upon the nature of the deputy's assigned post, the duties and responsibilities of that post and the harm which results from his/her failure to devote full attention to his/her duties. Therefore, RR-200.9 may fit the definition of any of the Conduct Categories (A – F) based upon the particular circumstances of the case. Again, the Section 15.0 analysis would have to be performed to determine the most appropriate conduct category.

### **Violation of Sick Leave Policy, Feigning Illness, Unauthorized Leave and Absent from Duty**

Within the Denver Sheriff Department, staffing and post assignments are governed by the computerized Relief Factor Management System (RFMS). The system sets minimum staffing levels and takes into account data regarding pre-authorized absences of various types as well as historical data regarding absences in order to predict staffing needs. The use of this system is vital to the administration of the Sheriff Department because the proper and efficient operation of the Department's facilities is based upon a series of mandatory "posts" which must be "staffed" in order to properly house and care for inmates and to ensure the safety and security of those inmates as well as Department personnel. When a deputy fails to report for an assigned post, that position must be filled by another deputy who may be compensated at an overtime rate. This can result in serious short term and long term negative effects on budgeting, particularly during times of insufficient fiscal resources.

Unplanned absences also have a negative personal effect on the deputies who are impacted by another deputy's failure to report for work as scheduled. Such failures involve a lack of consideration and respect for fellow deputies and impact their personal lives and schedules. Unplanned absences may also have an impact on a fellow deputy's ability to perform his/her duties with full attention and care. When a deputy has to work additional hours after having already worked a full shift (some shifts are up to 12 hours) or after completing his/her work assignments for the week and is called in on a scheduled day off, that additional work time can affect his/her ability to perform well and in the long-term can negatively affect overall staff morale.

Therefore, the Department must rely heavily on deputies reporting for duty as scheduled and the discipline system must be effective in correcting and deterring instances of unplanned absences which violate Department rules or policies.

Unless a more specific rule better addresses the circumstances, most instances of unplanned absences are handled through the use of the following Rules and Regulations:

RR-100.10.1 – Violation of Sick Leave Policy – A violation of RR-100.10.1 involves the failure to adhere to Departmental Orders governing employee use of sick time. This violation may be categorized as a Conduct Category A, B, C or D violation, depending on the circumstances of the case. There are a wide range of possible categories relating to this violation, given the wide variety of possible factual scenarios which could result in a sustained finding with respect to a violation of the sick leave policy. In a case where a deputy fails to report an absence at least two hours prior to the employee's scheduled reporting time, such violation could fall within Conduct Category A or B, depending on the harm that results. If there is only a "minimal negative impact on the operations . . . of the Department" (see Conduct Category A definition), a Conduct Category A designation would be appropriate. If the Department were to identify a more specific harm from the employee's conduct, a Conduct Category B designation would be more appropriate. In a case where a deputy uses sick leave for a reason which is not permitted by the sick leave policy, the violation may appropriately fall within a Conduct Category C or D designation depending on the circumstances. Where the use of sick time involves a misleading or inaccurate statement, the substance of the violation would be similar to a violation of RR-200.4.1 and could be categorized as a Conduct Category D violation. In egregious circumstances involving false statements where the violation involves "unethical behavior" or "results in an actual serious and adverse impact on deputy, employee or public safety" (see Conduct Category E definition), it may be more appropriate to allege a violation of RR-200.4.1 (Inaccurate or Misleading Statement) and use the Conduct Category E designation in determining the appropriate penalty. As with certain other violations, the analysis in Section 15.0 should be performed in order to determine the appropriate conduct category.

RR-306.6 – Feigning Illness – A violation of RR-300.6 occurs where a deputy fakes illness or injury in an effort to avoid the duties and responsibilities of an assignment. Feigning illness is categorized in the Matrix as a Conduct Category D violation. Feigning illness involves issues similar to those described in the section of this Appendix entitled: "Untruthfulness." As indicated above, in egregious circumstances involving false statements, where the conduct falls into the Conduct Category E definition, a violation of RR-200.4.1 (Inaccurate or Misleading Statement) may be alleged. In no case involving a violation of this section, which inherently involves lying, should a deputy expect that the violation would fall within a category of less than Conduct Category D.

RR-100.10.2 – Unauthorized Leave – Violations involving unauthorized leave occurring on or after January 1, 2011 will be handled by the use of scheduled discipline. Prior to January 1, 2011, when a deputy had two violations of unauthorized leave within a twelve month period, an internal affairs investigation was conducted and if sustained by the Division Chief, a pre-disciplinary hearing was held. If sustained at a pre-disciplinary

hearing, the discipline generally resulted in a 3 to 5 day suspension (time off without pay). Consequently, when a deputy used unauthorized leave, the result was time off without pay. After considering this practice, the Director of Corrections and the Manager of Safety have concluded that the issuance of suspension time for the use of unauthorized leave may not always be the most effective or efficient method of correcting the behavior and may only further the negative impact to the agency (i.e. loss of officer productivity, and the need to backfill the deputy's position during his/her absence through the use of overtime). Consequently, while still recognizing that suspension without pay may be necessary in certain cases, the Director and the Manager have determined that the initial use of reprimands followed by involuntary reductions in pay are more likely to correct the behavior without the negative impact on the agency.

Therefore, a system of scheduled discipline has been designed for the violation of RR-100.10.2 – Unauthorized Leave (see Appendix G). When an alleged violation of RR-100.10.2 occurs, the RFMS unit will immediately notify the Internal Affairs Bureau. The Internal Affairs Bureau will forward a summary of the alleged violation and any previous violations to the Division Chief in the deputy's chain of command. The Division Chief may choose to delegate the investigation of the alleged violation to a major or captain in the deputy's chain of command. The Division Chief or the assigned major or captain will meet with the deputy to obtain his/her side of the story, correct any of the department's facts, and allow the deputy to give reasons why discipline should not be imposed, if applicable.

If the allegation of misconduct is sustained, the Division Chief will use the scheduled discipline chart in Appendix G to determine the appropriate level of discipline. As noted in the chart, the disciplinary sanction is based upon the amount of unauthorized leave time used and the number of prior violations within a year. Unlike discipline determined by using the Matrix, discipline determined by the use of the discipline schedule does not have a "presumptive" penalty or mitigated and aggravated penalty ranges. The discipline called for in the schedule is the discipline that shall be recommended/imposed. If the result of the discipline recommendation is a written reprimand, the deputy will be given the opportunity to accept the discipline and waive his/her right to file a grievance pursuant to CSR 18, subject to the waiver being accepted by the Director of Corrections. If the deputy chooses not to accept the discipline, he/she will retain the right to file a grievance if the ultimate discipline imposed is a written reprimand. If the result of the discipline recommendation is an involuntary reduction in pay, the deputy will be given the opportunity to waive his/her rights to a pre-disciplinary hearing and to appeal the discipline pursuant to CSR 19. If the deputy waives his/her rights to a pre-disciplinary hearing and to appeal, the Division Chief will submit the findings and the recommended discipline to the Director of Corrections for approval. The Director of Corrections will review the findings and the recommended discipline and if approved, forward them to the Manager of Safety for his/her approval. The Manager of Safety is the final authority for approving any discipline above a written reprimand. If approved by the Manager of Safety's Office, the recommended discipline will be ordered by the Manager of Safety and recorded by the Internal Affairs Bureau.

If the deputy does not waive his/her rights to a pre-disciplinary hearing and to appeal or the waiver is not approved by the Director of Corrections or the Manager of Safety, the case findings will be submitted in a report to the Internal Affairs Bureau and a pre-disciplinary hearing will be set. In such cases the deputy retains his/her right to appeal.

In certain cases, for example where the amount of unauthorized leave used is significant or where there have been multiple prior violations, the discipline schedule will instruct the reviewer to "apply matrix". In those cases, the investigation will be referred to the Internal Affairs Bureau and the matrix and all relevant rules and guidelines contained in this Handbook will be used to determine the appropriate discipline and the procedures to be followed.

It is important to note that notwithstanding the use of the discipline schedule in certain cases, the Department has determined that a violation of RR-100.10.2 – Unauthorized Leave is, at a minimum, a Conduct Category C violation in that it has a pronounced negative impact on the operation of the Department but may rise to the level of a Conduct Category D based upon the circumstances. Therefore, in cases where the matrix is used to determine the discipline, the reviewer must determine the conduct category of the present violation and the conduct category of any prior violation of RR-100.10.2 within the specified matrix time period by performing the analysis described in Section 15.0 and applying the definitions of Conduct Categories C and D.

Any person reviewing discipline cases should also review Department Order 2053, Employee Use of Leave and Time-Off, and any amendments for further information regarding Unauthorized Leave.

RR-100.1.1 - Absent From Duty Without Authorization – A violation of RR-100.1.1 may be categorized as a Conduct Category B, C or D violation, depending on the circumstances of the case. The reviewer should use Section 15.0 of the Handbook to determine the appropriate category for the violation with the understanding that such a violation will, at a minimum, involve conduct that "has more than a minimal negative impact on the operations . . . of the Department, . . . or negatively impacts relationships with other deputy sheriffs [or] employees . . ." (See Conduct Category B definition)

Additional Note Regarding the Ancillary Consequences of Discipline – Deputies are reminded that pursuant to Section 6.0 of this Discipline Handbook, the Director of Corrections may enter orders in addition to the imposition of discipline such as restricting a deputy's ability to work voluntary overtime or secondary (off duty) employment. Such additional orders are considered to be the ancillary consequences of the discipline sanction.

## **Conduct Prejudicial**

New Rule RR-300.11.6 provides: “Deputy sheriffs and employees shall not engage in conduct prejudicial to the good order and effectiveness of the Department or conduct that brings disrepute on or compromises the integrity of the City or the Department or conduct unbecoming which:

- (a) May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- (b) Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.”

The Department/Manager of Safety may sustain an action for a violation of RR-300.11.6 pursuant to subpart (a) when the misconduct is not specifically set forth in Department rules or as an alternative to rule violations which are specifically set forth. When the violation of RR-300.11.6 is alleged as an alternative to other specifically charged rule violations, the penalty for Conduct Prejudicial should not be greater than the underlying alternative violations, and should run concurrently with the penalties for the alternative rule violations. A reviewing body may affirm both the RR-300.11.6 violation pursuant to subpart (a) and affirm the alternative rule violations, provided that the penalty for RR-300.11.6 runs concurrently with the penalties for the alternative rule violations. If the Department/Manager of Safety sustains a violation of RR-300.11.6 pursuant to subpart (b) (harm greater than would reasonably be expected), the penalty for Conduct Prejudicial may run consecutively to the penalties for any other rule violations. The Department/Manager of Safety shall state whether RR-300.11.6 is being brought pursuant to subpart (a), subpart (b), or both.

Many different types and severity of misconduct can fall within the definition of “Conduct Prejudicial.” Therefore, the Conduct Category (A - F) into which a particular violation will fall will depend upon the specific facts of the case. In deciding whether to charge or sustain a violation of RR-300.11.6, the Department/Manager of Safety must consider the facts underlying the conduct and determine the Conduct Category into which the violation of RR-300.11.6 falls by applying the analysis described in Section 15.0, above. The resulting conduct category shall then be used in conjunction with the consideration of relevant disciplinary history to determine the presumptive penalty. Thereafter, the normal analysis of considering mitigating and aggravating factors as well as special circumstances must be conducted in order to determine the appropriate penalty.

Reviewers are cautioned that sustaining a violation for RR-300.11.6 pursuant to subpart (b) may result in a “stacking of charges” as outlined in Section 32.8 of these Conduct Principles and Disciplinary Guidelines. Sound reasonable judgment and caution must be exercised in such cases in order to avoid an injustice and to ensure that the administrative action is being taken for legitimate and appropriate purposes.

## Careless Handling of Firearms

Both the policies of the Department and the training provided to deputies emphasize the importance of the safe handling of firearms both on and off duty. Recruits are instructed as to the four rules of safe handling of firearms:

- 1) treat all guns as if they are always loaded;
- 2) never let the muzzle cover anything you are not willing to destroy;
- 3) keep your finger off the trigger and outside the trigger guard until your sights are on the target; and
- 4) always be sure of your target and beyond. This training is continually re-emphasized in subsequent training and in mandatory firearms qualification courses.

Rule & Regulation 600.9 (Careless Handling of Firearms) states: “Deputy sheriffs shall not carelessly handle a firearm at any time.” The careless handling of a firearm often results in what is mischaracterized as an “accidental discharge”. It is seldom the failure of the weapon which causes the weapon to discharge. Rather, unintended discharges are overwhelmingly the result of operator error and create an obvious and immediate danger to the involved deputy, his/her fellow deputies, other employees and members of the public.

A sustained violation of Rule & Regulation 600.9 (Careless Handling of Firearms) can result in a categorization ranging from a minimum of a Conduct Category C up to a Conduct Category F violation. Care must be taken to follow the Conduct Category definitions and the principles set forth in Handbook Section 15.0 to determine the appropriate Conduct Category. Attempts to fit a violation into a Conduct Category so as to reach or avoid a particular penalty or discipline level must be avoided.

In cases where a violation of this section involves “a demonstrable serious risk to deputy, employee or public safety,” the act should be considered to be a Conduct Category D violation. A determination as to whether the violation involves a “demonstrable serious risk to deputy sheriff, employee or public safety” may be based on many factors including, but not limited to, the proximity of others to the discharged round.

In a case where any person (including the involved deputy) is actually injured as the result of the careless handling of a firearm, such violation should be placed in Conduct Category E as “an act that results in an actual serious and adverse impact on deputy sheriff, employee or public safety.” In a case where a person suffers death or serious bodily injury, such violation should be placed in Conduct Category F if such a consequence was a foreseeable result of the commission of the prohibited conduct.

The fact that a person suffers death or serious bodily injury, as the foreseeable result of a deputy's careless handling of a firearm, does not automatically mean that the deputy will be terminated for the aforementioned violation. As described in Section 19.0 of this Handbook, the reviewer must take into account all of the circumstances of the case to

determine whether the mitigated penalty or the presumptive penalty should be imposed. In addition, as indicated in Section 25.0 of this Handbook, special circumstances involving extraordinary mitigation could justify a penalty less than that indicated in the matrix for a Conduct Category F violation.

The reviewer is directed to the goals and purposes of disciplinary sanctions as stated in Section 11.0 of this Handbook. Specifically, discipline is to be “fair and rational” and reasonably related to the conduct being addressed (§ 11.1) and dependent on all of the facts and circumstances of the case (§ 11.2). Additionally, the reviewer must undertake the analysis required in Handbook Sections 15.0 (Determining Appropriate Conduct Categories-Analysis), Section 25.0 (Special Circumstances), and Section 26.0 (Assessing the Seriousness of Misconduct and Harm Arising from Misconduct).

### **Driving Violations Resulting in Injury or Death**

Pursuant to RR-510.01, “Deputy sheriffs shall not and will not engage in any pursuit activity while performing their assigned duties in a Departmental vehicle or other vehicle.” Both this policy and training provided to deputies emphasize the importance of driving safely when operating a Department vehicle or while on duty in any vehicle. Statistics have consistently shown that more law enforcement officers are killed and injured as the result of traffic collisions than for any other reason. In cases involving collisions that result from violations of the law or the Department’s driving or pursuit policies, life changing injuries and psychological harm can be sustained by innocent victims, physical and psychological harm can be sustained by the involved deputies and large civil payouts can be expected to be made by the City. Deputies must not allow emotion to overtake caution, reason and common sense when driving Department vehicles.

Consequently, a deputy who drives in violation of the law or any policy or traffic regulation or the Department’s driving or pursuit policies, may well place himself, his fellow deputies, other employees and/or the public at risk for serious injury or death. Applying Section 26.0 of the Handbook (Assessing the Seriousness of Misconduct and Harm Arising from Misconduct), a sustained violation involving driving violations that resulted in injury can result in a categorization ranging from a Conduct Category C to a Conduct Category F violation. Care must be taken to follow the Conduct Category definitions and the principles set forth in Handbook Section 15.0 to determine the appropriate Conduct Category. Attempts to fit a violation into a Conduct Category so as to reach or avoid a particular penalty or discipline level must be avoided.

A deputy who drives in violation of the law or any policy or traffic regulation or the Department’s driving or pursuit policies and who foreseeably causes death or serious bodily injury to any person (including the involved deputy) should expect to fall within Conduct Category F of the disciplinary matrix (as required by that portion of the Conduct Category F definition which includes: “any violation of law, rule or policy which: foreseeably results in death or serious bodily injury.”) This categorization reflects the stated goals and purposes of disciplinary sanctions as set forth in Section 11.0 of this Handbook.



The fact that a person suffers death or serious bodily injury as the foreseeable result of a deputy's violation of the aforementioned policies does not automatically mean that the deputy will be terminated for the violation. As described in Section 19.0 of this Handbook, the reviewer must take into account all of the circumstances of the case to determine whether the mitigated penalty or the presumptive penalty should be imposed. In addition, as indicated in Section 25.0 of this Handbook, special circumstances involving extraordinary mitigation could justify a penalty less than that indicated in the matrix for a Conduct Category F violation.

The reviewer is directed to the stated goals and purposes of disciplinary sanctions as stated in Section 11.0 of this Handbook. Specifically, discipline is to be "fair and rational" and reasonably related to the conduct being addressed (§ 11.1) and dependent on all of the facts and circumstances of the case (§ 11.2). In addition, and in determining the appropriate Conduct Category, the reviewer is also directed to the analysis required in Section 15.0 (Determining Appropriate Conduct Categories-Analysis), Section 25.0 (Special Circumstances), and Section 26.0 (Assessing the Seriousness of Misconduct and Harm Arising from Misconduct) in the Handbook.

### **Soliciting Preferential Treatment**

Prior to January 1, 2011, RR-300.2 read as follows:

Deputy sheriffs and employees will not display any badge or identify themselves as Sheriff Department employees for any purpose, except when necessary for identification purposes in furtherance of an official duty, or in the course of authorized activities, or off duty employment.

Commencing January 1, 2011, in order to clearly emphasize its intent, the rule has been re-titled and amended as follows:

#### **RR-300.2 – Soliciting Preferential Treatment**

Deputy sheriffs and employees shall not display any badge or Department identification, identify themselves as Department members, or otherwise attempt to use their position as Department members to solicit or attempt to solicit any preferential treatment not extended to the general public or to solicit or attempt to obtain any benefit to which they would not otherwise be entitled, except in furtherance of official duties or as allowed by Department or City rule, policy, procedure or authorized practice.

It must be clearly understood by all members of the Department that the inappropriate use of their position as a member of the Department to solicit any preferential treatment or to solicit any benefit to which they would not otherwise be entitled is highly objectionable and, if proven, will be disciplined accordingly. It is vital to the reputation of the Department and Guiding Principles such as Integrity, Professionalism, Judgment and Accountability that all Department members conduct themselves in a manner that does not create the perception, particularly in other agencies and the public, that Department members have an expectation of being treated differently, believe they are entitled to benefits others would not be entitled to under similar circumstances or should not be held as accountable for their actions as others would be.

Violations of this rule can arise under various circumstances. Therefore, the determination of the appropriate discipline must be based on the totality of the particular circumstances. Factors which may be considered include, but are not limited to, the intent of the offending deputy or employee, the type of preferential treatment or benefit being solicited, the person or entity being solicited and the manner in which the solicitation is carried out or attempted.

However, all of these variables notwithstanding, the Department has determined that violation of the newly revised RR-300.2 is, at a minimum, a Conduct Category C in that it has a “pronounced negative impact on the . . . professional image of the Department; or on relationships with other . . . agencies or the public” and depending on the particular circumstances may rise as high as a Conduct Category F, resulting in a presumptive dismissal. Any reviewer must perform the analysis detailed in Section 15.0 and apply the specific definitions of Conduct Categories C, D, E and F in order to determine the most appropriate category.

One factual situation of note is the circumstance of a deputy sheriff being stopped by another law enforcement officer for a traffic violation. No deputy sheriff should have the expectation that he/she is entitled to be treated differently in that circumstance from the general public; nor should that deputy attempt to dissuade the officer from carrying out his/her duties based upon the fact that he/she is a “fellow law enforcement officer”.

Nonetheless, whenever a deputy sheriff who is carrying a concealed weapon is contacted by a law enforcement officer, safety considerations may mandate that the deputy immediately inform the contacting officer that he or she is a deputy and is in possession of a weapon. However, under no circumstances should a deputy attempt to obtain preferential treatment based on his or her employment status.

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## **Definitions and Explanations of Terms**

### Definitions of Bodily Injury and Serious Bodily Injury

In determining extent of injury, when relevant to discipline, the definitions in Colorado Revised Statutes shall apply:

C.R.S. 18-1-901(3)(c) “Bodily injury” means physical pain, illness, or any impairment of physical or mental condition.

C.R.S. 18-1-901(3)(p) “Serious Bodily Injury” means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

### Intent of References to the “Public”, “Community”, “Citizens”, or Similar Descriptions

Throughout this Handbook and in various Department rules or policies, references are made to the public such as in “public safety” or to the community or citizenry such as in “the community it serves”. Such references are not intended to exclude inmates,

detainees, or prisoners being held in Department custody. Only where the plain reading of the language of a particular rule, policy or section of this Handbook clearly demonstrates the intent to differentiate an inmate, detainee or prisoner from the general public should such a distinction be interpreted or made.

### Deputy or Deputy Sheriff

Throughout this Handbook and Department Rules and Regulations, references are made to “Deputy” or “Deputy Sheriff”. These references are intended to include all sworn members of the Denver Sheriff Department regardless of rank.

### The “Rank of Deputy Sheriff”

This reference is intended to include all deputies who do not hold the supervisory or command ranks of Sergeant, Captain, Major, Division Chief or Undersheriff/Director of Corrections.

### Employee

Throughout this Handbook and in Department Rules and Regulations, “employee” is intended to mean all non-sworn (civilian) members of the Denver Sheriff Department.

### Delegation of the Duties and Responsibilities of the Manager of Safety, Director of Corrections and other Command Ranks

Throughout this Handbook, references are made to the duties and responsibilities of the Manager of Safety, the Director of Corrections and other command officers such as division chiefs, majors and captains with regard to the administration of the discipline system. These references are also intended to apply to any person who by law and Department of Safety or Sheriff Department policy may be delegated these duties and responsibilities by the Manager of Safety or the Director of Corrections or to any person who by law and Department of Safety or Sheriff Department policy may be designated to act on behalf of the Manager of Safety, the Director of Corrections or other command officer because of their unavailability or for other appropriate reasons.

### References to “Rules and Regulations”, “Policies”, “Procedures” and the Like

Throughout this Handbook, specific and general references are made to such things as Rules and Regulations, Career Service Rules, Mayor’s Executive Orders, directives, rules, policies, procedures, post orders and the like. The use of any one reference is not intended to exclude the others and is not intended to exclude any source which describes or controls the duties, responsibilities and conduct of deputy sheriffs.

## Appendix D- Non Disciplinary Programs

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### Disciplinary Advisory Group - Program's Committee Intervention Menu

|   |  |
|---|--|
| Denver Sheriff Academy **                 | 720-865-3859                                 |
| Nicoletti-Flater-Associates ^^            | 720-989-1617                                 |
| DSD Psychology Department ++              | 303-640-0737 (Pager)<br>303-607-7460 (Pager) |
| Peer Support # #                          | 303-435-0637                                 |
| Chaplains Unit                            | 303-435-2028                                 |
| Office of Employee Assistance (OEA)       | 720-913-3205                                 |
| Denver Employees Emergency Program (DEEP) | 720-865-3337                                 |

#### Law Violations

- Anger Management ^^
- Behavior Modification ^^, ++
- Domestic Violence Classes \*\*
- Ethics Classes\*\*
- Family/Relationship ^^, ++, # #
- Mentoring
- Psychological Counseling ^^, ++

#### Rough/Careless Handling of City & Department Property

- Anger Management ^^
- Mentoring
- Skills training \*\*
- Performance and Pursuit Driving \*\*
- Process Vs. Outcome Training ^^
- Remedial Driving \*\*
- Stress Management ^^, ++, # #

#### Court Matters

- Anger Management ^^
- Behavior Modification ^^, ++
- Mentoring
- Court Room Testimony\*\*
- Stress/Anxiety Management \*\*, ^^, ++, # #
- Writing Skills \*\*

#### Discourtesy

- Anger Management ^^
- Behavior Modification ^, ++
- Diversity Training\*\*
- Communication/De-Escalation Training \*\*, ^^
- Cultural Competency and Communication Skills \*\*
- Customer Service \*\*
- Dealing with Difficult People ^^
- Interpersonal Communication \*\*, ^^
- Mentoring
- Physical/Duty Skills Training \*\*
- Stress Management \*\*, ++, ^^
- Process Vs. Outcome Thinking
- Psychological/Emotional Counseling ^, ++, # #
- Tactical Communications \*\*
- Interdisciplinary Conflict \*\*, ^^

## **Training Classes~Denver Sheriff Academy**

### **Continuing Education Programs (CEP)**

- Career Development
  - A. Business writing for professionals
  - B. Mistake-free grammar and proofreading
  - C. Time management
  - D. Effective business writing skills
  - E. Customer Service
  - F. Career Service Authority Rules
  - G. Intergenerational training
- Supervisory/Command
  - A. Active supervision: Making a positive difference
  - B. Coaching for today's leader
  - C. Business writing
  - D. Ethics in Leadership
  - E. Writing Evaluations
- Wellness
  - A. Stress Management
  - B. Nutrition/diet
  - C. Physical fitness
- Officer Safety
  - A. C4 refresher course
  - B. Defensive tactics for law enforcement
  - C. Defensive driving
  - D. Tactical environment
  - E. Range 3000
  - F. Cultural diversity
  - G. Decisional shooting
  - H. Building search tactics

### **Recruit Training**

- Use of force
- Stress Management & PTSD
- Ethics
- Off-duty incidents
- Dealing with upset citizens
- Arrest powers
- CSA rule domestic violence
- Diversity/gender bias
- Cultural awareness
- Handling incidents
- Scenarios
- DVOC
- C4 defensive tactics
- Crime scene preservation
- Report writing
- Fraternization
- Officer survival
- What if/critical thinking
- Effective communication

#### **Training Classes Nicoletti-Flater Associates**

- Anger Management
- Behavior Modification
- Communication/De-escalation/conflict resolution
- Dealing with mental health populations/personality disorders
- Domestic violence
- Family/relationship stress
- Fear/anxiety related problems
- Advanced training skills for struggling recruits
- Study skills
- Stress management
- Grief and loss
- Interpersonal Communication/employees of new millennium
- Managing difficult people
- Organization and time management
- Performance/test anxiety
- Process vs. outcome thinking
- Psychological and or emotional difficulties
- Return to duty consultations
- Sleep disorders
- Stress management to prevent PTSD
- Suicide Awareness
- Trauma Intervention after incident
- Substance abuse, R/X, alcohol
- Crisis Intervention PTSD



## Denver Sheriff Department Appendix E - Penalty Table & Discipline Matrix

**Penalty Table**

| <b>Discipline Level</b> | <b>Mitigated Penalty</b>                     | <b>Presumptive Penalty</b> | <b>Aggravated Penalty</b>    |
|-------------------------|--|----------------------------|------------------------------|
| <b>1</b>                |  | <b>Oral Reprimand</b>      | <b>Written Reprimand</b>     |
| <b>2</b>                | <b>Oral Reprimand</b>                        | <b>Written Reprimand</b>   | <b>1-2 Days Suspension</b>   |
| <b>3</b>                | <b>Written Reprimand To 1 Day Suspension</b> | <b>2 Days Suspension</b>   | <b>3-4 Days Suspension</b>   |
| <b>4</b>                | <b>1-2 Days Suspension</b>                   | <b>3 Days Suspension</b>   | <b>5-7 Days Suspension</b>   |
| <b>5</b>                | <b>4-6 Days Suspension</b>                   | <b>10 Days Suspension</b>  | <b>14-16 Days Suspension</b> |
| <b>6</b>                | <b>18-22 Days Suspension</b>                 | <b>30 Days Suspension</b>  | <b>38-42 Days Suspension</b> |
| <b>7</b>                | <b>43-47 Days Suspension</b>                 | <b>60 Days Suspension</b>  | <b>Dismissal</b>             |
| <b>8</b>                | <b>90 Days Suspension</b>                    | <b>Dismissal</b>           |                              |



## Denver Sheriff Department - Discipline Matrix

### Categories, Violations and Discipline Level Assignments Table

| CONDUCT THAT HAS A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT.   |   |  |  |
|---|---|--|--|
| <b>Category A</b>   |   |  |  |
| <u>Examples include but are not limited to:</u>   |   | 1st Violation<br>in 3 Years<br>- Level - | 2nd Violation<br>in 3 Years<br>- Level - |
| RR-100.2 Unable to Appear for Duty – Notification (A-B)<br>RR-100.3 Completing Leave Slips and Time Accounting Reports<br>RR-100.4 Punctuality<br>RR-100.5 Ability to Perform Duty (A-F)<br>RR-100.6 Authorized Uniform and Attire<br>RR-100.7 No Uniform Off Duty (A-B)<br>RR-100.8 Conduct While Off Duty in Uniform (A-B)<br>RR-100.10.1 Sick Leave Policy (A-D)<br>RR-200.2 Use of Force Reporting (A-F)<br>RR-200.3 Accurate Reporting (A-C)<br>RR-200.9 Full Attention to Duties (A-F)<br>RR-200.12 Abandoning Post (A-F)<br>RR-200.16 Failure to Perform Duties (A-F)<br>RR-200.19 Performance of Duties (A-F)<br>RR-200.22 Inappropriate Computer Use (A-F)<br>RR-200.23 Giving Name and Badge Number (A-B)<br>RR-300.4 Reporting Change of Contact Information<br>RR-300.5.3 Giving Testimonials, Seeking Publicity<br>RR-300.11.1 Conduct Prohibited by Law (A-F)<br>RR-300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)<br>RR-300.11.6 Conduct Prejudicial (A-F)<br>RR-300.15.2 Duty to Report Gift (A-C)<br>RR-300.16 Unauthorized Use of Equipment (A-E)<br>RR-300.18 Safeguarding Department Property (A-B)<br>RR-300.19.1 Disobedience of Rule (A-F)<br>RR-300.19.2 Aiding & Abetting Violation of Rules (A-F)<br>RR-300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)<br>RR-300.21.2 Impartial Attitude (A-C)<br>RR-300.26 Publication of Articles<br>RR-400.1 Prohibited Discussions with Prisoners<br>RR-400.9 Handling of Mentally Ill Inmates (A-F)<br>RR-400.10 Ensuring Care and Treatment of Ill or Injured Prisoners (A-F) | RR-400.12 Prohibited Transactions with Prisoners (A-F)<br>RR-400.17 Failure to Search (A-F)<br>RR-400.18 Preventing Escapes & Passing of Contraband (A-F)<br>RR-400.19 Prohibited Use of Tobacco Products<br>RR-500.1 Negligent Operation of Motor Vehicle or Equipment (A-F)<br>RR-500.2 Negligent Handling of City or Department Property (A-F)<br>RR-500.3 Reporting of Damage to City or Department Property (A-C)<br>RR-500.4 Obedience to Traffic Laws (A-F)<br>RR-500.5 Unauthorized Use of City Vehicles (A-E)<br>RR-500.6 Care of City Vehicles<br>RR-500.7 Preventing Unauthorized Use of Department Property (A-F)<br>RR-500.10 Ensuring Responsible Use of Department Property<br>RR-500.11 Unauthorized Transportation of Persons (A-E)<br>RR-510.01 Pursuit Policy (A-F)<br>RR-600.4 Reporting Firearm Defects (A-F)<br>RR-700.3 Understanding Court Orders Before Taking Action (A-E)<br>RR-700.5 Unauthorized Service of Process<br>RR-800.6 Full Attention to Duties in Court<br>RR-800.8 Referral of Questions of Law & Court Operations (A-B)<br>RR-800.9 News Media Reporting (A-C)<br>RR-800.13 Attendance In Court<br>RR-900.1 Properly Identifying Prisoners<br>RR-900.2 Ensuring Required Paperwork<br>RR-900.3 Ensuring Transportation of Prisoner Property (A-B)<br>RR-900.4 Searching Prisoners (A-F)<br>RR-900.5 Search of Transport Vehicle (A-F)<br>RR-900.6 Ensuring Safety of Persons in Custody During Transport (A-F)<br>RR-900.8 Transport of Female Prisoners<br>RR-900.9 Monitoring of Radio<br>RR-900.11 Unnecessary Stops During Transport (A-D)<br>RR-1000.3 Authorized Expenses (A-C)<br>RR-1000.4 Federal Regulations Regarding Firearms on Airplanes (A-F)<br>RR-1100.1 Compliance with Policies & Rules (A-F)<br>RR-1100.2 Temporary Assignment as Supervisor (A-F)<br>RR-1100.4 Relationships with Other Employees (A-F) | 1<br>2<br>3                              | 3rd Violation<br>in 3 Years<br>- Level - |
| - Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.<br>- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.<br>* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.<br>** The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.   |   |  |  |





# Denver Sheriff Department - Discipline Matrix

## Categories, Violations and Discipline Level Assignments Table

### 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 DEPUTY SHERIFFS, EMPLOYEES, AGENCIES OR THE PUBLIC.

#### Examples include but are not limited to:

RR-100.1.1 Absent from Duty (B-D)  
 RR-100.1.2 Reporting for Duty  
 RR-100.2 Unable to Appear for Duty – Notification (A-B)  
 RR-100.5 Ability to Perform Duty (A-F)  
 RR-100.7 No Uniform Off Duty (A-B)  
 RR-100.8 Conduct While Off Duty in Uniform (A-B)  
 RR-100.10.1 Sick Leave Policy (A-D)  
 RR-100.12 Alteration of Badge Prohibited  
 RR-200.1 Reporting Injury (B-F)  
 RR-200.2 Use of Force Reporting (A-F)  
 RR-200.3 Accurate Reporting (A-C)  
 RR-200.4.4 Removal of Reports and Records  
 RR-200.6 Access to NCIC/CCIC  
 RR-200.8 Interviews of Inmates  
 RR-200.9 Full Attention to Duties (A-F)  
 RR-200.10 Use of City Equipment  
 RR-200.12 Abandoning Post (A-F)  
 RR-200.15.1 Respect for Fellow Deputies and Employees  
 RR-200.16 Failure to Perform Duties (A-F)  
 RR-200.18 On Duty Presence at Adult/Liquor Establishments (B-C)  
 RR-200.19 Performance of Duties (A-F)  
 RR-200.22 Inappropriate Computer Use (A-F)  
 RR-200.23 Giving Name and Badge Number (A-B)  
 RR-200.24 Discourtesy (B-C)  
 RR-300.1 Enforcing Criminal Statutes (B-C)  
 RR-300.5.1 Political Activity  
 RR-300.5.2 Soliciting Money for Political Purposes  
 RR-300.5.4 Soliciting Business  
 RR-300.11.1 Conduct Prohibited by Law (A-F)  
 RR-300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)  
 RR-300.11.6 Conduct Prejudicial (A-F)  
 RR-300.15.2 Duty to Report Gift (A-C)  
 RR-300.16 Unauthorized Use of Equipment (A-E)  
 RR-300.18 Safeguarding Department Property (A-B)  
 RR-300.19.1 Disobedience of Rule (A-F)  
 RR-300.19.2 Aiding & Abetting Violation of Rules (A-F)

RR-300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)  
 RR-300.21.2 Impartial Attitude (A-C)  
 RR-300.24 Secondary Employment (B-C)  
 RR-300.25 Use of Department Letterhead, Badges and Insignias  
 RR-400.4.4 Erroneous Release (B-D)  
 RR-400.9 Handling of Mentally Ill Inmates (A-F)  
 RR-400.10 Ensuring Care and Treatment of Ill or Injured Prisoners (A-F)  
 RR-400.12 Prohibited Transactions with Prisoners (A-F)  
 RR-400.14.1 Suggesting Bondsman or Attorneys  
 RR-400.17 Failure to Search (A-F)  
 RR-400.18 Preventing Escapes & Passing of Contraband (A-F)  
 RR-500.1 Negligent Operation of Motor Vehicle or Equipment (A-F)  
 RR-500.2 Negligent Handling of City or Department Property (A-F)  
 RR-500.3 Reporting of Damage to City or Department Property (A-C)  
 RR-500.4 Obedience to Traffic Laws (A-F)  
 RR-500.5 Unauthorized Use of City Vehicles (A-E)  
 RR-500.7 Preventing Unauthorized Use of Department Property (A-F)  
 RR-500.8 Use of Emergency Equipment (B-D)  
 RR-500.11 Unauthorized Transportation of Persons (A-E)  
 RR-510.01 Pursuit Policy (A-F)  
 RR-600.4 Reporting Firearm Defects (A-F)  
 RR-700.3 Understanding Court Orders Before Taking Action (A-E)  
 RR-800.5 Safeguarding and Transmitting Court Orders  
 RR-800.8 Referral of Questions of Law & Court Operations (A-B)  
 RR-800.9 News Media Reporting (A-C)  
 RR-800.10 Unauthorized Communication with Prisoners  
 RR-900.3 Ensuring Transportation of Prisoner Property (A-B)  
 RR-900.4 Searching Prisoners (A-F)  
 RR-900.5 Search of Transport Vehicle (A-F)  
 RR-900.6 Ensuring Safety of Persons in Custody During Transport (A-F)  
 RR-900.11 Unnecessary Stops During Transport (A-D)  
 RR-1000.3 Authorized Expenses (A-C)  
 RR-1000.4 Federal Regulations Regarding Firearms on Airplanes (A-F)  
 RR-1100.1 Compliance with Policies & Rules (A-F)  
 RR-1100.2 Temporary Assignment as Supervisor (A-F)  
 RR-1100.4 Relationships with Other Employees (A-F)  
 RR-1100.8 Failure to Supervise (B-F)

1st

Violation

in 4 Years

- Level -

2

Violation

in 4 Years

- Level -

3

Violation

in 4 Years

- Level -

4

Violation

in 4 Years

- Level -

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.
- \* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.
- \*\* The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## Denver Sheriff Department - Discipline Matrix

Categories,  
Violations and Discipline Level Assignments Table

| CONDUCT THAT HAS A PRONOUNCED NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT, OR ON RELATIONSHIPS WITH OTHER DEPUTY SHERIFFS, EMPLOYEES, AGENCIES OR THE PUBLIC.   |   |  |  |
|---|---|--|--|
| Category C  |   |  |  |
| Examples include but are not limited to:  | 1st Violation<br>in 5 Years<br>- Level -  | 2nd Violation<br>in 5 Years<br>- Level - | 3rd Violation<br>in 5 Years<br>- Level - |
| RR-100.1.1 Absent from Duty (B-D)<br>RR-100.5 Ability to Perform Duty (A-F)<br>RR-100.10.1 Sick Leave Policy (A-D)<br>RR-100.10.2 Unauthorized Leave (C-D)<br>RR-100.13 Use of Badge by Person other than a Deputy (C-E)<br>RR-200.1 Reporting Injury (B-F)<br>RR-200.2 Use of Force Reporting (A-F)<br>RR-200.3 Accurate Reporting (A-C)<br>RR-200.9 Full Attention to Duties (A-F)<br>RR-200.11 Sleeping on Duty (C-F)<br>RR-200.12 Abandoning Post (A-F)<br>RR-200.13 Disobeying Lawful Order (C-F)<br>RR-200.15.2 Abuse of Fellow Deputies and Employees<br>RR-200.16 Failure to Perform Duties (A-F)<br>RR-200.18 On Duty Presence at Adult/Liquor Establishments (B-C)<br>RR-200.19 Performance of Duties (A-F)<br>RR-200.22 Inappropriate Computer Use (A-F)<br>RR-200.24 Discourtesy (B-C)<br>RR-300.1 Enforcing Criminal Statutes (B-C)<br>RR-300.2 Soliciting Preferential Treatment (C-F)<br>RR-300.7.2 Drinking to Excess<br>RR-300.11.1 Conduct Prohibited by Law (A-F)<br>RR-300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)<br>RR-300.11.4 Self Reporting Criminal Arrest or Charges<br>RR-300.11.5 Self Reporting License Suspension or Revocation<br>RR-300.11.6 Conduct Prejudicial (A-F)<br>RR-300.15.1 Accepting Presents or Gratuities<br>RR-300.15.2 Duty to Report Gift (A-C)<br>RR-300.16 Unauthorized Use of Equipment (A-E)<br>RR-300.17.3 Reporting of Prohibited Associations<br>RR-300.19.1 Disobedience of Rule (A-F)<br>RR-300.19.2 Aiding & Abetting Violation of Rules (A-F)<br>RR-300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)<br>RR-300.21.1 Discrimination, Harassment, and Retaliation (C-F)<br>RR-300.21.2 Impartial Attitude (A-C)<br>RR-300.24 Secondary Employment (B-C)<br>RR-400.4.3 Wrong Person Detention Allegations<br>RR-400.4.4 Erroneous Release (B-D)<br>RR-400.7 Protecting Constitutional Rights of Prisoners (C-F)<br>RR-400.8.3 Failure to Document Rounds<br>RR-400.9 Handling of Mentally Ill Inmates (A-F)<br>RR-400.10 Ensuring Care and Treatment of Ill or Injured Prisoners (A-F)<br>RR-400.12 Prohibited Transactions with Prisoners (A-F)<br>RR-400.14.4 Reporting Associations with Attorneys or Bondsman | RR-400.15 Securing Bond for Arrested Person<br>RR-400.17 Failure to Search (A-F)<br>RR-400.18 Preventing Escapes & Passing of Contraband (A-F)<br>RR-500.1 Negligent Operation of Motor Vehicle or Equipment (A-F)<br>RR-500.2 Negligent Handling of City or Department Property (A-F)<br>RR-500.3 Reporting of Damage to City or Department Property (A-C)<br>RR-500.4 Obedience to Traffic Laws (A-F)<br>RR-500.5 Unauthorized Use of City Vehicles (A-E)<br>RR-500.7 Preventing Unauthorized Use of Department Property (A-F)<br>RR-500.8 Use of Emergency Equipment (B-D)<br>RR-500.11 Unauthorized Transportation of Persons (A-E)<br>RR-510.01 Pursuit Policy (A-F)<br>RR-600.1 Carrying of Firearms<br>RR-600.2 Authorized Weapons & Ammunition (C-F)<br>RR-600.3 Storage of Firearms (C-F)<br>RR-600.4 Reporting Firearm Defects (A-F)<br>RR-600.5 Secure Storage of Firearms (C-F)<br>RR-600.6 Prohibited Display of Firearms<br>RR-600.7 Unauthorized Access to Weapons & Ammunition (C-F)<br>RR-600.9 Careless Handling of Firearms (C-F)<br>RR-600.10 Restrictions on Auxiliary Weapons<br>RR-700.1 Lawful Arrests (C-F)<br>RR-700.3 Understanding Court Orders Before Taking Action (A-E)<br>RR-700.4 Ensuring Valid Arrest Warrant (C-E)<br>RR-700.7 Notification of Defense Subpoena<br>RR-800.1 Obeying Orders of the Court (C-D)<br>RR-800.2 Conduct in Court<br>RR-800.9 News Media Reporting (A-C)<br>RR-800.11 Unauthorized Visits with Prisoners<br>RR-900.4 Searching Prisoners (A-F)<br>RR-900.5 Search of Transport Vehicle (A-F)<br>RR-900.6 Ensuring Safety of Persons in Custody During Transport (A-F)<br>RR-900.11 Unnecessary Stops During Transport (A-D)<br>RR-1000.1 Timely Extradition<br>RR-1000.3 Authorized Expenses (A-C)<br>RR-1000.4 Federal Regulations Regarding Firearms on Airplanes (A-F)<br>RR-1100.1 Compliance with Policies & Rules (A-F)<br>RR-1100.2 Temporary Assignment as Supervisor (A-F)<br>RR-1100.3.1 Discrimination Against Member of Protected Class (C-F)<br>RR-1100.3.2 Discrimination Based on Union Affiliation (C-F)<br>RR-1100.3.3 Influencing Union Affiliation<br>RR-1100.4 Relationships with Other Employees (A-F)<br>RR-1100.5 Soliciting Personal Services (C-F)<br>RR-1100.6 Special Treatment of Employees (C-F)<br>RR-1100.7 Disclosure of Business or Intimate Personal Relationships<br>RR-1100.8 Failure to Supervise (B-F) | 3<br>4<br>5                              |  |

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.

- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\* The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



# Denver Sheriff Department - Discipline Matrix

## Categories, Violations and Discipline Level Assignments Table

| Category D   |   |   |  |   |
|--|---|---|--|---|
| CONDUCT THAT IS SUBSTANTIALLY CONTRARY TO THE GUIDING PRINCIPLES OF THE DEPARTMENT OR THAT SUBSTANTIALLY INTERFERES WITH ITS MISSION, OPERATIONS OR PROFESSIONAL IMAGE, OR THAT INVOLVES A DEMONSTRABLE SERIOUS RISK TO DEPUTY SHERIFF, EMPLOYEE OR PUBLIC SAFETY.   |   |   |  |   |
| Examples include but are not limited to:   |   |   |  |   |
| RR-100.1.1<br>RR-100.5<br>RR-100.10.1<br>RR-100.10.2<br>RR-100.13<br>RR-200.1<br>RR-200.2<br>RR-200.4.1<br>RR-200.7.1<br>RR-200.9<br>RR-200.11<br>RR-200.12<br>RR-200.13<br>RR-200.15.3<br>RR-200.16<br>RR-200.17.1<br>RR-200.19<br>RR-200.21<br>RR-200.22<br>RR-300.2<br>RR-300.6<br>RR-300.7.1<br>RR-300.10.1<br>RR-300.11.1<br>RR-300.11.3<br><br>RR-300.11.6<br>RR-300.16<br>RR-300.17.2<br>RR-300.19.1<br>RR-300.19.2<br>RR-300.20<br><br>RR-300.21.1<br>RR-300.21.3<br>RR-300.22<br>RR-400.2<br>RR-400.4.1<br>RR-400.4.2<br>RR-400.4.4<br>RR-400.5<br>RR-400.7 | Absent from Duty (B-D)<br>Ability to Perform Duty (A-F)<br>Sick Leave Policy (A-D)<br>Unauthorized Leave (C-D)<br>Use of Badge by Person other than a Deputy (C-E)<br>Reporting Injury (B-F)<br>Use of Force Reporting (A-F)<br>Misleading or Inaccurate Statements (D-E)<br>Release of Confidential Information (D-E)<br>Full Attention to Duties (A-F)<br>Sleeping on Duty (C-F)<br>Abandoning Post (A-F)<br>Disobeying Lawful Order (C-F)<br>Insubordination<br>Failure to Perform Duties (A-F)<br>Failure to Aid and Protect Fellow Deputies – Unreasonable<br>Performance of Duties (A-F)<br>Interfering with Grievance Process (D-F)<br>Inappropriate Computer Use (A-F)<br>Soliciting Preferential Treatment (C-F)<br>Feigning Illness<br>Unfit for Duty<br>Immoral Conduct<br>Conduct Prohibited by Law (A-F)<br>Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)<br>Conduct Prejudicial (A-F)<br>Unauthorized Use of Equipment (A-E)<br>Prohibited Associations (D-F)<br>Disobedience of Rule (A-F)<br>Aiding & Abetting Violation of Rules (A-F)<br>Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)<br>Discrimination, Harassment, and Retaliation (C-F)<br>Impartial Attitude – Bias (D-F)<br>Inappropriate Force (D-F)<br>Discrimination, Harassment or Retaliation Against Prisoners (D-F)<br>Cruel and Unusual Treatment of Prisoners (D-F)<br>Unlawful Detention (D-F)<br>Erroneous Release (B-D)<br>Harassment of Prisoners (D-F)<br>Protecting Constitutional Rights of Prisoners (C-F) | RR-400.8.1<br>RR-400.8.2<br>RR-400.9<br>RR-400.10<br>RR-400.12<br>RR-400.13<br>RR-400.17<br>RR-400.18<br>RR-500.1<br>RR-500.2<br>RR-500.4<br>RR-500.5<br>RR-500.7<br>RR-500.8<br>RR-500.11<br>RR-510.01<br>RR-600.2<br>RR-600.3<br>RR-600.4<br>RR-600.5<br>RR-600.7<br>RR-600.8<br>RR-600.9<br>RR-700.1<br>RR-700.3<br>RR-700.4<br>RR-800.1<br>RR-800.3<br>RR-800.7<br>RR-900.4<br>RR-900.5<br>RR-900.6<br>RR-900.7<br>RR-900.11<br>RR-1000.4<br>RR-1100.1<br>RR-1100.2<br>RR-1100.3.1<br>RR-1100.3.2<br>RR-1100.4<br>RR-1100.5<br>RR-1100.6<br>RR-1100.8 | Protecting Prisoners from Physical Harm (D-F)<br>Failure to Make Required Rounds (D-F)<br>Handling of Mentally Ill Inmates (A-F)<br>Ensuring Care and Treatment of Ill or Injured Prisoners (A-F)<br>Prohibited Transactions with Prisoners (A-F)<br>Prohibited Bartering with Prisoners (D-F)<br>Failure to Search (A-F)<br>Preventing Escapes & Passing of Contraband (A-F)<br>Negligent Operation of Motor Vehicle or Equipment (A-F)<br>Negligent Handling of City or Department Property (A-F)<br>Obedience to Traffic Laws (A-F)<br>Unauthorized Use of City Vehicles (A-E)<br>Preventing Unauthorized Use of Department Property (A-F)<br>Use of Emergency Equipment (B-D)<br>Unauthorized Transportation of Persons (A-E)<br>Pursuit Policy (A-F)<br>Authorized Weapons & Ammunition (C-F)<br>Storage of Firearms (C-F)<br>Reporting Firearm Defects (A-F)<br>Secure Storage of Firearms (C-F)<br>Unauthorized Access to Weapons & Ammunition (C-F)<br>Discharge of Firearms (D-F)<br>Careless Handling of Firearms (C-F)<br>Lawful Arrests (C-F)<br>Understanding Court Orders Before Taking Action (A-E)<br>Ensuring Valid Arrest Warrant (C-E)<br>Obeying Orders of the Court (C-D)<br>Taking Custody as Directed by the Court (D-E)<br>Unauthorized Delegation of Custody (D-F)<br>Searching Prisoners (A-F)<br>Search of Transport Vehicle (A-F)<br>Ensuring Safety of Persons in Custody During Transport (A-F)<br>Proper Restraint of Prisoners (D-F)<br>Unnecessary Stops During Transport (A-D)<br>Federal Regulations Regarding Firearms on Airplanes (A-F)<br>Compliance with Policies & Rules (A-F)<br>Temporary Assignment as Supervisor (A-F)<br>Discrimination Against Member of Protected Class (C-F)<br>Discrimination Based on Union Affiliation (C-F)<br>Relationships with Other Employees (A-F)<br>Soliciting Personal Services (C-F)<br>Special Treatment of Employees (C-F)<br>Failure to Supervise (B-F) | 1st Violation in 7 Years - Level -<br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br><br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## Denver Sheriff Department - Discipline Matrix

Categories,  
Violations and Discipline Level Assignments Table

| 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 DEPUTY SHERIFF, EMPLOYEE OR PUBLIC SAFETY, OR TO THE PROFESSIONALISM OF THE DEPARTMENT. |   | Category E    |               |               |
|---|---|---------------|---------------|---------------|
| <u>Examples include but are not limited to:</u>   |   | 1st           | 2nd           | 3rd           |
| RR-100.5 Ability to Perform Duty (A-F)  | RR-400.8.2 Failure to Make Required Rounds (D-F)                        | Violation     | Violation     | Violation     |
| RR-100.13 Use of Badge by Person other than a Deputy (C-E)  | RR-400.9 Handling of Mentally Ill Inmates (A-F)                         | No Time Limit | No Time Limit | No Time Limit |
| RR-200.1 Reporting Injury (B-F)   | RR-400.10 Ensuring Care and Treatment of Ill or Injured Prisoners (A-F) | - Level -     | - Level -     | - Level -     |
| RR-200.2 Use of Force Reporting (A-F)   | RR-400.12 Prohibited Transactions with Prisoners (A-F)                  | 6             | 7             | 8             |
| RR-200.4.1 Misleading or Inaccurate Statements (D-E)  | RR-400.13 Prohibited Bartering with Prisoners (D-F)                     |               |               |               |
| RR-200.5 Access to Records  | RR-400.14.2 Suggesting Bondsman or Attorneys for Profit                 |               |               |               |
| RR-200.7.1 Release of Confidential Information (D-E)  | RR-400.14.3 Working with Attorneys or Bonds Persons Prohibited          |               |               |               |
| RR-200.7.2 Use of Confidential Information (E-F)  | RR-400.17 Failure to Search (A-F)                                       |               |               |               |
| RR-200.9 Full Attention to Duties (A-F)   | RR-400.18 Preventing Escapes & Passing of Contraband (A-F)              |               |               |               |
| RR-200.11 Sleeping on Duty (C-F)  | RR-500.1 Negligent Operation of Motor Vehicle or Equipment (A-F)        |               |               |               |
| RR-200.12 Abandoning Post (A-F)   | RR-500.2 Negligent Handling of City or Department Property (A-F)        |               |               |               |
| RR-200.13 Disobeying Lawful Order (C-F)   | RR-500.4 Obedience to Traffic Laws (A-F)                                |               |               |               |
| RR-200.16 Failure to Perform Duties (A-F)   | RR-500.5 Unauthorized Use of City Vehicles (A-E)                        |               |               |               |
| RR-200.19 Performance of Duties (A-F)   | RR-500.7 Preventing Unauthorized Use of Department Property (A-F)       |               |               |               |
| RR-200.21 Interfering with Grievance Process (D-F)  | RR-500.9 Use of City Gasoline Cards (E-F)                               |               |               |               |
| RR-200.22 Inappropriate Computer Use (A-F)  | RR-500.11 Unauthorized Transportation of Persons (A-E)                  |               |               |               |
| RR-300.2 Soliciting Preferential Treatment (C-F)  | RR-510.01 Pursuit Policy (A-F)  |               |               |               |
| RR-300.8 Drinking on Duty (E-F)   | RR-600.2 Authorized Weapons & Ammunition (C-F)                          |               |               |               |
| RR-300.11.1 Conduct Prohibited by Law (A-F)   | RR-600.3 Storage of Firearms (C-F)                                      |               |               |               |
| RR-300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)  | RR-600.4 Reporting Firearm Defects (A-F)                                |               |               |               |
| RR-300.11.6 Conduct Prejudicial (A-F)   | RR-600.5 Secure Storage of Firearms (C-F)                               |               |               |               |
| RR-300.16 Unauthorized Use of Equipment (A-E)   | RR-600.7 Unauthorized Access to Weapons & Ammunition (C-F)              |               |               |               |
| RR-300.17.2 Prohibited Associations (D-F)   | RR-600.8 Discharge of Firearms (D-F)                                    |               |               |               |
| RR-300.17.4 Prohibited Association with Prisoners (E-F)   | RR-600.9 Careless Handling of Firearms (C-F)                            |               |               |               |
| RR-300.19.1 Disobedience of Rule (A-F)  | RR-700.1 Lawful Arrests (C-F)   |               |               |               |
| RR-300.19.2 Aiding & Abetting Violation of Rules (A-F)  | RR-700.3 Understanding Court Orders Before Taking Action (A-E)          |               |               |               |
| RR-300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)  | RR-700.4 Ensuring Valid Arrest Warrant (C-E)                            |               |               |               |
| RR-300.21.1 Discrimination, Harassment, and Retaliation (C-F)   | RR-800.3 Taking Custody as Directed by the Court (D-E)                  |               |               |               |
| RR-300.21.3 Impartial Attitude - Bias (D-F)   | RR-800.7 Unauthorized Delegation of Custody (D-F)                       |               |               |               |
| RR-300.22 Inappropriate Force (D-F)   | RR-900.4 Searching Prisoners (A-F)                                      |               |               |               |
| RR-300.23 Intimidation of Persons   | RR-900.5 Search of Transport Vehicle (A-F)                              |               |               |               |
| RR-300.28 Use of City Credit Cards and Reimbursement Requests (E-F)   | RR-900.6 Ensuring Safety of Persons in Custody During Transport (A-F)   |               |               |               |
| RR-400.2 Discrimination, Harassment or Retaliation Against Prisoners (D-F)  | RR-900.7 Proper Restraint of Prisoners (D-F)                            |               |               |               |
| RR-400.4.1 Cruel and Unusual Treatment of Prisoners (D-F)   | RR-1000.4 Federal Regulations Regarding Firearms on Airplanes (A-F)     |               |               |               |
| RR-400.4.2 Unlawful Detention (D-F)   | RR-1100.1 Compliance with Policies & Rules (A-F)                        |               |               |               |
| RR-400.5 Harassment of Prisoners (D-F)  | RR-1100.2 Temporary Assignment as Supervisor (A-F)                      |               |               |               |
| RR-400.6 Abuse of Prisoners (E-F)   | RR-1100.3.1 Discrimination Against Member of Protected Class (C-F)      |               |               |               |
| RR-400.7 Protecting Constitutional Rights of Prisoners (C-F)  | RR-1100.3.2 Discrimination Based on Union Affiliation (C-F)             |               |               |               |
| RR-400.8.1 Protecting Prisoners from Physical Harm (D-F)  | RR-1100.4 Relationships with Other Employees (A-F)                      |               |               |               |
|   | RR-1100.5 Soliciting Personal Services (C-F)                            |               |               |               |
|   | RR-1100.6 Special Treatment of Employees (C-F)                          |               |               |               |
|   | RR-1100.8 Failure to Supervise (B-F)                                    |               |               |               |

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.

- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\* The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## Denver Sheriff Department - Discipline Matrix

Categories,  
Violations and Discipline Level Assignments Table

**Category F**

ANY VIOLATION OF LAW, RULE OR POLICY WHICH: FORESEEABLY RESULTS IN DEATH OR SERIOUS BODILY INJURY; OR CONSTITUTES A WILLFUL AND WANTON DISREGARD OF DEPARTMENT GUIDING PRINCIPLES; OR INVOLVES ANY ACT WHICH DEMONSTRATES A SERIOUS LACK OF THE INTEGRITY, ETHICS OR CHARACTER RELATED TO A DEPUTY SHERIFF'S FITNESS TO HOLD HIS OR HER POSITION; 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 CONDITION OF EMPLOYMENT REQUIRED BY CONTRACT OR MANDATED BY LAW.

**Examples include but are not limited to:**

RR-100.5 Ability to Perform Duty (A-F)  
 RR-100.11 Uniform Restrictions for Deputies Under Suspension  
 RR-200.1 Reporting Injury (B-F)  
 RR-200.2 Use of Force Reporting (A-F)  
 RR-200.4.2 Commission of a Deceptive Act  
 RR-200.4.3 Altering Information on Official Documents  
 RR-200.4.5 Destruction or Misuse of Reports or Records  
 RR-200.4.6 Interference with Prosecution  
 RR-200.4.7 Interfering with Investigation/Questioning  
 RR-200.4.8 Failure to Provide a Statement  
 RR-200.7.2 Use of Confidential Information (E-F)  
 RR-200.7.3 Communication of Confidential Information  
 RR-200.9 Full Attention to Duties (A-F)  
 RR-200.10.1 Appropriating Property  
 RR-200.11 Sleeping on Duty (C-F)  
 RR-200.12 Abandoning Post (A-F)  
 RR-200.13 Disobeying Lawful Order (C-F)  
 RR-200.14 Drug Testing & Physical & Mental Examinations  
 RR-200.16 Failure to Perform Duties (A-F)  
 RR-200.17.2 Failure to Aid/Protect Fellow Deputies - Intentional or Reckless  
 RR-200.19 Performance of Duties (A-F)  
 RR-200.21 Interfering with Grievance Process (D-F)  
 RR-200.22 Inappropriate Computer Use (A-F)  
 RR-300.2 Soliciting Preferential Treatment (C-F)  
 RR-300.8 Drinking on Duty (E-F)  
 RR-300.9 Use of Controlled Substance  
 RR-300.10.2 Sexual Misconduct  
 RR-300.11.1 Conduct Prohibited by Law (A-F)  
 RR-300.11.2 Aggravated Conduct Prohibited by Law  
 RR-300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)  
 RR-300.11.6 Conduct Prejudicial (A-F)  
 RR-300.17.1 Fraternization with Prisoner  
 RR-300.17.2 Prohibited Associations (D-F)  
 RR-300.17.4 Prohibited Association with Prisoners (E-F)  
 RR-300.19.1 Disobedience of Rule (A-F)  
 RR-300.19.2 Aiding & Abetting Violation of Rules (A-F)  
 RR-300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)  
 RR-300.21.1 Discrimination, Harassment, and Retaliation (C-F)  
 RR-300.21.3 Impartial Attitude - Bias (D-F)  
 RR-300.22 Inappropriate Force (D-F)  
 RR-300.27 Collective Bargaining Fair Share Fee

RR-300.28 Use of City Credit Cards and Reimbursement Requests (E-F)  
 RR-400.2 Discrimination, Harassment or Retaliation Against Prisoners (D-F)  
 RR-400.4.1 Cruel and Unusual Treatment of Prisoners (D-F)  
 RR-400.4.2 Unlawful Detention (D-F)  
 RR-400.5 Harassment of Prisoners (D-F)  
 RR-400.6 Abuse of Prisoners (E-F)  
 RR-400.7 Protecting Constitutional Rights of Prisoners (C-F)  
 RR-400.8.1 Protecting Prisoners from Physical Harm (D-F)  
 RR-400.8.2 Failure to Make Required Rounds (D-F)  
 RR-400.9 Handling of Mentally Ill Inmates (A-F)  
 RR-400.10 Ensuring Care and Treatment of Ill or Injured Prisoners (A-F)  
 RR-400.11 Aiding & Abetting an Escape  
 RR-400.12 Prohibited Transactions with Prisoners (A-F)  
 RR-400.13 Prohibited Bartering with Prisoners (D-F)  
 RR-400.17 Failure to Search (A-F)  
 RR-400.18 Preventing Escapes & Passing of Contraband (A-F)  
 RR-500.1 Negligent Operation of Motor Vehicle or Equipment (A-F)  
 RR-500.2 Negligent Handling of City or Department Property (A-F)  
 RR-500.4 Obedience to Traffic Laws (A-F)  
 RR-500.7 Preventing Unauthorized Use of Department Property (A-F)  
 RR-500.9 Use of City Gasoline Cards (E-F)  
 RR-510.01 Pursuit Policy (A-F)  
 RR-600.2 Authorized Weapons & Ammunition (C-F)  
 RR-600.3 Storage of Firearms (C-F)  
 RR-600.4 Reporting Firearm Defects (A-F)  
 RR-600.5 Secure Storage of Firearms (C-F)  
 RR-600.7 Unauthorized Access to Weapons & Ammunition (C-F)  
 RR-600.8 Discharge of Firearms (D-F)  
 RR-600.9 Careless Handling of Firearms (C-F)  
 RR-700.1 Lawful Arrests (C-F)  
 RR-800.7 Unauthorized Delegation of Custody (D-F)  
 RR-900.4 Searching Prisoners (A-F)  
 RR-900.5 Search of Transport Vehicle (A-F)  
 RR-900.6 Ensuring Safety of Persons in Custody During Transport (A-F)  
 RR-900.7 Proper Restraint of Prisoners (D-F)  
 RR-1000.4 Federal Regulations Regarding Firearms on Airplanes (A-F)  
 RR-1100.1 Compliance with Policies & Rules (A-F)  
 RR-1100.2 Temporary Assignment as Supervisor (A-F)  
 RR-1100.3.1 Discrimination Against Member of Protected Class (C-F)  
 RR-1100.3.2 Discrimination Based on Union Affiliation (C-F)  
 RR-1100.4 Relationships with Other Employees (A-F)  
 RR-1100.5 Soliciting Personal Services (C-F)  
 RR-1100.6 Special Treatment of Employees (C-F)  
 RR-1100.8 Failure to Supervise (B-F)

1st  
Violation

No Time Limit

- Level -

8

\* Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.



Revised January 1, 2011

**RULES AND REGULATIONS  
DISCIPLINE HANDBOOK EDITION**

**SHERIFF DEPARTMENT  
OF THE CITY AND COUNTY  
DENVER, COLORADO**

**Approved by the  
City Attorney's Office  
Manager of Safety  
Director of Corrections and Undersheriff**

**Effective January 1, 2011**

## **DENVER SHERIFF DEPARTMENT RULES AND REGULATIONS**

### **PREAMBLE**

#### **REPORTING TO WORK AND UNIFORMS**

##### **(100.00 – 199.99)**

- 100.1.1 Absent from Duty
- 100.1.2 Reporting for Duty
- 100.2 Unable to Appear for Duty - Notification
- 100.3 Completing Leave Slips and Time Accounting Reports
- 100.4 Punctuality
- 100.5 Ability to Perform Duty
- 100.6 Authorized Uniform and Attire
- 100.7 No Uniform Off Duty
- 100.8 Conduct While Off Duty in Uniform
- 100.9 [Not Used]
- 100.10.1 Sick Leave Policy
- 100.10.2 Unauthorized Leave
- 100.11 Uniform Restrictions for Deputies Under Suspension
- 100.12 Alteration of Badge Prohibited
- 100.13 Use of Badge by Person other than a Deputy

#### **GENERAL CONDUCT, BEHAVIOR AND ACTIVITIES AT WORK**

##### **(200.00 – 299.99)**

- 200.1 Reporting Injury
- 200.2 Use of Force Reporting
- 200.3 Accurate Reporting
- 200.4.1 Misleading or Inaccurate Statements
- 200.4.2 Commission of a Deceptive Act
- 200.4.3 Altering Information on Official Documents
- 200.4.4 Removal of Reports and Records
- 200.4.5 Destruction or Misuse of Reports or Records
- 200.4.6 Interference with Prosecution
- 200.4.7 Interfering with Investigation/Questioning
- 200.4.8 Failure to Provide a Statement
- 200.5 Access to Records
- 200.6 Access to NCIC / CCIC
- 200.7.1 Release of Confidential Information
- 200.7.2 Use of Confidential Information
- 200.7.3 Communication of Confidential Information
- 200.8 Interviews of Inmates
- 200.9 Full Attention to Duties
- 200.10 Use of City Equipment
- 200.10.1 Appropriating Property
- 200.11 Sleeping on Duty
- 200.12 Abandoning Post
- 200.13 Disobeying Lawful Order
- 200.14 Drug Testing & Physical & Mental Examinations
- 200.15.1 Respect for Fellow Deputies and Employees
- 200.15.2 Abuse of Fellow Deputies and Employees
- 200.15.3 Insubordination
- 200.16 Failure to Perform Duties

- 200.17.1 Failure to Aid and Protect Fellow Deputies – Unreasonable
- 200.17.2 Failure to Aid and Protect Fellow Deputies – Intentional or Reckless
- 200.18 On Duty Presence at Adult/Liquor Establishments
- 200.19 Performance of Duties
- 200.20 [Not Used]
- 200.21 Interfering with Grievance Process
- 200.22 Inappropriate Computer Use
- 200.23 Giving Name and Badge Number
- 200.24 Discourtesy

**GENERAL WORK RELATED CONDUCT OR BEHAVIOR  
(300.00 – 399.99)**

- 300.1 Enforcing Criminal Statutes
- 300.2 Soliciting Preferential Treatment
- 300.3 [Deleted]
- 300.4 Reporting Change of Contact Information
- 300.5.1 Political Activity
- 300.5.2 Soliciting Money for Political Purposes
- 300.5.3 Giving Testimonials, Seeking Publicity
- 300.5.4 Soliciting Business
- 300.6 Feigning Illness
- 300.7.1 Unfit for Duty
- 300.7.2 Drinking to Excess
- 300.8 Drinking on Duty
- 300.9 Use of Controlled Substance
- 300.10.1 Immoral Conduct
- 300.10.2 Sexual Misconduct
- 300.11.1 Conduct Prohibited by Law
- 300.11.2 Aggravated Conduct Prohibited by Law
- 300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated  
Conduct Prohibited by Law
- 300.11.4 Self Reporting Criminal Arrest or Charges
- 300.11.5 Self Reporting License Suspension or Revocation
- 300.11.6 Conduct Prejudicial
- 300.12 [Deleted]
- 300.13 [Deleted]
- 300.14 [Deleted]
- 300.15.1 Accepting Presents or Gratuities
- 300.15.2 Duty to Report Gift
- 300.16 Unauthorized Use of Equipment
- 300.17.1 Fraternization with Prisoner
- 300.17.2 Prohibited Associations
- 300.17.3 Reporting of Prohibited Associations
- 300.17.4 Prohibited Association with Prisoners
- 300.18 Safeguarding Department Property
- 300.19.1 Disobedience of Rule
- 300.19.2 Aiding & Abetting Violation of Rules
- 300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws,  
Department Rules and Regulations, and Certain Orders during the Pendency of  
Appeals
- 300.21.1 Discrimination, Harassment, and Retaliation
- 300.21.2 Impartial Attitude
- 300.21.3 Impartial Attitude – Bias



- 300.22 Inappropriate Force
- 300.23 Intimidation of Persons
- 300.24 Secondary Employment
- 300.25 Use of Department Letterhead, Badges and Insignias
- 300.26 Publication of Articles
- 300.27 Collective Bargaining Fair Share Fee
- 300.28 Use of City Credit Cards and Reimbursement Requests

**CARE AND CUSTODY OF PRISONERS  
(400.00 – 499.99)**

- 400.1 Prohibited Discussions with Prisoners
- 400.2 Discrimination, Harassment or Retaliation against Prisoners
- 400.3 [Deleted]
- 400.4.1 Cruel and Unusual Treatment of Prisoners
- 400.4.2 Unlawful Detention
- 400.4.3 Wrong Person Detention Allegations
- 400.4.4 Erroneous Release
- 400.5 Harassment of Prisoners
- 400.6 Abuse of Prisoners
- 400.7 Protecting Constitutional Rights of Prisoners
- 400.8.1 Protecting Prisoners from Physical Harm
- 400.8.2 Failure to Make Required Rounds
- 400.8.3 Failure to Document Rounds
- 400.9 Handling of Mentally Ill Inmates
- 400.10 Ensuring Care and Treatment of Ill or Injured Prisoners
- 400.11 Aiding & Abetting an Escape
- 400.12 Prohibited Transactions with Prisoners
- 400.13 Prohibited Bartering with Prisoners
- 400.14.1 Suggesting Bondsmen or Attorneys
- 400.14.2 Suggesting Bondsmen or Attorneys for Profit
- 400.14.3 Working with Attorneys or Bonds Persons Prohibited
- 400.14.4 Reporting Associations with Attorneys or Bondsmen
- 400.15 Securing Bond for Arrested Person
- 400.16 [Deleted]
- 400.17 Failure to Search
- 400.18 Preventing Escapes & Passing of Contraband
- 400.19 Prohibited Use of Tobacco Products

**VEHICLE OPERATION AND CARE AND USE OF EQUIPMENT  
(500.00 – 599.99)**

- 500.1 Negligent Operation of Motor Vehicle or Equipment
- 500.2 Negligent Handling of City or Department Property
- 500.3 Reporting of Damage to City or Department Property
- 500.4 Obedience to Traffic Laws
- 500.5 Unauthorized Use of City Vehicles
- 500.6 Care of City Vehicles
- 500.7 Preventing Unauthorized Use of Department Property
- 500.8 Use of Emergency Equipment
- 500.9 Use of City Gasoline Cards
- 500.10 Ensuring Responsible Use of Department Property
- 500.11 Unauthorized Transportation of Persons
- 510.01 Pursuit Policy

**FIREARMS**  
**(600.00 – 699.99)**

- 600.1 Carrying of Firearms
- 600.2 Authorized Weapons & Ammunition
- 600.3 Storage of Firearms
- 600.4 Reporting Firearm Defects
- 600.5 Secure Storage of Firearms
- 600.6 Prohibited Display of Firearms
- 600.7 Unauthorized Access to Weapons & Ammunition
- 600.8 Discharge of Firearms
- 600.9 Careless Handling of Firearms
- 600.10 Restrictions on Auxiliary Weapons

**ARRESTS AND SERVICES**  
**(700.00 – 799.99)**

- 700.1 Lawful Arrests
- 700.2 [Deleted]
- 700.3 Understanding Court Orders before Taking Action
- 700.4 Ensuring Valid Arrest Warrant
- 700.5 Unauthorized Service of Process
- 700.6 [Deleted]
- 700.7 Notification of Defense Subpoena

**COURTROOM DUTIES AND PROCEDURES**  
**(800.00 – 899.99)**

- 800.1 Obeying Orders of the Court
- 800.2 Conduct in Court
- 800.3 Taking Custody as Directed by the Court
- 800.4 [Deleted]
- 800.5 Safeguarding and Transmitting Court Orders
- 800.6 Full Attention to Duties in Court
- 800.7 Unauthorized Delegation of Custody
- 800.8 Referral of Questions of Law & Court Operations
- 800.9 News Media Reporting
- 800.10 Unauthorized Communication with Prisoners
- 800.11 Unauthorized Visits with Prisoners
- 800.12 [Deleted]
- 800.13 Attendance in Court

**TRANSPORTATION OF PRISONERS**  
**(900.00 – 999.99)**

- 900.1 Properly Identifying Prisoners
- 900.2 Ensuring Required Paperwork
- 900.3 Ensuring Transportation of Prisoner Property
- 900.4 Searching Prisoners
- 900.5 Search of Transport Vehicle
- 900.6 Ensuring Safety of Persons in Custody During Transport
- 900.7 Proper Restraint of Prisoners
- 900.8 Transport of Female Prisoners
- 900.9 Monitoring of Radio
- 900.10 [Deleted]
- 900.11 Unnecessary Stops During Transport

**EXTRADITION OF PRISONERS  
(1000.00 – 1099.99)**

- 1000.1 Timely Extradition
- 1000.2 [Deleted]
- 1000.3 Authorized Expenses
- 1000.4 Federal Regulations Regarding Firearms on Airplanes

**SUPERVISORY AND ADMINISTRATIVE CONDUCT  
(1100.00 – 1199.99)**

- 1100.1 Compliance with Policies & Rules
- 1100.2 Temporary Assignment as Supervisor
- 1100.3.1 Discrimination Against Member of Protected Class
- 1100.3.2 Discrimination Based on Union Affiliation
- 1100.3.3 Influencing Union Affiliation
- 1100.4 Relationships with Other Employees
- 1100.5 Soliciting Personal Services
- 1100.6 Special Treatment of Employees
- 1100.7 Disclosure of Business or Intimate Personal Relationships
- 1100.8 Failure to Supervise

## **DENVER SHERIFF DEPARTMENT RULES AND REGULATIONS**

### **PREAMBLE**

Deputies shall obey all Departmental rules, regulations, duties, procedures, instructions, and orders; the provisions of the Operations Manual; Mayor's Executive Orders; and Rules of the Career Service Authority. Failure to comply with any of these shall be construed as a violation. Members in violation shall be subject to disciplinary action. The following provisions of conduct shall be construed as a rule violation of the Operations Manual and Directives and Orders of the Denver Sheriff Department, but not by way of limitation.

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### **REPORTING TO WORK AND UNIFORMS (100.00 – 199.99)**

#### **100.1.1 Absent from Duty**

Deputy Sheriffs and employees shall not be absent from duty without authorization.

#### **100.1.2 Reporting for Duty**

When off duty, Deputy Sheriffs and employees shall report for duty immediately upon receipt of an order to do so, unless otherwise excused.

#### **100.2 Unable to Appear for Duty - Notification**

Deputy Sheriffs and employees unable to appear for duty because of illness or injury or for any other valid reasons, shall notify their supervisor or duty supervisor in their division or unit at least two hours prior to their scheduled reporting time. If the office or work unit is closed, the employee should call as soon as the office opens. In the case of an emergency, notification shall be made as soon as possible or practical.

Deputy Sheriffs and employees, after individual and specific notification, shall abide by any special orders and procedures required of them relating to calling in sick, providing doctor's excuses, reporting their movements while on sick leave or periodic checks by authorized personnel.

#### **100.3 Completing Leave Slips and Time Accounting Reports**

Deputy Sheriffs and employees shall be individually responsible for documenting their leave through leave slips and/or the appropriate Department timekeeping system in advance of taking any leave or within two (2) working days of returning from such leave. "Premium pay" documentation for holidays and overtime will be completed before the end of a shift designated as a holiday or where overtime was worked. All members of the Department are responsible for notifying their supervisor of any problem in complying with the above. Deputy Sheriffs and employees shall be responsible to ensure the accuracy and submittal of their Time Accounting Reports within one (1) week after receiving these reports.

#### **100.4 Punctuality**

Deputy Sheriffs and employees shall be on their assigned post and performing their assigned duties, including attendance in court as required, at their scheduled times.

#### **100.5 Ability to Perform Duty**

Deputy Sheriffs and employees, will not report for duty when they are aware of any physical or mental condition that would limit or interfere with the deputy's or employee's ability to perform his or her duties and will notify a supervisor accordingly.

**100.6 Authorized Uniform and Attire**

Deputy Sheriffs and employees reporting for work shall be in the Department's authorized uniform or in other authorized attire, and shall meet established general standards for neatness, cleanliness and personal grooming as stated in the Department's 'Uniform Policy'.

**100.7 No Uniform Off Duty**

Uniforms shall not be worn by employees while not on official duty, except in going to and from work or when engaged in authorized secondary employment or authorized volunteer work. All other occasions for wearing of the uniform shall require special permission of the Director of Corrections and Undersheriff, Division Chief, or their designee.

**100.8 Conduct While Off Duty in Uniform**

Officers, while off duty and in uniform, shall conduct themselves in a professional manner and in compliance with all Sheriff Department and CSA rules, duties, policies, procedures, orders, directives, instructions, Operations Manual or Mayor's Executive Orders.

**100.9 [Not Used]**

**100.10.1 Sick Leave Policy**

Deputy Sheriffs and employees shall adhere to Departmental Orders governing Employee Use of Sick Leave.

**100.10.2 Unauthorized Leave**

Deputy Sheriffs and employees shall not use unauthorized leave in violation of Departmental Orders.

**100.11 Uniform Restrictions for Deputies Under Suspension**

Deputy Sheriffs and employees shall not wear the Department uniform, or exercise any power or authority granted to them as a Deputy Sheriff or employee, while under suspension or after having been placed on investigatory leave.

**100.12 Alteration of Badge Prohibited**

Deputy Sheriffs and employees shall not alter, exchange, or transfer any Department badge or identification. Deputy Sheriffs and employees shall not use another employee's badge or Department identification.

**100.13 Use of Badge by Person other than a Deputy**

Deputy Sheriffs and employees shall not permit any person not appointed a member of the Department to use an official badge or credential at any time.

**GENERAL CONDUCT, BEHAVIOR AND ACTIVITIES AT WORK  
(200.00 – 299.99)**

**200.1 Reporting Injury**

Deputy Sheriffs or employees who injure a person or damage public or private property while on duty or performing official acts, or who witness the above, shall immediately report the circumstances to their supervisor and complete all reports required.

**200.2 Use of Force Reporting**

Deputy Sheriffs and employees, who use force or witness the use of force, shall immediately report the use of force to a supervisor and complete a written report.

**200.3 Accurate Reporting**

Deputy Sheriffs and employees shall submit an accurate and complete written or oral report where one is required or when ordered to do so.

**200.4.1 Misleading or Inaccurate Statements**

Deputy Sheriffs and employees shall not knowingly make a misleading or inaccurate statement relating to their official duties.

**200.4.2 Commission of a Deceptive Act**

In connection with any investigation or any judicial or administrative proceeding, Deputy Sheriffs and employees shall not willfully, intentionally, or knowingly commit a materially deceptive act, including but not limited to departing from the truth verbally, making a false report, or intentionally omitting information.

**200.4.3 Altering Information on Official Documents**

Deputy Sheriffs and employees shall not intentionally change, alter, or otherwise distort the information on any official document without authorization.

**200.4.4 Removal of Reports and Records**

Deputy Sheriffs and employees shall not, without proper authority, remove Department reports or records from any division or bureau.

**200.4.5 Destruction or Misuse of Reports or Records**

Deputy Sheriffs and employees shall not intentionally destroy, permanently remove or copy any Departmental report or record without authorization

**200.4.6 Interference with Prosecution**

Deputy Sheriffs and employees shall not intervene with the courts or use their official positions to influence the prosecution or sentencing of any person, except as required in the performance of their duties.

**200.4.7 Interfering with Investigation/Questioning**

Deputy Sheriffs and employees shall not engage in conduct or have direct or indirect contact with any witness, complainant, or investigator which is intended to obstruct, compromise, or interfere with an internal or criminal investigation. Internal Investigations shall include those initiated by the Internal Affairs Bureaus of the Denver Police or Sheriff Departments, the Director of Corrections or designee, the Manager of Safety or the Manager of Safety's EEO Coordinator or the Office of the Independent Monitor.

**200.4.8 Failure to Provide a Statement**

Once ordered to do so, and after a Garrity Advisement, Deputy Sheriffs and employees shall provide a complete and truthful statement to any authorized member of the Internal Affairs Bureau, the Manager of Safety's EEO Coordinator, or anyone else to whom the Manager of Safety has delegated the authority to compel statements.

**200.5 Access to Records**

Deputy Sheriffs and employees shall not knowingly allow inmates, other Deputy Sheriffs, other employees or the public unauthorized access to records or other restricted materials.

**200.6 Access to NCIC / CCIC**

Deputy Sheriffs and employees shall not access and/or disclose National Crime Information Center (NCIC)/Colorado Crime Information Center (CCIC) information, records, reports etc., for personal use and/or gain or for any other unauthorized purpose.

**200.7.1 Release of Confidential Information**

Deputy Sheriffs and employees shall not release official or confidential information to the public, members of the press or other news gathering agencies or to others except as authorized by Department Order, written procedure or at the direction of the Manager of Safety, Director of Corrections and Undersheriff, Division Chief, Major, Public Information Officer (PIO) or their designees.

**200.7.2 Use of Confidential Information**

Deputy Sheriffs and employees shall not use or release official or confidential information for personal use and/or gain or for any other unauthorized purpose.

**200.7.3 Communication of Confidential Information**

Deputy Sheriffs and employees shall not communicate, to any person, information which may jeopardize an arrest, law enforcement action, or investigation or which may aid a person to escape or attempt to escape.

**200.8 Interviews of Inmates**

Deputy Sheriffs and employees shall not allow inmates to be interviewed, photographed, video or tape recorded except as authorized by Department Order, written procedure or at the specific direction of the Manager of Safety, Director of Corrections and Undersheriff, Division Chief, Major, Public Information Officer (PIO) or their designees.

**200.9 Full Attention to Duties**

Deputy Sheriffs and employees shall devote their full attention to their duties in accordance with the policies and procedures of their assigned post.

**200.10 Use of City Equipment**

Deputy Sheriffs and employees shall not use city equipment for personal gain, or for personal use, which is prejudicial (detrimental) to the efficient and orderly performance of their assigned duties, and/or the operation of the Department, or in violation of department or city rules.

**200.10.1 Appropriating Property**

Deputy Sheriffs and employees shall not appropriate any lost, found, seized, or forfeited evidential or Departmental property to their own use.

**200.11 Sleeping on Duty**

Deputy Sheriffs and employees shall not sleep while on duty.

**200.12 Abandoning Post**

Deputy Sheriffs and employees shall not abandon their posts or duties until relieved without good cause, or by permission of a supervisor.

**200.13 Disobeying Lawful Order**

Deputy Sheriffs and employees shall not disobey, neglect, or refuse to obey, any lawful order of a supervisor.

**200.14 Drug Testing & Physical & Mental Examinations**

Deputy Sheriffs and employees shall not disobey or fail to submit to a direct order from a supervisor to take a required medical test. Such tests, including established drug tests or physical or mental examinations, shall be required when the Director of Corrections and Undersheriff, Division Chief or their designee has reasonable suspicion of drug usage, including alcohol or other such medical problems which could affect the performance of duties or integrity of the Department.

**200.15.1 Respect for Fellow Deputies and Employees**

Deputy Sheriffs and employees shall treat other members of the Department with the respect due to them as fellow deputies and employees.

**200.15.2 Abuse of Fellow Deputies and Employees**

Deputy Sheriffs and employees shall not be abusive toward a fellow Deputy Sheriff or other employee, regardless of position or rank.

**200.15.3 Insubordination**

Deputy Sheriffs and employees shall recognize and accept the authority of superior officers and persons in supervisory positions and shall refrain from uttering any disrespectful, mutinous, insolent, or abusive language toward a supervisor or command officer.

**200.16 Failure to Perform Duties**

Deputy Sheriffs and employees shall not fail to perform the required duties of their assignments.

**200.17.1 Failure to Aid and Protect Fellow Deputies – Unreasonable**

Members of the Department shall not unreasonably fail to assist and protect each other and those with whom members come into contact during the performance of their duties.

**200.17.2 Failure to Aid and Protect Fellow Deputies – Intentional or Reckless**

Members of the Department shall not intentionally or recklessly fail to assist and protect each other and those with whom members come into contact during the performance of their duties.

**200.18 On Duty Presence at Adult/Liquor Establishments**

Deputy Sheriffs on duty or in uniform shall not enter any adult or liquor establishment except when necessary in the performance of duty. Officers are not prohibited from eating in restaurants which are licensed to serve liquor.

**200.19 Performance of Duties**

Deputy Sheriffs and employees shall use sound judgment and discretion in the performance of duties.

**200.20 [Not Used]**

**200.21 Interfering with Grievance Process**

No Deputy or employee shall interfere with the Departmentally established administrative means for resolution of inmate problems.

**200.22 Inappropriate Computer Use**

Electronic media shall not be used for knowingly transmitting, retrieving or storing any communication that is discriminatory or harassing, derogatory to any individual or group, obscene, defamatory or threatening, or engaged in for any purpose that is illegal or contrary to the City's policies or business interests.

**200.23 Giving Name and Badge Number**

When a request is made for a Deputy or employee's name or badge number, the employee shall provide the requested information in writing within a reasonable amount of time.

**200.24 Discourtesy**

Deputy Sheriffs and employees shall at all times be courteous and civil when carrying out the performance of their duties.



**GENERAL WORK RELATED CONDUCT OR BEHAVIOR  
(300.00 – 399.99)**

**300.1 Enforcing Criminal Statutes**

Deputy Sheriffs and employees shall not actively enforce or attempt to enforce the criminal statutes of the State of Colorado or the Ordinances of the City and County of Denver, except those relating to their specific duties, prescribed by the City Charter provisions, department policies, written procedures and these rules and regulations, unless by the express order of the Manager of Safety, Director of Corrections and Undersheriff or at the request for assistance from a police officer or as a private citizen.

**300.2 Soliciting Preferential Treatment**

Deputy sheriffs and employees shall not display any badge or Department identification, identify themselves as Department members, or otherwise attempt to use their position as Department members to solicit or attempt to solicit any preferential treatment not extended to the general public or to solicit or attempt to obtain any benefit to which they would not otherwise be entitled, except in furtherance of official duties or as allowed by Department or City rule, policy, procedure or authorized practice.

**300.3 [Deleted]**

**300.4 Reporting Change of Contact Information**

Deputy Sheriffs and employees shall report a change of residence or telephone number to the administrative services division and to their supervisor within seventy two (72) hours after such a change is effective.

**300.5.1 Political Activity**

Deputy Sheriffs and employees shall not engage in political activity while on duty.

**300.5.2 Soliciting Money for Political Purposes**

Deputy Sheriffs and employees shall not solicit money or other things for political purposes while in uniform or on duty or in any room or building occupied for the discharge of official Sheriff Department duties.

**300.5.3 Giving Testimonials, Seeking Publicity**

Deputy Sheriffs and employees, while in uniform, or while representing themselves as an employee of the Department shall not give testimonials or permit their names or photographs to be used for advertising purposes without the approval of the Director of Corrections or designee.

**300.5.4 Soliciting Business**

Deputy Sheriffs and employees shall not solicit subscriptions; sell books, papers, tickets, merchandise, or other things; or collect or receive money or other things of value from the public for any purpose whatsoever, while on duty or in uniform or representing oneself as a member of the Department, except as authorized by the Director of Corrections or designee.

**300.6 Feigning Illness**

Deputy Sheriffs and employees shall not feign illness or injury in an effort to avoid the duties or responsibilities of an assignment.

**300.7.1 Unfit for Duty**

Deputy Sheriffs and employees shall not consume any substance while off duty to an extent that renders them unfit to report for his or her scheduled shift.

**300.7.2 Drinking to Excess**

Deputy Sheriffs and employees shall not consume alcoholic beverages while off duty to an extent that results in the commission of an act that brings discredit upon the Department.

**300.8 Drinking on Duty**

Deputy Sheriffs and employees shall not consume alcoholic beverages while on duty or while in uniform.

**300.9 Use of Controlled Substance**

Deputy Sheriffs and employees shall not use or possess any controlled substance as such substances are defined under Colorado Revised Statutes, except according to prescription and under the supervision of a licensed medical professional, or when such possession is required in the performance of their regular duties and responsibilities or authorized by the Director of Corrections.

**300.10.1 Immoral Conduct**

Deputy Sheriffs and employees shall not indulge in immoral, indecent or lewd conduct that would impair the orderly performance of duties or cause the public to lose confidence in the Department.

**300.10.2 Sexual Misconduct**

While on duty, Deputy Sheriffs and employees shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation or sexual abuse. The same conduct is also prohibited while off duty, in any vehicle or facility to which a Deputy or employee has access by virtue of their authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial.

**300.11.1 Conduct Prohibited by Law**

Deputy Sheriffs and employees shall not violate the Charter of the City and County of Denver, or any City ordinances, state or federal statutes.

**300.11.2 Aggravated Conduct Prohibited by Law**

Deputy Sheriffs and employees shall not violate any state or federal statutes, specifically as they involve:

- (a) Any felonious conduct;
- (b) Any conduct prohibited as a Class One Misdemeanor; or,
- (c) Any criminal conduct committed on duty or under color of authority.

**300.11.3 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law**

Deputy Sheriffs and employees shall not conspire with another person or persons to commit any act in violation of a City ordinance, state, or federal statute.

**300.11.4 Self Reporting Criminal Arrest or Charges**

A Deputy Sheriff or employee shall immediately self-report to Internal Affairs whenever he or she is arrested for, charged with, or convicted of a criminal offense or becomes aware that he or she is under investigation for a criminal offense or when served with a restraining order issued as the result of allegations of domestic violence or criminal activity. This rule is not intended to apply to the requirements set forth in CSR 15-15 A (2) regarding traffic violations.

**300.11.5 Self Reporting License Suspension or Revocation**

A Deputy Sheriff or employee shall immediately self-report to Internal Affairs whenever his or her driving privilege has been suspended or revoked or upon receiving notice of a pending action of suspension, restriction or revocation.

**300.11.6 Conduct Prejudicial**

Deputy Sheriffs and employees shall not engage in conduct prejudicial to the good order and effectiveness of the department or conduct that brings disrepute on or compromises the integrity of the City or the Department or conduct unbecoming which:

- (a) May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- (b) Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

**300.12 [Deleted]**

**300.13 [Deleted]**

**300.14 [Deleted]**

**300.15.1 Accepting Presents or Gratuities**

Deputy Sheriffs and employees shall not accept presents or gratuities from inmates. Deputy Sheriffs and employees shall not accept presents or gratuities, or anything else of value, from any person in any situation that may present the appearance of a bribe or a conflict of interests or duties.

**300.15.2 Duty to Report Gift**

Any Deputy Sheriff or employee receiving any item in violation of Rule 300.15.1 and unable to refuse or return it shall report the gift and the situation through the chain of command to the Director of Corrections and Undersheriff for a determination of the proper disposition of the gift.

**300.16 Unauthorized Use of Equipment**

Deputy Sheriffs and employees shall not use department issued equipment or items except in the manner established and authorized and only for the official duties or functions authorized, unless the specific action or use has been approved by the Director of Corrections and Undersheriff, Division Chief or their designee.

**300.17.1 Fraternization with Prisoner**

Deputy Sheriffs and employees shall not fraternize with any prisoner in any jurisdiction except in line with authorized duties or as explicitly authorized by the Director of Corrections or designee.

**300.17.2 Prohibited Associations**

Deputy Sheriffs and employees shall not knowingly fraternize, associate or continue to associate with ex-prisoners, reputed crime figures, or any person whom the employee has reasonable belief to suspect to be engaged in or planning to commit criminal activities where there is a clear indication that such association could damage public trust, threaten the employee's personal integrity or present a potential for conflict of interest or corrupt behavior.

### **300.17.3 Reporting of Prohibited Associations**

Deputy Sheriffs and employees shall immediately report in writing to the Internal Affairs Commander any continuing relationships with prisoners, ex-prisoners, the family of current or ex-prisoners, reputed crime figures, or any person the employee has reasonable belief to suspect to be engaged in or planning to commit criminal activities. The Department, on learning of the relationship, shall make a determination whether further contact is likely to impair the Department's reputation, adversely affect the employee's credibility and integrity or create an appearance of impropriety or conflict of interest. If such a determination is made, the Division Chief or Director of Corrections and Undersheriff may then prohibit or limit such future contacts upon penalty of disciplinary action for disobedience of a direct order.

### **300.17.4 Prohibited Association with Prisoners**

Deputy Sheriffs and employees shall not solicit or allow performance of work by prisoners for themselves or for personal gain.

### **300.18 Safeguarding Department Property**

Deputy Sheriffs and employees shall safeguard all issued items such as, but not limited to, their badge, identification cards, insignia, books, etc. and shall promptly surrender them to a supervisor or to the administrative division's office upon receipt of an order to do so, or upon leaving the Department's employment.

### **300.19.1 Disobedience of Rule**

Deputy Sheriffs and employees shall not violate any lawful Departmental rule (including CSA rules), duty, procedure, policy, directive, instruction, order (including Mayor's Executive Orders), or Operations Manual section.

### **300.19.2 Aiding & Abetting Violation of Rules**

Deputy Sheriffs and employees shall not aid, abet or incite another in the violation of Departmental rules (including CSA rules), duties, procedures, policies, directives, instructions or orders (including Mayor's Executive Orders) or Operations Manual section.

### **300.20 Requirement for Former Deputy Sheriffs and Employees to Obey Laws, Department Rules and Regulations, and Certain Orders during the Pendency of Appeals**

Any former Deputy Sheriff or employee:

- (a) Who has been separated from employment with the Department due to a disciplinary action or disqualification; and
- (b) Who has a pending appeal of that disciplinary action or disqualification, or whose time to file such appeal has not yet expired shall, during the time the appeal is pending or the time for appeal has not expired, obey all state and federal statutes, municipal ordinances, the Charter of the City and County of Denver, DSD rules and regulations, and orders issued to the officer by the Department that were in effect at the time of the officer's separation from DSD. If any former Deputy Sheriff or employee who violates this rule subsequently regains employment with the Department, by any means including an order of reinstatement, the Department may take disciplinary action against the former Deputy Sheriff or employee upon such return to service.

### **300.21.1 Discrimination, Harassment, and Retaliation**

Deputy Sheriffs and employees are prohibited from engaging in any form of discrimination, harassment, including sexual harassment, or retaliation, based on any class or personal characteristic protected by federal, state, or local law; or as delineated by Mayor's Executive Orders, CSA rules, Manager of Safety policies or Departmental orders.

**300.21.2 Impartial Attitude**

Deputy Sheriffs and employees shall maintain a strictly impartial attitude in the performance of their duties.

**300.21.3 Impartial Attitude – Bias**

Deputy Sheriffs and employees shall not deny comparable service to anyone based upon race, color, creed, national origin, gender, age, sexual orientation, ancestry, physical or mental disability, marital status, military status, political affiliation, or religion.

**300.22 Inappropriate Force**

Deputy Sheriffs and employees shall not use inappropriate force in making an arrest, dealing with a prisoner or in dealing with any other person.

**300.23 Intimidation of Persons**

Deputy Sheriffs and employees shall not intimidate a prisoner or any other person for personal reasons under the color of authority.

**300.24 Secondary Employment**

No Deputy or employee shall engage in secondary employment without prior authorization from the Department or in violation of Departmental Orders governing secondary employment.

**300.25 Use of Department Letterhead, Badges and Insignias**

Deputy Sheriffs and employees shall not use Department letterheads except for authorized Departmental correspondence. Deputy Sheriffs and employees shall not use or reproduce Department badges, insignias or other logos except as authorized by the Director of Corrections or designee.

**300.26 Publication of Articles**

Deputy Sheriffs and employees shall obtain permission from the Director of Corrections or his designee to publish articles as official representatives of the Department.

**300.27 Collective Bargaining Fair Share Fee**

As long as a Collective Bargaining Agreement is in force, all members of the Collective Bargaining Unit who are not dues paying members of the Collective Bargaining Unit, shall pay a designated fair share fee in accordance with the current Collective Bargaining Agreement.

**300.28 Use of City Credit Cards and Reimbursement Requests**

Deputy Sheriffs and employees shall use city-issued credit cards for official business only and shall not seek reimbursement for unauthorized purchases.

**CARE AND CUSTODY OF PRISONERS  
(400.00 – 499.99)**

**400.1 Prohibited Discussions with Prisoners**

Deputy Sheriffs and employees shall not discuss with a prisoner, matters pertaining to that prisoner's crime or situation or the crimes or situations of any prisoner, except when necessary in the line of duty.

**400.2 Discrimination, Harassment or Retaliation against Prisoners**

Deputy Sheriffs and employees shall not engage in any form of discrimination, harassment or retaliation in the treatment of prisoners or in the manner in which they perform their duties due to race, color, creed, national origin, gender, sexual orientation, age, ancestry, physical or mental disability, marital status, military status, political affiliation, religion or any other status protected by federal, state or local laws. They shall not extend favors, liberties or privileges to any prisoner except as provided by law, department policy and established written procedure.

**400.3 [Deleted]**

**400.4.1 Cruel and Unusual Treatment of Prisoners**

Deputy Sheriffs and employees shall not impose, attempt to impose, solicit another to impose or otherwise permit the imposition of humiliation, indignities or cruel and unusual punishment on any prisoner.

**400.4.2 Unlawful Detention**

Deputy Sheriffs and employees shall not unreasonably or maliciously cause a prisoner to be detained after that prisoner is eligible for release in accordance with the law and Departmental policies.

**400.4.3 Wrong Person Detention Allegations**

Deputy Sheriffs and employees shall immediately notify a supervisor if a prisoner claims that he or she is being held on another person's charges.

**400.4.4 Erroneous Release**

Deputy Sheriffs and employees shall not release a prisoner who is not eligible for release.

**400.5 Harassment of Prisoners**

Deputy Sheriffs and employees shall not taunt or harass any prisoner or encourage or permit others to do so. Deputy Sheriffs and employees shall not maliciously embarrass, intimidate or threaten any person or encourage or permit others to do so.

**400.6 Abuse of Prisoners**

Deputy Sheriffs and employees shall not subject inmates to physical abuse or solicit or encourage others to do so. Physical injury or physical harm is not required to violate this rule.

**400.7 Protecting Constitutional Rights of Prisoners**

Deputy Sheriffs and employees shall be alert to prevent the injury of prisoners by other prisoners and shall take every reasonable precaution that a prisoner's constitutional rights are not violated by any other prisoner or by any deputy sheriff, employee or contract medical provider.

**400.8.1 Protecting Prisoners from Physical Harm**

Deputy Sheriffs and employees shall be alert at all times to protect prisoners from harming themselves, harming others, or attempting suicide.

**400.8.2 Failure to Make Required Rounds**

Deputy Sheriffs shall not willfully or negligently fail to make their required rounds.

**400.8.3 Failure to Document Rounds**

Deputy Sheriffs shall not fail to document rounds where required.

**400.9 Handling of Mentally Ill Inmates**

Deputy Sheriffs and employees shall take reasonable precautions in handling mentally ill inmates or persons reasonably believed to be mentally ill.

**400.10 Ensuring Care and Treatment of Ill or Injured Prisoners**

Deputy Sheriffs and employees shall be alert for sickness or injury of prisoners and report or arrange for care and treatment of ill or injured prisoners.

**400.11 Aiding & Abetting an Escape**

Deputy Sheriffs and employees shall not aid or abet a prisoner to escape.

**400.12 Prohibited Transactions with Prisoners**

Deputy Sheriffs and employees shall not give or loan to a prisoner any unauthorized item nor borrow from an inmate any article, money or item without express permission from a supervisor.

**400.13 Prohibited Bartering with Prisoners**

Deputy Sheriffs and employees shall neither buy, exchange nor sell items for prisoners or gamble with inmates.

**400.14.1 Suggesting Bondsmen or Attorneys**

Deputy Sheriffs and employees shall not suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested, except to members of their own immediate families.

**400.14.2 Suggesting Bondsmen or Attorneys for Profit**

Deputy Sheriffs and employees shall not, for personal gain or benefit, suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested.

**400.14.3 Working with Attorneys or Bonds Persons Prohibited**

Deputy Sheriffs shall not work with or for attorneys or bonds persons in any manner that may be considered a conflict of interest.

**400.14.4 Reporting Associations with Attorneys or Bondsmen**

Any prior existing relationship between employees and attorneys or bonds persons shall be reported to the Internal Affairs Commander for consideration of any possible conflict of interest situation which may threaten the employee's personal integrity or damage the public trust.

**400.15 Securing Bond for Arrested Person**

Deputy Sheriffs and employees shall not personally secure bail for any arrested person without prior notification and approval of the Internal Affairs Commander, unless that person is a member of the immediate family as defined by CSA rules.

**400.16 [Deleted]**

**400.17 Failure to Search**

Deputy Sheriffs shall not fail to thoroughly search a prisoner, vehicle or building area when required to do so.

**400.18 Preventing Escapes & Passing of Contraband**

Deputy Sheriffs and employees shall be alert to possible escape attempts on the part of prisoners or attempts by others to pass contraband to prisoners or assist them to escape.

**400.19 Prohibited Use of Tobacco Products**

Deputy Sheriffs and employees shall not smoke, or permit prisoners to smoke, in any city building, transportation vehicle, or in any area designated as a "NO SMOKING AREA."

**VEHICLE OPERATION AND CARE AND USE OF EQUIPMENT  
(500.00 – 599.99)**

**500.1 Negligent Operation of Motor Vehicle or Equipment**

While on duty, or while using or operating a Department or City motor vehicle or other equipment, Deputy Sheriffs and employees shall not operate such motor vehicle or other equipment in a careless or negligent manner.

**500.2 Negligent Handling of City or Department Property**

Deputy Sheriffs and employees shall not willfully, carelessly or negligently lose, damage or destroy any City or Department equipment, vehicle or other property.

**500.3 Reporting of Damage to City or Department Property**

Deputy Sheriffs and employees shall report in writing to their supervisor the loss, malfunction, mechanical defect or physical damage to a vehicle, equipment or other City or Department property which occurs or which they detect during their tour of duty. Such written report shall be submitted prior to the end of the shift.

**500.4 Obedience to Traffic Laws**

Deputy Sheriffs and employees while on duty shall obey all traffic laws unless otherwise authorized by Department rules.

**500.5 Unauthorized Use of City Vehicles**

Deputy Sheriffs and employees shall not use city vehicles for purposes other than official duties, unless specifically authorized by the Director of Corrections and Undersheriff. Any personal use of city vehicles, except as authorized by the Mayor's Executive Order No. 25, the Internal Revenue Service Directives for Denver Sheriff Department use of vehicles and the City's Fiscal Accountability Rules, shall be prohibited.

Personal use shall be defined as any use of a city vehicle, including commuting, that is not directly related or connected to official duties as defined by Internal Revenue Service (IRS) regulations.

**500.6 Care of City Vehicles**

Deputy Sheriffs and employees shall make sure that city vehicles are properly refueled, cleaned and serviced according to schedule.

**500.7 Preventing Unauthorized Use of Department Property**

Deputy Sheriffs and employees using or responsible for any vehicle, tool, equipment, or other department property, shall take reasonable precautions to prevent unauthorized use.

**500.8 Use of Emergency Equipment**

Deputy Sheriffs and employees shall not operate city vehicles outside the normal traffic rules unless the vehicle is equipped with both emergency lights and siren, and only while making full use of all emergency equipment in an actual emergency. Use of emergency lights and sirens in personal vehicles by Deputy Sheriffs and employees is prohibited except when utilized as a volunteer fire fighter as authorized by a Fire Protection District.



**500.9 Use of City Gasoline Cards**

City gasoline credit cards may be used for official vehicles in the conduct of official business. City gasoline credit cards may be used for private vehicles only if specifically authorized by the Director of Corrections or his designee.

**500.10 Ensuring Responsible Use of Department Property**

Deputy Sheriffs and employees using or responsible for any vehicle, tool, equipment, or other department property shall ensure all such items are cleaned and properly stored after use.

**500.11 Unauthorized Transportation of Persons**

No unauthorized transport, other than normal routinely scheduled operations, shall be permitted except as authorized by the Director of Corrections and Undersheriff, Division Chief or their designee.

**510.01 Pursuit Policy**

Deputy Sheriffs shall not and will not engage in any pursuit activity while performing their assigned duties in a Departmental vehicle or other vehicle. In the event of a crime being committed in the presence of a Deputy Sheriff, and where a suspect vehicle has failed to comply with a Deputy's initial attempt to stop the vehicle using visual and audible signals, it is the duty of the Deputy Sheriff to contact the Denver Police Department and follow the vehicle at a safe distance adhering to all traffic laws. Deputy Sheriffs will advise the Denver Police Department of the description of the party(ies) involved and the make, model and color of the vehicle. Deputy Sheriffs will not endanger themselves or members of the community and should consider the following before trailing any vehicle involved in a crime:

- Whether vehicular and/or pedestrian traffic safety is unreasonably compromised.
- The traffic conditions: volume of vehicular traffic, volume of pedestrian traffic, and road conditions.
- If weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the Deputy Sheriff.
- The seriousness of the crime and its relationship to community safety.
- Whether trailing the vehicle involves violating traffic rules.

A vehicle pursuit is defined as:

An active attempt by an officer operating a Department vehicle or other vehicle to apprehend the operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle's speed, extinguishes the vehicle's lights, or takes some other overt action designed to avoid apprehension. Following a vehicle, whether accomplished with or without red lights on and siren sounding, whose driver is attempting to elude, either by increasing the vehicle's speed, or making some other overt action designed to avoid apprehension will also be considered a pursuit.

**FIREARMS  
(600.00 – 699.99)**

**600.1 Carrying of Firearms**

Deputy Sheriffs while in uniform shall carry firearms to and from their place of duty, and while on duty as specified and required by established written procedures.

**600.2 Authorized Weapons & Ammunition**

Deputy Sheriffs shall carry and use only the weapons and ammunition issued or specifically authorized by department policy or other directive of the Director of Corrections and Undersheriff or his/her designee.

**600.3 Storage of Firearms**

Department firearms shall be safely stored whether on or off duty.

**600.4 Reporting Firearm Defects**

Deputy Sheriffs shall be responsible to ensure that all firearms carried or issued are reasonably clean and free from defect or dangerous adjustment or modifications. Any malfunction, defect or problem detected shall be reported to a supervisor in writing prior to the end of the shift. Any firearm in need of repair shall be turned over to the Denver Police/Sheriff Department firing range for repair.

**600.5 Secure Storage of Firearms**

Deputy Sheriffs shall remove and store all weapons and ammunitions before entering the secure area of any detention facility.

**600.6 Prohibited Display of Firearms**

Deputy Sheriffs shall not unnecessarily draw or display firearms.

**600.7 Unauthorized Access to Weapons & Ammunition**

Deputy Sheriffs shall not allow unauthorized persons access to Departmental weapons or ammunition.

**600.8 Discharge of Firearms**

In the performance of their duties, Deputy Sheriffs shall only intentionally discharge firearms as provided in the department policies on 'Use of Force', 'Permissible Weapons' and other policies pertaining to firearms.

**600.9 Careless Handling of Firearms**

Deputy Sheriffs shall not carelessly handle a firearm at any time.

**600.10 Restrictions on Auxiliary Weapons**

Deputy Sheriffs, while on duty, shall not carry auxiliary weapons, either on their person or in vehicles, without the approval of a commanding officer.

**ARRESTS AND SERVICES**

**(700.00 – 799.99)**

**700.1 Lawful Arrests**

While acting within the scope of their authority, Deputy Sheriffs shall only make lawful arrests as specifically authorized by the orders and written directives of the Director of Corrections and Undersheriff and the Manager of Safety.

**700.2 [Deleted]**

**700.3 Understanding Court Orders before Taking Action**

Deputy Sheriffs shall read and understand court orders prior to making an arrest or executing a court order.

**700.4 Ensuring Valid Arrest Warrant**

Deputy Sheriffs shall have a reasonable belief that any warrant for arrest is valid and that the person about to be arrested is the person described therein.

**700.5 Unauthorized Service of Process**

In their official capacity, Deputy Sheriffs shall not accept or serve any warrant, subpoena, writ or other legal process directly from an attorney or other party in any manner not consistent with the lawful duties of the Denver Sheriff Department and assigned through proper channels.

**700.6 [Deleted]**

**700.7 Notification of Defense Subpoena**

Deputy Sheriffs and employees subpoenaed to testify for the defense in any trial or against the City of Denver or interest of the Department in any hearing or trial shall forthwith notify his/her commanding officer, District or City Attorney, and Civil Liability, as necessary.

**COURTROOM DUTIES AND PROCEDURES  
(800.00 – 899.99)**

**800.1 Obeying Orders of the Court**

Deputy Sheriffs shall obey orders of the judge when issued from the bench. Should such an order be contrary to Departmental orders, policies or procedures, they shall immediately notify a supervisor prior to carrying out the order.

**800.2 Conduct in Court**

Deputy Sheriffs shall not show any emotion or prejudice toward the defendant, witnesses, attorneys or the judge in any case while on duty or while in uniform.

**800.3 Taking Custody as Directed by the Court**

Deputy Sheriffs shall take custody of any person delivered or directed to them by a Judge or Magistrate and be responsible for their custody until properly relieved.

**800.4 [Deleted]**

**800.5 Safeguarding and Transmitting Court Orders**

Deputy Sheriffs shall make sure that all disposition, legal papers, court orders, writs, mittimus, etc., are safeguarded and transmitted to the appropriate location or person for proper action.

**800.6 Full Attention to Duties in Court**

Deputy Sheriffs and employees shall devote their full attention to their duties and shall not assume the duties or responsibilities of any court official.

**800.7 Unauthorized Delegation of Custody**

Deputy Sheriffs shall not delegate custody of any prisoner to any unauthorized person.

**800.8 Referral of Questions of Law & Court Operations**

Deputy Sheriffs and employees shall refer all questions and requests by prisoners or other persons to the court or the counsel when such matters relate to the law or court operations.

**800.9 News Media Reporting**

Deputy Sheriffs shall not assist or interfere with members of the news media in their reporting of court proceedings without good cause.

**800.10 Unauthorized Communication with Prisoners**

Deputy Sheriffs shall not permit any unauthorized persons, including members of the prisoner's family, to converse with the prisoner while court is in session, except by a direct order of the judge.

**800.11 Unauthorized Visits with Prisoners**

Deputy Sheriffs shall not allow visits with prisoners in the courtrooms or Denver Sheriff Department holding areas, but shall refer such requests to the supervisor on duty.

**800.12 [Deleted]**

**800.13 Attendance in Court**

All Deputy Sheriffs and employees who receive subpoenas shall make proper return on each and will be held strictly accountable for appearance on a punctual basis.

**TRANSPORTATION OF PRISONERS**

**(900.00 – 999.99)**

**900.1 Properly Identifying Prisoners**

Deputy Sheriffs shall ensure proper identification of prisoners prior to accepting custody for transport.

**900.2 Ensuring Required Paperwork**

Deputy Sheriffs shall ensure possession of any necessary or required paperwork or legal documents when accepting custody of a prisoner.

**900.3 Ensuring Transportation of Prisoner Property**

Deputy Sheriffs shall ensure that the property of prisoners to be transported is accounted for prior to and during the transportation and safely deposited with the receiving officer.

**900.4 Searching Prisoners**

Deputy Sheriffs shall ensure a complete and thorough search of all prisoners prior to transport.

**900.5 Search of Transport Vehicle**

Deputy Sheriffs shall make a complete and thorough search and inspection of the transport vehicle, checking for contraband and checking all vehicle restraints and safety devices, prior to loading any prisoners.

**900.6 Ensuring Safety of Persons in Custody During Transport**

Deputy Sheriffs shall be responsible for the custody and safety of persons in their custody during transport.

**900.7 Proper Restraint of Prisoners**

Deputy Sheriffs shall use proper security restraints to transport as required by established procedures.

**900.8 Transport of Female Prisoners**

Male Deputy Sheriffs transporting a prisoner of the opposite sex in custody shall log their mileage at the time of departure and arrival.

**900.9 Monitoring of Radio**

Deputy Sheriffs shall monitor the appropriate radio channel during transport.

**900.10 [Deleted]**

**900.11 Unnecessary Stops During Transport**

Deputy Sheriffs shall not make any unnecessary stops during transport and shall notify dispatch of any detour or unscheduled necessary stops.

**EXTRADITION OF PRISONERS**

**(1000.00 – 1099.99)**

**1000.1 Timely Extradition**

Deputy Sheriffs shall follow established schedules for extradition as closely as possible. Any problems or modifications to these established plans or schedules shall be cleared with the Court Services Captain, or designee, prior to proceeding with other arrangements. In the event of an emergency, notification of changes shall be made as soon as possible.

**1000.2 [Deleted]**

**1000.3 Authorized Expenses**

Deputy Sheriffs and employees shall comply with all rules and expenditure procedures established by the City and County of Denver and by the Department.

**1000.4 Federal Regulations Regarding Firearms on Airplanes**

Deputy Sheriffs shall comply with all federal regulations regarding firearms on airlines. All Deputy Sheriffs going on an extradition must first complete and pass the Federal Aviation Administration (FAA) training course.

**SUPERVISORY AND ADMINISTRATIVE CONDUCT**

**(1100.00 – 1199.99)**

**1100.1 Compliance with Policies & Rules**

Supervisors and administrators shall ensure that all policies, rules, duties, orders and procedures are not altered, modified, changed or ignored except in an emergency when the situation makes it impossible or inadvisable to follow. If this circumstance arises, supervisors shall notify their immediate supervisor as soon as possible, and follow with a written report explaining the necessity of the action.

**1100.2 Temporary Assignment as Supervisor**

Supervisors and administrators assigned to act temporarily for officers of higher rank shall not alter, modify, or ignore any existing policy, procedure or order issued by the supervisor they are temporarily replacing. The exception is in emergencies or upon the authority of someone of equal or higher rank than the person replaced. If any such policy, procedure or order is modified or suspended, they shall make a complete written report to their supervisor, with a copy to the person replaced, explaining the necessity for the action, the action taken and any suggestions for necessary revision of policy, procedure or order.

**1100.3.1 Discrimination Against Member of Protected Class**

Supervisors and administrators shall not discriminate in the treatment of employees or in the exercise of their authority due to race, color, creed, national origin, gender, sexual orientation, age, disability, or political affiliation or any other status protected by federal, state, or local laws.

**1100.3.2 Discrimination Based on Union Affiliation**

Supervisors and administrators shall not discriminate in the treatment of employees or in the exercise of their authority due to a subordinate's union affiliation or permissible union activities.

**1100.3.3 Influencing Union Affiliation**

Supervisors shall not influence or attempt to influence employees to join or refrain from participation in any union, fraternal order, or employee organization.

**1100.4 Relationships with Other Employees**

Supervisors and administrators shall limit their on-duty actions and relations with other employees to those actions prescribed by their duties and procedures or actions considered reasonable and appropriate to the work situation.

**1100.5 Soliciting Personal Services**

Supervisors and administrators shall not assign, request, or knowingly allow subordinates to perform personal services for them or for other individuals while on duty, while on city property, or while using city equipment.

**1100.6 Special Treatment of Employees**

Supervisors and administrators shall not use their position, or authority, to request from their subordinates, in on or off duty jobs or situations, any favors, special treatment or other special considerations not routinely granted to all employees.

**1100.7 Disclosure of Business or Intimate Personal Relationships**

Supervisors and administrators shall disclose to the Director or his designee any business relationship or any intimate personal relationship or any obligations involving them and any subordinate employee in their chain of command that a reasonable person would view as a potential bias in the supervisor/subordinate relationship.

**1100.8 Failure to Supervise**

Supervisors are required to fulfill all obligations, duties and responsibilities of their rank.

## Appendix G – Scheduled Discipline for Unauthorized Leave

| UAL Hours             | No Priors<br>100.10.2                  | One Prior<br>Within a Year<br>100.10.2 | Two Priors<br>Within a Year<br>100.10.2 | Three Priors<br>Within a Year<br>100.10.2 | Four or more Priors<br>Within a Year<br>100.10.2 |
|-----------------------|--|--|---|---|--|
| 0.01 to 0.5           | (Counseling)<br>No Disciplinary Action | Verbal Reprimand                       | Written Reprimand                       | 1.44% Reduction over<br>13 Pay Periods    | IA Referral –<br>Apply Matrix                    |
| 0.6 to 15             | Verbal Reprimand                       | Written Reprimand                      | 2.88% Reduction<br>over 13 Pay Periods  | IA Referral –<br>Apply Matrix             | IA Referral –<br>Apply Matrix                    |
| 15.01 to 30           | Written Reprimand                      | 4.55% Reduction<br>over 13 Pay Periods | IA Referral –<br>Apply Matrix           | IA Referral –<br>Apply Matrix             | IA Referral –<br>Apply Matrix                    |
| 30.01 to 45           | 1.44% Reduction over<br>13 Pay Periods | IA Referral –<br>Apply Matrix          | IA Referral –<br>Apply Matrix           | IA Referral –<br>Apply Matrix             | IA Referral –<br>Apply Matrix                    |
| 45.01 to 60           | 2.88% Reduction over<br>13 Pay Periods | IA Referral –<br>Apply Matrix          | IA Referral –<br>Apply Matrix           | IA Referral –<br>Apply Matrix             | IA Referral –<br>Apply Matrix                    |
| Greater than<br>60.01 | 4.55% Reduction over<br>13 Pay Periods | IA Referral –<br>Apply Matrix          | IA Referral –<br>Apply Matrix           | IA Referral –<br>Apply Matrix             | IA Referral –<br>Apply Matrix                    |