



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

2018 Annual Report

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Independent Monitor

The Office of the Independent Monitor

The Office of the Independent Monitor (“OIM”) is charged with working to ensure accountability, effectiveness, and transparency in the Denver Police and Sheriff disciplinary processes. The OIM is responsible for:

- ◆ Ensuring that the complaint and commendation processes are accessible to all community members;
- ◆ Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- ◆ Making recommendations on findings and discipline;
- ◆ Publicly reporting information regarding patterns of complaints, findings, and discipline;
- ◆ Making recommendations for improving Police and Sheriff policy, practices, and training;
- ◆ Conducting outreach to the Denver community and stakeholders in the disciplinary process; and
- ◆ Promoting alternative and innovative means for resolving complaints, such as mediation.

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Contents

1	<i>Overview</i>	1
	Internal Affairs/Disciplinary Oversight	2
	Officer-Involved Shooting and In-Custody Death Investigations.	3
	Mediation	4
	Community and Officer Engagement	5
	Policy Review and Recommendations	6

2	<i>Denver Police Department Monitoring</i>	11
	Complaints Against DPD Officers	12
	Complaints Recorded in 2018	13
	Most Common Complaint Specifications	14
	Intake Investigations, Screening Decisions, and Findings	15
	Discipline on Sustained Cases	19
	Significant Disciplinary Cases Closed in 2018	20
	Appeals of Significant Discipline Imposed Prior to 2018	28
	Mediation	29
	Timeliness.	30
	Complainant Demographics and Complaint Filing Patterns	31
	Officer Complaint Patterns	32
	Commendations and Awards	34

3	<i>Denver Sheriff Department Monitoring</i>	41
	Complaints Against DSD Deputies	42
	Complaints Recorded in 2018	43

Most Common Complaint Specifications	44
Complaint Location	46
Intake Investigations, Screening Decisions, and Findings	46
Discipline on Sustained Cases	49
Significant Disciplinary Cases Closed in 2018	50
Appeals of Significant Discipline Imposed Prior to 2018	58
Timeliness.	63
Complainant Demographics and Complaint Filing Patterns	64
Deputy Complaint Patterns	65
Commendations and Awards	66

4	<i>Critical Incidents</i>	69
	Patterns in Officer-Involved Shootings	70
	Critical Incidents: Denver Police Department	73
	DPD Officer-Involved Shootings in 2018	74
	DPD Accidental Shootings in 2018	77
	DPD In-Custody Deaths in 2018	77
	DPD Critical Incidents Closed in 2018	78
	Critical Incidents: Denver Sheriff Department	82
	DSD Critical Incidents	83

Appendices

Appendix A: How to File a Complaint/Commendation

Appendix B: Complaint/Commendation Form Locations

Appendix C: Citizen Oversight Board Biographies and Meetings

1 Overview

The Office of the Independent Monitor (“OIM”) is charged with monitoring the disciplinary systems in the Denver Police and Denver Sheriff Departments (“DPD” and “DSD,” respectively), making policy recommendations to those departments, and conducting outreach to communities throughout Denver. By ordinance, the OIM is to report to the public by March 15th of every year on the work of the OIM and information about complaints, investigations, and discipline of sworn police and sheriff personnel during the prior year.

The OIM’s 2018 Annual Report is presented in four chapters. Chapter 1 provides an overview of key information related to OIM operations in 2018. Chapters 2 and 3 discuss OIM monitoring of the DPD and the DSD, respectively, and summarize statistical patterns in complaint and disciplinary trends in each department. Finally, Chapter 4 contains information about critical incidents, including the officer-involved shootings and in-custody deaths involving DPD officers and DSD deputies that occurred in 2018.¹

The OIM has several key focus areas:

1. Working to ensure that DPD and DSD Internal Affairs Bureau (“IAB”) investigations are thorough and conducted without bias;
2. Working to ensure fair and consistent disciplinary outcomes;
3. Monitoring officer-involved shootings and in-custody deaths;
4. Cultivating dialogue between DPD officers and community members through the use of mediation;
5. Engaging the community and law enforcement in the work of the OIM through outreach; and
6. Conducting data-driven systems analyses of potential policy issues in the DPD and DSD.

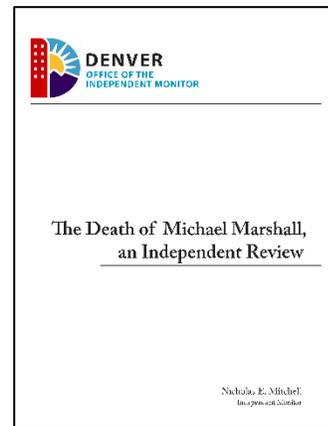
In 2018, the OIM had notable achievements in each of these areas.

Internal Affairs/Disciplinary Oversight

A core OIM function is reviewing IAB investigations to ensure that they are thorough, complete, and fair to both community members and officers.² In 2018, the OIM reviewed 496 IAB investigations in the DPD.³ The OIM also reviewed 498 IAB investigations in the DSD. These reviews included examining a large amount of evidence, including recorded interviews, video footage, police reports, and facility records. When we identified a need for further investigation, we returned those cases with recommendations for additional work. We also reviewed 274 DPD and DSD cases as they went through the discipline process, making recommendations on the appropriate disciplinary outcome, if any, under the departmental discipline matrices. In 2018, 25 DPD officers were suspended, 5 resigned or retired prior to the imposition of discipline, and none were terminated. In the DSD, 34 deputies were suspended, 7 resigned or retired prior to the imposition of discipline, and 1 was terminated.⁴

In 2018, the OIM issued a report, The Death of Michael Marshall, an Independent Review, which provided extensive review and analysis of an extremely concerning death in the custody of the DSD. The report also provided an in-depth assessment of the DSD IAB investigation into that death, including highlighting deficiencies in the thoroughness and objectivity of that investigation. We will be revisiting that report and discussing the resolution of its eight actionable recommendations in future OIM reports.

In 2018, DPD officers received 226 commendations and DSD deputies received 79 commendations, all of which reflected notable examples of bravery or commendable performance.⁵ We discuss a number of individual commendations of DPD officers and DSD deputies in Chapters 2 and 3, respectively.



Ordinance Change Clarifies OIM Authority and Enlarges the Citizen Oversight Board

In May 2018, disagreements inside the City and County of Denver government regarding the OIM’s jurisdiction became public.⁶ Following those disagreements, in January 2019, the Denver City Council’s Safety, Housing, Education, and Homelessness Committee considered bill 19-0029, to amend several sections of the Denver Revised Municipal Code (“DRMC”) related to the OIM and Citizen Oversight Board (“COB”). Among other things, the bill sought to increase the size and independence of the COB, ensure that the OIM would have jurisdiction over investigations into the Chief of Police and Sheriff, and require Denver safety agencies to include the OIM in efforts to revise certain policies and formally respond to OIM recommendations, if requested. On February 19, 2019, the City Council voted unanimously (with three members absent) in favor of bill 19-0029, and shortly thereafter, Mayor Michael B. Hancock signed it into law. A copy of the revised ordinance is available [here](#).⁷

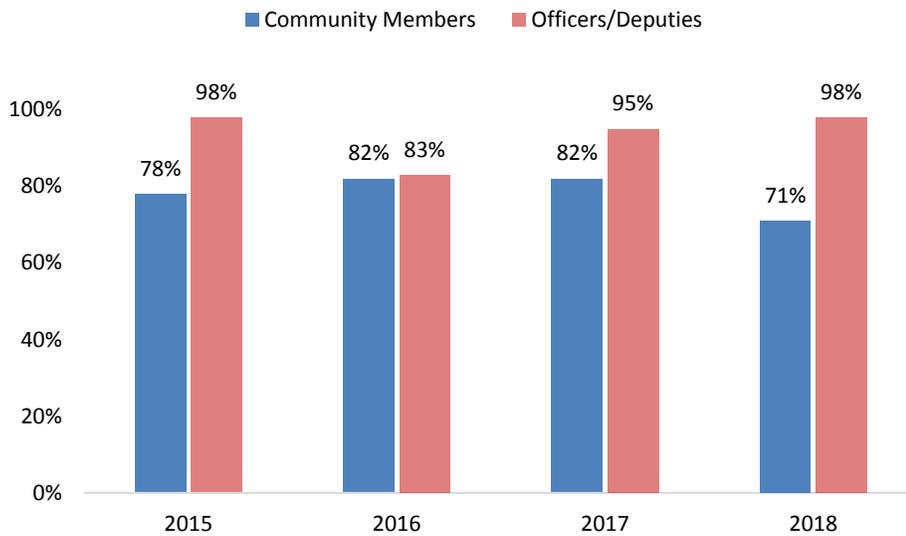
Officer-Involved Shooting and In-Custody Death Investigations

Pursuant to Denver Ordinance, the OIM responds to and monitors the investigation and administrative review of every officer-involved shooting.⁸ In 2018, there were 8 officer-involved shootings involving 13 DPD officers and no duty-related shootings involving DSD deputies. There were four deaths of community members in DPD custody and no deaths of community members in DSD custody.⁹ In Chapter 4, we provide information about each of the shootings and in-custody deaths, and their current status in the administrative review process.

Mediation

Mediation continued to be an important focus area for the OIM in 2018. Since 2006, the OIM has facilitated 585 mediations between community members and DPD officers, and among DSD sworn staff, including 37 completed mediations in 2018.¹⁰ Approximately 71% of the community members and 98% of the officers who participated in a mediation and completed a mediation survey in 2018 reported feeling satisfied with the mediation process.¹¹

Figure 1.1: Community Member and Officer/Deputy Satisfaction with Mediation Process



Community and Officer Engagement

The Youth Outreach Project: Bridging the Gap: Kids and Cops

Since 2015, the OIM has delivered its *Bridging the Gap: Kids and Cops*TM program (“Youth Outreach Project” or “YOP”) to communities throughout Denver.^{12, 13} The YOP trains officers on key aspects of adolescent development and de-escalation techniques geared toward youth, and educates youth about their rights and responsibilities when in contact with law enforcement. In 2018, 631 youth and 38 DPD officers participated in 12 YOP forums.¹⁴ Eighty-three DPD officers were trained on adolescent brain development and de-escalation techniques with youth.¹⁵ In addition, 44 community members were equipped to serve as facilitators of YOP forums.¹⁶

In 2018, the YOP achieved local and national acclaim.¹⁷ The YOP was awarded the Denver Bar Association’s 2018 Education in the Legal System Award for “dedication to teaching students about civics, the American legal system, and the Rule of Law.”¹⁸ It was also examined by the Police Executive Research Forum in a case study funded by the U.S. Department of Justice’s (“DOJ”) Office of Community Oriented Policing Services. The report, An Inclusive Approach to School Safety: Collaborative Efforts to Combat the School-to-Prison Pipeline in Denver, identified the YOP as a promising model and found that YOP forums “prepare officers for positive interactions with youth while also giving young people a toolkit to be calm, be safe, and have a positive experience with the police.”¹⁹ Further, an outcome evaluation of the YOP conducted by a third-party researcher from the University of Colorado, Denver found that the program “clearly lays the foundation for more productive relationships between youth and police.”²⁰ Specifically, after participating in YOP forums, youth exhibit a 13% improvement in their perceptions of the fairness of police decision making, an 18% improvement in their perceptions of treatment by neighborhood police, and a 15% increase in their reported likelihood of cooperating with the police.²¹

The OIM also continued its other outreach efforts in 2018. OIM staff held or attended 264 presentations or events in the community, including 173 meetings with neighborhood associations, advocacy groups, and representatives of community organizations. We also held or attended 91 events that included outreach to members of law enforcement, including presentations at roll calls, ride alongs, training events, and attendance at graduations and other ceremonial functions.

Policy Review and Recommendations

The OIM is charged with making policy recommendations to the DPD and DSD and does so in internal communications to the DPD, DSD, and Department of Safety (“DOS”); through its public letters and reports; and by participating in work groups created to develop or revise DPD or DSD policies.²² This section reviews several of the policy areas on which the OIM focused in 2018.

Revision of the DPD’s Use of Force Policy

In January 2017, the DPD released a draft of its revised Use of Force Policy (“Draft Policy”) for public comment.²³ On January 25, 2017, the OIM responded with a public letter to then-Chief Robert White documenting various deficiencies in the Draft Policy, which included a vague and poorly defined standard for when force may be used. The DPD then formed a committee of representatives from the OIM, City Council, and the community to review the Draft Policy and make recommendations regarding its final content.²⁴ The committee met for approximately six months, and in June 2018, Chief White agreed to adopt some of the committee’s recommendations but not others that the committee considered to be most important.²⁵

Robert White retired from the DPD, and on July 9, 2018, Paul Pazen was sworn in as Police Chief. In August 2018, Chief Pazen unveiled an updated Use of Force Policy that adopted some of those additional committee recommendations, including implementing a use of force standard that will require officers to use only the amount of force necessary to safely accomplish legitimate law enforcement purposes. Between August and December 2018, DPD officers attended an eight-hour training on the updated Use of Force Policy, and in January 2019, the new policy went into effect for the DPD. We commend Chief Pazen and the DPD for working closely with the community on the new Use of Force Policy and we are excited to work with the DPD as the policy is implemented in the field.

Aggregate DPD Use of Force Data Now Available to the Public

In recent years, many jurisdictions have come to recognize the importance of transparency regarding police uses of force to help foster public trust. Consensus has emerged that police use of force data should be available for public inspection. For example, the Police Executive Research Forum recommends that, to “build understanding and trust, agencies should issue regular reports to the public on use of force.”²⁶ Relying on this principle, police departments have begun to publish annual reports that aggregate data about use of force incidents, including the race of officers and subjects, the degree of injury resulting from uses of force, the level of resistance displayed, and many other variables.²⁷

Historically, the DPD has not published or otherwise made such data widely available. Yet, in January 2019, for the first time, the DPD published a report, entitled Use of Force Incidents 2015-2018, which provides aggregate statistics about the number of use of force incidents, subject and officer ethnicity/race, and whether each incident was captured on body worn camera.²⁸ The report is available [here](#).²⁹ This is a significant step that will help to enhance transparency about use of force in the DPD. We commend Chief Pazen and his team, as well as the members of the community who strongly advocated for an annual use of force report in recent years.

Creation of the Public Integrity Division to Investigate Allegations of Misconduct in the DSD

In its 2018 report The Death of Michael Marshall, an Independent Review, the OIM made several recommendations to improve investigations into allegations of misconduct by DSD deputies. This included a recommendation for culture change within DSD's IAB "to ensure serious cases are investigated thoroughly and impartially."³⁰ In particular, the OIM recommended that the management of IAB be placed "under civilian control" to foster such a change.³¹

In December 2018, Mayor Michael B. Hancock and the Executive Director of the DOS, Troy Riggs, made notable progress toward achieving that goal. On December 13, 2018, they announced the creation of a Public Integrity Division ("PID") within the DOS, as a "civilian arm of the [DOS] that will be responsible for investigating complaints of misconduct for the [DSD] and reviewing investigations for potential rule violations."³² Since that time, an Executive Advisory Board has been created to recommend policies and procedures for the PID. The Executive Advisory Board is chaired by Deputy Director of Safety Eric Williams, and includes representatives from the three labor organizations that represent DSD deputies under investigation, DSD, DPD, City Attorney's Office, OIM, COB, and the community. The PID is expected to take over investigations into complaints alleging misconduct by DSD deputies in April 2019.

Implementation of In-Person Visitation in Denver's Jails

Under existing DSD policy, inmates are not generally permitted to have in-person visits with friends and family, and instead must use video terminals in the jail housing areas, while visitors communicate with them from corresponding video terminals in the jail lobbies. In its 2017 Semiannual Report, citing national standards and research on the numerous benefits of contact visits, the OIM recommended that the DSD begin developing a plan to reinstate contact visits in Denver's jails.

The DSD took quick action in response to this recommendation and has made significant progress toward reinstating in-person visitation. In December 2017, the DSD convened a visitation workgroup ("Workgroup"), comprised of representatives from the DSD, DPD, Mayor's Office, Denver City Council, District Attorney's Office, OIM, COB, and community. In April 2018, the Workgroup shared an in-person visitation proposal with Sheriff Patrick Firman that detailed a plan for reinstating in-person visitation at the Denver County Jail

(“DCJ”). In September 2018, Mayor Hancock released his 2019 Budget, which included \$1,070,000 for the construction necessary to reinstate in-person visitation at the DCJ.

The Workgroup is currently meeting to establish visit eligibility criteria for inmates and prospective visitors and to discuss the design of the visitation space. We commend the DSD for taking quick and decisive action to address this issue, and look forward to working with the DSD as in-person visitation is rolled out in the DCJ.

Launch of the DPD’s Demographic Data Collection Program

Police demographic data collection programs, which require officers to record information about the community members they stop, allow departments to better determine if their officers contact certain racial or ethnic groups at disproportionate rates. The U.S. DOJ has provided guidance about how to administer such data collection programs and required them for some police departments as part of the DOJ’s now-dormant police reform efforts.³³

In 2018, the OIM continued to assist in the development of a demographic data collection program for the DPD. The OIM was a member of the Executive Director of Safety’s Demographic Data Collection Steering Committee, and the smaller Data Collection Subcommittee, which included the DPD, the DOS, and community members. In our work on the committee and subcommittee, we contributed to the development of the program in several ways, including making recommendations about the demographic information officers should collect and the importance of recording officers’ reasons for each stop and search, if any. We also shared technical advice with the subcommittee by gathering academic research and best practices and identifying promising approaches to data collection that have been implemented by police departments in other large cities.

In 2018, the DPD made significant progress toward implementing its demographic data collection program. From July 15, 2018 through September 15, 2018, the DPD conducted a pilot project with the data collection software in Police District 2. After additional training, the DPD began collecting data department-wide in March 2019. The OIM commends the DPD for achieving this milestone and will continue to work with the DPD and DOS on interpreting and analyzing this data.

Chapter 1 :: Overview

2

Denver Police Department Monitoring

Introduction

The Office of the Independent Monitor (“OIM”) is responsible for monitoring Denver Police Department (“DPD”) investigations into complaints involving sworn personnel and for ensuring that the complaint process is accessible to all community members.³⁴ Having an accessible complaint process is critical for several reasons. First, complaints provide the DPD with information it may use to hold officers accountable when they do not live up to Department and community standards of conduct. Second, complaints may provide “customer feedback” that can be used to improve police services through the refinement of policies, procedures, and training. Third, complaints can identify points of friction between officers and the community, which can support the development of outreach and community education initiatives. Finally, an open complaint process tends to foster community confidence in the police, which enables officers to effectively perform their important public safety function.

In this chapter, we review patterns relating to the DPD’s complaints, investigations, findings, discipline, and commendations.

Highlights

- The number of community complaints recorded by the DPD in 2018 decreased by 21%. In 2018, 323 community complaints were recorded against DPD officers, compared to 407 in 2017.
- The number of internal complaints filed by DPD personnel against other DPD sworn staff decreased by 19%. In 2018, 104 internal complaints were recorded against DPD officers, compared to 129 in 2017.

Chapter 2 :: DPD Monitoring

- The percentage of internal complaints with one or more sustained findings increased between 2017 and 2018. In 2018, 68% of internal complaints had one or more sustained findings, compared to 55% in 2017.
- In 2018, no DPD officers were terminated. Five officers resigned or retired while an investigation or disciplinary decision was pending.³⁵
- DPD officers received 226 commendations in 2018.

Complaints Against DPD Officers

Complaints against Denver police officers fall into three categories: community complaints, internal complaints, and scheduled discipline complaints.

Community Complaints

Community complaints are allegations of misconduct against a sworn member of the DPD that are filed by community members. Community members can file complaints by filling out the OIM's online complaint/commendation form, mailing the OIM a completed postage pre-paid complaint/commendation form, e-mailing or faxing a complaint to the OIM, or by visiting the OIM's offices. Complaints can also be filed directly with the DPD, through its Internal Affairs Bureau ("IAB"), or by using forms that are generally available at the Mayor's office, DPD district stations, City Council offices, and various other places around Denver. See Appendices A and B, which describe how complaints can be filed and where OIM complaint/commendation forms are located.

Internal Complaints

Internal complaints are those that are filed by an officer, supervisor, command staff, or IAB. Internal complaints are more likely to be procedural than are community complaints and often allege a failure to follow DPD policy and procedure. However, not all internal complaints are minor. Complaints of criminal behavior by officers are also often generated internally.

Scheduled Discipline Complaints

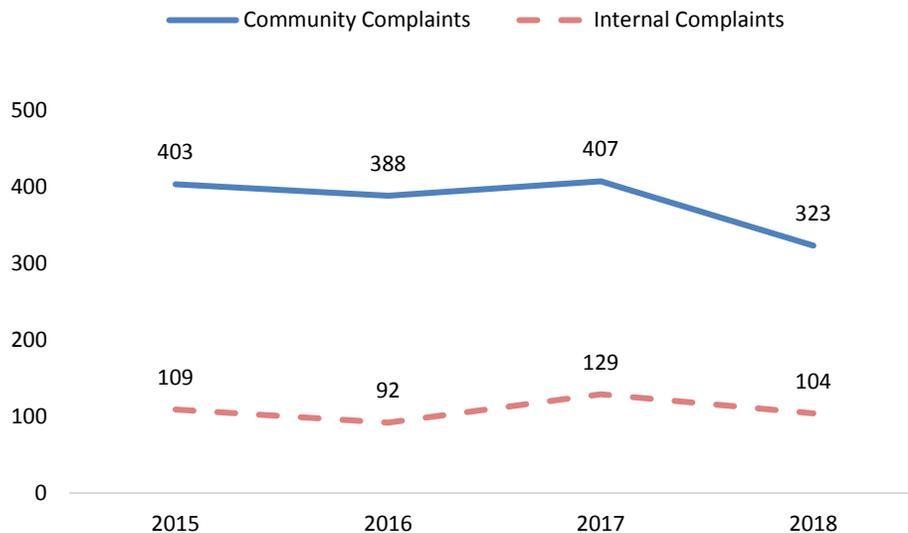
Scheduled discipline complaints are generally minor, such as when a DPD officer gets into a preventable traffic accident that does not cause injury or misses a court date, shooting qualification, or continuing education class.³⁶ Discipline for these types of minor offenses is imposed according to a specific, escalating schedule. With the exception of Body Worn Camera ("BWC") complaints, the OIM has

opted not to monitor or report on these types of cases. As a result, this chapter does not report patterns in scheduled discipline.

Complaints Recorded in 2018

Figure 2.1 presents the number of complaints recorded by the DPD IAB during 2018 and the previous three years.^{37, 38} These numbers do not include most scheduled discipline cases, such as when a DPD officer violates a traffic law or misses a court date, but they do include complaints involving violations of the DPD’s BWC Policy.^{39, 40} The number of both community and internal complaints was lower in 2018 than in most previous years. The DPD recorded 323 community complaints in 2018, a 21% decrease from 2017. Internal complaints recorded by the DPD decreased by 19%, from 129 in 2017 to 104 in 2018.

Figure 2.1: Complaints Recorded, 2015-2018



As we have noted in previous reports, it is very difficult to explain fluctuations in the number of complaints filed over time. Patterns in complaints can change as the result of developments in organizational policy, practice, or training. Complaint numbers can also increase or decrease in response to a range of other factors, including, but not limited to, media coverage, changes in complaint-triage practices, and changes in the types of complaints that are recorded or not recorded.

Most Common Complaint Specifications

Individual complaints can include one or more specifications, which reflect the rules that a DPD officer might be disciplined for violating. Table 2.1 presents some of the most common complaint specifications from 2018 and the previous three years.⁴¹ The most common specifications recorded by IAB in 2018 were Duty to Obey Departmental Rules and Mayoral Executive Orders and Responsibilities to Serve the Public.

Table 2.1: Most Common Specifications, 2015–2018

Specification	2015	2016	2017	2018
Duty to Obey Departmental Rules and Mayoral Executive Orders	23%	21%	31%	28%
Responsibilities to Serve the Public	23%	28%	21%	21%
Inappropriate Force	14%	11%	11%	16%
Discourtesy	18%	17%	17%	15%
Rough or Careless Handling of City and Department Property	1%	3%	3%	5%
Conduct Prohibited by Law	4%	2%	2%	4%
Conduct Prejudicial	1%	2%	1%	2%
Unassigned	4%	6%	4%	2%
Failure to Make, File, or Complete Official Required Reports	2%	2%	2%	2%
All Other Specifications	10%	9%	7%	4%
Total Number of Specifications	927	789	888	641

Note: Percentages may not sum to 100 due to rounding.

Duty to Obey Departmental Rules and Mayoral Executive Orders is a specification that covers a wide range of possible violations, including, but not limited to, unconstitutional search and seizure, improper handling of evidence and personal property, and violations of the DPD’s BWC Policy.⁴² Responsibilities to Serve the Public is a specification used when officers are alleged to have violated a rule requiring them to, among other things, “respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgment.”⁴³

Intake Investigations, Screening Decisions, and Findings

After a complaint is received, IAB conducts an intake investigation and makes a screening decision. An intake investigation is a type of “triage” process where IAB completes a preliminary review of the complaint to determine its seriousness and the appropriate level of resources to devote to its investigation. The intake investigation may include a recorded telephonic or in-person interview with the complainant and witnesses; a review of police records, dispatch information, and relevant video; and interviews of involved officers. Following the intake investigation, IAB supervisors determine what policies and procedures have allegedly been violated, and make a screening decision that determines how the complaint will be handled. There are five common screening decisions: decline, informal, service complaint, mediation, and formal.

Decline

A complaint can be declined if it does not state an allegation of misconduct under DPD policy, or the intake investigation revealed that the facts alleged in the complaint did not occur or that there is insufficient evidence to proceed with further investigation. The OIM reviews every case that is proposed as a decline and may make recommendations before it is closed. The OIM also communicates the case outcome by mailing a letter to the complainant, along with a findings letter from IAB.

Informal

A complaint can be handled informally if it states an allegation of a minor procedural violation not rising to the level of official misconduct. As such, the complaint may be investigated by the subject officer’s supervisor, rather than by IAB. The OIM reviews the completed investigation, and may recommend additional investigation, if warranted. If the allegation is proven, the supervisor is to debrief or counsel the subject officer and document this action.

Service Complaint

If a complaint states a general concern with police policy or services, rather than an allegation of misconduct against a specific officer, then it can be handled as a service complaint. The OIM reviews all service complaints prior to case closure.

Chapter 2 :: DPD Monitoring

Mediation

If the complaint states a relatively non-serious allegation of misconduct, such as discourtesy, and the officer and community member agree to mediate, a complaint can be handled through mediation. For mediated complaints, no further investigation is conducted, and the OIM helps to coordinate a facilitated discussion with a neutral, professional mediator.

Formal

A complaint is handled formally if it alleges misconduct under DPD policy and requires a full investigation and disciplinary review. Cases that are selected for full formal investigations are investigated by sergeants in IAB. On some serious cases, the OIM will actively monitor the investigations. When the OIM actively monitors a case, an OIM monitor will observe interviews, consult with the investigators and their supervisors on what direction the investigation should take, and review evidence as it is collected. Since active monitoring is resource-intensive, the OIM only actively monitors the most serious cases. Regardless of whether the OIM actively monitors a case, an OIM monitor reviews and comments on the IAB investigation once it is complete. The case is then given to the DPD's Conduct Review Office ("CRO") for disciplinary findings.

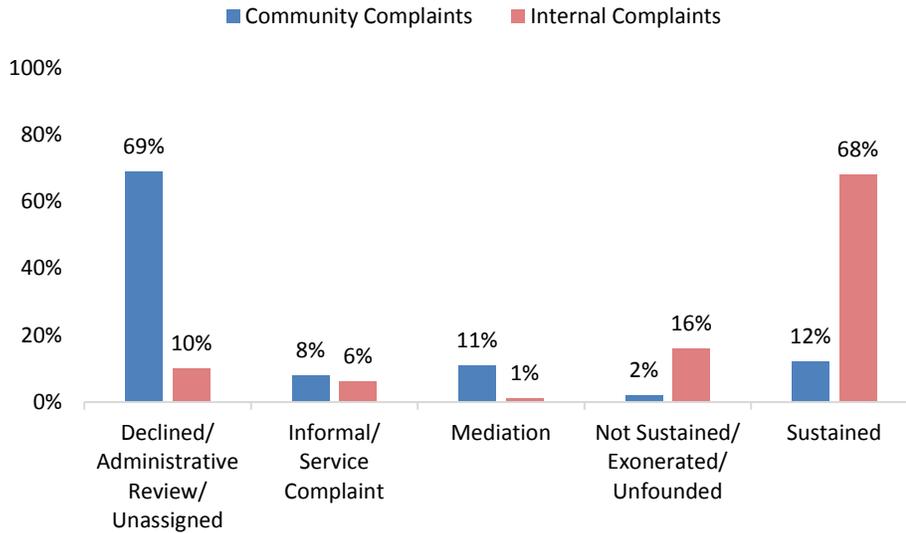
To make disciplinary findings, the CRO examines the evidence, evaluates the appropriateness of the specifications assigned by IAB, and makes findings on each specification. There are generally four findings on formal investigations:⁴⁴

- **Sustained** - A preponderance of the evidence indicates that the officer's actions violated a DPD policy, procedure, rule, regulation, or directive.
- **Not Sustained** - There was insufficient evidence to either prove or disprove that the alleged misconduct occurred as described in the complaint.
- **Unfounded** - The evidence indicates that the alleged misconduct did not occur.
- **Exonerated** - The evidence indicates that the officer's actions were permissible under DPD policies, procedures, rules, regulations, and directives.

In 2018, a total of 328 community complaints and 120 internal complaints were closed. Figure 2.2 shows the outcomes of these complaints. There were clear differences in outcomes between complaints filed by community members and internal complaints filed by DPD personnel. The majority of community complaints closed in 2018 were declined after an initial intake investigation (69%), while a much smaller percentage of internal complaints were closed as declines (10%). Internal complaints were much more likely to result in a sustained finding than community complaints. Specifically, 68% of internal complaints closed in

2018 resulted in at least one sustained finding, while 12% of community complaints resulted in a sustained finding.

Figure 2.2: Outcomes of Complaints Closed in 2018

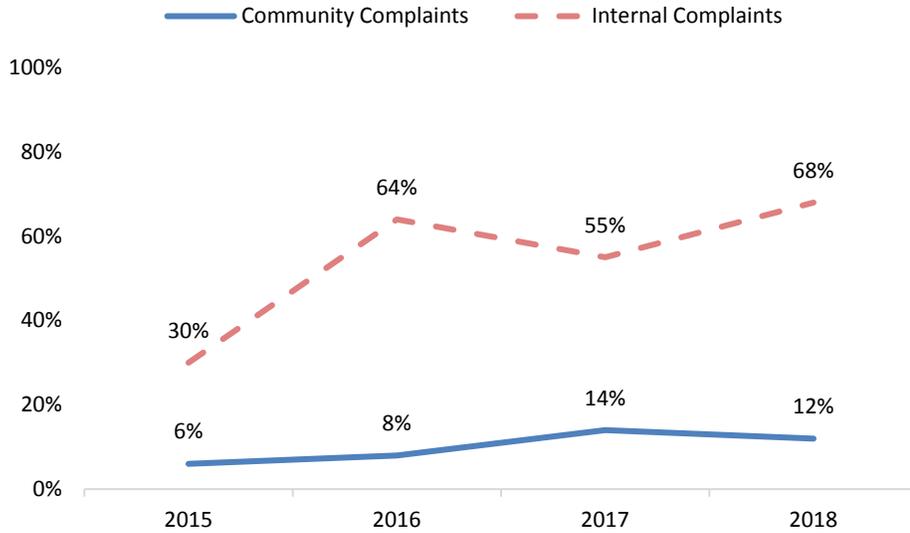


Note: Percentages may not sum to 100 due to rounding.

Figure 2.3 presents the percentage of complaints with at least one sustained specification by the year complaints were closed. The percentage of internal complaints with at least one sustained specification increased in 2018.

Chapter 2 :: DPD Monitoring

Figure 2.3: Complaints that Resulted in One or More Sustained Specifications, 2015–2018



Discipline on Sustained Cases

After the CRO makes an initial finding regarding policy or procedural violations, the OIM reviews the CRO findings. When the CRO or the OIM initially recommend that discipline be imposed, a Chief's meeting will be held.⁴⁵ At this meeting, the Chief, Independent Monitor (or his representative), the CRO, Commander of IAB, a representative from the Department of Safety ("DOS"), an Assistant City Attorney, and a number of DPD command officers discuss the case and provide input to the Chief to assist him in making his disciplinary recommendations, if any, to the DOS.

If discipline greater than a written reprimand is contemplated following the Chief's meeting, the officer is entitled to a pre-disciplinary meeting. At this meeting, the officer can present his or her side of the story and any mitigating evidence to explain the alleged misconduct. After this meeting, the Chief and the Independent Monitor each make a final recommendation to the DOS, independently. The DOS provides input to the Chief as he formulates his recommendation. The DOS then makes a final decision as to findings and discipline. If the officer disagrees with the discipline imposed by the DOS, the officer may file an appeal with the Civil Service Commission's Hearing Office.

Table 2.2 reports the number of officers who retired or resigned prior to a disciplinary finding or who were disciplined by the Chief of Police (for reprimands) or the DOS (for any discipline greater than a reprimand) for sustained allegations from 2015 through 2018.⁴⁶ Written reprimands were less common and oral reprimands were more common in 2018 than in 2017 due, in part, to a change in the discipline generally imposed for first-time violations of the BWC Policy. Between January 2016 and June 2017, officers received written reprimands for their first violations of the BWC Policy.⁴⁷ In June 2017, the DPD revised its policy to reduce the penalty for the majority of first-time BWC violations to an oral reprimand, in addition to a mandated officer review of the BWC Policy and a supervisory meeting to discuss the policy.^{48, 49}

Chapter 2 :: DPD Monitoring

Table 2.2: Discipline Imposed by Year Complaint Closed, 2015–2018⁵⁰

Discipline	2015	2016	2017	2018
Termination	1	2	0	0
Resigned/Retired Prior to Discipline	8	11	8	5
Demotion	0	0	1	0
Suspension	18	19	12	25
Fined Time	15	31	26	32
Written Reprimand	30	46	92	63
Oral Reprimand	4	3	18	26

Significant Disciplinary Cases Closed in 2018⁵¹

Resignations and Retirements

■ On April 22, 2017, an officer working an off-duty job at a high school prom had a conversation with a 17-year-old high school student. The officer was allegedly very persistent about asking the student where she lived and went unannounced to the apartment where the student and her mother lived on two separate occasions without any legitimate law enforcement purpose. The officer also allegedly violated DPD policy by using the National Crime Information Center/Colorado Crime Information Center (“NCIC/CCIC”) criminal records databases to query the student’s license plate for non-criminal justice purposes and allegedly made false statements to IAB during its investigation into his contact with the student. The officer resigned before discipline was imposed.

■ From July 1, 2016 through July 31, 2017, an officer took eight days of bereavement leave related to four deaths that she claimed had taken place in her family. When asked for documentation of the deaths, the officer allegedly told a commander that she had lied about two of them. The officer resigned prior to a disciplinary finding as part of a settlement agreement with the DOS. Per the agreement, the City and County of Denver agreed to pay the officer a severance of 50 days of her regular salary.

■ An officer had two cases alleging misconduct. In the first case, on July 17, 2017, the officer was pulled over in another jurisdiction for failing to signal before turning and was issued a warning. Moments later, the officer was pulled over a second time and issued a citation for multiple traffic charges, including Speeding and Careless Driving. The officer allegedly engaged in conduct unbecoming an officer prior to

and during the traffic stops. During the second traffic stop, the officer allegedly solicited preferential treatment by identifying himself as a police officer. The officer also allegedly made deceptive statements to IAB during its investigation of the incident. In the second case, the officer allegedly worked multiple off-duty jobs after receiving an order prohibiting him from doing so. The officer also allegedly made deceptive statements to IAB during its investigation of the second case. The officer resigned prior to a disciplinary finding in either case.

■ An officer (“Officer A”) had two cases alleging misconduct. In the first case, on November 21, 2017, several officers responded to a parking lot on a call of a suicidal person. The person was sitting in his car, and another officer (“Officer B”) ordered him to turn the car off. Instead, the person began to drive away, and Officer A hit the person’s car with his patrol vehicle. Officer A then initiated an unauthorized pursuit and attempted a Pursuit Intervention Technique (“PIT”) maneuver to stop the person’s car. The person fled the parking lot, and a sergeant terminated the pursuit. According to the DOS’s Departmental Order of Disciplinary Action, a Chief of Police Written Command recommended a six-day suspension for Officer A for violating the DPD’s Pursuit Policy when he initiated the pursuit, rammed the individual’s car, and attempted a PIT maneuver without prior supervisor approval.⁵² The DOS entered into a settlement agreement with Officer A that modified this penalty to a three-day suspension in exchange for the officer taking responsibility for the rule violations and waiving his right to appeal the penalty. Officers A and B also received oral reprimands for failing to activate their BWCs during the incident.

In the second case, on February 15, 2018, Officer A was working an off-duty job at a video arcade and bar, when he allegedly made unwanted sexual advances toward a female employee, some of which were captured on video. Officer A also allegedly made deceptive statements to IAB during its investigation of the incident. In 2005, Officer A had been accused of similar behavior and was charged by the Denver District Attorney with Unlawful Sexual Contact. Officer A was acquitted by a jury but received an 85-day suspension following the administrative investigation into the incident. Officer A resigned prior to a disciplinary finding in the 2018 case.

■ On May 20, 2018, an off-duty officer was pulled over for failing to drive in a single lane in another jurisdiction. After refusing to perform roadside maneuvers, the officer was arrested and subsequently charged with Driving Under the Influence, Failure to Drive in a Single Lane, and Prohibited Use of Weapons, for having a loaded handgun in the center console of his vehicle. The officer resigned prior to a disciplinary finding.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On May 31, 2016, an officer was sentenced to 18 months' probation in another jurisdiction for Driving While Ability Impaired.⁵³ On April 17, 2017, a case manager filed a petition to revoke the officer's probation after the officer allegedly violated the terms and conditions of his probation that required him to submit to urinalysis ("UA") testing for alcohol. The officer had missed scheduled UA screens and several of his UA screens were either diluted or positive for alcohol. The officer also failed to obey department rules by not notifying his supervisor, command officer, or IAB that he had been required to appear in court and that he was facing revocation of his probation. The officer entered into a settlement agreement with the DOS whereby he was suspended for 60 days, but only served a 20-day suspension with 40 days held in abeyance for 2 years on the condition that he commit no further serious rule violations. The agreement also required the officer to abstain from the use of alcohol or controlled substances for two years and participate in the DPD's Resiliency Program, which provides support services to officers struggling with alcohol, legal controlled substances, or mental health issues.

■ On April 23, 2017, officers attempted to stop a vehicle without its headlights on. The vehicle sped away and collided with a parked car. Two individuals got out of the vehicle and attempted to flee on foot. A corporal and officer took one of the individuals into custody, placed him on the ground, and handcuffed him. The corporal attempted to get information from the man about the other individual who had fled and to get the man's cooperation, the corporal struck the man with his foot. At the time, the man was handcuffed and laying on his side. The corporal also failed to activate his BWC during the incident. The corporal was suspended for four days and fined two-days' pay for using inappropriate force and failing to activate his BWC, respectively.

■ On April 28, 2017, a lieutenant responded to an outreach center where a hostile crowd had gathered around officers processing the scene of a stolen vehicle. The lieutenant walked around two officers who were handling the situation, approached an individual in the crowd who had been restrained by two other community members, and sprayed him with oleoresin capsicum ("OC") spray. The lieutenant used the OC spray despite the individual not interfering with an arrest or posing a threat of injury to anyone. The lieutenant was suspended for 10 days for using inappropriate force. He appealed this suspension, and it was affirmed by a Hearing Officer in November 2018.

■ On August 11, 2017, a sergeant made sexually inappropriate remarks to an officer during roll call, which made the officer uncomfortable. The remarks were overheard by other officers. The sergeant received a written reprimand for failing to treat his coworkers with respect and was suspended for 10 days for violating the DOS's Equal Employment Opportunity Policy.

■ On August 15, 2017, an officer was directed to manage the scene of a traffic accident involving a fuel tanker truck and a passenger van. The officer's responsibilities included assessing the seriousness of the accident victims' injuries and contacting the DPD Traffic Investigations Bureau ("TIB") if any injuries involved serious bodily injury or death. Eleven individuals were ultimately transported to hospitals following the accident, including five who were classified as having serious, life-threatening conditions. However, the officer did not contact the TIB until approximately two-and-a-half hours after his arrival to the scene of the accident and, when he did so, he characterized the injuries as "bumps and bruises and a laceration or two." As a result, the TIB did not respond to the scene until more than seven hours after the accident occurred, which likely compromised the accident investigation. The officer, whose penalty was increased due to his discipline history, was suspended for a total of seven days for conduct prejudicial and for violating DPD policy regarding traffic accident investigations. He has appealed this suspension.

■ On September 11, 2017, a commander used inappropriate and unprofessional language in addressing a civilian employee during a meeting about an upcoming job vacancy. The commander was suspended for 10 days for conduct prejudicial.

■ On October 21, 2017, an off-duty officer was charged in another jurisdiction with Driving Under the Influence and Failure to Drive in a Single Lane. The officer pled guilty to a reduced charge of Driving While Ability Impaired. The officer was suspended for 10 days for conduct prohibited by law.

■ On November 2, 2017, officers arrested an individual suspected of driving a stolen truck and fleeing from officers. As the handcuffed individual was being walked to a police vehicle, he attempted to kick an officer. Officers took the individual to the ground and held him there to prevent further attempts to kick officers. A detective, who was helping to hold the handcuffed individual on the ground, struck him once with a closed fist. The detective did not report the use of force. He was suspended for four days and received a written reprimand for using inappropriate force and failing to include the force in his written statement about the incident, respectively.

Chapter 2 :: DPD Monitoring

■ On November 11, 2017, an off-duty officer caused a three-car crash when his vehicle struck a car in front of him. The officer had driven with a blood-alcohol concentration (“BAC”) of 0.151. He pled guilty to Driving While Ability Impaired, was sentenced to probation, and had his driving privileges revoked. He was suspended for 16 days for conduct prohibited by law.

■ On November 18, 2017, an officer did not report to his assigned shift until 90 minutes after it was scheduled to begin and did not notify a supervisor that he would be late. The next day, the officer did not report to his assigned shift at all and did not call a supervisor to report that he would not be at work. These actions defied a commander’s order that required the officer to speak directly with a supervisor each time he was going to be absent, to address supervisors’ concerns about the officer’s unexcused absences from work. The officer, whose penalty was increased due to his disciplinary history, was suspended for a total of 33 days for disobeying an order and failing to report his absence prior to roll call.

■ On November 21, 2017, while driving to the scene of a robbery, an officer (“Officer A”) stopped a juvenile with an active felony warrant for burglary. Officer A patted down the front of the juvenile’s pants, searched his pockets, and placed him in a patrol car. Officer A transported the juvenile to the DPD’s Juvenile Intake, where a second officer (“Officer B”) conducted a cursory pat down of the juvenile. The juvenile was then transported to Gilliam Youth Detention Center, where a loaded gun was confiscated from his waistline. Officers A and B were suspended for four days for violating the DPD’s general arrest procedures when they failed to conduct thorough searches of the juvenile.

■ On December 14, 2017, a corporal and a reserve officer detained an individual who threatened people with a knife. The individual was moved to the back of a patrol vehicle and then to the ground, where the reserve officer and another officer (“Officer A”) held the individual on the ground. Two other officers arrived (“Officer B” and “Officer C”), and the corporal and Officer B applied a RIPP restraint to the individual.⁵⁴ The corporal and Officer B incorrectly applied the RIPP restraint and did not immediately roll the individual onto his side or contact an ambulance, as required by policy. The individual was then placed into a patrol car in a prone position rather than the upright, seated position required by policy. During transport, the corporal and the reserve officer noticed that the individual was unconscious, and he was taken to the hospital by ambulance. The corporal and involved officers did not report the use of the RIPP restraint to their supervisor. The corporal, the reserve officer, Officer A, and Officer B also failed to activate their BWCs during the incident.

The corporal and Officer B were each suspended for a total of four days for violating the DPD Use of Force Policy and Arrest and Control Techniques Manual. The corporal, the reserve officer, and Officer A received oral reprimands, and Officer B received a written reprimand for failing to activate their BWCs during the incident.

■ On January 1, 2018, an officer reported that her work bag, containing her DPD-issued Taser, had been stolen out of her personal car. The officer indicated that earlier she had given her car keys to a friend who needed to retrieve some items left in her car. The DPD items were allegedly taken from the car after the officer's friend possibly forgot to lock it. The officer, whose penalty was increased due to her disciplinary history, was suspended for a total of 10 days for careless handling of department property and for violating the DPD's less lethal weapons procedures.

■ On March 13, 2018, a detective failed to report for duty or notify his supervisor that he would be late. A DPD officer conducted a welfare check and determined that the detective was intoxicated. A portable breath test determined that he had a BAC of 0.192. The detective received a written reprimand for failing to report his absence to his supervisor. He also entered into a settlement agreement with the DOS whereby he was suspended for 10 days for being unfit for duty, but only served a 2-day suspension with 8 days held in abeyance for 2 years on the condition that he commit no further serious rule violations. The agreement also required the detective to abstain from the use of alcohol or controlled substances for two years, participate in the DPD's Resiliency Program, undergo an alcohol evaluation, comply with all treatment recommendations, and participate in an addiction-recovery group.

■ On March 13, 2018, an off-duty officer working for the Denver-area Regional Transportation District ("RTD") called for assistance with an apparently intoxicated man on a train. Several officers and a corporal responded to the scene, and after the suspect exited the train, they detained him. When he refused an order to place his hands behind his back, the officers took the suspect to the ground and restrained him. The corporal warned the suspect to put his hands behind his back or he would be tased. The suspect did not comply. The corporal then used his Taser on the man's left side in drive-stun mode to get the suspect to put his hands behind his back. At that time, the suspect was not presenting an imminent threat of assault or injury, and the corporal had other options to handcuff the suspect. The corporal was suspended for 10 days for using inappropriate force. The corporal and another officer who restrained the suspect received oral reprimands for failing to activate their BWCs during the incident.

Chapter 2 :: DPD Monitoring

■ On July 5, 2018, officers responded to an indecent exposure call. The officers found a naked man, ordered him to lie down on the ground, handcuffed him, and called for an ambulance. A news reporter began recording the incident on her smart phone. An officer (“Officer A”) asked the reporter to move away from the scene and attempted to block her phone, incorrectly citing Health Insurance Portability and Accountability Act (“HIPAA”) concerns as the reason. When she continued to film, Officer A took her phone, and he and another officer (“Officer B”) placed her in handcuffs and told her she was under arrest and to “act like a lady” before putting her in a patrol car. Officer B then contacted a supervisor, who ordered Officers A and B to release her.

Officer A was fined two-days’ pay for violating the DPD’s Search and Seizure of Electronic Recording Devices Policy when he detained the reporter and seized her phone. Officer A also received an oral reprimand for failing to activate his BWC during the incident. Officer B was fined two-days’ pay for violating the DPD’s Search and Seizure of Electronic Recording Devices Policy when he detained the reporter. Both officers were informally counseled for discourtesy related to the “act like a lady” comments, with no discipline imposed. In August 2018, the DPD released a training bulletin addressing the First Amendment issues, including the right to video record police activity, and in February 2019, the DPD announced that it will develop additional scenario-based First Amendment training for officers.⁵⁵

■ On July 21, 2018, an off-duty officer was charged in another jurisdiction with Driving Under the Influence and Failure to Drive in a Single Lane. He had a BAC of 0.145. The officer pled guilty to a reduced charge of Driving While Ability Impaired. The officer was suspended for 10 days for conduct prohibited by law.

■ On August 4, 2017, upon exiting a district station, a detective (“Detective A”) elbowed another detective (“Detective B”) who was entering the station, and then asked, “what’s your problem?” The two detectives had a history of unprofessional encounters with each other in the past. Detective A then made deceptive statements to IAB during its investigation of the elbowing incident. Detective A entered into a settlement agreement with the DOS whereby he was suspended for 16 days with termination held in abeyance for 18 months on the condition that he commit no further serious rule violations.

■ An officer (“Officer A”) had two cases alleging misconduct. In the first case, on March 20, 2018, Officer A responded to assist another officer who had handcuffed a man after a foot chase. When Officer A arrived, he knelt down and searched the man who was then on the ground. As Officer A started to get back up, he struck the man in the back with his knee. Officer A was suspended for four days for using inappropriate force.

In the second case, on April 30, 2018, an officer (“Officer B”) stopped a man who was jaywalking. Officer B attempted to detain the man, and the man ran away into an RTD station. The man jumped over a fence that led to a ledge above an approximately 20-foot drop, and Officer B grabbed him to keep him from falling. Officer B explained to the man that he was not in trouble and encouraged him not to jump, but he pulled away and dropped to the walkway below. Officer A was in the area and responded to assist Officer B. Officer A located the man after he dropped to the walkway, drew his firearm, and yelled, “[s]top, or I’ll fucking shoot your ass.” The man ran to another security fence, climbed over, and hung onto its top rail over an approximately 15-foot drop.

Officer A ran up to the fence and kicked it one time. The man let go and dropped approximately 15 feet, breaking his heel bone. In a written statement regarding the incident, Officer A stated that he “had to put my foot up to stop myself.” In an interview with IAB, Officer A reiterated this explanation, denying that he had kicked the fence despite video footage showing it was a kick. Specifically, in his IAB interview, Officer A stated that he put his foot up to “go over the fence with him” and then to “slow myself down when I realized there’s a drop there.” Officer A, whose penalty was increased due to his disciplinary history, was suspended for 30 days for using inappropriate force. He was suspended for an additional 30 days for violating a rule prohibiting Misleading or Inaccurate Statements for his written statement prepared shortly after the incident. Officer A was not disciplined for his statements to IAB during the administrative investigation.

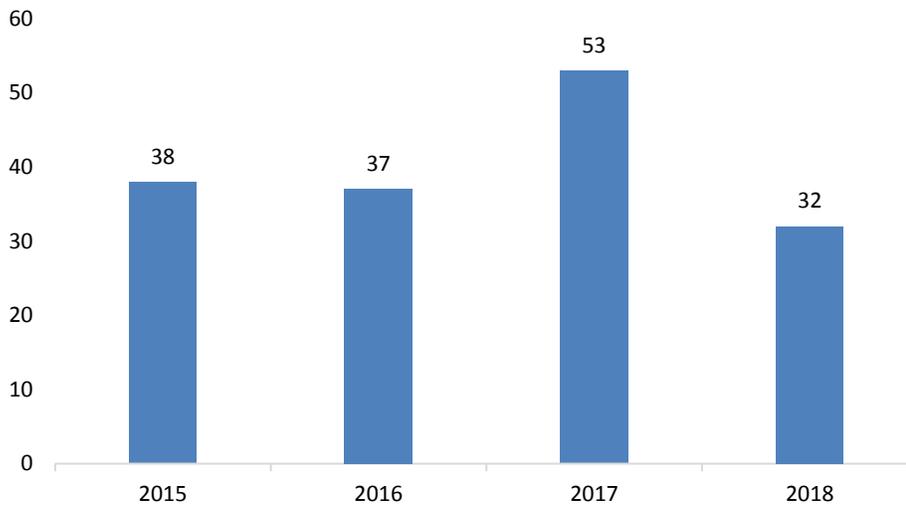
Appeals of Significant Discipline Imposed Prior to January 1, 2018, and Filed with or Decided by the Civil Service Commission in 2018⁵⁶

■ On July 27, 2017, an officer transported an intoxicated woman to a detox facility. At the facility, the woman was escorted to a quiet room and became argumentative with staff. When the woman continued to argue with staff, the officer entered the quiet room and asked the woman to sit on a bench. She refused and hit the officer on his forearm with a closed fist. In response, the officer grabbed the woman and slapped her on the left side of the face with an open hand. The officer then shoved the woman's head down and against the wall and pushed on it with his hands while sitting on her with the right side of his body. He also yelled at her and called her a "dumb bitch." Prior to the physical altercation, the officer could have retreated from the room or gotten the assistance of another officer who had arrived at the facility. The officer was suspended for 10 days. He appealed the decision, and his appeal was dismissed by a Hearing Officer for lack of jurisdiction. The officer appealed to the Civil Service Commission, which, in September 2018, affirmed the Hearing Officer's decision to dismiss the appeal.

Mediation

The complaints handled by IAB and the OIM range from allegations of criminal conduct to less serious misunderstandings between community members and police officers, including alleged rudeness. Although allegations of inappropriate force or serious constitutional violations require the investment of significant investigative resources, complaints alleging discourtesy and other less serious conduct can often be resolved more effectively through mediation. Figure 2.4 presents the number of completed community-police mediations in 2018 and the previous three years. In 2018, the OIM/DPD mediation program resulted in 32 completed officer-community member mediations.⁵⁷ The decrease in completed mediations in 2018 is due, in part, to the overall decrease in community complaints recorded by the DPD.

Figure 2.4: Completed Community-Police Mediations, 2015-2018



Timeliness

Table 2.3 reports the mean processing time, in days, for complaints recorded by IAB for 2018 and the previous three years.⁵⁸ These figures exclude the number of days required for the OIM to review investigations and discipline. Average processing times decreased between 2017 and 2018. In 2017, the mean processing time for all IAB cases was 46 days, compared to 41 days in 2018. Complaints still open when the OIM extracted data for this report had an average age of 41 days.

Table 2.3: Mean Case Processing Times in Days for Recorded Complaints, 2015–2018

Case Type	2015	2016	2017	2018
All IAB Cases	42	38	46	41
Declined/Administrative Review/ Informal/Service Complaint/Mediation	35	27	30	28
Full Formal Investigations	63	63	74	63

Complainant Demographics and Complaint Filing Patterns

The demographic characteristics of the 352 complainants who filed complaints against DPD officers in 2018 are presented in Table 2.4 (note that a single complaint can be associated with multiple complainants).⁵⁹ Ninety-nine percent of complainants filed only a single complaint, while 1% filed two or more complaints.⁶⁰

Table 2.4: Complainant Demographics and Filing Patterns, 2018

Gender	Count	Percentage
Male	193	55%
Female	140	40%
Unknown	19	5%
Total	352	100%
Race	Count	Percentage
White	132	38%
Black	82	23%
Hispanic	32	9%
American Indian	4	1%
Asian/Pacific Islander	2	1%
Unknown	100	28%
Total	352	100%
Age	Count	Percentage
0 - 18	2	1%
19 - 24	13	4%
25 - 30	22	6%
31 - 40	44	13%
41 - 50	32	9%
51+	19	5%
Unknown	220	63%
Total	352	100%
Number of Complaints Filed	Count	Percentage
One Complaint	350	99%
Two or More	2	1%
Total	352	100%

Note: Percentages may not sum to 100 due to rounding.

Officer Complaint Patterns

Complaints per Officer

Table 2.5 reports the number of complaints filed against individual DPD officers from 2015 through 2018. This table includes community and internal complaints (regardless of finding), but excludes most scheduled discipline complaints and complaints against non-sworn employees. In 2018, 75% of DPD sworn officers did not receive any complaints, 20% received one complaint, and slightly more than 5% received two or more complaints.

Table 2.5: Complaints per Officer by Year Recorded, 2015–2018

Number of Complaints	2015	2016	2017	2018
0	65%	70%	67%	75%
1	25%	21%	25%	20%
2	8%	6%	6%	4%
3	2%	2%	2%	1%
4	< 1%	1%	1%	< 1%
5	< 1%	0%	< 1%	< 1%
6	0%	< 1%	< 1%	0%
7 or More	< 1%	0%	0%	0%
Total Sworn Officers	1,442	1,491	1,471	1,509

Note: Percentages may not sum to 100 due to rounding.

Inappropriate Force Complaints per Officer

Table 2.6 shows the number of inappropriate force complaints filed against individual DPD officers from 2015 through 2018. In 2018, 5% of DPD officers received one inappropriate force complaint and approximately 1% of officers received two or more inappropriate force complaints.

Table 2.6: Inappropriate Force Complaints per Officer by Year Recorded, 2015-2018

Number of Complaints	2015	2016	2017	2018
0	92%	95%	95%	95%
1	7%	5%	5%	5%
2	1%	< 1%	1%	1%
3	< 1%	0%	0%	< 1%
Total Sworn Officers	1,442	1,491	1,471	1,509

Note: Percentages may not sum to 100 due to rounding.

Sustained Complaints per Officer

Table 2.7 reports the number of sustained complaints for individual officers between 2015 and 2018 grouped by the year the complaints were closed. In 2018, 8% of officers had one sustained complaint and less than 1% had two or more sustained complaints.

Table 2.7: Sustained Complaints per Officer by Year Closed, 2015-2018

Number of Complaints	2015	2016	2017	2018
0	96%	93%	90%	91%
1	4%	7%	9%	8%
2	< 1%	< 1%	1%	< 1%
3	0%	0%	< 1%	0%
Total Sworn Officers	1,442	1,491	1,471	1,509

Note: Percentages may not sum to 100 due to rounding.

Commendations and Awards

The DPD gives commendations and awards to officers whose actions rise above the expected standards of key departmental values, such as honor, courage, and commitment to community service. Community members can submit commendations by filling out the OIM's online complaint/commendation form, mailing the OIM a completed postage pre-paid complaint/commendation form, e-mailing or faxing a commendation to the OIM, or by visiting the OIM's offices. Commendations can also be filed directly with the DPD IAB, or by using forms that are generally available at the Mayor's office, DPD district stations, and City Council offices. See Appendices A and B, which describe how commendations can be filed and where OIM complaint/commendation forms are located.

Table 2.8 presents the number and type of commendations awarded to DPD officers in 2018. The most common commendations recorded in 2018 were Commendatory Action Reports and Citizen Letters, though the number of Citizen Letters declined substantially in 2018. In 2018, the DPD recorded 39 Citizen Letters, compared to 118 in 2017. Table 2.9 provides definitions for select commendations.

Table 2.8 Commendations Awarded to DPD Officers in 2018

Commendation Type	Count	Percentage
Commendatory Action Report	98	43%
Citizen Letter	39	17%
Commendatory Letter	16	7%
Distinguished Service Cross	10	4%
Official Commendation	10	4%
Medal of Valor	9	4%
Life Saving Award	8	4%
Preservation of Life	8	4%
Top Cop	6	3%
Unassigned	6	3%
Purple Heart	3	1%
Community Service Award	2	1%
Medal of Honor	2	1%
Merit Award	2	1%
Officer of The Year	2	1%
Above + Beyond Award	1	< 1%
Excellence in Crime Prevention	1	< 1%
Meritorious Service Ribbon	1	< 1%
Other than DPD Commendation	1	< 1%
Regional Vice President's Award	1	< 1%
Total	226	100%

Note: Percentages may not sum to 100 due to rounding.

Chapter 2 :: DPD Monitoring

Table 2.9: Commendation Types and Descriptions

Commendation Type	Description
Medal of Honor	Awarded by the Chief of Police to an individual for an act of outstanding bravery or heroism by which the individual has demonstrated in great degree the characteristics of selflessness, personal courage, and devotion to duty at the risk of his or her own life. The individual's actions substantially contributed to the saving of, or attempted saving of a human life.
Medal of Valor	Awarded by the Chief of Police to an individual for an act, in the face of great danger, wherein valor, courage, and bravery are demonstrated over and above that normally demanded and expected.
Preservation of Life	Awarded by the Chief of Police to an individual who performs an act of heroism, demonstrates good judgment, zeal, or ingenuity over and above what is normally demanded and expected, to preserve the life of another during a critical, volatile, or dangerous encounter while protecting the safety and security of the public and his or her fellow officers.
Distinguished Service Cross	Awarded by the Chief of Police to members who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor. The heroic act(s) performed must render the individual conspicuous and well above the standard expected.
Purple Heart Award	Awarded by the Chief of Police to an individual who is seriously or critically injured while performing a heroic and/or police action. This award is limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor.
Excellence in Crime Prevention	Awarded to an individual who, through personal initiative and ingenuity, develops a program or plan which contributes significantly to the department's mission; or through innovative crime prevention strategies, combats issues affecting the community.
Lifesaving Award	Awarded by the Chief of Police to an individual who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no danger to the individual's life.
Community Service Award	Awarded to an individual who, by virtue of sacrifice and expense of his or her time or personal finance, fosters or contributes to a valuable and successful program in the area of community service or affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
Official Commendation	Awarded to an individual who by exemplary conduct and demeanor, performs at a superior level of duty, exhibiting perseverance with actions resulting in a significant contribution to the department and/or improvement to the quality of life in the community, or an individual who supervised or managed a tactical situation of an active, evolving incident as the on-scene commander.
Outstanding Volunteer Award	Awarded by the Chief of Police to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of the department's mission, vision and values, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
Officer of the Year Award	Presented annually to an officer who has represented the department in all facets of law enforcement with a commitment to excellence, in support of the mission and values of the organization. The officer has consistently persevered in the prevention of crime and demonstrated initiative, leadership, and dedication to the law enforcement profession.

Highlighted Commendations

Medal of Honor/Purple Heart

Officers responded to a burglary in progress. Upon arriving at the scene, the officers took one suspect into custody, but a second suspect fled. During the chase, the suspect began to fire at an officer, and the officer returned fire. The officer realized that she had been wounded in the exchange and found a cover position. She was transported to Denver Health with serious injuries, from which she has since recovered. For her display of bravery in helping to stop the suspect and heroism as she engaged a dangerous suspect after having been wounded, the officer was awarded the Medal of Honor and Purple Heart Award.

Medal of Valor

Three officers and a sergeant responded to a call of a suicidal individual who had soaked himself in lighter fluid and was attempting to light himself on fire in a public park. As the officers and sergeant attempted to subdue the individual, he set himself on fire and began to run toward other people in the park. The officers and sergeant restrained the man and began to extinguish the flames with their bare hands. Paramedics who responded to the scene noted that the quick and heroic action of the officers and sergeant saved the individual's life. The officers and sergeant were awarded the Medal of Valor for their quick thinking and heroism in saving a suicidal individual and protecting nearby community members.

Preservation of Life

An officer responded to a call of a juvenile in possession of a handgun. After the officer pursued the juvenile, the juvenile pointed the handgun at the officer. Holding the juvenile at gunpoint, the officer ordered the juvenile to drop the handgun. After a long pause, the juvenile put down the weapon. The officer's patience and good judgment during the encounter resulted in a successful resolution with no injury to himself or the juvenile and he was awarded the Preservation of Life Award.

Chapter 2 :: DPD Monitoring

Distinguished Service Cross

A sergeant responded to a call for assistance from the Aurora Police Department in pursuit of a homicide suspect. As the sergeant and the Aurora officers moved to arrest the suspect, the suspect shot and wounded an Aurora Police Department officer. The sergeant left his cover position to attend to the wounded officer, applying first aid to control bleeding. He loaded the officer into his police vehicle and transported the officer to a hospital. The sergeant was awarded the Distinguished Service Cross for his heroism as he protected a fellow officer from an armed suspect while rendering immediate life-saving efforts.

Top Cop

Two officers (“Officer A” and “Officer B”) responded to a call of a suicidal individual threatening to jump from a multi-floor parking garage. The officers went to the floor where the individual was located and approached as closely as they safely could. Officer A asked the individual a question, which briefly distracted him. During the distraction, Officer A grabbed the individual and, with the assistance of Officer B, pulled him away from the ledge. For placing themselves at risk to save the life of a distraught person, the officers were awarded the Top Cop Award.

Lifesaving Award

An officer was contacted by the parents of a child who was not breathing. The officer immediately called the paramedics and began administering first aid. The officer placed the child on his side and performed a finger sweep of the child’s mouth and throat, successfully dislodging food that was blocking the child’s airway. The child made a full recovery. The officer’s quick thinking and response to the emergency prevented a tragic outcome. The officer was awarded the Lifesaving Award for his heroic actions.

Official Commendation

An unarmed, off-duty technician was volunteering at a community event when a suspect grabbed and threatened to shoot a bystander with a gun that he had tucked in his waistband. The technician directed another person to call the police and used his crisis intervention training skills to calm the suspect and get him to release the bystander from the situation. While waiting for police to arrive, the suspect pulled the gun out of his waistband without warning. The technician grabbed the gun from the suspect’s hand, disarmed him, and discovered the gun was a BB gun. The technician was awarded an official commendation for displaying courage and

selflessness in saving innocent community members from what appeared to be great danger.

Commendatory Action Report

A technician was flagged down by an individual who believed he was having a heart attack. The individual informed the technician that he was concerned that if he left his car unattended to seek medical treatment his car would be towed. The technician called for emergency medical assistance and secured the individual's car at a nearby hotel after arranging for free parking. The individual was admitted to Denver Health Medical Center and underwent emergency surgery. The individual was extremely appreciative of the technician's assistance. The technician received a Commendatory Action Report.

Commendatory Letter

Three officers ("Officer A," "Officer B," and "Officer C") responded to a call of a suicidal individual. While en-route, Officer A called the reporting party, who was not at the home, and gained permission to enter if no one answered. When the officers arrived, Officer A found the individual breathing, but unconscious on the floor with a bottle of prescription pills on the counter next to him. Officer B immediately requested emergency medical services, and Officers A and C reassured the individual while they waited. The individual was transported to a hospital and stabilized, and an attending physician noted that he would have died from an overdose had he not received emergency care as fast as he did. Officers A, B, and C were given a commendatory letter for their quick response, treatment, and request for transport of an individual in obvious need of emergency medical care.

Chapter 2 :: DPD Monitoring

3

Denver Sheriff Department Monitoring

Introduction

The Office of the Independent Monitor (“OIM”) is responsible for monitoring and reporting on patterns in Denver Sheriff Department (“DSD”) complaints and commendations.⁶¹ In this chapter, we review patterns relating to the DSD’s complaints, investigations, findings, and discipline.

Highlights

- The number of community and inmate complaints recorded by the DSD increased by 12% in 2018. In 2018, the DSD recorded 231 community and inmate complaints against deputies, compared to 207 in 2017.⁶²
- The number of recorded internal complaints filed by DSD management and other employees increased by 45%. In 2018, the DSD recorded 176 such complaints, compared to 121 in 2017.
- In 2018, 35% of closed DSD management/employee complaints had one or more sustained findings.
- In 2018, one DSD deputy was terminated and seven deputies resigned or retired while an investigation or disciplinary decision was pending.⁶³
- DSD deputies received 79 commendations in 2018.

Complaints Against DSD Deputies

Complaints against sworn members of the DSD generally fall into four categories: community complaints, inmate complaints, management complaints, and employee complaints.

Community Complaints

Community complaints are allegations of misconduct against deputies that are filed by community members. See Appendices A and B which describe how complaints and commendations can be filed, and where OIM complaint/commendation forms are located.

Inmate Complaints

Complaint/commendation forms are available to inmates housed at DSD jails. These forms can be completed and mailed to the OIM at no charge to the inmate. Inmates may also file complaints by contacting the OIM by telephone, without charge, from inside any DSD jail.

Management Complaints

DSD management complaints are those filed by a supervisor, command officer, or the DSD Internal Affairs Bureau (“IAB”).

Employee Complaints

Employee complaints are those filed by civilian or non-supervisory sworn employees of the DSD against deputies.

Complaints Recorded in 2018

Figure 3.1 reports the number of complaints recorded by the DSD in 2018 and the previous four years.^{64, 65} These numbers do not include most scheduled discipline cases, such as when DSD deputies misuse leave time or fail to participate in firearms training or qualification.⁶⁶ In 2018, the DSD recorded 451 total complaints against deputies, a 35% increase from 2017.

Figure 3.1: Complaints Recorded in 2014–2018

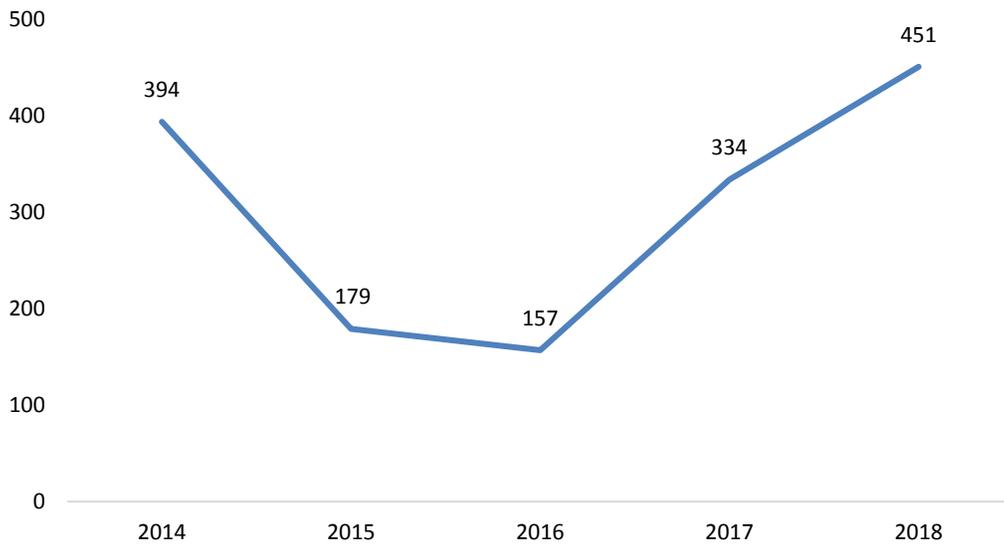
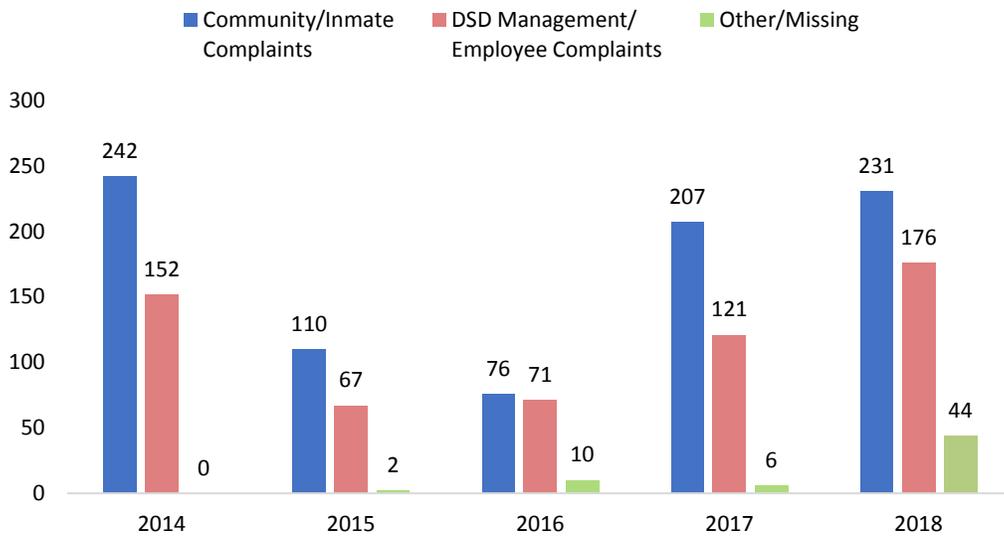


Figure 3.2 shows the number of complaints recorded against deputies by complaint type and year. The number of internal complaints filed by DSD management and other employees that were recorded in 2018 increased by 45% when compared to 2017, while the number of complaints by community members and inmates increased by 12%.

Chapter 3 :: DSD Monitoring

Figure 3.2: Complaints Recorded by Complaint Type, 2014–2018



Most Common Complaint Specifications

Individual complaints may include one or more specifications, which reflect the rules that a DSD deputy might be disciplined for violating. Table 3.1 reports the most common specifications recorded against DSD deputies in 2018 and the previous three years.⁶⁷ The most common specification was Disobedience of Rule, which prohibits deputies from violating “any lawful Departmental rule (including [Career Service Authority] rules), duty, procedure, policy, directive, instruction, or order (including Mayor’s Executive Order)” and covers a wide range of potential misconduct.⁶⁸ The second most common specification was “unassigned.” Because the DSD finalizes each case’s specifications during the discipline review phase, 17% of the specifications associated with complaints recorded in 2018 were “unassigned” at the time the OIM extracted data for this report.⁶⁹

Table 3.1: Most Common Specifications, 2015–2018⁷⁰

Specification	2015	2016	2017	2018
Disobedience of Rule	9%	14%	12%	20%
Unassigned	5%	7%	17%	17%
Inappropriate Force	16%	13%	13%	12%
Sexual Misconduct	0%	1%	3%	6%
Full Attention to Duties	5%	4%	6%	4%
Discrimination, Harassment or Retaliation against Prisoners	4%	5%	5%	4%
Discrimination, Harassment, and Retaliation	1%	1%	5%	3%
Discourtesy	7%	2%	2%	2%
Performance of Duties	2%	1%	2%	2%
Conduct Prejudicial	1%	4%	3%	2%
Protecting Prisoners from Physical Harm	1%	1%	2%	2%
All Other Specifications	46%	48%	31%	26%
Total Number of Specifications	339	364	703	907

Note: Percentages may not sum to 100 due to rounding.

Use of the Sexual Misconduct specification, which prohibits deputies from engaging in or soliciting others to engage in “any conduct for the purpose of sexual gratification, sexual humiliation, or sexual abuse,” has become more common over the last several years.⁷¹ Based on our observations and our discussions with DSD personnel, we believe that this is likely due to recent steps taken by the DSD in accordance with the Prison Rape Elimination Act (“PREA”) Standards.⁷² The DSD has developed a set of PREA-related policies, designated a PREA coordinator, and delegated PREA-related duties to several compliance managers at the facilities. We believe that such efforts have impacted the reporting of sexual misconduct allegations and improved internal tracking of such allegations, resulting in the increase in the number of sexual misconduct cases in 2018. We will work to ensure that each of these cases is appropriately investigated and continue to monitor this trend in the future.

Complaint Location

Table 3.2 reports the location of the incidents about which complaints were recorded in 2018 and the previous three years. The largest percentage of recorded complaints (68%) related to incidents occurring at the Van Cise-Simonet Detention Center (“DDC”). This is not unexpected since the DDC houses the greatest number of inmates in DSD custody.⁷³

Table 3.2: Location of Complaints, 2015–2018

Location	2015	2016	2017	2018
DDC	60%	67%	70%	68%
County Jail	26%	15%	19%	18%
Other Location	14%	13%	8%	12%
Missing Location	0%	5%	3%	2%

Note: Percentages may not sum to 100 due to rounding.

Intake Investigations, Screening Decisions, and Findings

When complaints are filed directly with the OIM, the role of the OIM in the intake process is limited to collecting the complainant’s contact information and the general nature of the complaint. The complaint is then forwarded to DSD IAB, which conducts an intake investigation and makes a screening decision. An intake investigation is a type of “triage” process where IAB completes a preliminary review of the complaint to determine its seriousness and the appropriate level of resources to devote to its investigation. This preliminary review may include a recorded telephonic or in-person interview with the complainant and witnesses; a review of records and relevant video; and interviews of involved deputies. Following the preliminary review, IAB supervisors make a screening decision that determines how the complaint will be handled. The OIM monitors IAB case screening decisions and may make recommendations.⁷⁴ There are six common screening decisions: decline, informal, resolved, referred, mediation, and formal.

Decline

A complaint can be declined if it does not state an allegation of misconduct or an initial review of the complaint reveals that there is little or no evidence to support the allegation. No further action will be taken on declined complaints.

Informal

A complaint that, if founded, would result in a debriefing with the subject deputy can be handled as an informal. This outcome does not necessarily indicate that the deputy engaged in misconduct.

Resolved

A complaint is considered resolved if IAB or a DSD supervisor was able to resolve the issue without a full, formal investigation or the subject deputies resigned, retired, or were otherwise determined to be disqualified from sworn service while the investigation was pending. No further action was deemed necessary for these complaints.

Referred

A complaint can be referred if it would be more appropriately handled by another agency or division.

Mediation

If a complaint states a relatively less serious allegation of misconduct, such as discourtesy, and those involved might benefit from the opportunity to discuss their interaction, a complaint can be handled through mediation. Due to security concerns, the DSD does not mediate complaints filed by inmates.

Formal

A complaint is handled formally if it states an allegation of misconduct that under DSD policy requires a full investigation and disciplinary review. If a case is referred for a formal investigation, it is assigned to an IAB investigator.⁷⁵ In some serious cases, the OIM may actively monitor and make recommendations about the investigation. In the majority of cases, the OIM will review and make recommendations about the formal investigation once IAB has completed its work. The case is then given to the DSD Conduct Review Office (“CRO”) to make an initial finding regarding whether there are any potential policy or procedural violations.

To make disciplinary findings, the CRO examines the evidence, evaluates the appropriateness of the specifications assigned by IAB, and makes findings on each specification. There are generally four findings on formal investigations:⁷⁶

- **Sustained** - A preponderance of the evidence indicates that the deputy’s actions violated a DSD policy, procedure, rule, regulation, or directive.

Chapter 3 :: DSD Monitoring

- **Not Sustained** - There was insufficient evidence to either prove or disprove that the alleged misconduct occurred as described in the complaint.
- **Unfounded** - The evidence indicates that the alleged misconduct did not occur.
- **Exonerated** - The evidence indicates that the deputy's actions were permissible under DSD policies, procedures, rules, regulations, and directives.

In 2018, the DSD closed 427 complaints, representing a 58% increase from 2017 when 271 complaints were closed.⁷⁷ Table 3.3 reports the final disposition of those complaints, and the complaints closed in the previous three years. A smaller percentage of complaints were closed with at least one sustained finding in 2018 than in 2017.

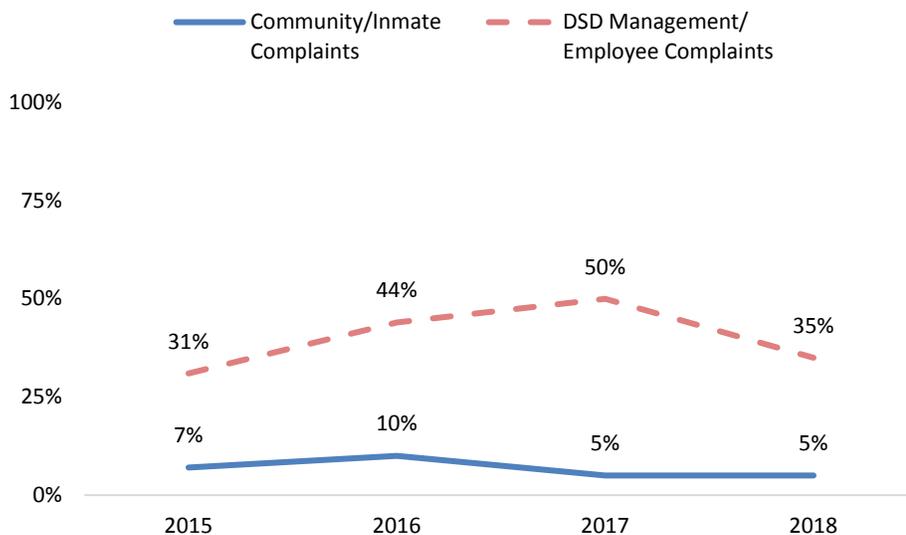
Table 3.3: Outcomes of Closed Complaints, 2015–2018

Outcome	2015	2016	2017	2018
Declined	59%	48%	58%	61%
Informal/Referred/Resolved/Information Only	13%	8%	10%	16%
Sustained	16%	25%	22%	15%
Not Sustained/Exonerated/Unfounded	11%	19%	10%	8%
Mediation	1%	0%	0%	1%

Note: Percentages may not sum to 100 due to rounding.

Figure 3.3 presents the percentage of complaints with at least one sustained specification by the year complaints were closed. Patterns in sustain rates vary considerably across different case types. Complaints that are initiated by DSD management or employees tend to result in sustained findings at much higher rates than complaints initiated by community members or inmates. In 2018, 35% of complaints filed by DSD management or other employees had one or more sustained findings, compared to 5% of complaints filed by community members and inmates.

Figure 3.3: Complaints that Resulted in One or More Sustained Specifications, 2015-2018



Discipline on Sustained Cases

After the CRO makes an initial finding regarding policy or procedural violations, the OIM reviews the CRO findings. If the CRO recommends that discipline greater than a written reprimand be imposed, the deputy may have a Contemplation of Discipline Meeting. At this meeting, the deputy can present his or her side of the story and any mitigating evidence to explain the alleged misconduct or why discipline should not occur. The Sheriff, a DSD Deputy Chief, the Independent Monitor (or his representative), the CRO, a representative from the Department of Safety (“DOS”), and an Assistant City Attorney discuss the case and provide input to the Sheriff to assist him in making his disciplinary recommendations, if any, to the DOS. The Sheriff and the Independent Monitor each make a final recommendation to the DOS. The DOS then makes a final decision as to findings and discipline. If the deputy disagrees with the discipline imposed by the DOS, the deputy may file an appeal with the Career Service Board’s Hearing Office.

Table 3.4 reports the number of deputies who retired/resigned prior to a discipline finding or who were disciplined for sustained specifications from 2015 through 2018.^{78, 79} The most common forms of discipline in 2018 were suspensions and written reprimands. In 2018, the DOS and DSD began using temporary reductions in pay (“TRIPs”), that distribute the financial impact of suspensions

Chapter 3 :: DSD Monitoring

across multiple pay periods. Six deputies received TRIPs instead of or in addition to suspensions in 2018.⁸⁰

Table 3.4: Discipline Imposed by Year Complaint Closed, 2015-2018

Discipline	2015	2016	2017	2018
Termination	4	6	3	1
Resigned/Retired Prior to Discipline	7	4	9	7
Demotion	1	0	1	0
Suspension	24	33	47	34
Temporary Reduction in Pay	0	0	0	6
Written Reprimand	21	25	26	37
Verbal Reprimand	19	6	0	0

Significant Disciplinary Cases Closed in 2018^{81, 82}

Terminations

- A deputy on probationary status was terminated on October 9, 2018.⁸³

Non-Medical Disqualifications

- On November 6, 2017, a deputy was arrested in another jurisdiction for Felony Menacing – Weapon. The other jurisdiction issued a mandatory protection order prohibiting the deputy from possessing a firearm. Because carrying a firearm is an essential function of a deputy, the deputy was disqualified from employment with the DSD.

Resignations and Retirements

- On June 27, 2017, a sergeant was on his way to work at the DDC when the car behind him struck his vehicle's rear bumper. The sergeant allegedly followed the car to a parking lot, exited his vehicle, drew his firearm, and pointed it at the other driver, despite a DSD policy that generally prohibits deputies from engaging in law enforcement duties. The sergeant allegedly made deceptive statements to IAB during its investigation of the incident. The sergeant resigned prior to a disciplinary finding.

■ A deputy had four cases alleging misconduct. In the first case, on September 18, 2017, the deputy was dismissive of an inmate lying on the floor of his cell who was experiencing a medical emergency. The deputy received a written reprimand for his treatment of the inmate during the incident.

In the second case, on October 14, 2017, the deputy allegedly left his post and was found to be sleeping in a break room. The deputy also allegedly made deceptive statements to IAB during its investigation of the incident. In the third case, on February 1, 2018, an inmate filed a grievance alleging that the deputy refused to request a new pair of medically-approved shoes for him. The deputy also allegedly filed an inaccurate report about the incident and made deceptive statements to IAB during its investigation. In the fourth case, on April 21, 2018, the deputy was arrested for insurance fraud and subsequently placed on investigatory leave by the DSD. The deputy allegedly violated the terms of his investigatory leave, failed to self-report the criminal charges, and made deceptive statements to IAB. The deputy resigned prior to disciplinary findings in the second, third, and fourth cases.

■ On January 27, 2018, a deputy was arrested and charged with Domestic Violence and Harassment in another jurisdiction. The deputy, who had another recent case of serious misconduct, resigned prior to a disciplinary finding.

■ On March 6, 2017, a sergeant at the Denver County Jail (“DCJ”) spoke with a security specialist and learned of a rumor that a male deputy was having sexual contact with a female inmate. The following day, the sergeant informed a captain about the rumor. After consulting with a major, the captain advised the sergeant to interview the security specialist to gain additional information that might substantiate or refute the rumor. On March 13, 2017, the sergeant summarized the interview in a memo to the captain. The captain forwarded the memo to the major, who then forwarded it to IAB, and IAB initiated an investigation. The sergeant, captain, and major, were all given written reprimands for failing to timely report a PREA incident by not immediately contacting IAB when they learned of the rumor that a deputy was having sexual contact with an inmate, as required by policy.

The investigation revealed that there was no sexual contact while the inmate was in custody. After the inmate’s release, the deputy allegedly sent her text and e-mail messages, made phone calls to her, and left a written note in her apartment mailbox. The deputy resigned prior to a disciplinary finding.

■ A deputy had two cases alleging misconduct. In the first case, in September 2017, the male deputy allegedly used confidential information about a female

Chapter 3 :: DSD Monitoring

inmate to seek her out on Facebook and contact her. After the inmate was released, the deputy allegedly initiated an intimate relationship with the former inmate and did not report it. Additionally, the deputy allegedly made deceptive statements to IAB during its investigation of the case. In the second case, in January 2018, a female civilian Denver Health employee at the DDC reported that the deputy allegedly sexually harassed her. The deputy resigned prior to a disciplinary finding in either case.

■ A deputy had two cases alleging misconduct. In the first case, on January 2, 2018, the deputy moved an inmate with numerous security alerts to a cell with another inmate. The alerts included requirements that, when the inmate was out of her cell, she was to be handcuffed with a supervisor present. The deputy received a written reprimand for failing to handcuff the inmate or request a supervisor's presence when moving the inmate. In the second case, on the same day, the deputy was alleged to have sexually harassed a male inmate at the DCJ. The deputy retired prior to a disciplinary finding.

■ A deputy had two cases alleging misconduct. In the first case, on March 2, 2018, the deputy allegedly used her personal cell phone and Facebook account while on duty to find information for an inmate. In the second case, the deputy is alleged to have engaged in an inappropriate relationship with a male inmate by passing possible contraband to him, engaging in telephonic sexual conduct with him while he was incarcerated in the DDC, and assisting him by paying a bondsman. The deputy resigned prior to a disciplinary finding in either case.

Other Significant Cases, Including Suspensions of Ten or More Days

■ A deputy ("Deputy A") had four cases. In the first case, during the investigation of a separate IAB complaint, a sergeant alleged that leaving early from the Lindsey-Flanigan Courthouse ("LFC") was a frequent practice among multiple deputies. An IAB investigation determined that, in June and July of 2016, Deputy A and three other deputies ("Deputy B," "Deputy C," and "Deputy D") left early while being paid overtime. All four deputies were disciplined for not accurately documenting the time they worked. Deputies C and D received coaching and counseling, and Deputies A and B, whose penalties were increased because of their disciplinary history, received written reprimands.

In the second case, on June 15, 2017, Deputy A used her personal cell phone in a secured area without authorization. Deputy A, whose penalty was increased due to her previous discipline for personal cell phone use, was suspended for five days.

In the third case, on September 19, 2017, Deputy A was escorting an inmate in a wheelchair when he put his hands out to prevent being placed into a holding cell. Deputy A and another deputy (“Deputy E”) removed the inmate’s hands from the door and doorjamb, and Deputy A put her hand on the back of the inmate’s head and pushed him forward. Deputy A, Deputy E, and Deputy C, who witnessed the incident, did not complete use of force reports, as required by policy. Deputy A, whose penalty was increased because of her disciplinary history, was suspended for five days. Deputies C and E were suspended for one day.

In the fourth case, on November 14, 2017, Deputy A was training a recently-transferred deputy when she became involved in a disagreement with another deputy (“Deputy F”). When Deputy F walked away from Deputy A, Deputy A followed and pushed him in the back. Deputy A, whose penalty was increased because of her disciplinary history, was suspended for a total of 30 days for disobeying DSD policy and Executive Order 112 prohibiting violence in the workplace.

Deputy A entered into a settlement agreement with the DOS whereby she agreed to serve the 2 5-day suspensions and the 30-day suspension associated with the second, third, and fourth cases concurrently on the condition that she waive all rights to appeal her discipline.

■ Deputy C, whose discipline was described in the first and third case in the prior summary, had one additional case of misconduct. On January 8, 2016, an inmate who was supposed to be separated from other inmates (“Sep All”) began clutching her chest and claiming she could not breathe. Deputy C called the nurse, who allegedly instructed Deputy C to send the inmate to the nurses’ station. Deputy C asked another deputy to open the inmate’s cell door while another inmate, who was also classified as Sep All, was out of her cell on free time and the deputies were seated at their desk. As soon as the door opened, the purportedly ill inmate ran out and assaulted the other inmate. Deputy C was suspended for four days for failure to protect prisoners from physical harm.

■ On December 17, 2016, two deputies (“Deputy A” and “Deputy B”) working in a housing unit reported to a sergeant that an inmate they suspected was intoxicated from drinking alcohol had threatened them and covered his windows with toilet paper, preventing them from being able to visually monitor him. The sergeant chose not to conduct a search for the alcohol or enter the inmate’s cell to remove the toilet paper. Instead, he ordered the deputies to knock on the inmate’s window to get a verbal response from him during rounds. The windows remained covered for several hours before Deputy A entered the cell and found that the inmate had

Chapter 3 :: DSD Monitoring

attempted suicide by cutting his throat with a piece of a safety razor. Prior to entering the inmate's cell, the deputies had not conducted all required rounds of the housing unit and failed to use the hand-held scanner to electronically track completed rounds as is required by policy. Deputy A also submitted an inaccurate report in which he purported to have completed rounds that were not conducted.

Deputy A was suspended for a total of 10 days for inaccurate reporting, violating a housing post order requiring the deputy to use the hand-held scanner to document rounds, and failing to make required rounds. Deputy B was suspended for a total of four days for violating a housing post order requiring the deputy to use the hand-held scanner to document rounds and failing to make required rounds. The sergeant received a written reprimand for failing to comply with DSD policies and rules, and was suspended for four days for failing to supervise and perform his assigned duties. Deputies A and B appealed, and in June 2018, a Hearing Officer affirmed Deputy A's 10-day suspension, and modified Deputy B's four-day suspension to a one-day suspension and a written reprimand. Both decisions have been appealed to the Career Service Board.

■ On June 16, 2017, a deputy ("Deputy A") used sick leave to leave work early and travel to Las Vegas, Nevada. Deputy A called the next day to report that he was sick and would not be at work for his scheduled shift to supervise offenders who participate in a work program at the courthouse rather than serve time in jail. Deputy A failed to make arrangements for someone else to cover his shift, and the program participants who reported to work that morning were sent home. On June 18 and 19, 2017, a second deputy ("Deputy B"), who also went on the trip with Deputy A, called to inform a scheduler that he would not be reporting for his shifts. Deputy B did not have preapproved compensatory or vacation time for either of these shifts, so he was paid with sick leave. Deputy A was suspended for a total of 16 days for feigning illness and conduct prejudicial. The discipline order indicated Deputy A would serve the penalty as a six-day suspension and 10% reduction in pay for 10 consecutive pay periods. Deputy B was suspended for 10 days for feigning illness. The discipline order indicated that Deputy B would serve the suspension as a 10% reduction in pay for 10 consecutive pay periods. Deputy A appealed and entered into a settlement agreement with the DOS whereby his discipline was reduced to an 11-day suspension.

■ On July 13, 2017, a deputy was assigned to a housing unit that she had not worked in previously and for which she had not been trained. She told a sergeant and captain that she would go home sick rather than work in the housing unit for which she had not been trained. The deputy also used inappropriate language when

talking with the captain. The deputy then left the DDC without approval and did not finish her shift. The deputy was suspended for a total of four days for conduct prejudicial and insubordination.

■ On September 26, 2017, a deputy (“Deputy A”) was working in the intake area of the DDC when an inmate began arguing with another deputy (“Deputy B”). A sergeant responded and instructed Deputy B to put the inmate into an isolation cell. The inmate resisted Deputy B’s attempt to escort him to the isolation cell by grabbing onto a safety rail and trying to pull away. Deputy A did not assist Deputy B as he struggled to restrain the inmate. Instead, Deputy A took several steps toward the incident and then walked back to her work station. Deputy A was suspended for 10 days for failing to assist and protect a fellow deputy. Deputy A appealed, and in January 2019, a Hearing Officer affirmed her suspension. The deputy has appealed that decision to the Career Service Board.

■ On November 9, 2017, a deputy was working in a housing unit as inmates were being served breakfast. The deputy prevented an inmate from getting coffee because the inmate had brought the wrong cup. The inmate returned with the correct cup, and the deputy told him that he could not have coffee because the breakfast line was closed. After a verbal exchange, during which the deputy escalated the situation by using harassing language towards the inmate, the deputy told the inmate to go sit in the hall and that he could not take his food tray with him. When the inmate did not comply with the deputy’s order, the deputy slapped the inmate’s food tray, causing the inmate to be covered in food. The deputy, whose penalty was increased due to his prior discipline history, was suspended for 30 days for harassment of prisoners. He was also required to take a Critical Incident Training course. The deputy appealed, and in July 2018, a Hearing Officer affirmed his suspension. The deputy has appealed that decision to the Career Service Board.

■ On November 10, 2017 a deputy asked an inmate “are you retarded” and did not include the use of inappropriate language in his report about the incident. The inmate indicated that he has a form of autism and a learning disorder. The deputy was suspended for a total of 30 days for harassment of prisoners and for making misleading and inaccurate statements. The discipline order indicated that the deputy would serve the penalty as a 20-day suspension to be followed by a 10% reduction in pay for 10 pay periods. The penalty was increased because of a prior case, summarized on page 59 of this report, where the deputy told a suicidal inmate to “just die.”

Chapter 3 :: DSD Monitoring

■ On November 21, 2017, a deputy was working in a housing unit when a fight began between four inmates. The deputy responded to the cell and used his OC spray on two of the four inmates. Although the inmates ceased fighting as soon as the deputy entered the room, the deputy filed a report claiming that he used the OC spray to stop the fighting after the inmates did not listen to verbal commands. An investigation into the incident revealed that shift logs from the time before and after the incident listed four completed rounds that the deputy had not conducted, and the deputy had not provided a written explanation for missing them as is required by policy. The deputy received a written reprimand for inaccurate reporting and was suspended for a total of a 10 days for violating a housing post order requiring the deputy to document the reasons for missing a round and failing to make required rounds. The discipline order indicated that the deputy would serve the suspension as a 10% reduction in pay for 10 pay periods.

■ On November 28, 2017, three deputies responded to an inmate who had sat down on the floor after exiting an elevator in the basement of the LFC. Two deputies (“Deputy A” and “Deputy B”) asked the inmate to stand up, so she could be directed to a cell. The inmate refused and insulted Deputy A. Deputy A told several nearby deputies, “we need some help to move her stupid ass.” The inmate stood up and allegedly threatened to punch Deputy A in the face. Rather than de-escalate the situation, Deputy A replied “okay, go ahead” while extending her arms out to the sides in a confrontational manner. Deputy A and the inmate were separated by other deputies. Deputy A, whose penalty was increased due to her disciplinary history, was suspended for a total of 30 days for discourtesy and harassment of prisoners. Deputy A appealed her suspension and entered into a settlement agreement with the DOS whereby her 30-day suspension was decreased to a 25-day suspension on the condition that she dismiss her appeal. Because Deputy B had already served the original 30-day suspension, she was reimbursed for 5 days of pay.

■ On March 19, 2018, two deputies (“Deputy A” and “Deputy B”) were tasked with transporting three inmates from the DDC to the Correctional Care Medical Facility (“CCMF”) located in the Denver Health Medical Center. Deputies A and B did not place the inmates into restraints, notify a supervisor that they had elected not to use restraints, maintain radio communication with the City Communication Center, or call their transport information into the DPD Dispatch, which were all required by policy. While moving from the van to the CCMF, one of the inmates, who was in custody for Attempted Murder and First-Degree Assault on a Peace Officer, dropped his crutches, ran to the gate, climbed over the fence, and ran away. Rather than immediately report the escape or search for the inmate, Deputy A

walked the other two inmates into the CCMF where he and a deputy placed them in a holding cell. Deputy B attempted to report the escape on his radio, but it was not on the proper channel. He then entered the CCMF and reported the escape to a sergeant. Approximately six minutes passed before Deputies A and B began to search for the escaped inmate. Deputy A was suspended for 14 days for failure to perform his duties. Deputy B was suspended for six days for failure to perform his duties. Deputies A and B appealed their discipline. Deputy A entered into a settlement agreement with the DOS whereby the suspension was reduced from 14 days to 6 days, and Deputy A was reimbursed for the 8 days he had already served. Deputy B subsequently withdrew his appeal.

■ In July 2018, a deputy arrived late to and left early from work for most of his shifts at the DDC. The deputy did not report to his supervisor or the Scheduling Unit that he did not work these hours, and he did not have his time accounting adjusted to reflect the time he did not actually work. The deputy was suspended for 18 days for violating a rule prohibiting deputies from misrepresenting time and attendance information. The discipline order indicated that the deputy would serve the penalty as an 8-day suspension and a 10% reduction in pay for 10 pay periods. The deputy appealed the discipline and subsequently reached a settlement agreement with the DOS whereby the discipline was reduced to a 10-day suspension plus an 8-day suspension held in abeyance for one year.

■ On August 7, 2018, a sergeant sent an e-mail from his work e-mail address to several DSD employees with an attachment that contained negative statements about a union that represents some DSD deputies. The sergeant, whose penalty was increased due to his disciplinary history, received a 10-day suspension for violating a rule that prohibits supervisors from attempting to influence employee participation in any union, fraternal order, or employee organization. The discipline order indicated that the sergeant would serve the suspension as a 10% reduction in pay for 10 pay periods.

Appeals of Significant Discipline Imposed Prior to January 1, 2018, and Filed With and/or Decided by the Career Service Board in 2018⁸⁴

■ On July 31, 2011, an inmate who had been badly scalded by other inmates approximately two weeks earlier approached a deputy to reiterate prior requests for medical attention, and the deputy told him to return to his cell. The deputy forcefully led the inmate back to his cell and pushed him inside, at which time the inmate turned toward the deputy and said something to him. The deputy then lunged at the inmate, grabbed him by the neck, and forced him onto the cell bed by the neck. The deputy also pushed the inmate's head into a wall, took him to the ground, and pushed his head toward the ground.

There was no credible evidence that the inmate posed a threat to necessitate this use of force. The deputy later admitted to being angry at the inmate and finding him “annoying.” He denied choking the inmate and instead characterized his actions as a restraint to gain compliance, contrary to what could be seen in video footage of the incident. There were additional discrepancies between the deputy's statements to IAB and what he said at a deposition while under oath. The deputy was terminated for several violations of DSD policy and appealed. During the appeal, a discovery dispute arose that resulted in an appeal process in state court that took over two-and-a-half years to resolve. In June 2018, a Hearing Officer affirmed the deputy's termination. The deputy has appealed this decision to the Career Service Board.

■ In November 2011, a male captain (“Captain A”) received a 75-day suspension for making inappropriate sexual gestures to a female captain (“Captain B”). Captain A appealed, and in August 2012, a Hearing Officer modified the discipline to a 30-day suspension. Captain A and the DOS appealed the Hearing Officer's decision, which was affirmed by the Career Service Board in January 2013. The DOS then appealed to the Denver District Court, which reversed the Career Service Board decision and remanded the case back to the Career Service Board. Captain A appealed that decision, and the Colorado Court of Appeals remanded the case back to the District Court to further remand it back to the Career Service Board. The Career Service Board remanded the case to a Hearing Officer, and in May 2017, a Hearing Officer again determined that only a 30-day suspension was warranted. Captain A again appealed to the Career Service Board, which in September 2017, affirmed the Hearing Officer's decision.⁸⁵

■ On October 17, 2015, a deputy working in the medical unit at the DDC told a suicidal inmate to “just die” when the inmate asked him what he should do. When a nurse walked by moments later, the deputy giggled and told her that what he had said to the inmate was not very professional. The deputy was suspended for a total of 10 days. The deputy appealed the discipline, and it was reversed by a Hearing Officer in December 2016. The DOS appealed that decision to the Career Service Board, which reversed the Hearing Officer’s determination that the deputy had committed no violation and remanded the case back to a Hearing Officer to decide whether the discipline penalty was appropriate. In April 2018, the Hearing Officer affirmed the appropriateness of the deputy’s 10-day suspension. The deputy appealed this decision to the Career Service Board, which in July 2018, affirmed the Hearing Officer’s decision. The deputy has appealed this decision to the Denver District Court.

■ On November 1, 2015, two deputies (“Deputy A” and “Deputy B”) were working in a special management housing pod. They failed to inform medical or a supervisor when an inmate threatened to commit suicide. The inmate had previously attempted suicide, thus he was placed in a cell with a camera. He repeatedly warned the deputies that he was going to hang himself, mimed the act of hanging himself, and attempted to slit his wrist on a towel bar. The deputies also failed to notice during rounds that the inmate had obtained a bedsheet and a pencil from another inmate. The inmate used the pencil to mime stabbing himself. He also wrote a note stating that an “officer showed [him] how to hang [himself],” and held the note in front of the camera. The inmate ultimately attempted to hang himself by tying one end of the bedsheet to the camera mount and the other end around his neck, and then covered the camera lens. Approximately a minute and a half later, deputies entered the cell and rendered aid.

Deputy A made misleading statements in his report about the suicide attempt. Specifically, Deputy A misrepresented the amount of time that had passed between when the inmate told Deputy A he was going to kill himself and when Deputy A responded, to give the impression that Deputy A responded more quickly. Deputy A also omitted that the inmate had warned him of how the inmate planned to kill himself before the suicide attempt. Deputy A was suspended for a total of 30 days for failing to protect a prisoner from physical harm and for making misleading or inaccurate statements. Deputy A appealed. His appeal was resolved by settlement and his penalty was reduced to a 10-day suspension. Deputy B was also suspended for 30 days. He appealed, and a Hearing Officer reversed Deputy B’s discipline in August 2017. The DOS appealed that decision to the Career Service Board, but subsequently withdrew its appeal.

Chapter 3 :: DSD Monitoring

■ On January 28, 2016, a deputy (“Deputy A”) was supervising inmates in corridor holding cells and engaged in an argument with an inmate regarding a blanket. Deputy A removed the inmate from the holding cell and told the inmate he was taking him to an area of the jail with no cameras in order to assault him. Deputy A then walked the inmate to an area of the jail that, in fact, does not have cameras, shoving the inmate from behind as they walked. A second deputy (“Deputy B”) attempted to intervene, but Deputy A pulled the inmate away. Deputy A then removed his glasses and handed them to Deputy B, saying, “[h]ere, hold these, I don’t want them to get broken.” Deputy A then began to struggle with the inmate, slamming him onto a counter, striking him, and grabbing him by the neck. The deputy also made deceptive statements during IAB’s investigation of the incident. The deputy was terminated. He appealed, and a Hearing Officer affirmed his termination in June 2017. The deputy appealed to the Career Service Board, which in November 2017, affirmed the Hearing Officer’s decision.⁸⁶ The deputy has appealed that decision to the Denver District Court.

■ On August 18, 2016, a deputy working an armed post at the hospital fell asleep while guarding an inmate. The deputy was suspended for 14 days. The deputy appealed, and in August 2017, a Hearing Officer affirmed her suspension. The deputy appealed, and the Career Service Board affirmed the Hearing Officer’s decision in November 2017.⁸⁷

■ On October 16, 2016, two deputies (“Deputy A” and “Deputy B”) were working at the DDC in a special management unit that houses inmates who have severe mental illnesses, are in segregation, or require separation from other inmates. The deputies were working with tier clerks who were serving a meal tray to an inmate through a flap in the secured cell door when the inmate put his arms through the flap and refused to pull them back into his cell. The deputies used verbal commands to try to persuade the inmate to pull his arms back into the cell, but the inmate left his arms in the flap. Instead of walking away and continuing meal service to the remainder of the unit, the deputies tried to push one of the inmate’s arms back and then used two sets of Orcutt Police Nunchaku (“OPNs”) to apply pressure to the inmate’s arm to get him to withdraw it. The inmate sustained injuries to his hand and wrist from the use of force. Deputy A was suspended for 18 days. Deputy B, whose penalty was increased due to his disciplinary history, was suspended for 60 days. Both deputies appealed, and in March 2018, a Hearing Officer reduced Deputy A’s 18-day suspension to a written reprimand and Deputy B’s 60-day suspension to a 30-day suspension. This decision was appealed to the Career Service Board, which in September 2018, affirmed the Hearing Officer’s decision.

■ On November 18, 2016, three deputies (“Deputy A,” “Deputy B,” and “Deputy C”) were in an elevator surrounding a suicidal inmate who was handcuffed and facing the rear wall of the elevator. Although the inmate presented no threat and was being compliant, Deputy A grabbed a fistful of the inmate’s hair and yanked the inmate’s head forward and side to side. Although both Deputy B and Deputy C witnessed the inappropriate use of force, Deputy B intentionally omitted the use of force from her report, and Deputy C failed to write a report altogether until ordered to do so by a supervisor. Deputies A and B were suspended for 10 days. Deputy C was suspended for two days. All three deputies appealed, and each suspension was affirmed by a Career Service Hearing Officer in January 2018. All three deputies appealed this decision to the Career Service Board, which affirmed the Hearing Officer’s decision in June 2018.

■ On November 22, 2016, a civilian security specialist working at the DDC contacted a supervisor and requested to go home early because he was not feeling well. Two sergeants (“Sergeant A” and “Sergeant B”) subsequently interacted with the security specialist. Both sergeants were told by another supervisor that the security specialist had medical issues and was taking medication. While the sergeants made contact with the security specialist, both noticed that he seemed confused and was very unstable when he walked. The sergeants escorted the security specialist into an elevator and then out of the building, where they had him driven home by a deputy. Afterwards, Sergeants A and B talked to another sergeant about their concerns that the security specialist might have been intoxicated.

Six days later, the security specialist admitted to DSD command staff that he brought alcohol to work and drank it while on-duty on the day of the incident. In their IAB interviews, Sergeant A said he noted a “weird smell” and Sergeant B reported a “sweet smell” while they were in the elevator. Despite both sergeants observing signs of possible intoxication, neither sergeant required the security specialist to submit to drug and alcohol testing, even though they were required by policy to do so.⁸⁸ Sergeants A and B made deceptive statements to IAB during its investigation of the incident. Sergeants A and B were terminated. Both sergeants appealed, and in March 2018, a Hearing Officer affirmed their terminations. The sergeants appealed that decision to the Career Service Board, which affirmed the Hearing Officer’s decision in July 2018.⁸⁹ An appeal to the Denver District Court was filed and remains pending.

■ In June 2017, a division chief, a captain, and a sergeant were disciplined for allegedly affording preferential treatment to a woman who is a relative of former high-ranking city officials. On September 1, 2016, the division chief was contacted

Chapter 3 :: DSD Monitoring

by a community member and informed that the woman had an outstanding arrest warrant. The division chief answered multiple questions and then disclosed to the community member information from the National Crime Information Center/Colorado Crime Information Center (“NCIC/CCIC”) criminal records databases. The division chief also personally guaranteed that someone would come out and meet the woman in the lobby when she came to turn herself in. The division chief then called his sister, a captain at the jail, and informed her of the warrant, the woman’s familial and political ties, and that the woman would be turning herself in.

On September 8, 2016, the woman turned herself in. The former Executive Director of Safety had instructed that no preferential treatment was to be given, and that instruction was relayed to the captain. Yet, the captain met the woman in the lobby, remained with her throughout the booking process, failed to walk her through the same entrance that other inmates are brought through, did not handcuff and thoroughly search her, and directed subordinates (including a sergeant) to expedite the booking process so that the woman could be seen in court sooner. The sergeant followed the captain’s orders, although he had multiple opportunities not to do so.

The division chief was demoted to captain, the captain was demoted to deputy, and the sergeant was suspended for two days. The former division chief and former captain both appealed their demotions, and the sergeant appealed his suspension. A Career Service Hearing Officer modified the former division chief’s demotion to a 30-day suspension, affirmed the former captain’s demotion, and affirmed the sergeant’s suspension. The former captain and the sergeant appealed to the Career Service Board, which affirmed the former captain’s demotion in April 2018 and the sergeant’s suspension in May 2018.

Timeliness

Timeliness in the investigation and disciplinary review of misconduct complaints is critical for ensuring public confidence in the ability of a department to hold itself accountable. Allowing administrative investigations to languish may prevent a department from acting quickly to correct or deter deputy misconduct, may lower morale, and tends to undermine public and department trust in the complaint process.

Table 3.5 shows mean processing times, in days, for different case types recorded by the DSD in 2018 and the previous three years.⁹⁰ These figures exclude the number of days required for the OIM to review investigations and discipline. Average processing times increased by 35% between 2017 and 2018. IAB cases recorded in 2017 were closed within an average of 79 days, compared to 107 days for cases recorded in 2018. Complaints still open at the time the OIM extracted data for this report had an average age of 168 days.

Table 3.5: Mean Case Processing Times in Days for Recorded Complaints, 2015-2018

Case Type	2015	2016	2017	2018
All IAB Cases	153	87	79	107
Declined/Informal/Referred/Resolved/Mediation	85	67	55	66
Full Formal Investigations	102	113	115	172

Complainant Demographics and Complaint Filing Patterns

Table 3.6 presents the demographic characteristics for the 228 inmate and community complainants whose complaints were recorded in 2018.⁹¹ Complainants who filed multiple complaints were counted only once in this table. Table 3.6 also reports the number of complainants with multiple complaints against DSD deputies. Most complainants filed only a single complaint (89%).⁹²

Table 3.6: Complainant Demographic and Filing Patterns, 2018

Gender	Count	Percentage
Male	159	70%
Female	54	24%
Transgender	1	< 1%
Unknown	14	6%
Total	228	100%
Race	Count	Percentage
White	74	32%
Black	65	29%
Hispanic	38	17%
American Indian	1	< 1%
Asian/Pacific Islander	1	< 1%
Unknown	49	21%
Total	228	100%
Age	Count	Percentage
0 - 18	1	< 1%
19 - 24	18	8%
25 - 30	44	19%
31 - 40	77	34%
41 - 50	26	11%
51+	26	11%
Unknown	36	16%
Total	228	100%
Number of Complaints Filed	Count	Percentage
One Complaint	202	89%
Two or More	26	11%
Total	228	100%

Note: Percentages may not sum to 100 due to rounding.

Deputy Complaint Patterns

Complaints per Deputy

Table 3.7 reports the number of complaints filed against DSD deputies from 2015 through 2018. Approximately 54% of DSD deputies had no complaints recorded against them in 2018 (this excludes a number of complaints in which IAB did not identify the subject deputy or the subject deputy was unknown). Twenty-seven percent of DSD deputies received one complaint and approximately 19% of deputies had two or more complaints.

Table 3.7: Complaints per Deputy by Year Recorded, 2015-2018

Number of Complaints	2015	2016	2017	2018
0	76%	76%	61%	54%
1	20%	18%	24%	27%
2	3%	4%	9%	10%
3	1%	1%	3%	5%
4 or More	< 1%	< 1%	3%	4%
Total Sworn Officers	690	775	808	798

Note: Percentages may not sum to 100 due to rounding.

Inappropriate Force Complaints per Deputy

Table 3.8 shows the number of inappropriate force complaints filed against individual DSD deputies from 2015 through 2018. Ten percent of DSD deputies received one complaint that included an inappropriate force allegation in 2018. Fewer than 3% of deputies received more than one complaint with an inappropriate force allegation.

Table 3.8: Inappropriate Force Complaints per Deputy by Year Recorded, 2015-2018

Number of Complaints	2015	2016	2017	2018
0	93%	94%	90%	89%
1	7%	5%	9%	10%
2	1%	< 1%	1%	2%
3 or More	0%	< 1%	< 1%	< 1%
Total Sworn Officers	690	775	808	798

Note: Percentages may not sum to 100 due to rounding.

Sustained Complaints per Deputy

Table 3.9 reports the number of sustained complaints for individual deputies between 2015 and 2018 grouped by the year the complaints were closed. The majority of DSD deputies (91%) had no sustained complaints in 2018, while 8% had one sustained complaint. Approximately 1% had more than one sustained complaint in 2018.

Table 3.9: Sustained Complaints per Deputy by Year Closed, 2015–2018

Number of Complaints	2015	2016	2017	2018
0	92%	93%	91%	91%
1	8%	7%	8%	8%
2	1%	1%	1%	1%
3 or More	0%	0%	< 1%	< 1%
Total Sworn Officers	690	775	808	798

Note: Percentages may not sum to 100 due to rounding.

Commendations and Awards

The DSD gives commendations and awards to deputies who engage in actions that reflect the DSD mission to provide safe and secure custody for those placed in its care. Community members can submit commendations by filling out the OIM’s online complaint/commendation form, mailing the OIM a completed postage pre-paid complaint/commendation form, e-mailing or faxing a commendation to the OIM, or by visiting the OIM’s offices. See Appendices A and B, which describe how commendations can be filed, and where OIM complaint/commendation forms are located.

Table 3.10 presents the number and type of commendations awarded to DSD personnel in 2018.⁹³ The most common commendations recorded in 2018 were Personal Responsibility in Delivering Excellence (“PRIDE”) Awards.

Table 3.10 Commendations Awarded to DSD Deputies in 2018

Commendation	Number	Percentage
PRIDE Award	43	54%
Employee of the Month	23	29%
Unit Citation	8	10%
Chief Commendation	2	3%
Other	2	3%
Supervisor Commendation	1	1%
Total Number of Commendations	79	100%

Note: Percentages may not sum to 100 due to rounding.

Highlighted Commendations

- A deputy received an Employee of the Month Award for her outstanding work ethic and ability to complete many complex tasks quickly and accurately. The deputy keeps her unit’s morale high and communicates with staff, deputies, and inmates in a professional manner.
- A deputy received an Employee of the Month Award for her dedication, hard work, and commitment to the DSD’s guiding principles. Her knowledge of the DSD’s policies and procedures allows her to be assigned anywhere, and the housing units she supervises are clean and quiet.
- A deputy received a PRIDE Award for finding a weapon and preventing a situation that could have been dangerous to inmates and staff.
- A deputy received a PRIDE Award for taking the initiative to put together a roster for a post unexpectedly needed at Denver Health.
- A deputy received a PRIDE Award for using de-escalation techniques while showing professionalism and calmness to prevent a potential use of force incident from occurring.
- A deputy received a PRIDE Award for taking the time to assist an elderly man who was trying to find his car. The deputy’s compassion was noticed and appreciated by members of the public.
- A deputy working in the Vehicle Impound Facility received a PRIDE Award for demonstrating outstanding attention to detail. The deputy found and secured weapons that posed a potential safety risk to the public.

Chapter 3 :: DSD Monitoring

4

Critical Incidents

Introduction and Overview

Officer-involved shootings (“OISs”) and deaths in custody (collectively “critical incidents”) have a profound impact on the lives of both community members and officers, and on the overall relationship between law enforcement and the community.⁹⁴ All investigations into critical incidents should be completed thoroughly and efficiently with a goal of determining whether the incidents were handled lawfully and according to departmental policy. To promote transparency in the investigation and review of critical incidents, the Office of the Independent Monitor (“OIM”) publishes regular reports regarding the status of critical incident investigations.

In all critical incidents, the Denver Police Department (“DPD”) Major Crimes Unit and the Denver District Attorney’s Office immediately respond to the scene to begin an investigation to determine whether any person should be held criminally liable. For OISs, a representative from the Aurora Police Department responds as well.⁹⁵ The OIM also may respond to the scene for a walk-through and debriefing from command staff. Major Crimes detectives interview civilian witnesses and involved officers, and collect video and documentary evidence. The OIM monitors interviews by video and may suggest additional questions at the conclusion of each officer interview. After the criminal investigation is complete, the administrative review process begins.

Patterns in Officer-Involved Shootings

On pages 74-81 of this chapter, we summarize every shooting that either occurred in 2018 or which the DPD’s Use of Force Review Board evaluated in 2018 for adherence to departmental policy. Prior to describing each shooting, we examine patterns in the number of intentional OISs of citizens by the DPD annually and key characteristics of shootings that occurred in 2018.⁹⁶

Figure 4.1: DPD Intentional Officer-Involved Shootings by Year, 2014–2018

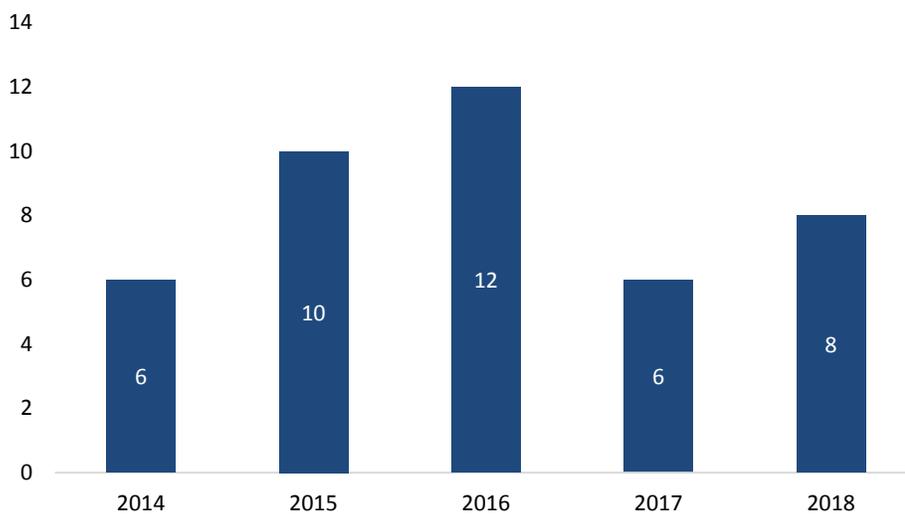


Figure 4.1 reports the number of DPD OISs from 2014 to 2018. In 2018, there were eight shootings involving DPD officers. Table 4.1 presents characteristics of the officers involved in the intentional OISs that occurred in 2018, and Table 4.2 contains results, locations, and characteristics of community members involved in those shootings. In 2018, 9 out of 13 officers had five or less years of service at the time of their OIS. In 2017, a majority of the officers involved in OISs also had five or less years of experience.

Table 4.1: 2018 Officer-Involved Shootings: DPD Officer Characteristics

Intentional Shootings (OISs)	
Total Officer-Involved Shooting Incidents	8
Officers Involved	13
Rank of Officers	
Officer	11
Corporal	1
Detective	1
Years of Service of Shooting Officers	
0-5 years	9
6-10 years	1
11-15 years	0
16-20 years	1
21+ years	2
Assignment of Shooting Officers	
District 1	2
District 2	4
District 3	1
District 4	2
District 5	0
District 6	1
Gang	1
Vice/Narcotics	2
Metro/SWAT	0
Race/Gender of Shooting Officers	
White Male	8
Hispanic Male	2
Hispanic Female	2
Black Male	1

Chapter 4 :: Critical Incidents

Table 4.2: 2018 Officer-Involved Shootings: Results, Locations, and Community Member Characteristics

Intentional Shootings (OISs)	
Total Officer-Involved Shooting Incidents	8
Community Members Involved	11
Results of Shots Fired	
Community Member Fatalities	5
Community Member Non-Fatal Injuries	5
No Injury	1
Unknown	0
Location of Shooting Incidents	
District 1	1
District 2	2
District 3	1
District 4	1
District 5	1
District 6	1
Outside of Denver	1
Race/Gender of Community Members	
Black male	4
Hispanic male	2
Asian male	2
Unknown	3

Critical Incidents: Denver Police Department

Administrative Review of Critical Incidents Involving DPD Officers

Once the District Attorney's Office has made a decision regarding the filing of criminal charges against anyone involved in a critical incident, the Major Crimes Unit reports are submitted to the DPD's Internal Affairs Bureau ("IAB") to commence the administrative review. The OIM confers with IAB to determine whether further investigation is necessary to evaluate potential violations of DPD policy. Once all relevant evidence is gathered, the case is submitted to the DPD's Use of Force Review Board (which includes a representative from the Aurora Police Department) to determine whether there were any violations of DPD policy. The OIM is present at all Use of Force Review Board proceedings and deliberations.

If the Use of Force Review Board finds that the officer's actions were in compliance with DPD policy ("in-policy"), the case is forwarded to the Chief of Police. If the Chief and the OIM agree that there were no policy violations, the case is closed and no further administrative action is taken.

If the Use of Force Review Board finds that the officer's actions were in violation of any DPD policy ("out-of-policy"), the officer is given an opportunity to respond to the allegations and provide mitigating evidence at a Chief's Hearing. Both the Chief's disciplinary recommendation and that of the OIM are forwarded to the Department of Safety ("DOS") for consideration.

If the OIM disagrees with a recommendation made by the Use of Force Review Board or the Chief of Police, the OIM recommendation will be forwarded to the DOS, which makes the final decision regarding critical incidents.

Chapter 4 :: Critical Incidents

DPD Officer-Involved Shootings in 2018

Incident #1

On January 26, 2018, officers were dispatched to a Regional Transportation District Park-n-Ride where two juvenile armed robbery suspects were reported to be exiting a bus. Officers attempted to contact the suspects, who split up and ran from the officers. An officer and a corporal pursued one of the suspects on foot, while other officers followed in police vehicles. The corporal repeatedly commanded the suspect to stop running and to show his hands, but the suspect did not comply. He continued to run from officers with his hand concealed in the front pocket of his hooded sweatshirt. A sergeant attempted to intervene by driving his police vehicle alongside the suspect. The suspect collided with the police vehicle, fell, and then stood up with a gun in his hand. The officer ordered the suspect to put the gun down, but the suspect directed the gun toward the officer. The officer fired four shots, hitting the suspect in the left hand. The suspect survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).⁹⁷ The incident is currently under administrative review.

Incident #2

On February 6, 2018, officers responded to a report of a burglary in progress. When the officers first entered the residence, the suspect was hiding in a bedroom in the house. For almost 30 minutes, a recruit officer, who was in a hallway leading to the bedroom, attempted to de-escalate the situation by talking to the suspect. Toward the end of the encounter, the suspect darted out of the bedroom and briefly stood in the hallway, holding a large knife. The officers ordered the suspect to drop the knife. The suspect did not comply and ran into an adjacent bathroom. Approximately three minutes later, the suspect came out of the bathroom screaming and ran toward the officers who were in a living room at the end of the hallway, holding the large knife in his right hand. A corporal discharged a round when the suspect was six to eight feet away. The corporal saw the suspect still advancing and fired a second round. The suspect died as a result of the gunshot wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved corporal. The District Attorney prepared a detailed letter

reviewing the shooting, which can be found [here](#).⁹⁸ The incident is currently under administrative review.

Incident #3

On February 13, 2018, an officer responded to an emergency family disturbance with a possibly armed suspect. Upon arriving at the home, a family member told the officer that the suspect had tried to kill their father. The officer went to the open front door and saw the suspect standing over the father, who was lying in a bed several feet from the front door. The suspect was holding a knife and a handgun. The officer repeatedly told the suspect to drop the gun, but he refused. The suspect remained agitated, standing over the father while pointing the gun at the father's head. After more than three minutes, the suspect began a countdown and appeared to lean towards the father. The suspect shot five rounds at the father, fatally wounding him. The officer fired eight rounds, wounding the suspect twice in the abdomen. The suspect died several hours later as a result of the gunshot wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).⁹⁹ The incident is currently under administrative review.

Incident #4

On March 13, 2018, a DPD detective was involved in an OIS in Arapahoe County. The incident is currently under administrative review.

Incident #5

On March 19, 2018, officers from the DPD and another jurisdiction were surveilling the Aurora home of a woman believed to be the girlfriend of an inmate who had recently escaped from DSD custody.¹⁰⁰ The officers observed a vehicle with a driver and a passenger circle the area of the home several times and park near the home. The officers believed that the passenger of the vehicle, who had the hood of his sweatshirt pulled over his head, was the escaped inmate. The vehicle drove away from the home, and officers attempted to stop it. The vehicle fled at a high rate of speed, and officers pursued it until it failed to navigate a sharp curve and struck a low concrete wall and safety fence. Two officers ("Officer A" and "Officer B") who had joined the pursuit exited their patrol car, drew their weapons, and ordered the occupants to show their hands. Neither occupant complied. Officers A and B fired their handguns and the suspect vehicle began to move down

Chapter 4 :: Critical Incidents

an embankment. Another officer (“Officer C”), who had just arrived at the scene, exited her vehicle and fired her weapon twice. Officers A and B fired their handguns again until the car came to rest, shooting a total of 12 and 34 rounds, respectively. The driver was struck three times and died from his gunshot wounds. The passenger, who was not the escaped inmate, was treated for an abrasion to his lower abdomen.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰¹ The incident is currently under administrative review.

Incident #6

On April 25, 2018, officers responded to a detective’s request to arrest an armed robbery suspect who was considered “armed and dangerous.” The suspect was driving a vehicle with a passenger, and when an officer (“Officer A”) activated the emergency lights of his patrol car to stop the vehicle, the suspect accelerated and attempted to drive between two lanes of stopped traffic. The suspect’s vehicle hit several cars and came to a stop. Officer A approached the vehicle from the driver’s side, a second officer (“Officer B”) approached from the passenger’s side, and a third officer (“Officer C”) remained in his patrol car. The suspect reached down and attempted to clear a malfunction in his firearm. Officer B called out that the suspect had a gun, ordered the suspect to put it down, and observed the suspect instead start to turn towards him. Officer B fired eight rounds at the suspect. Officer C observed the suspect lower the gun and look towards Officer B and fired six rounds at the suspect through the windshield of his patrol car. Officer A heard Officer B call out that the suspect had a gun, heard gunshots, and felt a stinging on the side of his head, which was later determined to be caused by glass from the windshield of Officer C’s patrol car. Officer A fired three rounds at the suspect. The suspect was struck 16 times and died. The passenger was grazed once on the arm and survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰² The incident is currently under administrative review.

Incident #7

On June 13, 2018, a convenience store clerk flagged down two officers while they were driving their patrol car. As the officers exited their car, the clerk told the officers that he had just been robbed and that the fleeing suspect was armed. The officers saw the suspect moving away from the convenience store carrying a cash drawer, and they began to pursue. Seconds later, the suspect fired his handgun five times at the officers, wounding one of the officers and a bystander. The wounded officer responded by firing 13 rounds at the suspect. The suspect was struck once and died as a result of the gunshot wound.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰³ The incident is currently under administrative review.

Incident #8

On October 28, 2018, two officers were involved in an OIS. The incident is currently under review by the Denver District Attorney.

DPD Accidental Shootings in 2018

Incident #1

On December 25, 2018, an off-duty officer accidentally discharged her firearm into the floor while handling the weapon at her residence. The incident is currently under administrative review.

DPD In-Custody Deaths in 2018

Incident #1

On July 31, 2018, a subject was suspected of swallowing a controlled substance while in custody and was transported to Denver Health Medical Center. The subject later died. The incident is currently under administrative review.

Incident #2

On August 2, 2018, detectives identified a subject wanted for homicide who, when confronted by the detectives, fled into his apartment. When the apartment was searched, the subject was discovered deceased from an apparent self-inflicted gunshot wound. The incident is currently under administrative review.

Chapter 4 :: Critical Incidents

Incident #3

On August 6, 2018, several officers were dispatched on a call of a reported suicidal person. When the officer's arrived, the individual shot herself and died. The incident is currently under administrative review.

Incident #4

On August 19, 2018, several officers responded to an individual stating he wanted to commit suicide. When the officers approached the individual, they found him with an apparent self-inflicted gunshot wound. The individual died. The incident is currently under administrative review.

DPD Critical Incidents Closed in 2018¹⁰⁴

Closed Incident #1

On May 20, 2017, officers responded to a call of a suicidal male who had been drinking alcohol, had reportedly cut himself, and possibly planned to commit "suicide by cop." A sergeant ("Sergeant A") began speaking with and made multiple requests of the male, who was in a garage with one door open, to come out and show his hands. The male did not comply with Sergeant A's commands. A second sergeant ("Sergeant B") and an officer took positions outside the garage, while Sergeant A continued to communicate with the male. The male finally exited the garage and quickly turned the corner, coming face-to-face with the officer. The officer deployed his Taser and, nearly simultaneously, the male shot the officer. Sergeant B then fired five shots at the male, who was struck five times. Both the officer and the male sustained serious bodily injury from gunshot wounds but survived.

The Denver District Attorney reviewed the incident and declined to file charges against Sergeant B. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰⁵ The DPD's Use of Force Review Board met on April 25, 2018, and the OIM provided advice and recommendations. The Use of Force Review Board determined the shooting to be in-policy. The OIM concurred. The shooting was referred to the Tactics Review Board.

Closed Incident #2

On June 18, 2017, officers were dispatched to a call of felony menacing. When the officers arrived, the suspect fled in a vehicle. Several officers responded and pursued the suspect, and the chase entered another jurisdiction. Two DPD officers (“Officer A” and “Officer B”) and a corporal pursued the suspect closely in their police vehicles and attempted to contact him. The suspect showed a rifle and a handgun out his car window during the pursuit, at times pointing the handgun at the pursuing officers. The suspect turned sharply into a parking lot, and Officer B forcefully collided with the suspect’s car, pinning it next to a pickup truck, ending the pursuit. Officer B exited his police vehicle, and he and the corporal yelled commands to the suspect. Officer B heard three muffled sounds that he thought were gunshots and fired 16 rounds at the suspect. The corporal, who believed that he and Officer B were being shot at, fired as many as 12 rounds at the suspect, who was struck but suffered only minor wounds and survived.¹⁰⁶

The District Attorney for the 18th Judicial District (where the incident occurred) reviewed the incident and declined to press charges against the involved officers. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰⁷ The DPD’s Use of Force Review Board met on April 25, 2018, and the OIM provided advice and recommendations. The Use of Force Review Board determined the shooting to be in-policy. The OIM had concerns about the tactics used during the incident but concurred with the in-policy decision. The shooting was referred to the Tactics Review Board.

Closed Incident #3

On September 8, 2017, a witness attempted to stop a suspected theft of a car in the parking lot of his workplace. The witness knocked on the driver’s-side window, and a male in the driver’s seat lifted his shirt and took hold of a pistol tucked in his pants. The witness backed away and called police.

One officer responded to the call, with the knowledge that a robbery was in progress and that the suspect had pulled a gun on the reporting party. When the officer arrived, he saw the suspect moving the car back and forth but appeared unable to properly operate the car. The officer exited his police vehicle, drew his handgun, and gave the suspect multiple commands to stop the car and show his hands, but the suspect did not comply. The suspect put the car into reverse, ran over two parking blocks, and may have hit a nearby fence. The suspect then drove the car back and forth in an attempt to free it from the parking blocks and get away.

Chapter 4 :: Critical Incidents

The officer saw the suspect, who was still in the car, reach down and appear to retrieve something. He then saw that the suspect had a handgun in his right hand and was moving the gun in the officer's direction. Fearing that the suspect would fire at him, the officer fired his weapon at the suspect once through the driver's side window, striking him in the left cheek. After being shot, the suspect continued to pull the car forward a short distance. He then stopped and put his hands out of the broken window. The suspect survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰⁸ The DPD's Use of Force Review Board met on April 25, 2018, and the OIM provided advice and recommendations. The Use of Force Review Board determined the shooting to be in-policy. The OIM concurred. The shooting was referred to the Tactics Review Board.

Closed Incident #4

On November 10, 2017, a bank employee reported to an officer passing in a police vehicle that the bank had just been robbed and the suspect was fleeing. A citizen witness pointed out that the suspect had just turned down a nearby alley and had entered an enclosed area surrounding a large dumpster. The officer drove his police car to the area, drew his weapon, and entered the enclosed area. Several citizen witnesses shouted that the suspect had a gun. The officer repeatedly told the suspect to show his hands. The suspect did not comply. The officer grabbed the suspect's right arm to minimize his ability to use a gun. The officer commanded the suspect to drop the gun. As the suspect began to turn away, the officer's arm dropped from the suspect's arm. As this happened, the suspect raised his right arm with a gun in his hand and pointed it at the officer. When the suspect aimed his gun at the officer, the officer fired his gun twice, hitting the suspect in the side and killing him.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰⁹ The DPD's Use of Force Review Board met on November 28, 2018, and the OIM provided advice and recommendations. The Use of Force Review Board determined the shooting to be in-policy. The OIM concurred.

Closed Incident #5

On November 25, 2017, two officers attempted to make a traffic stop. The driver attempted to elude the officers, ultimately crashing his car into a parked vehicle. The driver remained at the scene of the crash and the passenger fled on foot. One officer pursued the passenger, and the passenger pulled a handgun from his waistband and fired multiple shots. The officer returned fire, shooting 14 rounds at the passenger. The passenger escaped the area and was found two days later in another jurisdiction. He had gunshot wounds in his arm, thigh, and foot, but survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹¹⁰ The DPD's Use of Force Review Board met on November 28, 2018, and the OIM provided advice and recommendations. The Use of Force Review Board determined the shooting to be in-policy. The OIM concurred.

Critical Incidents: Denver Sheriff Department

In-Custody Death Investigation and Review Protocol

Similar to situations involving the DPD, in all Denver Sheriff Department (“DSD”) critical incidents, the DPD’s Major Crimes Unit responds to the scene to begin an investigation to determine whether any person should be held criminally liable. If the incident warrants, the OIM also responds to the scene of the incident for a walk-through and debriefing from command staff. Major Crimes detectives interview all witnesses and every involved deputy, and collect video and documentary evidence. The OIM monitors interviews conducted by the Major Crimes Unit and may suggest additional questions at the conclusion of each interview. After the criminal investigation is complete, the administrative review process begins.

Administrative Review of Critical Incidents Involving DSD Deputies

Once the District Attorney’s Office has made a decision regarding the filing of criminal charges against anyone involved in an incident, the Major Crime Unit’s reports are submitted to DSD IAB to commence the administrative review. The OIM confers with IAB to determine whether further investigation is necessary to assess whether there have been violations of DSD policy. If, after reviewing the investigation, the Conduct Review Office (“CRO”) finds that the involved deputy’s actions were in compliance with DSD policy (“in-policy”), the case is forwarded to the Sheriff. If the Sheriff agrees there were no policy violations, the case may be closed. The OIM reviews the CRO’s findings and makes recommendations to the Sheriff and the DOS.

If the CRO finds that the involved deputy’s actions violated any DSD policy (“out-of-policy”), the case is referred to the Sheriff for a Contemplation of Discipline Hearing. The OIM observes the hearing and participates in deliberations of the Command Staff. At that hearing, the involved deputy is given the opportunity to present his or her side of the story, including mitigating evidence, if any. After hearing from the involved deputy, the OIM makes disciplinary recommendations to the Sheriff. Recommendations from the Sheriff and the OIM are forwarded to the DOS for consideration. The DOS determines whether the deputy’s actions were in-policy or out-of-policy and the appropriate level of discipline, if any.

DSD Critical Incidents

The DSD had no critical incidents occur or close in 2018.

Chapter 4 :: Critical Incidents

Endnotes

¹ Sworn DSD staff, including supervisors, are collectively referred to as “deputies” throughout this report, unless otherwise noted.

² Denver Revised Municipal Code Art. XVIII § 2-388.

³ The OIM also reviewed 103 DPD IAB investigations into complaints about DSD deputies.

⁴ A deputy on probationary status was terminated on October 9, 2018. DSD deputies, like many other employees of the City and County of Denver, are placed on an initial probationary status upon hiring. Employees on probationary status may be separated at any time in accordance with Denver Career Service Rule 5, Appointments and Status. In this report, the OIM includes probationary status terminations recorded in IAPro, the IAB’s complaint tracking database.

⁵ Data on DSD commendations were provided by the DSD and may include commendations awarded to non-sworn personnel.

⁶ See, e.g., Noelle Phillips, *Denver’s Police Watchdog No Longer Allowed to Investigate Chief Robert White After Mayor’s Office Reverses Past Practices*, The Denver Post (May 11, 2018); Rob Low, *Independent Monitor No Longer Allowed to Investigate Denver Police Chief or Sheriff*, FOX31 Denver (May 7, 2018).

⁷ Denver City Council, Bill 19-0029 (last accessed Feb. 19, 2019), <https://denver.legistar.com/LegislationDetail.aspx?ID=3830608&GUID=D1A9F81B-C675-400B-A90A-E7FEF5255F3E>.

⁸ Denver Revised Municipal Code Art. XVIII § 2-373(a).

⁹ The OIM reports on deaths that begin or occur while the inmate is in the custody of any DSD jail. When inmates die in custodial facilities at Denver Health Medical Center of natural causes (such as cancer deaths occurring in hospice), the OIM has not historically reported on those deaths.

¹⁰ Due to security concerns, the DSD has not historically mediated complaints filed by inmates. DSD mediations typically involve staff member complaints lodged against other staff.

¹¹ Community member and officer satisfaction rates are calculated by OIM analysts based on surveys administered by Community Mediation Concepts and provided to the OIM (on file with author).

¹² This project was supported by Grants #2014-DJ-BX-0792, #2015-MU-BX-0390, and #2016-DJ-16-013928-03-3 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in the document are those of the author and do not represent the official position or policies of the United States Department of Justice.

¹³ See the OIM’s 2016 Semiannual Report for more information about the development and implementation of the YOP.

¹⁴ From August 2015 through December 2018, a total of 1,559 youth and 86 DPD officers participated in 38 YOP forums.

¹⁵ From May 2015 through December 2018, a total of 338 officers have been trained on adolescent brain development and de-escalation techniques with youth.

Endnotes

- ¹⁶ From January 2016 through December 2018, a total of 172 community members have been equipped to serve as YOP forum facilitators.
- ¹⁷ OIM staff who work on the YOP were members of Denver’s My Brother’s Keeper 2017 and 2018 MBK25 classes.
- ¹⁸ Denver Bar Association, *DBA Award Past Winners* (last accessed Feb. 19, 2019), <https://www.denbar.org/About/DBA-Award-Nominations/DBA-Award-Past-Winners>.
- ¹⁹ Police Executive Research Forum, *An Inclusive Approach to School Safety: Collaborative Efforts to Combat the School-to-Prison Pipeline in Denver*, at 26 (2018).
- ²⁰ Lonnie M. Schaible, *Outcome Evaluation of the Independent Monitor’s Youth Outreach Program*, at 1 (Oct. 15, 2018).
- ²¹ Lonnie M. Schaible, *Outcome Evaluation of the Independent Monitor’s Youth Outreach Program*, at 1 (Oct. 15, 2018).
- ²² See Denver Revised Municipal Code Art. XVIII §§ 2-371, 2-375(C).
- ²³ DPD Operations Manual Section (“OMS”) 105.00 (Draft) (Dec. 29, 2016).
- ²⁴ Letter from DPD Chief Robert White to Independent Monitor Nicholas E. Mitchell (Apr. 4, 2017) (on file with author).
- ²⁵ Noelle Phillips, *Denver Police Department Dragging to Finish New Use of Force Policy Before Chief Robert White Retires*, The Denver Post (June 29, 2018).
- ²⁶ Police Executive Research Forum, *Critical Issues in Policing Series: Guiding Principles on Use of Force*, at 49 (Mar. 2016).
- ²⁷ See, e.g., Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, *Report on Use of Force by the Washington, D.C. Metropolitan Police Department*, Fiscal Year 2017; Los Angeles Police Department, *Use of Force Year-End Review 2016*.
- ²⁸ DPD, *Use of Force Incidents 2015-2018* (last accessed Feb. 14, 2019), <https://www.denvergov.org/content/dam/denvergov/Portals/720/documents/statistics/DPD%20Use%20of%20Force%20Report.pdf>.
- ²⁹ DPD, *Use of Force Incidents 2015-2018* (last accessed Feb. 14, 2019), <https://www.denvergov.org/content/dam/denvergov/Portals/720/documents/statistics/DPD%20Use%20of%20Force%20Report.pdf>.
- ³⁰ The Office of the Independent Monitor, *The Death of Michael Marshall, an Independent Review*, at 26 (2018).
- ³¹ The Office of the Independent Monitor, *The Death of Michael Marshall, an Independent Review*, at 26 (2018).
- ³² Denver Mayor’s Office, *Mayor Hancock Launches Public Integrity Division* (Dec. 13, 2018), <https://www.denvergov.org/content/denvergov/en/mayors-office/newsroom/2018/mayor-hancock-launches-public-integrity-division.html>.
- ³³ See, e.g., Deborah Ramirez et al., *A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned* (Nov. 2000); Joyce McMahon et al., *How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!* (2002); Findings Letter from the U.S. Department of Justice to Cleveland Mayor Frank G. Jackson, at 49 (Dec. 4, 2014) (“In

addition, despite the fact that we are making no finding regarding racial profiling, we must report that when we interviewed members of the community about their experiences with the police, many African-Americans reported that they believe CDP officers are verbally and physically aggressive toward them because of their race.”); *United States v. City of Cleveland*, 15-CV-01046, at 60–61 (N.D. Ohio June 12, 2015) (“The Data Collection and Analysis Coordinator will ensure the creation and maintenance of a reliable and accurate electronic system to track data on all vehicle stops, investigatory stops, and searches, whether or not they result in an arrest or issuance of a summons or citation.”).

³⁴ Denver Revised Municipal Code Art. XVIII §§ 2-371(b), 2-386.

³⁵ The OIM reports only those resignations and retirements that are likely directly related to a pending investigation or pending discipline. For example, the OIM does not report resignations or retirements of officers with pending investigations alleging misconduct that, if sustained, would result in a low-level of discipline such as a reprimand.

³⁶ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 8–9 (effective May 3, 2018).

³⁷ The data reported in this chapter were extracted from the DPD’s Internal Affairs records management database (“IAPro”). The OIM is not an IAPro administrator and has limited control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. As a result, the OIM is unable to certify the accuracy of the DPD’s Internal Affairs data. Finally, because the OIM is not the final arbiter of what allegations to record in IAPro and against which officers, the OIM cannot certify that the data presented (with respect to specific complaint allegations) are what they would be if the OIM were making these decisions. Since the data were drawn from dynamic, live databases, the recorded complaint, allegation, and outcome numbers will fluctuate over time and are subject to revision. The figures reported in this chapter do not include complaints against DPD civilian employees or complaints that were not linked to a subject officer in IAPro. Unless otherwise noted, the data included in this chapter were last retrieved from IAPro on February 9, 2019.

³⁸ Because of changes in coding or analysis of complaints, allegations, findings, and discipline, there may be slight discrepancies between historical data presented in this report and data presented in previous OIM reports.

³⁹ Scheduled discipline violations include Failure to Appear in Court, Failure to Shoot for Efficiency, Photo Radar, Safety Restraining Devices, Required Minimum Annual Continuing Education, CEP Cancellation/CEP Failure to Attend, Preventable Accidents, and Punctuality. *See* DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 8-9 (effective May 3, 2018).

⁴⁰ *See* DPD OMS 119.04(12) (revised Dec. 26, 2018) (The policy provides scheduled discipline for the first three violations, in a 12-month period, of the body worn camera recording requirements. The first violation requires a review of the BWC policy, an oral reprimand, and a journal entry; the second violation a written reprimand, audit, and Personnel Assessment System review; and the third violation one fined day).

⁴¹ Many reports related to police oversight and IAB processes refer to complainant allegations. In this chapter, “allegations” refer to assertions, in a complainant’s own words, of particular kinds of

Endnotes

purported misconduct by an officer. The DPD does not systematically track the detailed allegations made by complainants in IAPro. Instead, it tracks “specifications” that are based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which an officer might be punished, rather than the precise allegations communicated in the complaint. At the time the OIM extracted the data for this report, 14 specifications associated with complaints recorded in 2018 were unassigned.

⁴² DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Rules and Regulations, at 12 (effective May 3, 2018).

⁴³ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Rules and Regulations, at 14 (effective May 3, 2018).

⁴⁴ Formal investigations may not receive a finding in cases where an officer resigns or retires prior to the completion of the investigation or a final finding determination. Such cases fall into the “Declined/Administrative Review/Unassigned” category in Figure 2.2.

⁴⁵ A Chief’s meeting may also be held in certain other cases where no discipline is recommended.

⁴⁶ Note that several cases are under appeal with the Civil Service Commission, as well as the courts. As a result, these totals are subject to revision until all appeals have been exhausted.

⁴⁷ See DPD OMS 111.11(9) (finalized Sept. 1, 2015).

⁴⁸ See DPD OMS 119.04(12) (revised June 29, 2017) (The updated penalty also included a journal entry, which is a narrative personnel record of an incident, including minor misconduct.).

⁴⁹ The overall number of officers with sustained specifications for violating the BWC Policy also declined in 2018. In 2017, 13 officers received oral reprimands and 45 officers received written reprimands for violating the BWC Policy. In 2018, 24 officers received oral reprimands and 4 officers received written reprimands.

⁵⁰ The actual number of officers who resigned or retired while an investigation or discipline was pending is higher than the total reported in Table 2.2. The OIM reports only those resignations and retirements that are likely directly related to a pending investigation or pending discipline. For example, the OIM does not report resignations or retirements of officers with pending investigations alleging misconduct that, if sustained, would result in a low-level of discipline such as a reprimand.

⁵¹ Complaints with significant discipline closed in 2018 may not be included in this section if they were summarized in the OIM’s [2017 Annual Report](#).

⁵² The DOS Departmental Order of Disciplinary Action for this complaint included information about the DOS’s decision to modify the Chief of Police Written Command and impose a reduced penalty as part of a settlement agreement. Because this information was included in the Departmental Order of Disciplinary Action, the OIM summarized both the Written Command as well as the DOS’s decision to modify the recommended penalty.

⁵³ As detailed in the OIM’s [2016 Annual Report](#), the officer was suspended for 16 days for this incident.

⁵⁴ A RIPP restraint is used to immobilize the legs and lower body of an individual. It consists of two parts, one that is applied to an individual’s legs and one that is applied to the individual’s hip bone.

⁵⁵ DPD Status Update on Internal Investigation (last accessed Feb. 13, 2019), https://www.denvergov.org/content/_denvergov/en/police-department/news/2019/status-update-on-internal-investigation-.html.

⁵⁶ Summary data on appeals filed by DPD officers or by the DOS regarding DPD officers were provided to the OIM by the Civil Service Commission on January 7, 2019.

⁵⁷ Data on completed mediations come from Community Mediation Concepts, the organization that conducts DPD/community member mediations.

⁵⁸ DPD timeliness figures were calculated by measuring the number of days between the date a case was received and the date a case was completed, and subtracting the total number of days the case was with the OIM for either investigative or disciplinary review and the number of days the case was suspended. For cases that opened in a given year but were not yet completed by the end of the year, OIM analysts used the date of data extraction as the end date. Performance measures for the timeliness of OIM investigation reviews are discussed in the Citizen Oversight Board’s Annual Reports.

⁵⁹ Regarding the “unknown” data category in Table 2.4, it should be noted that complainants can choose not to provide their demographic information when filing complaints.

⁶⁰ DPD IAB will sometimes combine multiple complaints made by one individual under a single case number, particularly if the complainant’s issue stems from issues of mental health or if the complainant has a significant history of filing numerous false/trivial complaints.

⁶¹ Denver Revised Municipal Code Art. XVIII §§ 2-371(b), 2-375(a).

⁶² Sworn DSD staff, including supervisors, are collectively referred to as “deputies” throughout the report, unless otherwise noted.

⁶³ The OIM reports only those resignations and retirements that are likely directly related to a pending investigation or pending discipline. For example, the OIM does not report resignations or retirements of deputies with pending investigations alleging misconduct that, if sustained, would result in a low-level of discipline such as a reprimand.

⁶⁴ Unless otherwise noted, the data for this chapter were obtained from the DSD’s Internal Affairs records management database (“IAPro”). The OIM is not an IAPro administrator and has no control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. As a result, the OIM is unable to certify the complete accuracy of the DSD’s internal affairs data. Finally, because the OIM is not the final arbiter of what allegations to record in IAPro and against which deputies, the OIM cannot certify that the data presented (with respect to specific complaint allegations) is what it would be if the OIM were making these decisions. Since the data were drawn from dynamic, live databases, the recorded complaint, allegation, and outcome numbers will fluctuate over time and are subject to revision. The figures reported in this chapter do not include complaints against DSD civilian employees or complaints that were not linked to a subject deputy in IAPro. The data included in this chapter were last retrieved from IAPro on February 9, 2019.

⁶⁵ Because of changes in coding or analysis of complaints, allegations, findings, and discipline, there may be slight discrepancies between historical data presented in this report and data presented in previous OIM reports.

Endnotes

⁶⁶ Scheduled discipline violations include Unauthorized Leave and Failure to Participate in Required Firearms Qualification/Training. See DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendices G and H (updated Oct. 15, 2017). In its previous reports, the OIM included Unauthorized Leave complaints in the tables, figures, and discussions of recorded and closed complaints.

⁶⁷ Many reports related to law enforcement oversight and IAB processes refer to complainant allegations. In this chapter, “allegations” refer to assertions, in a complainant’s own words, of particular kinds of purported misconduct by a deputy. The DSD does not systematically track the detailed allegations made by complainants in IAPro. Instead, it tracks “specifications” that are based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which a deputy might be punished, rather than the precise allegations communicated in the complaint.

⁶⁸ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 10 (updated Oct. 15, 2017).

⁶⁹ The fact that the DSD finalizes specifications during the discipline review phase also explains why the total number of specifications from prior years and some of the associated percentages reported here differ from those presented in the OIM’s *2017 Annual Report*.

⁷⁰ Table 3.1 includes separate specifications for Discrimination, Harassment or Retaliation against Prisoners and Discrimination, Harassment, and Retaliation. These specifications are similar, but the first is used to address misconduct towards inmates. Discrimination, Harassment or Retaliation against Prisoners is a rule that states, “Deputy sheriffs and employees shall not engage in any form of discrimination, harassment, or retaliation in the treatment of prisoners” DSD Discipline Handbook: Conduct Principles and Disciplinary Guideline, Appendix F, at 12 (updated Oct. 15, 2017). Discrimination, Harassment, and Retaliation is a rule that prohibits deputy sheriffs or employees “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, Executive Director of Safety policies, or Departmental orders.” DSD Discipline Handbook: Conduct Principles and Disciplinary Guideline, Appendix F, at 10 (updated Oct. 15, 2017).

⁷¹ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 8 (updated Oct. 15, 2017).

⁷² DSD, *2016 Prison Rape Elimination Act: Denver Sheriff Department 2016 Annual Report*, at 1 (last accessed Feb. 20, 2019), <https://www.denvergov.org/content/dam/denvergov/Portals/776/documents/InmateServices/2016%20PREA%20DSD%20Annual%20Report%20-%20Final%2010.24.2017.pdf>.

⁷³ DSD, *Jail Population Data* (last accessed Jan. 25, 2019), <https://www.denvergov.org/content/denvergov/en/sheriff-department/data/jail-population.html>.

⁷⁴ If the OIM disagrees with a screening decision, the DSD IAB Captain or Major is notified. If the OIM and DSD IAB cannot agree on a screening decision, the OIM will discuss the conflict with the Sheriff and then, if necessary, with the DOS.

⁷⁵ If a case involves allegations of criminal conduct, the investigation is conducted by the DPD’s IAB. The DPD IAB will investigate the case and present it to the District Attorney’s Office for a

charging decision. If the District Attorney decides to file charges, the case will generally be retained by DPD IAB until the conclusion of any criminal proceedings. Once the criminal proceedings are concluded, or if the District Attorney decides not to file charges, the case will be turned over to the DSD for completion of the administrative investigation to determine if any internal procedures or policies were violated.

⁷⁶ Formal investigations may not receive a finding in cases where a deputy resigns or retires prior to the completion of the investigation or a final finding determination.

⁷⁷ The total number of closed complaints includes all complaints involving deputies that were closed by IAB with a 2018 completion date; not all cases are reviewed by the OIM.

⁷⁸ Note that several cases are under appeal with the Career Service Board and the courts. As a result, these totals are subject to revision until all appeals have been exhausted.

⁷⁹ The number of deputies who resigned or retired while an investigation or discipline was pending is actually higher than the total reported in Table 3.4. The OIM reports only those resignations and retirements that are likely directly related to a pending investigation or pending discipline. For example, the OIM does not report resignations or retirements of deputies with pending investigations alleging misconduct that, if sustained, would result in a low-level of discipline such as a reprimand.

⁸⁰ The DSD Discipline Handbook does not currently provide direction on when TRIPs are appropriate in lieu of or in addition to suspensions. DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 6.1 (updated Oct. 15, 2017).

⁸¹ In this section, “deputy” refers only to those personnel with the title “deputy” at the time of the incident. Sworn staff with other titles, such as “captain” or “sergeant,” are noted throughout the summaries.

⁸² Complaints with significant discipline closed in 2018 may not be included in this section if they were summarized in the OIM’s [2017 Annual Report](#).

⁸³ DSD deputies, like many other employees of the City and County of Denver, are placed on an initial probationary status upon hiring. Employees on probationary status may be separated at any time in accordance with Denver Career Service Rule 5, Appointments and Status. In this report, the OIM includes probationary status terminations recorded in IAPro.

⁸⁴ Summary data on appeals filed by DSD deputies or by the DOS regarding DSD deputies were provided to the OIM by the Career Service Hearing Office on January 10, 2019.

⁸⁵ The Career Service Board’s decision was ordered in September 2017 and documented in April 2018.

⁸⁶ The Career Service Board’s decision was ordered in November 2017 and documented in May 2018.

⁸⁷ The Career Service Board’s decision was ordered in November 2017 and documented in June 2018.

⁸⁸ Executive Order No. 94, City and County of Denver Employee’s Alcohol and Drug Policy, which requires supervisors to consult with Human Resources, their department’s Safety Officer, or the City Attorney’s office if they suspect an employee is under the influence of alcohol or impaired by

Endnotes

legal drugs (e.g., prescription medication). If immediate consultation is not possible, the supervisor is required to initiate drug or alcohol testing of the employee.

⁸⁹ The security specialist was ultimately disqualified from his position. The OIM did not monitor the handling of his conduct because he was a civilian employee.

⁹⁰ DSD timeliness figures were calculated by measuring the number of days between the date a case was received and the date a case was completed, and subtracting the total number of days the case was with the OIM for either investigative or disciplinary review, and the total number of days the case was suspended. For cases that opened in a given year but were not yet completed by the end of the year, OIM analysts used the date of data extraction as the end date. Performance measures for the timeliness of OIM investigation reviews are discussed in the Citizen Oversight Board's Annual Reports.

⁹¹ Regarding the "unknown" data categories in Table 3.6, it should be noted that complainants can choose not to provide their demographic information when filing complaints.

⁹² DSD IAB will sometimes combine multiple complaints made by one individual under a single case number, particularly if the complainant's issue stems from issues of mental health or if the complainant has a significant history of filing numerous false/trivial complaints.

⁹³ Data on DSD commendations were provided by the DSD and may include commendations awarded to non-sworn personnel.

⁹⁴ When community members die of natural causes in the custody of the DPD or DSD, the OIM has not historically reported on those deaths.

⁹⁵ Denver District Attorney Beth McCann, Officer-Involved Shooting Protocol 2017, at 1.

⁹⁶ The Denver Sheriff Department did not have any intentional OISs during the time period under consideration.

⁹⁷ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Apr. 24, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-letter-re-Officer-Involved-Shooting-of-Juvenile-Jan-26-2018.pdf>.

⁹⁸ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (June 12, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-Letter-for-Officer-Involved-Shooting-Death-of-Alex-Duran-Feb-6-2018-1.pdf>.

⁹⁹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (May 22, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-Letter-for-Officer-Involved-Shooting-Death-of-Peter-Le-Feb-13-2018.pdf>.

¹⁰⁰ The discipline associated with the inmate's escape from DSD custody is summarized in Chapter 3, on pages 56-57.

¹⁰¹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Oct. 16, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-Letter-OIS-S.-Nguyen-March-19-2018.pdf>.

¹⁰² Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Aug. 9, 2018), <https://www.denverda.org/wp-content/uploads/news-release/2018/Decision-Letter-for-Officer-Involved-Shooting-Death-of-Charles-Boeh-Death-April-25-2018.pdf>.

¹⁰³ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Sept. 12, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-Letter-for-Officer-Involved-Shooting-Death-of-Carnell-Nelson-June-13-2018.pdf>.

¹⁰⁴ Critical incidents closed in 2018 may not be included in this section if they were summarized in the OIM's [2017 Annual Report](#).

¹⁰⁵ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Sept. 29, 2017), <https://www.denverda.org/wp-content/uploads/decision-letter/2017/Decision-Letter-re-Officer-Involved-Shooting--May-20--2017.pdf>.

¹⁰⁶ Evidence at the scene indicates that at least 27, and possibly 28, rounds were fired. Only 27 cartridge cases were recovered. The District Attorney concluded that “[Corporal C] fired as many as 12 rounds.” Decision Letter from 18th Judicial District Attorney George Brauchler to Denver Police Chief Robert White and Aurora Police Chief Nicholas Metz, at 6 (Sept. 26, 2017).

¹⁰⁷ Decision Letter from 18th Judicial District Attorney George Brauchler to Denver Police Chief Robert White and Aurora Police Chief Nicholas Metz (Sept. 26, 2017), <http://www.da18.org/2017/09/report-on-june-18-2017-shooting-in-aurora/>.

¹⁰⁸ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Nov. 9, 2017), <https://www.denverda.org/wp-content/uploads/decision-letter/2017/Decision-letter-re-Officer-Involved-Shooting--September-8--2017.pdf>.

¹⁰⁹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Mar. 21, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-letter-re-Officer-Involved-Shooting-of-John-Bazemore-Nov-10-2017.pdf>.

¹¹⁰ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Feb. 14, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-letter-re-Officer-Involved-Shooting-of-Mauricio-Venzor-Gonzalez-Nov-25-2017.pdf>.

Appendix A
How to File a
Complaint/Commendation

How to File a DPD Complaint/Commendation

- Postage-paid Complaint/Commendation Forms: The Office of the Independent Monitor (“OIM”) distributes complaint/commendation forms at government offices, libraries, and police facilities throughout Denver, and they can be mailed to the OIM at no charge.
- OIM Online Complaint/Commendation Form: Complaints and commendations may also be filed through an online form available on the OIM, Citizen Oversight Board (“COB”), and Denver Police Department (“DPD”) websites. See <http://www.denvergov.org/content/denvergov/en/office-of-the-independent-monitor.html>.
- E-mail and Fax: The OIM and COB also accept complaints and commendations through e-mail at OIM@denvergov.org and by fax at 720-913-3305.
- Walk-ins and Telephone: Community members can drop off complaint/commendation forms to the OIM’s office during normal business hours on the 1st floor of the Denver Post Building at 101 W. Colfax Avenue, Suite 100. In addition, every district police station in Denver is required to accept walk-in and telephone complaints. The DPD Internal Affairs Bureau also accepts complaints by telephone (720-913-6019) and walk-in (1331 Cherokee Street), during normal business hours.
- Tort and Civil Rights Claims: Investigations may also be initiated when a community member alleges officer misconduct in a claim or lawsuit filed against the City and County of Denver (“City”).

How to File a DSD Complaint/Commendation

- Postage-paid Complaint/Commendation Forms: The OIM distributes complaint/commendation forms at government offices, libraries, and Denver Sheriff Department (“DSD”) facilities throughout Denver, and they can be mailed to the OIM at no charge.
- OIM Online Complaint/Commendation Form: Complaints and commendations may also be filed through an online form available on the OIM, COB, and DSD websites. See <http://www.denvergov.org/content/denvergov/en/office-of-the-independent-monitor.html>.
- E-mail and Fax: The OIM and COB also accept complaints and commendations through e-mail at OIM@denvergov.org and by fax at 720-913-3305.
- Walk-ins and Telephone: Community members can drop off complaint/commendation forms to the OIM’s office during normal business hours on the 1st floor of the Denver Post Building at 101 W. Colfax Avenue, Suite 100. The DSD also accepts complaints and commendations by telephone at 720-865-3888.
- Tort and Civil Rights Claims: Investigations may also be initiated as a result of allegations of deputy misconduct in a claim or lawsuit filed against the City.

Appendix B
Complaint /Commendation
Form Locations¹

¹ The number of form location sites presented in this appendix may differ from the number reported in the Citizen Oversight Board's 2018 Annual Report due to differences in when the reports were finalized.

City Council Offices

City and County Building, 1437 Bannock St., Room 451:

- City Councilman Rafael Espinoza, District 1
- City Councilman Paul D. López, District 3
- City Councilwoman Mary Beth Susman, District 5
- City Councilman Paul Kashmann, District 6
- City Councilman Jolon Clark, District 7
- City Councilman Wayne New, District 10
- City Councilwoman At-Large Robin Kniech
- City Councilwoman At-Large Deborah Ortega

Other Locations:

- City Councilman Kevin Flynn, District 2 – 3100 S. Sheridan Boulevard, Unit D
- City Councilwoman Kendra Black, District 4 – 3540 S. Poplar Street, Suite 100
- City Councilman Christopher Herndon, District 8 – Arie P. Taylor Municipal Building, 4685 Peoria Street, Suite 245
- City Councilman Albus Brooks, District 9 – Elbra M. Wedgeworth Building, 2855 Tremont Place, Suite 201
- City Councilwoman Stacie Gilmore, District 11 – Arie P. Taylor Municipal Building, 4685 Peoria Street, Suite 215

Government Agencies

- Blair-Caldwell African American Research Library, Denver Public Library – 2401 Welton Street
- Denver Central Library, Denver Public Library – 10 W. 14th Avenue Parkway
- Rodolfo "Corky" Gonzales Branch Library, Denver Public Library – 1498 N. Irving Street
- Athmar Park Branch Library, Denver Public Library – 1055 South Tejon Street
- Human Rights & Community Partnerships, City and County of Denver – Wellington E. Webb Building, 201 W. Colfax Avenue, 2nd Floor, Department 1102
- Office of the Independent Monitor, City and County of Denver – Denver Post Building, 101 W. Colfax Avenue, Suite 100
- Parks and Recreation, City and County of Denver – Wellington E. Webb Building, 201 W. Colfax Avenue, 6th Floor, Department 601

Community-Based Locations

- Barnum Recreation Center – 360 Hooker Street
- Centro Humanitario Para Los Trabajadores – 2260 California Street
- Denver Indian Center – 4407 Morrison Road
- Gang Rescue and Support Project (GRASP) – 1625 E. 35th Avenue
- Greater Park Hill Community, Inc. – 2823 Fairfax Street

- Denver Inner City Parish – 1212 Mariposa Street
- Mi Casa Resource Center – 345 S. Grove Street
- The Meyer Law Firm, P.C. – 901 W. 10th Avenue, Suite 2A
- NEWSED Community Development Corporation – 2120 W. 7th Avenue
- Project VOYCE – 3455 Ringsby Court, #131
- Servicios de la Raza – 3131 W. 14th Avenue
- SouthWest Improvement Council – 1000 S. Lowell Boulevard
- Su Teatro Cultural and Performing Arts Center – 721 Santa Fe Drive
- The Bridge Project – 1265 Mariposa Street
- True Light Baptist Church – 14333 Bolling Drive
- YESS Institute – 1385 S. Colorado Boulevard, Suite 610A
- Padres y Jóvenes Unidos – 4130 Tejon Street, Suite C
- Shorter Community African Methodist Episcopal Church – 3100 Richard Allen Court
- Youth on Record – 1301 W. 10th Avenue
- Steps to Success – 4725 Paris Street, Suite 300
- Mile High Youth Corps – 1801 Federal Boulevard
- Harm Reduction Action Center – 231 E. Colfax Avenue
- Montbello Recreation Center – 15555 E. 53rd Avenue
- Coffee at The Point – 710 E. 26th Avenue
- Whittier Café – 1710 E. 25th Avenue
- New Hope Baptist Church - 3701 Colorado Boulevard
- The Conflict Center - 4140 Tejon Street
- Youth Advocate Program, Inc. - 3532 Franklin Street
- Hiawatha Davis Jr. Recreation Center – 3334 Holly Street

Jails

- Denver County Jail – 10500 E. Smith Road
- Van Cise-Simonet Detention Center – 490 W. Colfax Avenue

Police Stations

- District 1 Station – 1311 W. 46th Avenue
- District 2 Station – 3921 N. Holly Street
- District 3 Station – 1625 S. University Boulevard
- District 4 Station – 2100 S. Clay Street
- District 5 Station – 4685 Peoria Street
- District 6 Station – 1566 Washington Street
- West Denver Cop Shop – 4200 Morrison Road
- Denver Police Administration Building – 1331 Cherokee Street

Schools

- Bruce Randolph School – 3955 Steele Street
- Denver Center for 21st Century Learning – 1690 Williams Street
- East High School – 1600 City Park Esplanade
- Manual High School – 1700 E. 28th Avenue
- South High School – 1700 E. Louisiana Avenue
- Swansea Elementary School – 4650 Columbine Street
- West Leadership Academy – 951 Elati Street
- Denver Justice High School – 300 E. 9th Avenue
- Colorado High School Charter – 1175 Osage Street, #100
- Martin Luther King Jr. Early College – 19535 E. 46th Avenue

Courts/Criminal Justice Locations

- Denver Office, Colorado State Public Defender – 1560 Broadway, Suite 300
- Courtroom 2100, Van Cise-Simonet Detention Center – 490 W. Colfax Avenue
- Courtroom 2300, Van Cise-Simonet Detention Center – 490 W. Colfax Avenue
- Denver District Court - Civil & Domestic – 1437 Bannock Street, Room 256
- Denver Municipal Court - General Sessions – 520 W. Colfax Avenue, Room 160
- Denver Municipal Court - Traffic Division – 1437 Bannock Street, Room 135
- Lindsey-Flanigan Courthouse – 520 W. Colfax Avenue
- Denver Juvenile Services Center – 303 W. Colfax Avenue, 1st Floor
- Safe City Office – 303 W. Colfax Avenue, 10th Floor

Appendix C
Citizen Oversight Board
Biographies and Meetings

Citizen Oversight Board

The Citizen Oversight Board (“COB”) is responsible for assessing whether the Office of the Independent Monitor is effectively performing its duties, making recommendations regarding Denver Sheriff Department and Denver Police Department policy and training issues, and addressing issues of concern to the community and other interested stakeholders. The COB will meet at least quarterly in public with the Executive Director of Safety, the Chief of Police, and the Sheriff and will conduct at least three meetings annually for public comment. The COB will also make an annual report to the public, Mayor, and City Council and may furnish additional public reports as necessary.

2018 COB Members

- Katina Banks, Chair, was appointed to the COB in 2016. She is an attorney at Baker & Hostetler, LLP, practicing intellectual property law. A proud Denver native, she has been civically engaged throughout her professional career. She served eight years on the Colorado Civil Rights Commission, helping enforce the state's anti-discrimination laws. Katina was a member of the Colorado Lawyers Trust Account Foundation (“COLTAF”), which helps provide legal services statewide to underserved members of the community. She graduated summa cum laude from Capital University Law School after earning her Bachelor of Arts degree at the University of Pennsylvania. She lives in Denver's Park Hill neighborhood.
- Molly Gallegos, Vice Chair, is a Colorado native that has been working in the community for most of her life doing everything from translating safety information for migrant workers to participating in community theater with Su Teatro. She began her career as a community organizer in West Denver, cultivating community leaders and advocating for the needs of Denver's working families. More recently, she has found her calling working with Denver's high school students, providing them the support and encouragement they need to access their post high school goals. Molly holds a Bachelor's degree in Ethnic Studies from Colorado State University and a Master's of Social Sciences/Women and Gender Studies from University of Colorado, Denver.
- Nikki Braziel, Secretary, is the co-founder of Octa, a Denver-based product design and manufacturing company that is focused on mounting solutions for mobile technology. She previously worked at the Space Science Institute in Boulder, where she assisted in the development and distribution of museum exhibits and displays. Before leaving her native Chicago, she worked in both legal marketing and professional development at Jenner & Block LLP. In her free time, she writes historical fiction.
- Mark Brown is the Agent-in-Charge for the Colorado Department of Revenue, Division of Racing Events, a regulatory law enforcement agency. His duties include management of administrative judges, law enforcements officers, licensing personnel and veterinarian staff. In addition to those duties, he also conducts firearms and arrest control technique training.

- Pastor Paul Burleson is the founder of Denver’s Friendship Baptist Church of Christ Jesus and continues to serve as its pastor. He is past president of the Greater Metro Denver Ministerial Alliance. A former dean of the United Theological Seminary’s Denver Extension, Burleson is experienced in the prevention, identification and counseling of individuals and families with substance abuse and other at-risk behaviors. He served with the U.S. Air Force in Korea. He has been on the COB since its 2005 beginning.
- Dr. Mary Davis is President/CEO of McGlothlin Davis, Inc, an organization effectiveness firm that has provided consulting services to public, not-for-profit, and private sector firms throughout the nation since 1995. For decades, she has been actively involved in civic and community improvement activities in Denver. She has served on five nonprofit boards, having been elected Board Chair for two of these organizations. She joined the COB in February 2009.
- Francisco “Cisco” Gallardo joined and helped create what has been one of the largest gangs in Denver's north side in his teen years. Since that time, he has dedicated his life to undoing the damage he helped cause. Over the past 26 years, he has worked in the community to redefine respect, power, and pride; he has helped countless young people to reclaim their own lives. He joined the COB in 2012.

Regular COB Meetings

COB meetings are usually held on the first and third Fridays of each month on the 1st floor of the Denver Post Building at 101 W. Colfax Avenue, Suite 100. If you plan to attend, it is advised that you call in advance to confirm the COB will be meeting.

2018 Quarterly Public Forums

COB public forums are usually held in the evenings from 6-8:00 p.m. in rotating police districts in Denver. In 2018, public forums were held on the following dates and in the following locations:

1. March 22, 2018 – District 6 – Blair Caldwell African American Research Library, 2401 Welton Street
2. June 14, 2018 – Cancelled
3. August 23, 2018 – District 1 – Cheltenham Elementary School, 1580 Julian Street
4. November 29, 2018 – District 6 – Denver Justice High School, 300 E. 9th Ave

Proposed 2019 Public Forums

1. April 4, 2019
2. June 20, 2019
3. August 22, 2019
4. November 7, 2019



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