



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

2014 Semiannual 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, investigations, 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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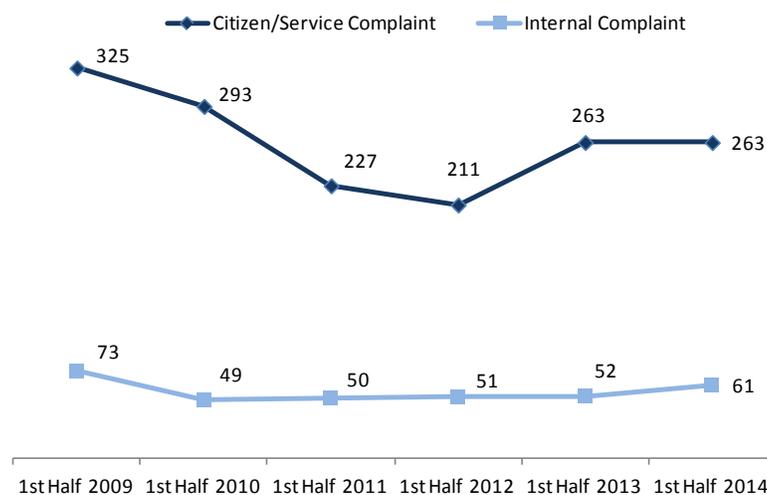
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Denver Police Department (DPD) Monitoring

New Complaints and Allegations

Figure 1.1 shows the number of DPD Internal Affairs Bureau (IAB) complaints recorded during the first half of 2014, and for the same time period in each of the previous five years.^{1,2} These numbers do not include scheduled discipline cases, such as when a DPD officer violates a traffic law, gets into a preventable traffic accident, or misses a court date, shooting qualification, or continuing education class. During the first half of 2014 (January 1 - June 30), 263 community/service complaints and 61 internal complaints were recorded against Denver police officers.³

Figure 1.1: DPD Complaints



Most Common Complaint Specifications

Table 1.1 shows the ten most common specifications contained in both internal and community complaints recorded during the first six months of 2014.⁴ Because single complaints may contain more than one specification, the total presented represents more than 100 percent of complaints (there were 439 specifications contained in 324 complaints). The most common specification recorded by IAB in the first half of 2014 was “responsibilities to serve public,” a specification that covers a wide range of alleged misconduct regarding an officer’s responsibility to “...serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. They shall respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgment.”⁵

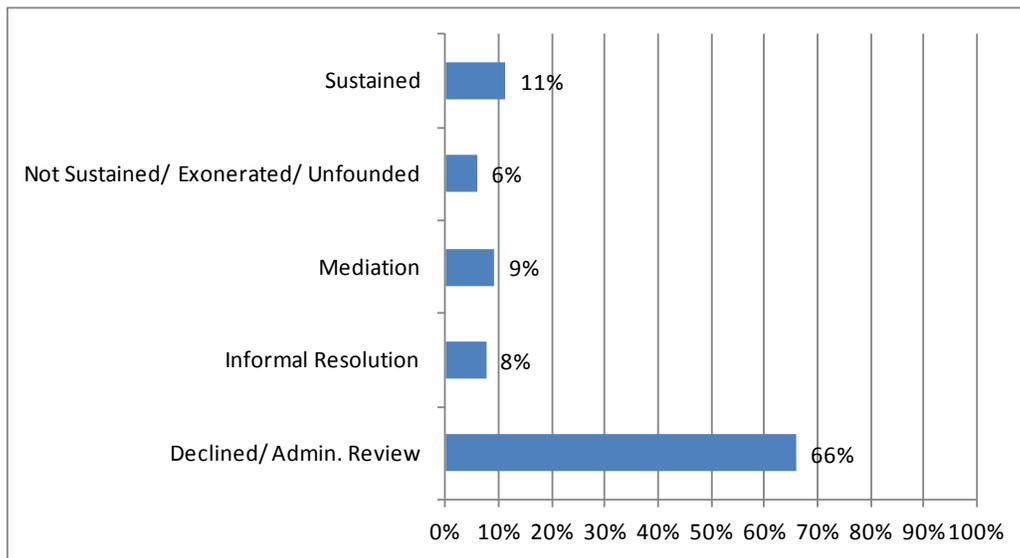
Table 1.1: Most Common Specifications, January 1 – June 30, 2014

Specification	%
Responsibilities to Serve Public	30%
Improper Procedure	29%
Discourtesy	28%
Inappropriate Force	14%
Biased Policing	5%
Failure to File Reports	5%
Failure to Give Name and Badge Number	4%
Conduct Prejudicial	3%
Conduct Prohibited by Law	2%
Impartial Attitude	2%
Total	324

Complaint Screening and Outcomes

11 percent of 302 complaints closed by DPD IAB in the first six months of 2014 were sustained, which means they were found to be supported by a preponderance of the evidence.

Figure 1.2: Outcomes on Complaints Closed, January 1 - June 30, 2014



Significant Discipline on Sustained Cases (January 1 - June 30, 2014)

Terminations

- Two officers (Officers A & B) engaged in repeated sexual acts while on duty. Officer A lied about that conduct during an IAB investigation. Officer A was also later criminally charged with domestic violence and entered into a plea agreement whereby she plead guilty to revised charges in return for a deferred judgment and sentence in that case. She was terminated for misconduct, appealed, and a hearing officer reversed the disciplinary decision and ordered that Officer A be reinstated. The Department has appealed that order.

Officer B admitted to engaging in sexual acts with Officer A while on duty. He also allegedly failed to act and report that she allegedly pointed her service weapon at herself because he wanted to hide their extramarital relationship. Officer B resigned prior to a final disciplinary finding by the Executive Director of Safety.

- An off-duty officer was arrested for DUI outside Denver County after being found asleep at the wheel of a running vehicle. The officer attempted to get out of trouble by using his status as a police officer. The officer also refused to give a statement to IAB.

The officer has prior violations involving the use of alcohol. In one prior case, he was disciplined for being intoxicated on a sidewalk near a busy roadway displaying an offensive sign against homeless individuals, which led to a physical confrontation with a private citizen. In another previous case, the officer called in sick, when in fact he was inebriated at the time and had been out drinking heavily hours before his scheduled shift. He was initially suspended for 42 days in each case. Pursuant to a later plea agreement, 20 of the 42 suspended days were held in abeyance on conditions that the officer refrain from further acts of misconduct, and maintain sobriety for 24 months. In light of the new DUI case, those 20 suspended days were imposed and the officer was terminated for the new misconduct. The officer appealed and a

hearing officer upheld the disciplinary decision. The officer is appealing the hearing officer's decision.

- An officer was on indefinite leave as a result of performance issues and other concerns. While on leave, the officer was criminally charged in another county for a domestic violence incident. As a result, the officer was ordered to have no contact with his girlfriend, and was separately prohibited from exercising any police authority or taking any police action. The officer disobeyed these orders when he entered a store, identified himself as an officer, and requested store video surveillance for personal reasons. Further, the officer had contact with his girlfriend, in violation of his orders, and lied to IAB about violating the orders. The officer was terminated for this misconduct.

Resignations

- An off-duty officer allegedly got into a physical altercation with another person, which resulted in one of the guns the officer had in his possession going off. The officer was in possession of two handguns at the time and according to a portable breath test, he allegedly had a BAC of .168. The officer retired before a disciplinary decision was reached.

- An officer allegedly failed to assist a fellow officer who was involved in a physical altercation. The officer also allegedly made false statements about helping the other officer in a written report and in an IAB investigation. The officer retired before a disciplinary decision was reached.

- Please see Officer B, under “Terminations” above.

- An officer was charged in another jurisdiction with sexual exploitation of a child related to materials on his personal computer. He immediately resigned his employment with the DPD.

Other Significant Cases, Including Suspensions for Ten or More Days

- An off-duty officer was arrested for DUI after he drove his vehicle with a BAC of .201 and caused property damage in another jurisdiction. He also had a personal shotgun in the trunk of his vehicle while intoxicated. The officer was suspended for 16 days.

- While on duty, an officer drove a department vehicle outside city limits without supervisory approval in order to pursue a personal relationship. The officer was suspended for 10 days.

- An off duty officer was arrested for DUI outside Denver County after driving his vehicle with a BAC of .121. The officer was suspended for 10 days.

- An officer displayed disrespectful behavior towards his supervisors who were attempting to counsel him on a situation where he placed himself and others in danger. The officer had displayed similar behavior in the past. The officer was suspended for 16 days.

- A juvenile was taken into custody and brought to a hospital for medical attention, then released to his parents by an officer. Medical staff became concerned that the officer was related to the juvenile, and contacted the officer's sergeant. When questioned by the sergeant, the officer misled the sergeant by stating that the officer had "dealt" with the juvenile in the past, but that they were not related. A short time later the officer contacted the sergeant and admitted that the juvenile was, in fact, the officer's nephew. An NCIC clearance was run after the juvenile had been released, which showed that the juvenile was wanted for felony aggravated assault. The officer was suspended for 30 days for making misleading or inaccurate statements related to the officer's official duties.

- A person who had been romantically involved with an officer made allegations of on and off-duty sexual misconduct against the officer. After an investigation, many of the claims were not sustained. Yet, the investigation revealed that the officer downloaded and stored hundreds of nude and semi-nude photos on a department issued cell phone. The officer was suspended for 10 days.

- One officer allegedly tapped or patted another on the head in a supposed friendly greeting. In retaliation, the “tapped” officer struck the other officer hard on the back of the head in order to “teach them a lesson.” The first officer was fined two days, while the second officer was suspended for 15 days.
- An officer failed to properly investigate a DUI contact, then also failed to document the incident and the reasons for the lack of investigation. The officer has prior cases involving the failure to make or file reports or take police action on incidents. The officer was suspended for 10 days. The officer is appealing the discipline.
- An officer used an official marked DPD vehicle for personal use, including meeting a friend for lunch and then going to a movie in another county. The officer’s assigned police dog was left in the vehicle, allegedly for hours. The car was parked so that it was visible to members of the public, which resulted in public concern and negative media attention. The dog was unharmed. The officer was suspended for 10 days, appealed the discipline, and a hearing officer reduced the penalty to a three-day suspension. The Department has appealed the penalty reduction.
- An officer was approaching a suspected stolen vehicle when the driver drove away, and the officer accidentally shot a round in the driver’s side window. He was suspended for four days.

Commendations and Awards

Every year, there are noteworthy examples of officers engaging in actions that reflect Departmental values of honor, courage, and commitment to community service. Below is a list of commendations awarded to DPD officers in 2014, followed by a list of definitions for each type of commendation.

Table 1.2 Commendations, January 1 - June 30, 2014

Commendations	Number	%
Commendatory Action Report	124	64.2%
Citizen Letter	15	7.8%
Official Commendation	1	0.5%
Commendatory Letter	7	3.6%
Distinguished Service Cross	22	11.4%
Medal of Valor	1	0.5%
Department Service Award	1	0.5%
Merit Award	1	0.5%
Other than DPD Commendation	2	1.0%
Purple Heart	1	0.5%
Medal of Honor	10	5.2%
Unspecified	8	4.1%
Total	193	100.0%

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

Highlighted Commendations

COMMENDATORY ACTION REPORT

An out-of-state resident wrote to commend the performance of two DPD officers who assisted him when he suffered a heart attack at Denver International Airport. He believes that they helped save his life by taking quick action. He also appreciated their care and concern by assisting him in notifying his family.

DISTINGUISHED SERVICE CROSS AWARD/MEDAL OF HONOR

Officers were dispatched to a robbery at a retail store, which quickly developed into a hostage situation. Responding officers negotiated with the suspects for several hours until the suspects surrendered without further incident. The numerous officers involved valued the lives of the hostages above their own as they continued advancing while being fired upon. The officers were awarded the Medal of Honor and the Distinguished Service Cross for their role in the incident.

CITIZEN LETTER OF APPRECIATION

A resident wrote to commend two DPD officers stationed at the airport who assisted her when her car was struck by another vehicle that fled the scene. The officers acted quickly to apprehend the other driver, bring that person back to the airport, and help file the appropriate reports. The resident relayed that the sergeant on the scene went “above and beyond” by keeping her constantly informed about what was happening with the other driver and interacting with her young niece and nephew, and that she was grateful for the officers’ actions.

COMMENDATORY LETTER

Two detectives were awarded Commendatory Letters for identifying a stolen vehicle and apprehending its occupants safely and effectively. While driving near a busy intersection, the detectives observed a suspicious vehicle ahead of them, which turned out to be stolen. The detectives formulated and executed a plan resulting in the safe apprehension of the occupants in the suspicious vehicle, then worked

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cooperatively with members of the Metro Auto Theft Task Force and officers from a neighboring jurisdiction to prepare and file a strong case. Their efforts led to the recovery of four stolen vehicles and numerous items of stolen personal property.

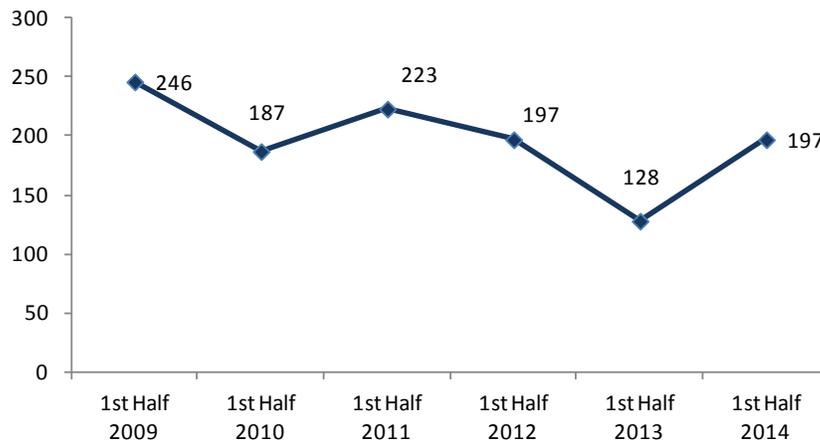
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Denver Sheriff Department (DSD) Monitoring

New Complaints and Allegations

In the first half of 2014, the DSD recorded 197 complaints against sworn deputies.⁶ This represents a 54 percent increase in recorded complaints compared to the same time period in 2013. The complaint counts do not include “reprimand” cases or cases filed against civilian DSD employees.⁷

Figure 2.1: DSD Complaints



Most Common Complaint Allegations

Table 2.1 shows the frequency of all DSD IAB complaint allegations recorded in the first six months of 2014. Because single complaints may contain more than one allegation, the total presented represents more than 100 percent of complaints (there were 205 allegations contained in 197 complaints). The most common allegation recorded by IAB in the first half of 2014 was improper procedure, which was seen in 43 percent of all complaints.

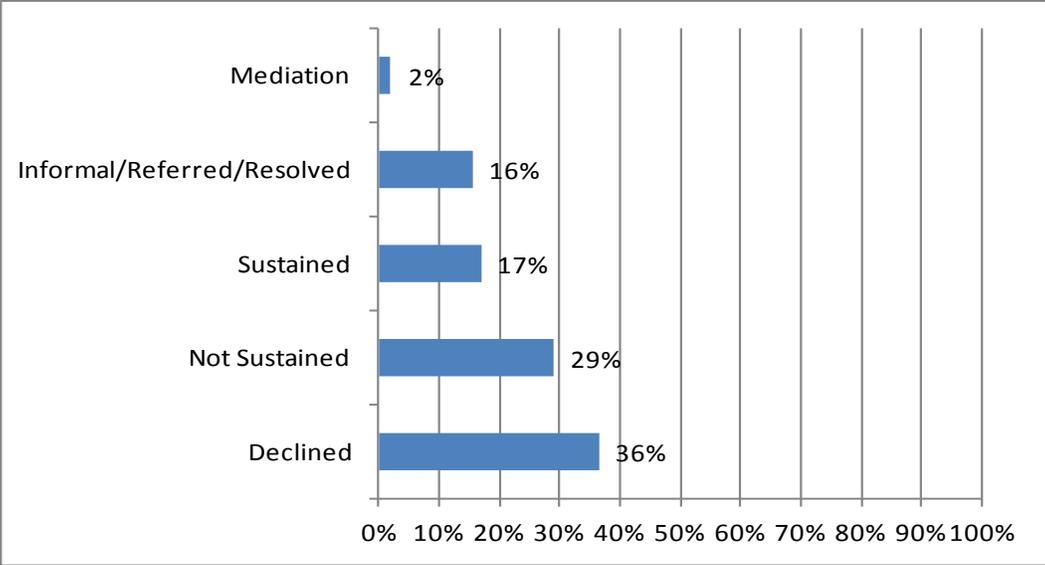
Table 2.1: Allegations Recorded, January 1 - June 30, 2014

Allegations	Percent
Improper Procedure	43%
Service Complaint	18%
Lost Property	13%
Inappropriate Force	11%
Unclassified	10%
Improper Conduct	8%
Law Violation	2%
Other	1%
Total	205

Complaint Screening and Outcomes

Figure 2.2 reports the outcomes on 148 allegations closed in the first half of 2014. Seventeen percent (17 percent) of those allegations resulted in sustained findings.

Figure 2.2: Findings for Complaint Investigations Closed, January 1 - June 30, 2014



Significant Discipline on Sustained Cases (January 1 - June 30, 2014)

Terminations

- A deputy managing a housing pod in the jail violated a number of departmental rules, including failing to do required rounds, failing to do roll calls, bringing cigarettes into an unauthorized area, allowing inmates to watch music videos on the deputy's computer, letting them disobey the dress code, and leaving the housing lights off. The deputy also had an extensive history of violating other departmental rules. The deputy was terminated, and a hearing officer upheld the termination.
- A deputy used inappropriate force when he struck an inmate in the face after the inmate pushed a phone towards him on the desk. The deputy then wrote a misleading and inaccurate report about why he used force and the amount of force used on the inmate. In a criminal investigation, the deputy also made a deceptive statement by stating that the inmate picked up a phone and threw it at him, striking him in the shoulder. The deputy also failed to state that he struck the inmate in the face in response to the phone being pushed in his direction. Video footage showed that the statements that the deputy made in both the administrative and criminal investigations were deceptive and/or misleading. The deputy was terminated, appealed, and the disciplinary decision was upheld by a hearing officer. The deputy is appealing the decision.

Resignations

- A deputy had two separate cases. In the first case, the deputy abandoned the deputy's post without being properly relieved and without letting anyone know the deputy had left. The deputy left the housing unit unattended with the pod door opened. The deputy also left the janitor closet unlocked, which contains potentially harmful items, and the deputy left the computer still logged on, which controls the housing unit doors. While the housing unit was left unattended, an inmate walked into the housing area without supervision

and with open access to the computer, items in deputy's desk and janitor's closet, potentially putting the safety and security of the jail at risk.

In the second case, video footage revealed that the same deputy failed to conduct six rounds during a shift. The deputy falsely logged into the computer system that the deputy had done four of the missed rounds. Video footage also revealed that the deputy brought an unauthorized knife and cell phone into the detention area. The deputy used the cell phone for over three hours while neglecting other duties, including turning the lights on in the pod. The deputy also allegedly failed to act appropriately after inmates alerted the deputy to an inmate medical emergency occurring in front of the deputy's workstation. Before the imposition of discipline in either case, the deputy entered into a settlement with the Executive Director of Safety and resigned.

- A deputy was criminally charged with Contributing to the Delinquency of a Minor based on a police investigation indicating that the deputy provided alcohol to female minors and engaged in other inappropriate "grooming" behavior towards them while off-duty. The deputy resigned.

- An intoxicated male who had been in a motor vehicle accident was admitted to the hospital restrained and in police custody. While at the hospital, the male started insulting a deputy. In response, the deputy allegedly grabbed the patient's head, put his fingers in the patient's eyes, and slammed his head on to the bed. The patient was still in a cervical collar at the time. Afterwards, the patient allegedly insulted the deputy again and the deputy repeated the action while threatening the patient. The deputy retired prior to a disciplinary decision.

Other Significant Cases, Including Suspensions for Ten or More Days

- A deputy used inappropriate force when he applied pressure to an inmate's neck or upper chest, causing the inmate to collide with a wall prior to coming to a seat on a sally port bench. The force was used to punish the inmate for comments the inmate made in the housing unit and not complying with the deputy's order to sit down. The deputy was suspended for 10 days, appealed, and the disciplinary decision was upheld by a hearing officer.

■ A sergeant entered a cell with other deputies to confront an emotionally distraught inmate who had been repeatedly banging his head against the cell wall and not complying with orders to stop. Once the deputies and sergeant entered the cell, the inmate remained seated on the bench. The sergeant ordered the inmate to stand up, turn around and put his hands behind his back so they could place him in a restraint chair. The inmate did not comply, and the sergeant ordered the deputies to tase the inmate. Video footage shows that the inmate was still seated when the deputies were ordered to tase the inmate and was not engaging in conduct that could reasonably be viewed as attempts to hurt himself or others. The sergeant was suspended for 10 days, appealed, and the discipline was upheld by a hearing officer. An appeal has been filed with the Career Service Board.

■ A deputy was disciplined in two separate cases. In the first case, the deputy made inappropriate and sexually explicit remarks in the workplace that offended and embarrassed a civilian employee. The conduct fostered an unsatisfactory working relationship between that employee and the deputy. The deputy was suspended for 14 days and appealed the decision. In the second case, the same deputy disregarded safety rules regarding high security inmates at the Correctional Care Medical Facility. He escorted an inmate who had been classified as high risk without leg restraints, against policy. He also entered a designated “two deputy” room alone, while the inmate was present, and provided an unauthorized civilian employee with DSD issued Orcutt Police Nunchuku (“OPNs”) as a joke. The deputy was also openly defiant in the presence of others, making statements about rules not applying to him, that he was in charge, and that he couldn’t be fired. The civilian employee who accepted the deputy’s OPNs was terminated. The deputy was suspended for 23 days, and appealed the decision.

On May 13, 2014, the Executive Director of Safety entered into an agreement with the deputy to settle both disciplinary appeals. In the first case, the discipline was reduced to 10 suspended days, with 4 days held in abeyance for one year. In the second case, the discipline was reduced to 13 suspended days, with 10 days held in abeyance for one year. The Executive Director of Safety agreed to reimburse the deputy for 14 days of pay for the 14 days that were to be held in abeyance. If the deputy successfully complies with the agreement and does not engage in other misconduct, the days held in abeyance will be removed from the deputy’s disciplinary history.

Commendations and Awards

Table 2.3: DSD Commendations, January 1 – June 30, 2014

Commendations	Number	Percent
Letters of Appreciation (from Supervisors/Sheriff)	93	69.4%
P.R.I.D.E. Award (Personal Responsibility in Delivering Excellence)	20	14.9%
Employee of the Month (COJL)	6	4.5%
Unit Citations (Sheriff's office)	4	3.0%
Commendations (from Supervisors/Sheriff)	2	1.5%
Employee of the Quarter (DSD)	2	1.5%
#1 Academic Award	1	0.7%
#1 Defensive Tactic Award	1	0.7%
#1 Physical Fitness Award	1	0.7%
Academy Medal	1	0.7%
Most Improved Physical Fitness	1	0.7%
Top Gun	1	0.7%
Valedictorian	1	0.7%
Total	134	100.0%

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

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Table 2.4: Selected DSD Commendation Types and Descriptions

Commendation Type	Description
Community Service Award	Awarded to an employee who sacrifices his/her time and expense, contributes a successful program to the community, or who performs an act to improve Sheriff-Community relations.
Merit Award	Awarded to an employee who, through personal initiative develops a program or plan which contributes significantly to the Department's objectives, goals, and morale.
Purple Heart	Awarded to an employee who is killed or seriously injured in the performance of his/her official duties.
Commendation	Awarded to an employee for specific actions or the performance of duties/services.
Supervisory Commendation	Awarded to an employee by a supervisor for specific actions or the performance of duties/services.
Life Saving Award	Awarded to employees who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person (without danger to the officer's life).

Highlighted Commendations

LETTER OF APPRECIATION

Several DSD deputies, sergeants, and cadets received Letters of Appreciation for their participation in the 2014 “Denver St. Patrick’s Day Parade.” DSD’s participation, including the Youth Vehicle, Tactical Humvee, CHAMP, Honor Guard, and the DSD Posse, marks the first time it has participated as an entry organization.

LETTER OF APPRECIATION

Three DSD sergeants and two deputies received Letters of Appreciation for providing positive leadership and mentoring to many young girls at the 5th Annual Girls Empowerment Workshop at the Dr. Martin Luther King, Jr. Early Middle College.

LETTER OF APPRECIATION

Three deputies received Letters of Appreciation for volunteering at the 9th annual “Concerts for Kids” event. The deputies painted a hallway for a non-profit organization.

LETTER OF COMMENDATION

Several DSD deputies and a sergeant received Commander’s Commendations for spearheading and collaborating with the Safe City program and juvenile courts on the Safe City and Court Ordered Jail Tours. Conducted twice monthly, the tours are designed as a preventive service for juveniles by using recruited inmates to portray how wrong choices negatively impact lives.

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3

Critical Incidents

Introduction and Overview

Officer-involved shootings and deaths in custody (collectively “critical incidents”) can have a profound impact on the lives of both officers and community members, and on the overall relationship between law enforcement and the community. 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 OIM publishes regular reports regarding the status of investigations into critical incidents.

In all critical incidents, DPD’s 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. The OIM also generally responds to the scene for a walk-through and debriefing from command staff. Major Crimes detectives interview civilian witnesses and involved officers, and obtain documentary evidence. The OIM monitors all video interviews and may suggest additional questions at the conclusion of each interview. After the criminal investigation is complete, the administrative review process begins.

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 the incident, the Major Crimes Unit reports are submitted to DPD 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 Department policy. Once all relevant evidence is gathered, the case is submitted to a DPD Use-of-Force Board to determine whether any violations of the DPD’s use-of-force policies have occurred. The OIM is present at all Use-of-Force 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. If the Chief and the OIM agree that there were no policy violations in non-fatal shootings, the case is closed and no further administrative action is taken. In fatal shootings, the Executive Director of Safety makes the final determination and issues a public report. The OIM reviews the Executive Director’s findings and either concurs or disagrees.

If the Use-of-Force Board finds that the officer’s actions were in violation of any Department policy (“out-of-policy”), the officer is then given the opportunity to respond to the allegations and provide mitigating evidence to the Chief of Police at a “Chief’s Hearing.” Both the Chief’s disciplinary recommendation and that of the OIM are forwarded to the Executive Director of Safety for his or her consideration.

If the OIM disagrees with a recommendation made by the Use-of-Force Board or the Chief of Police, the OIM recommendation will be forwarded to the Executive Director of Safety, who is the ultimate disciplinary decision-maker regarding critical incidents.

DPD In-Custody Deaths (January 1 - June 30, 2014)

Incident #1

On June 7, 2014, officers responded to a call regarding a suicidal party. When officers contacted the subject inside his residence, he fled through the apartment and jumped off the 7th floor balcony to his death. DPD command staff reviewed the incident and found no policy violations. The OIM concurred with their assessment.

DPD Officer - Involved Shootings (OIS) (January 1 - June 30, 2014)

Incident #1

On January 2, 2014, the Denver Police Department assisted the Thornton Police Department in a vehicular pursuit in order to arrest an armed individual involved in an alleged domestic violence incident earlier that day. Information was aired over police radio that the suspect was involved in felony menacing and that shots had been fired at officers. The pursuit traveled through several police districts, including jurisdictions outside of Denver. The pursuit terminated when police utilized a vehicle immobilization maneuver on the suspect's car, which resulted in the suspect's car hitting a police car. After the crash, the approaching officers saw the suspect rise up holding a gun. Three officers, including two DPD officers, fired on the suspect, hitting him multiple times, resulting in his death. Toxicology reports later indicated that the suspect had methamphetamine and alcohol in his system at the time of the encounter.

The District Attorney for Broomfield and Adams Counties reviewed the incident and declined to file charges against the involved officers. The Adams/Broomfield DA prepared a detailed letter reviewing the shooting, which can be found here: <http://adamsbroomfieldda.org/wp-content/uploads/2014/04/Decision-letter-re-officer-involved-shooting-Jan.-2-2014.pdf>. This case is currently under review by the DPD.

Incident #2

On January 13, 2014, an individual entered a convenience store acting strangely and told an employee that he had a gun, while concealing his hand in his pocket. As a result, employees activated an “emergency button” for police assistance. A DPD officer arrived shortly thereafter. When the officer entered the store, the suspect grabbed a community member with his left hand, while concealing his right hand in his pocket positioned as though he was pointing a handgun at the hostage. The officer called for help and backed out of the store.

Other officers arrived, surrounded the store, and hostage negotiations commenced. The suspect did not comply with police commands and threatened to shoot the hostage several times during the incident. At one point, the suspect forced the hostage to go outside, where officers were present. The officers ordered the suspect to release the hostage and to put his hands up. The hostage put her hands up and tried to create distance between herself and the suspect. An officer fired a shot, hitting the suspect in the neck and causing him to fall. It was determined afterwards that the suspect did not actually have a gun. The suspect later died of his wounds. Toxicology reports indicated that the suspect had amphetamine and methamphetamine in his system at time of his death.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found here: http://www.denverda.org/News_Release/Decision_Letters/PSdecisionletter01-17-14Matthews.pdf. On August 27, 2014, the Use-of-Force Board met, and found this shooting to be in-policy. The OIM concurred with this assessment.

Incident #3

On May 14, 2014, District 4 officers transported a handcuffed suspect to the District 4 police substation for processing. When officers attempted to remove the suspect from the vehicle, he started to slide back and forth to prevent the officers from removing him. As the officers went into the car to get the suspect, who was handcuffed behind his back, the suspect fired a handgun at them. Officers retreated from the car and took cover, and other officers quickly arrived. The suspect ended up discharging the weapon two times before it jammed. An officer fired one shot,

which struck the suspect. The suspect was treated and survived. He was later found to have been hiding bags containing more than three grams of methamphetamine in his rectum.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: http://www.denverda.org/News_Release/Decision_Letters/2014SisnerosLetter.pdf. The case is currently under review by the DPD.

DPD Accidental Shootings (January 1 - June 30, 2014)

Accidental Shooting #1

On March 11, 2014, officers were executing a warrant for a probation violation. When officers entered the suspect's home to contact him, an officer tripped over a pillow and accidentally discharged his weapon into the floor, resulting in a superficial wound to a community member inside the home. On August 27, 2014, the Use-of-Force Board met and found this shooting to be out of policy. The OIM concurred with this assessment. The officer was suspended for 18 days.

Accidental Shooting #2

On March 16, 2014, an officer was confronting a suspect who had fled from a traffic stop and gotten in another vehicle. The officer was drawing his handgun and turning on the attached flashlight as he stepped out of the car. The police vehicle's door swung back and threw him off-balance, causing him to unintentionally pull the trigger and fire a round. The bullet shattered the vehicle's front window, and the driver sustained minor injuries from the flying glass. On August 27, 2014, the Use-of-Force Board met, and found this shooting to be out of policy. The OIM concurred with this assessment. The officer was suspended for 18 days. The officer is appealing the discipline.

2013 DPD Critical Incidents Pending or Closed between January 1 - June 30, 2014

2013 Incident #1

On April 29, 2013, an employee at a Veteran's Administration residential facility made a call to 911. She reported that one of the residents was in his room holding a "giant pair of scissors," and threatening to kill himself. She further reported that he suffered from "schizo-affective, PD, PTSD, schizophrenia." An officer responded and found the male in his room in an agitated state, holding large scissors. The officer asked the subject to put the scissors down multiple times. The suspect allegedly refused and began to take steps toward the officer while opening and closing the scissors. The officer shot the subject in the rib cage with a 40mm less lethal round. The strike had no apparent effect on the subject, who allegedly threw the spent 40mm projectile back at the officer. The officer continued to order the subject not to come any closer. However, the subject continued to step toward the officer while holding the scissors. The officer switched to his handgun and shot the subject several times. The subject was hit but survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: http://www.denverda.org/News_Release/Decision_Letters/2013July5DreyfussInvestigation.pdf. The DPD Use-of-Force Review Board concluded that the shooting was within policy, but referred the shooting to the DPD's Tactics Review Board. The OIM concurred with this assessment. The Tactics Review Board recommended that the officer receive additional training.

2013 Incident #2

On August 13, 2013, officers responded to a 911 call of a mentally ill man threatening people and passing cars with a knife. Upon contact, officers confirmed that the man was armed with a knife. Officers immediately started commanding the man to drop the knife and get on the ground. The man refused to comply and instead started to approach the officers. One of the officers fired a pepper ball gun at the man, but it had no apparent effect. Officers attempted to take cover behind patrol

cars as the man continued to advance on them, prompting an officer to shoot at him with a Taser. The man moved towards another officer who yelled at the man to drop the knife. Although the officer was retreating, the man closed the distance on the officer and continued threatening with the knife. The officer fired his handgun multiple times at the man, until he passed the officer and fell on the ground, dying from the gunshot wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: http://www.denverda.org/News_Release/Decision_Letters/2013%20BechtoldShootLetter.pdf. The DPD Use-of-Force Review Board met on February 4, 2014, and concluded that the shooting was within policy. The OIM concurred with this assessment.

2013 Incident #3

On August 19, 2013, at night, an officer was investigating a stolen motor vehicle report when he observed a vehicle possibly matching the description parked along the side of the road. The officer attempted to make contact with the person inside the possibly stolen vehicle. The officer had his gun drawn and was utilizing the tactical light on his gun to see inside the car. The officer grabbed the car door handle to open it. The driver quickly sped off, and the officer lost his balance and stumbled backwards. The gun accidentally discharged in an upward direction. The officer believed this might have happened when his finger slipped off the tactical light switch on the gun when he stumbled. The stolen vehicle was later found abandoned with a bullet entry hole through the driver's side window and an exit bullet hole through the windshield. There was a small amount of blood on the driver's seat and center console. The suspect driving the vehicle was not found.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The DPD Use-of-Force Review Board met on February 4, 2014, and concluded that the shooting was out of policy. The OIM concurred with this assessment. The case was also sent to a Tactics Review Board for a review of the tactics used in this situation. The Tactics Review Board recommended the officer receive additional training on proper tactics involving high-risk vehicle stops as well as use of a weapon-mounted light.

On March 12, 2014, the Executive Director of Safety found that the shooting was out of policy and suspended the officer for four days.

2013 Incident #4

On August 16, 2013, officers responded to a call that a woman had been shot by her husband, who had just left the house armed with a shotgun, which he was shooting again. Upon arrival, officers observed the suspect armed with a rifle, as well as propane tanks set in the middle of the road. Dispatch informed officers that a family member reported that the suspect wanted to have a shoot-out with officers. While the officers established a perimeter and attempted to get the suspect to surrender, they witnessed the suspect shoot one of the propane tanks, which started leaking gas. They also observed an unresponsive female on a nearby porch. For several minutes, officers attempted to give commands to the suspect to surrender and put down his weapon. He refused and a stand-off ensued. The suspect reported having hostages during the stand-off, though none were seen in his immediate vicinity. Officers were authorized by Command to take a shot, if they could safely do so. A sergeant armed with a rifle got into position and attempted to get the individual to surrender. The suspect did not and, when the suspect turned towards the officer, the officer fired, and the suspect went down. The suspect was injured by the shot and taken into custody. The District Attorney's Office later charged the suspect with shooting and injuring his wife as well as the murder of their neighbor. The suspect was also charged with the Use of Explosives or Incendiary Devices and Child Abuse.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: http://www.denverda.org/News_Release/Decision_Letters/2013HeimbignerLet.pdf. The DPD Use-of-Force Review Board met on March 25, 2014, and concluded that the shooting was within policy. The OIM concurred with this assessment.

2013 Incident #5

On September 21, 2013, a male wearing sunglasses, a hood pulled over his head, and a band-aid on each cheek, entered a bank and handed a teller a demand note stating, “don’t do anything funny, don’t give me any funny money, don’t give me any dye packs.” An off-duty officer in full uniform was providing security for the bank, and noticed the suspect’s unusual dress when he entered the bank. The officer was already suspicious due to a recent report of a robbery at a nearby liquor store. Concerned that parties might be attempting to divert police resources away from the bank, the officer walked up behind the suspect as he approached the teller and saw the suspect hand the teller a note and open the bag that he was carrying. He saw the teller place large sums of money into the bag. After the suspect started to walk away, the officer confirmed with a nod from the teller that a robbery had just taken place. The officer followed the suspect outside, as he did not want to contact him in a bank where others could get hurt. When the suspect passed the inner door to the bank, the officer grabbed his shoulder and said, “Police! Do Not Move!” The officer reported that the suspect pulled out a gray handgun and started to turn very fast towards him. In response, the officer turned with him and rapidly fired three rounds at the suspect, killing him. It was later determined that the suspect’s handgun was a toy.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found here: http://www.denverda.org/News_Release/Decision_Letters/2013%20Faris%20Shoot%20Letter.pdf. On June 18, 2014 the DPD Use-of-Force Review Board concluded that the shooting was in-policy. The OIM concurred with this assessment.

2013 Incident #6

On November 27, 2013, a sergeant attempted to contact a suspicious male in downtown Denver. When the sergeant asked for identification, the male fled on foot and the sergeant chased him into a parking lot. The male proceeded to get into a vehicle and drive away. While driving away, the suspect allegedly turned the vehicle towards the sergeant. The sergeant shot at the driver four times rapidly as the vehicle approached him. The vehicle turned, left the area, and was later found

abandoned. The male suspect was also found later. No one was hit by any shots fired during the incident.

The DPD Use-of-Force Review Board met on March 25, 2014, concluded that the shooting was within policy, but referred it to a Tactics Review Board for an assessment of the officer's tactical decisions during this encounter. The OIM concurred with this assessment.

Critical Incidents: Denver Sheriff Department (DSD)

In-Custody Death Investigation and Review Protocol

In all critical incidents, 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 it, the OIM also responds to the scene of the incident for a walk-through and debriefing from command staff. Homicide detectives interview all witnesses and every involved officer, and obtain documentary evidence. The OIM video monitors all 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 in regard to the filing of criminal charges against anyone involved in the 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 Departmental policy. If, after reviewing the investigation, the Conduct Review Office 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 is closed. The OIM reviews the Conduct Review Office's findings and makes recommendations to the Sheriff and the Executive Director of Safety.

If the Conduct Review Office finds that the involved deputy's actions were in violation of any Department policy ("out-of-policy"), the case is referred to the Sheriff for a "Pre-Disciplinary Hearing." 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 Sheriff. Both the Sheriff's recommendations and that of the OIM are forwarded to the Executive Director of Safety for consideration. The Executive Director of Safety determines whether the deputy's actions were "in-policy" or "out-of-policy" and the appropriate level of discipline, if any.

DSD In-Custody Deaths (January 1 - June 30, 2014)

2014 DSD In-Custody Death #1

On April 21, 2014, an inmate was found unresponsive in his cell at the DDC, apparently having hung himself, and was pronounced dead shortly after being discovered. The incident is currently under investigation.

DSD 2013 Critical Incidents Pending or Closed between January 1 - June 30, 2014

2013 Incident #1

On September 8, 2013, during weapons training at the Firing Range, a DSD recruit bent down to retrieve her handgun, which had been placed on the ground. While picking up the gun, the recruit lost control of it, and as she attempted to regain control of it, she accidentally pulled the trigger. The weapon discharged one round into the concrete floor down range. Three recruits standing nearby were struck with debris from the impact, and they were all treated for superficial wounds.

On January 28, 2014, the Executive Director of Safety found that the shooting was out of policy. The OIM concurred with this assessment. The deputy received a one day suspension.

2013 Incident #2

On May 11, 2013, a nurse discovered an unresponsive inmate while passing or administering medications at the DDC. The inmate was transported to the Denver Health Medical Center, where she later died. The case is currently under investigation.

2013 Incident #3

On September 26, 2013, a deputy found an unresponsive inmate in his cell. Medical personnel responded and were unable to revive the inmate. The Office of the Medical Examiner determined that the death resulted from natural causes. This case is currently under review.

2013 Incident #4

On November 28, 2013, an inmate became unresponsive in the back of a DSD scout van while being transported from a DPD district station to the DDC. The DSD deputies transported the inmate to the Denver Health Medical Center, where he later died. This case is currently under review.

Endnotes

1. The data reported in this chapter were extracted from 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 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) is what it would be if the OIM were making these decisions. Since there 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 include only complaints against sworn DPD officers. Community and internal complaints 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.) The OIM excluded duplicate cases and all cases that did not involve a direct allegation against a sworn officer from all counts and analyses.
2. The data included in this chapter were last retrieved from IAPro on November 13, 2014.
3. Community complaints are allegations of misconduct by a sworn member of the DPD that are filed by community members. Internal complaints are those that are filed by an officer, supervisor, command staff, or Internal Affairs. Internal complaints are more likely to be purely procedural than community complaints, and often allege a failure to follow DPD procedures. Not all internal complaints are minor, however, as complaints of criminal behavior by officers are sometimes generated internally.
4. Many reports related to police oversight and IAB processes talk about complainant "allegations". Allegations are assertions, in a complainant's own words, of particular kinds of purported misconduct by an officer. The DPD does not systematically track the detailed allegations made by complainants in its Internal Affairs database. 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.
5. DPD Operations Manual, RR-127, Responsibilities to Serve Public.
6. The data reported in this chapter were extracted from 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 officers, 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 there 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 include only complaints against sworn DSD deputies.

Endnotes

7. The OIM excluded duplicate cases and all cases that did not involve a direct allegation against a sworn officer from all counts and analyses. 15 cases that were recorded as DSD complaints in IAPro were excluded from these analyses, including six cases of alleged sexual abuse of an inmate perpetrated by another inmate where no deputy misconduct was alleged, one case in which an inmate attempted suicide where no deputy misconduct was alleged, one complaint against a jail facility and its medical unit, one complaint filed by a medical professional regarding a specific inmate's alleged inappropriate behavior, and six cases in which the subject was a civilian but DSD sworn officers were involved as either complainants or witnesses to the incident.
8. Historically the OIM has included "reprimand" cases in its count of complaints against DSD deputies. Reprimand cases are a type of management complaint filed by an employee's immediate supervisor that allege a minor rule violation, such as the failure to wear an appropriate uniform or losing department property. Reprimand cases are not generally investigated by Internal Affairs, but have historically been included in the IAB database. However, due to changes in DSD's recording practices for reprimand cases (for example, no reprimand cases were recorded for the entire first six months of 2014, and only two were recorded for the same time period in 2013, as compared to 88 in 2007) we have chosen to exclude reprimand cases from these counts.



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