



# DENVER

The Mile High City

*Police and Sheriff  
Discipline and Critical Incident Report*

*Third Quarter 2012*

Office of the  
Independent Monitor

Nicholas E. Mitchell, *Independent Monitor*

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I am pleased to present this report, which contains information on the discipline imposed against, and commendations awarded to, sworn members of the Denver Police and Sheriff Departments (“Departments”) in the Third Quarter of 2012. I became the Independent Monitor on August 20, 2012, after appointment by Mayor Michael Hancock and confirmation by the Denver City Council. This is my first report to the public.

The Office of the Independent Monitor (“OIM”) provides independent civilian oversight of disciplinary processes in Denver’s safety departments. The OIM is empowered by ordinance to monitor investigations into alleged misconduct, to review policy and make policy recommendations to those Departments, and to promote transparency in Departmental disciplinary processes. The OIM is entirely independent of the Departments, which empowers us to speak frankly about disciplinary and policy issues.

Over these last months, I have been meeting with community members and leaders, elected and appointed officials, and members of the Departments. These meetings have demonstrated to me that additional partnerships are possible on safety and disciplinary issues. There are areas of disagreement, to be sure, but many stakeholders share the goals of ensuring that our safety departments provide officers with the training and resources they need to successfully serve the public, while holding officers accountable when their conduct falls short of Department and community standards. I look forward to working together toward these common objectives.

A note about this report: during each calendar quarter, officers and deputies have thousands of interactions with civilians while discharging their duties. A significant majority of these interactions go well, but some do not, requiring disciplinary action. In this report, and when appropriate, in quarterly reports to come, I will highlight certain disciplinary cases that demonstrate a concern, trend, or policy issue in one of the Departments. It is my intent that these cases serve as an opportunity for us—and for the Departments—to learn from the past in order to improve Police and Sheriff services in the future. To present a comprehensive picture of current Police and Sheriff services, I will also highlight certain commendable behavior by officers or deputies that was recognized by the Departments during each quarter.

I would like to thank the members of the Citizen Oversight Board and the OIM staff for their tireless efforts during a period of significant transition for the OIM.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Mitchell". The signature is stylized and fluid.

Nicholas E. Mitchell  
Independent Monitor

## **INTRODUCTION AND OVERVIEW**

In order to ensure transparency in the investigation and review of critical incidents (officer-involved shootings and in-custody deaths) involving the Departments, the OIM submits this report each quarter regarding the status of investigations into these incidents and the disciplinary decisions, if any, made by the Departments regarding officer conduct.

In all officer-involved shootings and in-custody deaths, the Denver Police Department (“DPD”) is initially charged with conducting a criminal investigation to determine whether any person should be held criminally liable for the death or serious bodily injury of the individual killed or injured. Thus, DPD’s Homicide Unit and the Denver District Attorney’s Office immediately respond to the scene of all critical incidents to commence an investigation. In addition, the OIM generally responds to the scenes of critical incidents for a walk-through (consistent with the constraints of Fourth Amendment privacy rights) and a debriefing from command staff about the incident. Homicide detectives spend considerable time and effort interviewing all witnesses, every involved officer, and obtaining appropriate reports from all involved parties. The OIM monitors all video interviews conducted by the Homicide Unit and may suggest additional questions at the conclusion of each interview. After the criminal investigation is complete, the administrative investigation and review processes begin.

## **TIMELINESS**

The integrity of the Internal Affairs processes requires timely investigations. Timeliness is beneficial to subject officers and to their uninvolved peers, sending a strong message that those who violate Departmental rules, policies, and procedures will be swiftly held accountable. It also affords the Departments the opportunity to respond quickly should an investigation reveal that any of their rules, policies, or procedures requires change or amendment. Additionally, timely investigations send a message to the public that the Departments adequately police themselves, helping to enhance the credibility of the administrative and disciplinary processes.

The OIM has worked with the Departments to establish a goal that the DPD and DSD resolve critical incident investigations within six months of the incident. The OIM acknowledges, however, that some cases will take longer to complete, due to their complexity or where policy violations are identified and discipline must be imposed.

# DENVER POLICE DEPARTMENT

## OFFICER-INVOLVED SHOOTING AND IN-CUSTODY DEATH INVESTIGATION AND REVIEW PROTOCOL

In all cases where a Denver police officer discharges his or her firearm at a person or where a person dies in police custody, the incident is automatically investigated by the Homicide Unit of the Denver Police Department under the supervision of the Denver District Attorney's Office. The investigation is actively monitored by the OIM. The District Attorney's Office and the OIM are both notified as part of the critical incident roll-out protocol. The District Attorney's Office is concerned with violations of the criminal law, if any, while the OIM focuses on potential violations of DPD rules, procedures and policies.

Once the District Attorney's Office has decided whether it will file criminal charges against anyone involved in the incident, the Homicide Unit's reports are submitted to the DPD Internal Affairs Bureau to commence the administrative investigation. The OIM confers with Internal Affairs to determine whether further investigation is necessary. Once the administrative investigation is completed, the case is submitted to a DPD Use-of-Force Board (consisting of the Commander of the Conduct Review Office, two other DPD Commanders, and two civilians) to determine whether any violations of the DPD's use-of-force policies have occurred. The OIM is present during all Use-of-Force Board proceedings and deliberations.

If the Use-of-Force Board finds that the officer's actions were in compliance with DPD policy ("in-policy"), the case is forwarded to the Chief of Police for his review. If the Chief of Police and the OIM agree there were no policy violations (in non-fatal shootings), the case is closed and no further administrative action is taken. If the incident involves a fatal shooting, the Manager of Safety makes the final determination and issues a public report.

If the Use-of-Force Board finds that the officer's actions were in violation of any Department policy ("out-of-policy"), the Use-of-Force Board makes a recommendation to the Chief of Police as to whether the officer should be disciplined. The officer is then given the opportunity to respond to the allegations and provide any mitigating evidence to the Chief of Police at a "Chief's Hearing" (also known as a pre-disciplinary meeting). The OIM also makes a disciplinary recommendation to the Chief of Police. Both the Chief's recommendation and that of the OIM are forwarded to the Manager of Safety for his or her consideration.

If the Monitor disagrees with a recommendation made by the Use-of-Force Board or the Chief of Police, that recommendation will be forwarded to the Manager of Safety, who is the ultimate decision-maker regarding such issues.

On a quarterly basis and in an Annual Report, which is released by March 15th of each year, the Independent Monitor reports to the public on all disciplinary orders issued by the Manager of Safety and if the Monitor believes any disciplinary decision was unreasonable. Also, within approximately six months of any critical incident, the Manager of Safety issues his or her own public statement on all police shootings resulting in a death or where the shooting has resulted in an injury and makes a final determination as to whether there were Departmental policy violations.

**TABLE 1.1**  
**DPD OFFICER-INVOLVED SHOOTINGS PENDING ADMINISTRATIVE**  
**REVIEW AS OF THE END OF THE THIRD QUARTER 2012**

Date	Summary	Status
April 22, 2012	An off-duty DPD officer was shot at by an individual in Aurora, Colorado, and the officer returned fire. In the ensuing firefight, the individual shooting at the officer was killed, as was a bystander.	The Aurora Police Department completed its investigation and this case will be reviewed by the DPD Use of Force Review Board.
July 31, 2012	An arrested party slipped through his handcuffs and engaged in a physical altercation with an officer who was driving him to the police station for processing. Another officer in a different car saw the struggle and the arresting officer's car swerving in and out of his lane. The second officer went to assist and shot the resistant arrestee, killing him.	The Denver Police Department Homicide Bureau completed its investigation and this case will be reviewed by the Use of Force Review Board.
August 28, 2012	Officers responded to a call of a suicidal individual with a firearm. The suspect pointed his firearm at the officers while they talked to him through a closed security door. When the suspect refused to lower his weapon, an officer fired several rounds. The suspect was wounded but survived.	The Denver Police Department Homicide Bureau completed its investigation and this case will be reviewed by the Use of Force Review Board.
September 7, 2012	Officers responded to a robbery in progress. Upon the officers' arrival, the suspects took a hostage and barricaded themselves into a store. The suspects fired shots at the officers, and one officer returned fire. Hours after the exchange of gunfire, the suspects surrendered. No one was hit or injured by the shots fired.	The Denver Police Department Homicide Bureau completed its investigation and this case will be reviewed by the Use of Force Review Board.
September 12, 2012	Officers responded to a domestic disturbance. During the initial contact, the suspect shot at the responding officers, who returned fire. The suspect then barricaded himself into a building. Hours later, officers took the suspect into custody. The suspect was not hit or injured by any shots fired.	The Denver Police Department Homicide Bureau completed its investigation and this case will be reviewed by the Use of Force Review Board.

**TABLE 1.2**  
**DPD IN-CUSTODY DEATH CASES PENDING ADMINISTRATIVE REVIEW AS**  
**OF THE END OF THE THIRD QUARTER 2012**

Date	Summary	Status
None		

**TABLE 1.3**  
**OFFICER-INVOLVED SHOOTING AND IN-CUSTODY DEATH CASES CLOSED**  
**IN THE THIRD QUARTER 2012**

Date	Summary	Status
April 19, 2012	Officers responded to a call regarding a suicidal individual who committed suicide immediately after being verbally contacted by officers.	The Homicide Bureau completed its report and the case has been reviewed by the Use of Force Review Board. The officers' actions were generally found to be in policy, however, one officer violated policy due to an accidental discharge of a less-lethal weapon away from the scene. The violation was reviewed by the Manager of Safety and discipline was imposed. The OIM concurred with the decision.

# DENVER SHERIFF DEPARTMENT

## IN-CUSTODY DEATH INVESTIGATION AND REVIEW PROTOCOL

In all cases where a person dies while in the custody of the Denver Sheriff Department (DSD), the incident is automatically investigated by the Homicide Unit of the Denver Police Department. The investigation is actively monitored by the OIM. The Sheriff Internal Affairs Bureau and the OIM are notified as part of the critical incident roll-out protocol. If the in-custody death is believed to have been the result of actions by an employee or inmate, the District Attorney's Office is notified and supervises the criminal investigation. The District Attorney is concerned with determining whether any deputies or inmates violated the criminal law; the OIM is primarily concerned with potential violations of Sheriff Department rules and policies.

Once the District Attorney has made a filing decision (in those cases where a deputy is alleged to have caused a death), the Homicide reports are submitted to the Sheriff Internal Affairs Bureau for its review and handling. The Sheriff Internal Affairs Bureau will usually conduct additional investigation of the incident, as necessary. The OIM monitors any subsequent Internal Affairs investigation to ensure that it is thorough and complete. Once the investigation is deemed complete, it is submitted to the appropriate Division Chief for review and findings.

If the Division Chief finds that the involved deputy's actions were in compliance with Sheriff Department policy ("in-policy"), the case is forwarded to the Director of Corrections ("Director"). If the Director agrees there were no policy violations, the case is closed. The OIM reviews the Division Chief's findings and makes recommendations to the Director and the Manager of Safety.

If the Division Chief, the Director, or the Manager of Safety find that the involved deputy's actions were in violation of any Department policy ("out-of-policy"), the case is referred to the Director for a "Pre-Disciplinary Hearing." That hearing is attended by the Department's three Division Chiefs and is chaired by the Director of Corrections. The OIM observes the hearing and the 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 Director. Both the Director's recommendation and that of the OIM are forwarded to the Manager of Safety for consideration. The Manager of Safety determines whether the deputy's actions were "in-policy" or "out-of-policy" and the appropriate level of discipline, if any.

On a quarterly basis and in an Annual Report, which is released by March 15th of each year, the Independent Monitor reports to the public on all disciplinary orders issued by the Manager of Safety, except cases involving scheduled discipline.

**TABLE 1.4**  
**DSD IN-CUSTODY DEATH CASES PENDING ADMINISTRATIVE REVIEW AT**  
**THE END OF THE THIRD QUARTER 2012**

Date	Summary	Status
September 29, 2012	An inmate died while in custody.	This in-custody death is currently under investigation.

**TABLE 1.5**  
**DSD IN-CUSTODY DEATH CASES CLOSED IN THE THIRD QUARTER 2012**

Date	Summary	Status
February 16, 2012	An inmate died of natural causes while in custody.	The case was investigated and closed with no misconduct found. The OIM concurred with the finding.

## DENVER POLICE DEPARTMENT COMPLAINTS, SUSTAINED FINDINGS, AND DISCIPLINE\*

### NEW COMPLAINTS AND ALLEGATIONS

**TABLE 2.1**

#### NEW DPD COMPLAINTS BY MONTH RECEIVED

Table 2.1 provides the number of new citizen and internal complaints received during the quarter. These complaints do not include scheduled discipline cases, such as when a DPD officer violates a traffic law, gets into a preventable traffic accident, misses a court date, shooting qualification, or continuing education class.

Month	Citizen	Internal	Total
July	69	3	72
August	49	11	60
September	78	9	87
<b>Quarterly Total</b>	<b>196</b>	<b>23</b>	<b>219</b>
Percent	89.5%	10.5%	100.0%

Table 2.2 below shows the ten most common types of citizen/internal allegations reported during the quarter. Single complaints may contain more than one allegation.

**TABLE 2.2  
DPD ALLEGATIONS RECEIVED**

Allegation	Citizen	Internal	Total	Percent
Discourtesy	92	2	94	25%
Responsibilities To Serve The Public	78	2	80	21%
Inappropriate Force	39	6	45	12%
Improper Procedure - Other	29	8	37	10%
Not Giving Name and Badge Number	22	1	23	6%
Biased Policing	21	0	21	5%
Traffic Enforcement	13	0	13	4%
Conduct Prejudicial	3	5	8	2%
Improper Investigation of Cases	8	0	8	2%
Failure to Make or File Reports	4	3	7	2%
All Others	35	12	47	11%
<b>Total</b>	<b>344</b>	<b>39</b>	<b>383</b>	<b>100%</b>
Percent	90%	10%	100%	

Table 2.3 compares the number of “sustained” and “not sustained” allegations resulting from formal investigations completed during the third quarter. In this report, the category “Not Sustained” includes allegations subjected to a formal investigation that resulted in findings of “unfounded,” “exonerated,” or “not sustained.”

**TABLE 2.3  
SUSTAINED ALLEGATIONS FOR CITIZEN AND  
INTERNAL COMPLAINTS BY MONTH CLOSED**

Month	Sustained	Not Sustained	Total
July	10	9	19
August	9	10	19
September	16	11	27
<b>Quarterly Total</b>	<b>35</b>	<b>30</b>	<b>65</b>
Percent	53.8%	46.2%	100.0%

**TABLE 2.4  
DPD DISCIPLINE ON SUSTAINED CITIZEN COMPLAINT ALLEGATIONS  
CLOSED THIS QUARTER**

Case #	Rank	Incident Summary	Allegations	Discipline
Citizen Case 1	Officer	The subject officer treated the complainant discourteously during a traffic stop.	Discourtesy	Written Reprimand
Citizen Case 2	Officer	The subject officer did not fully perform the officer’s duties while investigating a vehicle accident and failed to investigate the driver for DUI.	Improper Procedure - Other	Written Reprimand
Citizen Case 3	Officer #1	The complainant was arrested and his property was placed in a bag outside his cell. When the prisoner was released, his property could not be located.	Improper Procedure - Other	Written Reprimand
	Officer #2		Improper Procedure - Other	Oral Reprimand
Citizen Case 4	Officer	After consuming an excessive amount of alcohol at a party, an off-duty officer chose to drive. He also engaged in an altercation with his wife. Afterwards the officer chose to drink more alcohol and drive again in efforts to find her.	Improper Procedure - Other	16 Hours Fined Time
			Conduct Prejudicial	6 Days Suspended

	Rank	Incident Summary	Allegations	Discipline
Citizen Case 5	Officer	The subject officer sexually harassed the complainant during work at DIA.	Discrimination, Harassment, and Retaliation	42 Days Suspended
Citizen Case 6	Officer	The subject officer violated Department policy when he reached into the complainant's pocket and destroyed the contraband he found there.	Improper Procedure - Other	16 Hours Fined Time
			Improper Procedure - Other	Written Reprimand
Citizen Case 7	Officer	The subject officer was discourteous during a traffic stop. The officer also improperly placed the complainant into a police car to show the complainant a speed limit sign.	Discourtesy	Written Reprimand
			Improper Procedure - Other	Written Reprimand
Citizen Case 8	Officer	After pulling over a truck driver and instructing him to go through a weigh station, the subject officer asked the driver about religion, preached to him, and also provided religious information to the driver.	Responsibilities To Serve The Public	Written Reprimand
Citizen Case 9	Officer	The subject officer allowed a cadet to approach the driver during a traffic stop, contrary to policy.	Responsibilities To Serve The Public	8 Hours Fined Time

**TABLE 2.5**  
**DPD DISCIPLINE ON SUSTAINED INTERNAL COMPLAINT ALLEGATIONS**  
**CLOSED THIS QUARTER**

Case #	Rank	Incident Summary	Allegations	Discipline
Internal Case 1	Detective	The subject officer did not fulfill responsibilities in the investigation of a sexual assault on a child case and did not display an impartial attitude in the interview of one of the parents.	Impartial Attitude	32 Hours Fined Time <sup>1</sup>
Internal Case 2	Officer	The subject officer threw another officer's mail into the trash in retaliation over a dispute about trash left behind in a patrol car.	Respect for Fellow Officer	7 Days Suspended <sup>2</sup>
Internal Case 3	Officer	The subject officer failed to complete and send out required license revocation forms to the Department of Motor Vehicles.	Failure to Make or File Reports	16 Hours Fined Time
Internal Case 4	Officer	The subject officer disobeyed an order by surreptitiously recording a disciplinary hearing and subsequent private conversation with the Chief of Police.	Disobedience of an Order	10 Days Suspended

<sup>1</sup> Case 1 involved allegations of abuse of a juvenile by a civilian. Under state law, the OIM does not have access to law enforcement records documenting the abuse of juveniles. As such, the OIM did not monitor or review this case.

<sup>2</sup> In Case 2, the Department of Safety initially issued a disciplinary order suspending the officer for three days, contingent on the officer's agreement to accept the discipline and waive the right to appeal. Several weeks later, the Department of Safety amended its disciplinary order, aggravating the penalty and suspending the officer for seven days. The Department of Safety has stated that it was under the mistaken belief that the officer had accepted the Chief's recommended penalty, which was taken into account by the Manager in his initial evaluation of the case. When the Department learned that the officer had not accepted the Chief's recommended penalty, it conducted a new review of the case, which prompted the seven day suspension.

Case #	Rank	Incident Summary	Allegations	Discipline
Internal Case 5	Officer	While off-duty, the subject officer got intoxicated and confronted a homeless person, causing an altercation and alarming a number of people.	Conduct Prejudicial	42 Days Suspended
Internal Case 6	Officer #1	Subject officers #1 and #2 recorded incorrect times of when citations were issued on their FOCUS grant log sheets.	Failure to Make or File Reports	16 Hours Fined Time
	Officer #2		Failure to Make or File Reports	16 Hours Fined Time
Internal Case 7	Officer	Although the subject officer was off-duty, the officer attempted to detain three individuals when there was no immediate need to do so. This resulted in a physical altercation, creating a serious risk to the officer and public safety.	Improper Procedure - Other	6 Days Suspended
Internal Case 8	Sergeant	The subject sergeant improperly used a computer to access information for personal reasons.	Improper Procedure - Other	Written Reprimand
Internal Case 9	Sergeant	The subject sergeant inadvertently carried an unauthorized firearm in luggage while attempting to fly out of DIA.	Improper Procedure - Other	Oral Reprimand
			Law Violation-Conduct Prohibited by Law	Written Reprimand
Internal Case 10	Sergeant	The subject sergeant authorized the destruction of evidence in violation of departmental policy.	Improper Procedure - Other	16 Hours Fined Time

Case #	Rank	Incident Summary	Allegations	Discipline
Internal Case 11 <sup>3</sup>	Sergeant	During a traffic stop, a sergeant released a firearm to a person who appeared to be visibly intoxicated. The sergeant omitted material information about the firearm from official statements and reports. The sergeant was also deceptive to the Internal Affairs Bureau and others about the reasons for omitting this information regarding the firearm. The sergeant instructed a subordinate officer to conceal information about the firearm from others.	Misleading or Inaccurate Statements	Demotion of Rank and 30 Days Suspended (20 Days Suspended to be held in abeyance for one year)
			Conduct Prejudicial	Demotion of Rank (10 Days Suspended to be held in abeyance for one year)
			Improper Procedure - Other	Demotion of Rank (24 Hours Fined Time to be held in abeyance for one year)
			Commission of a Deceptive Act	Demotion of Rank (Termination to be held in abeyance for one year)
Internal Case 12	Sergeant	The subject sergeant failed to treat subordinate officers with respect when making threatening remarks at roll call.	Respect for Fellow Officer	Demotion in Rank (24 Hours Fined Time will be held in abeyance for one year)
Internal Case 13	Officer	The subject officer violated the Denver Police Department's Pursuit Policy.	Improper Procedure - Pursuit	Written Reprimand
Internal Case 14	Sergeant	The subject sergeant carried an unauthorized weapon while off-duty.	Improper Procedure - Other	Oral Reprimand

<sup>3</sup> Under the Department's Disciplinary Matrix, the presumptive penalty for the Commission of a Deceptive Act is termination. Pursuant to a negotiated settlement agreement between the Department of Safety and the subject sergeant, which resolved Cases # 11 and 12, the sergeant was not terminated. Instead, the sergeant was demoted and suspended for ten days, with additional penalties held in abeyance. Under the matrix, settlement of disciplinary cases is "encouraged in appropriate cases," and should "occur only for legitimate purposes." The OIM was neither involved in the negotiation of this agreement nor consulted on its terms.

Case #	Rank	Incident Summary	Allegations	Discipline
Internal Case 15	Technician	The subject officer's service dog attacked a neighbor's dog.	Law violation- Conduct Prohibited by Law	16 hours Fined Time
Internal Case 16	Officer	The subject officer used government e-mail to broadcast a message with political information.	Improper Procedure - Other	Written Reprimand
Internal Case 17	Officer	The subject officer improperly discharged a 40mm weapon at the ground to determine if it was loaded.	Careless Handling of Firearms	16 Hours Fined Time

\* The data reflected in Chapter 2 was extracted from the Denver Police Department's Internal Affairs records management database (CUFFS II) on November 19, 2012. The OIM is not a CUFFS II administrator and has little control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. When data entry errors are discovered, the OIM notifies the appropriate department in order to ensure that the errors are corrected. Because the OIM does not audit the data, the OIM is unable to certify the complete accuracy of the published statistics. Finally, because the OIM is not the final arbiter of what allegations to record in CUFFS II and against which officers, the OIM cannot certify that the data presented (with respect to specific complaint allegations) is as it would be if the OIM were making those decisions.

Since these data were drawn from dynamic, live databases, the reported complaint, allegation, and timeliness numbers will fluctuate slightly over time and are subject to revision until all of the cases for a particular period are investigated and closed. The figures reported in this chapter include only complaints against sworn DPD officers. Citizen and internal complaint numbers do not include "scheduled discipline" cases (e.g., when a DPD officer allegedly violates a traffic law, gets into a preventable traffic accident, or misses a court date, shooting qualification, or continuing education class).

### MISSED OPPORTUNITY FOR IN-DEPTH TACTICS REVIEW

In the fall of 2011, the Occupy Protest Movement (“Occupy”) originated in New York City in order to bring attention to issues of income inequality in the United States. One of Occupy’s distinguishing features was its reliance on the occupation of physical space as a primary protest strategy. This often involved erecting tents or encampments in public space, usually in violation of municipal law. Occupy ultimately spread to over 100 cities, including Denver, where protesters frequently attempted to set up tents in Civic Center Park. Occupy’s makeshift encampments created public safety and sanitation issues, and presented significant challenges for police departments throughout the United States. Denver was no exception.

Every “Occupied” city dealt with the challenges presented by Occupy differently. To its significant credit, Denver’s approach included regular coordination between various city agencies and departments to evaluate and confer on how best to address the health and safety challenges presented by Occupy safely and peacefully. This involved regular meetings among various stakeholders to discuss tactics and best practices for policing Occupy encampments with minimal risk to officers and civilians. We commend the City for taking this approach.

On the afternoon of October 29, 2011, Denver Police responded to Civic Center Park to provide security during and after an Occupy Denver march and rally. A highly-energized crowd was erecting tents in Civic Center Park in violation of municipal ordinance. Officers were faced with a difficult decision—whether to immediately engage members of the crowd to ensure that the tents come down, risking confrontation—or wait and allow the crowd to disperse before enforcing that ordinance.

The decision was made to immediately address the ordinance violations, and a small group of officers made verbal requests that the tents be dismantled. Although officers made these requests for voluntary compliance, many were outfitted with helmets and other riot gear, which sometimes provokes crowd response. Many demonstrators became physically aggressive, and there were confrontations between protesters and police. The small group of officers was surrounded, and DPD issued an emergency citywide call for additional police assistance. Officers deployed O.C. spray and pepperballs, among other less-than-lethal force options, to maintain a perimeter or skirmish line. Several civilians were injured during the ensuing melee, and many in the crowd were affected by the O.C. spray and struck with pepperballs, including one civilian struck in the face. An officer was trampled, though thankfully not injured. The incident, and the force used, received local and national media attention, and several complaints were filed with the DPD and the OIM.

During Occupy Denver’s most active months, the DPD conducted regular debriefings concerning the protests. The significant risks to officer and civilian safety created by this particular clash, however, called for a more detailed examination of the tactics used to determine whether different methods could prevent similar confrontations in the future. Conducting such a comprehensive tactics review would serve to protect both the public and police officers, whose safety can be jeopardized when tactical decisions fail to achieve intended outcomes.

Understanding the potential benefits of such analysis, the OIM recommended that the DPD employ its Tactics Review Board (“TRB”) to assess the tactics used during the October 29, 2011 clash with Occupy demonstrators. Under DPD procedure, the TRB is to meet on a bi-monthly basis if cases require it. The TRB is empowered to conduct a review of tactical situations in order to determine, among other things, “compliance with existing policy and procedure...[and] the need for revisions to policy, procedure or training.” The TRB may also make recommendations on tactics used or under consideration by the DPD, including crowd control tactics.

Among the tactical decisions that this incident presented for TRB review was the timing of DPD’s engagement with the demonstrators shortly after the rally, the deployment of officers in riot gear when seeking voluntary compliance with police requests, the small number of officers used to engage a potentially aggressive crowd, and the use of less-than-lethal force during the incident.

The Department of Safety declined to accept our recommendation to employ the TRB to review this incident. Instead, the Department of Safety believed it sufficient to rest on a debriefing. The Department of Safety also cited a concern over resources as a reason for not doing the recommended TRB review. It was unfortunate that this confrontation occurred. Yet, it also presented an opportunity to review and learn from the tactics used with the goal of improving outcomes at future demonstrations. As we work together to ensure the delivery of world-class police services, we encourage the Department of Safety and the DPD to embrace additional opportunities for such analysis if they should arise.

## DENVER SHERIFF DEPARTMENT COMPLAINTS, SUSTAINED FINDINGS, AND DISCIPLINE\*

### NEW COMPLAINTS AND ALLEGATIONS

Table 4.1 reports the number of internal affairs complaints filed in the third quarter. Please note that these figures do not include complaints against civilian employees. In addition, a single complaint may contain more than one allegation.

**TABLE 4.1  
NEW DSD INTERNAL AFFAIRS  
COMPLAINTS BY MONTH RECEIVED**

Month	Complaints	
July	46	46%
August	28	28%
September	26	26%
<b>Quarterly Total</b>	<b>100</b>	<b>100.0%</b>

Table 4.2 lists DSD internal affairs complaint allegations filed in the third quarter. A single complaint may contain more than one allegation.

**TABLE 4.2  
DSD INTERNAL AFFAIRS COMPLAINT ALLEGATIONS  
BY MONTH RECEIVED**

Allegation	July	August	September	Total	Percent
Excessive Force	3	0	1	4	3%
Improper Conduct	13	5	3	21	18%
Improper Procedure	26	12	3	41	35%
Law Violation	2	3	2	7	6%
Lost Property	6	3	9	18	16%
Service Complaint	6	6	5	17	15%
Other	3	0	5	8	7%
<b>Total</b>	<b>59</b>	<b>29</b>	<b>28</b>	<b>116</b>	<b>100%</b>

**TABLE 4.3  
SUSTAINED ALLEGATIONS FOR INTERNAL AFFAIRS CASES BY MONTH  
CLOSED**

Month	Sustained	Not Sustained	Total
July	8	14	22
August	4	13	17
September	7	4	11
Quarterly Total	19	31	50
Percent	38%	62%	100.0%

In this report, the category “not sustained” includes allegations subjected to a formal investigation that resulted in findings of “unfounded,” “exonerated,” or “not sustained.” Only cases that are fully investigated are included in Table 4.3.

**OUTCOMES ON SUSTAINED INTERNAL AFFAIRS AND REPRIMAND  
COMPLAINTS**

The next two tables provide descriptive information on sustained reprimand and internal affairs cases closed during the quarter. For reprimand cases, which are issued by a deputy’s direct supervisor (not investigated by Internal Affairs), we report the allegation type and the disciplinary outcome (Table 4.4). Minor traffic accidents investigated by Internal Affairs are also included in Table 4.4. For all other formal complaints investigated by Internal Affairs, we report the case type, number of officers involved, rank, complaint type, incident summary, finding, and discipline imposed for cases closed during the quarter (Table 4.5).

**TABLE 4.4  
DISCIPLINARY OUTCOMES ON SUSTAINED SHERIFF DEPARTMENT  
REPRIMANDS CLOSED DURING THE THIRD QUARTER 2012**

Complaint Description	Written	Verbal	Cautionary Letter
Deputy involved in a minor traffic accident	1	1	0

**TABLE 4.5**  
**SIGNIFICANT DISCIPLINE ON SUSTAINED INTERNAL AFFAIRS CASES**  
**CLOSED DURING THE QUARTER**

Internal Case 1	Sergeant	A sergeant sexually harassed a deputy.	Improper Conduct	32 Day Suspension
Internal Case 2	Deputy	An off-duty deputy failed to notify the Internal Affairs Bureau in a timely manner that the deputy had been cited for a traffic accident which resulted in death.	Law Violation	4 Day Suspension
			Improper Conduct	Written Reprimand
Internal Case 3	Deputy	A deputy had an inmate with special privileges watch the door while the deputy conducted rounds, creating a security risk. The deputy also asked the inmate to write a letter critical of other deputies in violation of policy.	Improper Conduct	12 Day Suspension and a Written Reprimand
Internal Case 4	Deputy	A deputy made inappropriate physical contact with another employee in the workplace. The deputy also sent inappropriate e-mails to another deputy using a government e-mail account.	Improper Conduct	52 Day Suspension
Internal Case 5	Deputy	A deputy failed to adequately follow security procedures, putting inmates at risk. One inmate was injured by other inmates during this time period.	Improper Procedure	40 Day Suspension
Internal Case 6 <sup>1</sup>	Deputy	A deputy failed to appear for work on multiple occasions.	Improper Procedure	Reduction in Pay (Termination held in abeyance for 24 months pursuant to a negotiated settlement agreement)

<sup>1</sup> Although this table does not generally include unauthorized leave cases, reprimand cases, or cases where a deputy allegedly failed to pay his/her union dues, Case 6 is included because the unauthorized leave violation was repeated multiple times and resulted in the imposition of significant discipline.

\* The data for this chapter was extracted from the Denver Sheriff Department's Internal Affairs records management database on November 19, 2012. The OIM is not an IAB database administrator and has little control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. When data entry errors are discovered, the OIM notifies the appropriate department in order to ensure that such errors are corrected. Because the OIM does not regularly audit the data, the OIM cannot certify the complete accuracy of the published statistics. Finally, because the OIM is not the final arbiter of what allegations to place in their databases and against which officers, the OIM cannot certify that the data presented (with respect to specific complaint allegations) is as it would be if the OIM were making those decisions.

Since these data were drawn from dynamic, live databases, the reported complaint, allegation, and timeliness numbers will fluctuate slightly over time and are subject to revision until all of the cases for a particular year are investigated and closed. The figures reported in this chapter only include complaints against sworn DSD deputies.

## DENVER POLICE DEPARTMENT

In each quarter, there are noteworthy examples of officers and deputies displaying the values of the Departments through the demonstration of honor, courage, or commitment to community service. The OIM has historically published a list of commendations awarded during each quarter without description. Although we will continue to publish a list, I have asked each Department to identify individual examples of commendable behavior recognized during the quarter, some of which are highlighted in the following pages.

**TABLE 5.1**  
**DPD COMMENDATIONS DURING THE QUARTER**

Commendations	Awards
Commendatory Action Report	127
Official Commendation	26
STAR Award	17
Life Saving Award	2
Department Service Award	3
Leadership Award	2
Citizens Appreciate Police Award	1
Community Service Award	5
Medal of Valor	22
<b>Total</b>	<b>205</b>
Source: Denver Police Department	

## DENVER SHERIFF DEPARTMENT

**TABLE 5.2**  
**DSD COMMENDATIONS DURING THE QUARTER**

Commendations	Awards
Letters of Appreciation (from Supervisors/Director)	77
Commendations (from Supervisors/Director)	3
Employee of the Month (Downtown)	3
Employee of the Month (COJL)	3
Employee of the Quarter (DSD)	1
<b>Total</b>	<b>87</b>
Source: Denver Sheriff Department.	

**DENVER POLICE DEPARTMENT****LIFESAVING AWARD**

Lieutenant James Cosgrove was dining at a restaurant when he observed that another diner was choking. The lieutenant quickly initiated the Heimlich maneuver, likely saving the diner's life. This quick action earned the lieutenant the Department's Lifesaving Award.

**LIFESAVING AWARD**

Officers Robert Smith, Anna Marie Lopez, and Patrick Walker responded quickly and took immediate action that saved the life of a person in an attempted suicide. Upon arrival at a residence to conduct a welfare check, the officers gained entry into a bedroom and found an individual hanging by a leash. The officers immediately supported the person, cut the leash, performed CPR, and checked the party's carotid pulse. The party regained consciousness and was taken to a hospital. The officers' actions earned them the Department's Lifesaving Award.

**STAR AWARD**

An elderly woman was robbed at gun point by several gang members. Gang Unit Officers Ethan Antonson, Ethan Aldridge, Thomas Raspanti, and Kevin Ford responded to her call for help and pursued the perpetrators. The officers executed a Pursuit Intervention Technique ("PIT") maneuver to stop the fleeing vehicle, and were able to arrest each of the suspects. The swift action by these officers, which led to the arrest of gang members who had committed multiple violent felonies, makes the City of Denver a safer place for residents, and earned them the Department's STAR Award.

**STAR AWARD**

Officers Joshua Herko, Joey Gasca, Antonio Guardado, and Frank Schilling reacted quickly to calm and disarm a mentally ill man who was armed with two knives and threatening the residents of a group home. The officers' actions averted a potentially deadly situation, resulted in a safe outcome for all, and earned them the Department's STAR Award.

## **DENVER SHERIFF DEPARTMENT**

### **LETTER OF COMMENDATION**

Chris Martin, RN, was commended by the Director of Corrections for taking the time to research and find a solution to the food allergies that affect a number of inmates. The proposed solution will help to reduce adverse health impacts on inmates, while also reducing the cost of meal preparation, providing a potential cost savings of approximately \$231,000 per year for taxpayers.

### **LETTER OF COMMENDATION**

Captains Paul Oliva and Sonya Gillespie were commended by the Director of Corrections for going above and beyond the call of duty when assisting with the notifications to the family of a deceased Deputy Sheriff. The deputies were commended for their professionalism and compassion in dealing with this tragic situation.

### **LETTER OF COMMENDATION**

Captain Paul Oliva, and Deputies Joshua Favinger, Chris Lavin, John Rader, James Szumowski, and Olivia Terrell were commended by the Director of Corrections for their efforts on the Social Network Committee to help improve the Department's community relations through the use of social media.

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