Minutes
DSD Reform Implementation Team
3/21/2016, 3:00pm-5:00pm
Location: PAB Conference Room #604

Present:
- Stephanie O’Malley
- Shawn Smith
- Christopher M.A. Lujan
- Mike Jackson
- Nick Mitchell
- Simon Crittle
- Wendy Shea
- Rick Stubbs
- William Thomas
- Rory Regan (via phone)

Agenda:
1. Approval of Minutes
2. Use of Force Policy presentation
3. Implementation Status Update
4. Next Steps/Open Forum

Discussion:
The meeting opened with a review of the minutes from the team meeting that was held on March 14, 2016, which were approved by the team with no changes. As an introduction to the Use of Force (UOF) policy presentation, Director Stephanie O’Malley stated that she has reviewed and supports the framework of the draft policy and expressed her gratitude for the Action Team’s work. Nick Mitchell then expressed his thanks to Wendy Shea, Rick Stubbs, Major Kelly Bruning, Jess Vigil and Phil Cherner for their work as the key team that developed the policy. Mr. Mitchell explained that, in the course of their work, the policy authors conducted a significant amount of research on standards set by the Department of Justice, requirements of consent decrees that have been established at other jurisdictions, tactical considerations and field experience. Mr. Stubbs explained that the multiple existing policies in the DSD were combined to develop a single policy for use of force, which reduces the potential for conflict and confusion in relation to what is and isn’t authorized by the DSD. Mr. Stubbs indicated that a number of individuals have provided feedback on the policy including Mike Jackson, Department of Safety Administration representatives, DSD staff, members of the Denver Police Department and staff in the City Attorney’s Office.

Mr. Stubbs then introduced the draft policy for consideration by the Reform Implementation Team and explained that the current DSD policy has a variety of standards for determining whether a use of force is justified while the new policy provides one standard for make such a determination. Mr. Stubbs also explained that the standard adopted by the new policy was informed by past decisions of CSA hearing officers along with guidance from the Colorado Court of Appeals, which encouraged law enforcement agencies to adopt a more restrictive policy than that required by state law. Wendy Shea then explained that the new policy was drafted and evaluated to ensure that compliance with the policy would, by extension, constitute compliance with Federal and State laws, therefore, specific reference to those laws was removed. Ms. Shea clarified that she is also working with CALEA & ACA (accreditation agencies) to ensure that the drafted form of the policy will meet the requirements of those organizations. Additionally, Ms. Shea emphasized that the new policy focuses on de-escalation and safety of deputies &
intimates while outline when a deputy can and cannot use less-lethal force; the policy also provides guidance specific to the detention setting. Mr. Stubbs then explained what actions do and do not fit into the definition of “Use of Force” included in the new policy. Ms. Shea then provided an overview of the UOF reporting requirements set forth in the policy with Mr. Stubbs clarifying the importance of ensuring consistent training is provided across the DSD to ensure compliance. Mr. Mitchell stated that all involved are mindful that not everyone in the DSD will receive the training at the same time so DSD, the Office of the Independent Monitor and the Executive Director of Safety will have to identify a path forward regarding application of the policy to discipline cases.

Mr. Stubbs then requested guidance from the Reform Implementation Team members pertaining to how an inmate is classified and explained its relevance to specific portions of the policy. The Implementation Team members then requested clarification on terminology used within the policy and requested a revised version of the policy for consideration and approval at the next scheduled meeting.

**Technology Action Team**

William Thomas reported that an additional implementation plan was forwarded for approval.

**Human Resources Action Team**

Christopher M.A. Lujan reported that offers were made for six on-call background investigators to assist the five already providing support to the DSD. Mr. Lujan indicated that the Action Team is also working to have various Department Order updates processed via PowerDMS and will next be meeting on March 29th. Director O’Malley then relayed a request she received for demographic information pertaining to the recently graduated DSD academy class and the mega-class, which is currently in session.

**Staffing & Performance Optimization Action Team**

Rory Regan reported that during its last meeting the Staffing & Performance Optimization Action Team reviewed one response to the VIF Request for Information and explained that the Action Team is next performing a more detailed financial analysis to develop a recommendation for consideration by the Reform Implementation Team. Mr. Regan indicated that the Action Team has also developed a plan for analyzing the span of control of Sergeants starting with a survey of other large jails to develop a comparison. Mr. Regan then reported that over the coming week, the Action Team will begin the analysis of data to establish an updated relief factor, the process for which has been defined in the Memorandum of Understanding between the DSD and Budget and Management Office. Mike Jackson then asked whether there is an understanding of the number of deputies needed in order to staff both the posts currently being run as well as those added in the 2016 budget. Mr. Regan responded that the number of deputies required is understood and that large recruitment effort in 2016 is intended to fill the vacant positions. Mr. Jackson then inquired as to whether there is a strategy for addressing staffing considerations arising as result of the increased pace of Crisis Intervention Training; Mr. Jackson specified that the County Jail has been short staffed due to the training. Director O’Malley responded that the concerns are currently being evaluated with further information to follow.

Director O’Malley then stated that the next Reform Implementation Team meeting was rescheduled from March 28 to March 30, 2016 in observance of the city holiday.
Action Items:
1. Submit remaining implementation plans
2. 2016 In-Service Training Changes – May 1, 2016

Next Meeting: March 30, 2016, 3:00pm – 5:00pm
PAB Room #604