



DENVER

**OFFICE OF THE
INDEPENDENT MONITOR**

2021 Semiannual Report

The Office of the Independent Monitor

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

- ◆ Ensuring that the complaint and commendation processes are accessible to all community members;
- ◆ Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- ◆ Making recommendations on findings and discipline;
- ◆ Publicly reporting information regarding patterns of complaints, findings, and discipline;
- ◆ Making recommendations for improving DPD and DSD 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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INDEPENDENT MONITOR

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1 Denver Police Department Monitoring

Introduction

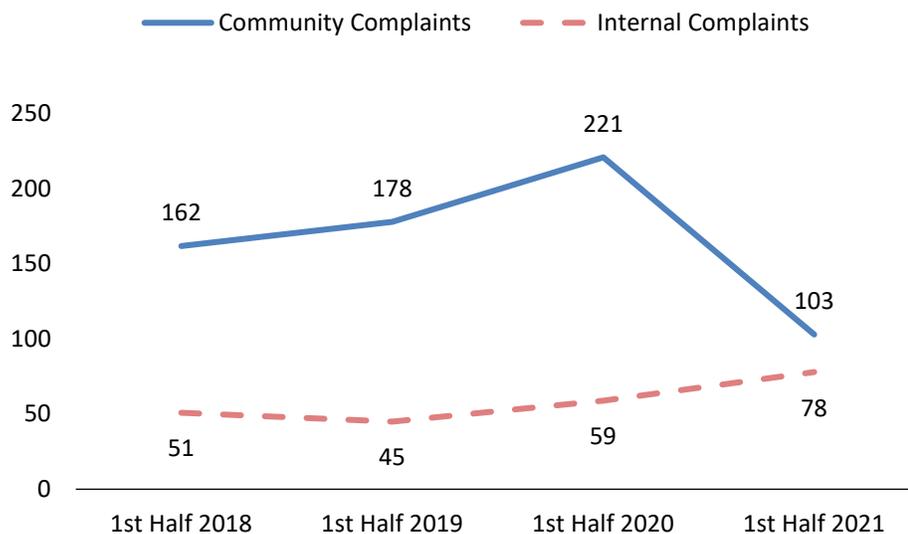
The Office of the Independent Monitor (“OIM”) is responsible for monitoring Denver Police Department (“DPD”) investigations into complaints involving sworn personnel and for ensuring that the complaint process is accessible to all community members.¹ Having an accessible complaint process is critical for several reasons. First, complaints provide the DPD with information it may use to hold officers accountable when they do not live up to DPD and community standards of conduct. Second, complaints may provide “customer feedback” that can be used to improve police services through the refinement of policies, procedures, and training. Third, complaints can identify points of friction between officers and the community, which can support the development of outreach and education initiatives. Finally, an open complaint process fosters community confidence in the police, which enables officers to effectively perform their important public safety function.

In this chapter, we review information about the DPD’s complaints, investigations, findings, discipline, and commendations.

Complaints Recorded in the First Half of 2021

Figure 1.1 presents the number of complaints recorded by the DPD during the first half of 2021 and the first halves of the previous three years.² These numbers do not include most scheduled discipline cases, such as when a DPD officer violates a traffic law or misses a court date, but they do include complaints involving violations of the DPD’s Body Worn Camera (“BWC”) Policy.³ The DPD recorded 103 community complaints in the first half of 2021, a 53% decrease from the first half of 2020. Internal complaints recorded by the DPD increased by 32%, from 59 in the first half of 2020 to 78 in the first half of 2021.

Figure 1.1: Complaints Recorded, First Halves of 2018–2021



As we have noted in previous reports, it is very difficult to explain fluctuations in the number of complaints filed over time. Patterns in complaints can change as the result of developments in organizational policy, practice, or training. Complaint numbers can also increase or decrease in response to a range of other factors, including, but not limited to, media coverage, changes in complaint-triage practices, and changes in the types of complaints that are recorded or not recorded. The decrease in community complaints in the first half of 2021 may be due, in part, to the COVID-19 pandemic and a reduction in pedestrian and traffic stops by the DPD. These were factors last year as well but were likely offset by an increase in complaints related to the DPD response to protests prompted by the murder of George Floyd (“George Floyd Protests” or “GFP”).

Most Common Complaint Specifications

Individual complaints can include one or more misconduct specifications, which reflect the rules that a DPD officer might be disciplined for violating. Table 1.1 presents some of the most common complaint specifications from the first half of 2021 and the first halves of the previous three years.⁴ The most common specifications recorded by the DPD in the first half of 2021 were Duty to Obey Departmental Rules and Mayoral Executive Orders and Discourtesy.

Table 1.1: Most Common Specifications, First Halves of 2018–2021

Specification	1st Half 2018	1st Half 2019	1st Half 2020	1st Half 2021
Duty to Obey Departmental Rules and Mayoral Executive Orders	27%	36%	35%	46%
Discourtesy	15%	19%	18%	14%
Inappropriate Force	15%	14%	21%	7%
Failure to Make, File, or Complete Official Required Reports	2%	3%	3%	6%
Responsibilities to Serve Public	23%	11%	4%	4%
Careless Handling of Firearms or Less Lethal Weapons	0%	0%	0%	3%
Unassigned	3%	0%	2%	3%
Conduct Prejudicial	2%	2%	1%	3%
Conduct Prohibited by Law	4%	3%	3%	3%
All Other Specifications	10%	10%	12%	10%
Total Number of Specifications	313	337	423	290

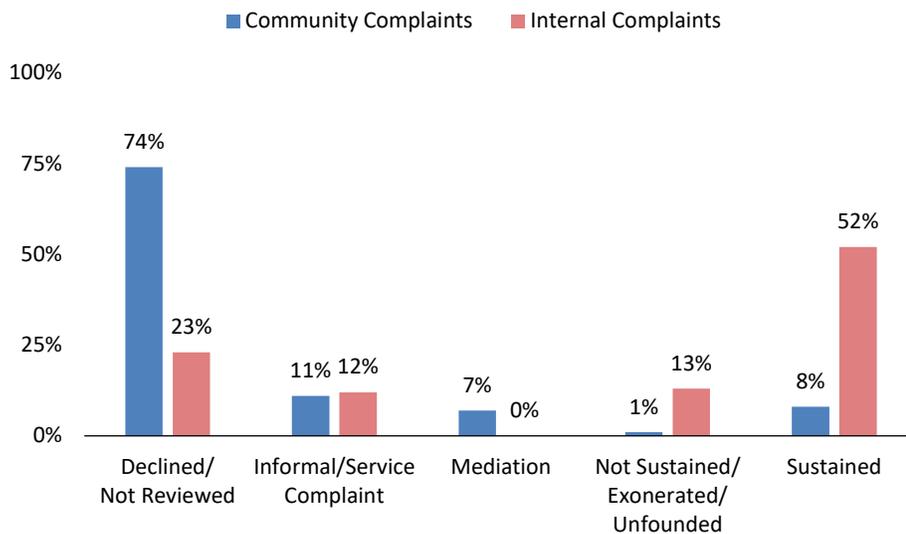
Note: Percentages may not sum to 100 due to rounding.

Duty to Obey Departmental Rules and Mayoral Executive Orders is a specification that covers a wide range of possible violations, including, but not limited to, unconstitutional search and seizure, improper handling of evidence and personal property, and violations of the DPD’s BWC Policy.⁵ Discourtesy is a specification used when officers are alleged to have violated a rule requiring them to be “orderly, attentive, respectful, and exercise patience and discretion in the performance of their duties.”⁶ The decrease in community complaints recorded in the first half of 2021 may have contributed to the results presented in Table 1, including the percentage increase in Duty to Obey Departmental Rules and Mayoral Executive Orders specifications and the decrease in Discourtesy and Inappropriate Force specifications.

Complaint Screening Decisions and Outcomes

In the first half of 2021, the DPD closed a total of 103 community complaints and 52 internal complaints. Figure 1.2 shows the outcomes of these complaints. The majority of community complaints closed in 2021 were declined after an initial intake investigation (74%), while a much smaller percentage of internal complaints were closed as declines (23%). Internal complaints were much more likely to result in a sustained finding than community complaints. Specifically, 52% of internal complaints closed in 2021 resulted in at least 1 sustained finding, while 8% of community complaints resulted in a sustained finding.

Figure 1.2: Outcomes of Closed Complaints, First Half of 2021



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

Significant Disciplinary Cases Closed in the First Half of 2021⁷

Resignations and Retirements

■ On April 12, 2020, a corporal reported that her supervisor, a sergeant, had been making unwanted romantic advances at work. During the investigation into the complaint, the sergeant allegedly made deceptive statements to the DPD Internal Affairs Bureau (“IAB”). The sergeant resigned prior to a disciplinary finding in the case.

■ On May 30, 2020, a lieutenant working during the GFP allegedly ordered officers to fire their pepperball launchers in a manner that was inconsistent with DPD policy. The lieutenant retired prior to a disciplinary finding in the case.

■ On September 3, 2020, an officer was involved in an incident where he allegedly slapped and dented a truck and got into an argument with the truck’s driver while working an unapproved off-duty traffic-control job. He also allegedly failed to notify a DPD supervisor of the incident and made deceptive statements during the IAB investigation. The officer retired prior to a disciplinary finding in the case.

■ On January 13, 2021, officers from another jurisdiction found a DPD officer asleep in a vehicle on a public road. A DPD sergeant responded to the other jurisdiction and ordered the officer to take a breathalyzer test, and the officer allegedly refused. The officer was charged with Driving Under the Influence and Impeding Traffic. At the time, he was in possession of two loaded handguns and was also charged with Prohibited Use of Weapons. Following the incident, the sergeant requested that the officer keep IAB updated as to developments in his case. The officer allegedly failed to do so. He resigned prior to a disciplinary finding in the case.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On June 21, 2019, officers responded to a disturbance call at an address previously associated with drug use and hostility toward police. Because of this, DPD records recommended four officers and a supervisor respond to future incidents at the location. While on her way to meet two other officers who had arrived at the location, an officer activated her patrol vehicle’s lights, but not the siren, as she drove through a red light into an intersection. A sedan collided with the patrol vehicle in the intersection. Both vehicles were significantly damaged, and the sedan’s driver suffered a fractured wrist. The officer was charged with

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Careless Driving but pleaded to reduced charges of Failure to Yield the Right of Way and Offenses by Persons Controlling Vehicles. According to the Department of Safety (“DOS”) Departmental Order of Disciplinary Action, a Chief of Police Written Command recommended an 18-day suspension for conduct prohibited by law. The DOS modified this Written Command and suspended the officer for four days.

■ On October 21, 2019, two officers (“Officer A” and “Officer B”) responded to the location of a reported carjacking. Officer A arrived at the location, exited his vehicle with his gun drawn, and ordered a man who matched the carjacking suspect’s description to the ground. Officer B drove to the area and exited her patrol car, leaving the car’s keys and a department-issued utility rifle unsecured in the car. The man began walking toward Officer B. Officer B backed up, and Officer A holstered his gun, drew his Taser, and fired it at the man. The Taser had no effect, and the man got into Officer B’s patrol car and drove away. Shortly after, other officers saw the man point the utility rifle at officers and fired their guns at him. He was struck and died as a result of the wounds. The outcome of the administrative review of the officer-involved shooting was pending during this reporting period.⁸ Officer B was suspended for 18 days for violating the DPD’s Storage and Carrying of Utility Weapons Policy when she did not store her utility rifle in either a locked rack or trunk of the patrol car.

■ On April 17, 2020, an officer working an off-duty assignment at a grocery store attempted to stop a man previously identified by security guards as someone who had possibly threatened customers. When the officer attempted to contact the man, he was walking away from the store holding a container of potato salad and saying that he was hungry. The officer ordered him to stop. The man eventually stopped, and the officer ordered him to get on the ground. The man began to run away from the officer, and the officer fired a Taser at the man’s back.⁹ The officer was suspended for four days for inappropriate force when he deployed his Taser at someone running away from him.

■ On May 29, 2020, officers were engaged in crowd control operations during the GFP while riding along the side of a Rapid Deployment Vehicle (“RDV”). The RDV passed two men walking down the sidewalk away from the protest activity. The officers told the men to go home. In response, one of the men stated that he “didn’t do anything” and asked, “where should I go?” An officer (“Officer A”) then fired his pepperball launcher toward one of the men as the man continued to walk down the sidewalk. Shortly after this interaction, the RDV stopped and the officers got off. A woman ran past the officers as they stood by the RDV. She yelled

obscenities at the officers, and Officer A fired his pepperball launcher at her. Shortly after that incident, a car drove through an intersection near where Officer A was standing, and a passenger pulled himself out of a window and yelled at officers. Officer A fired his pepperball launcher at the car three times as it continued driving away from the officers. According to the DOS Departmental Order of Disciplinary Action, a Chief of Police Written Command recommended a six-day suspension for Officer A for violating the DPD Use of Force Policy when he fired his pepperball launcher at the car in the third incident. The DOS modified this Written Command and suspended Officer A for 10 days for violating the DPD Use of Force Policy in all three incidents. He appealed his suspension.

■ On June 1, 2020, officers responded to a disturbance during the GFP. A driver, who was stuck in traffic near the officers, rolled down her window and yelled at them for firing less-lethal munitions at a crowd. An officer walking by the car stopped and sprayed his oleoresin capsicum (“OC”) fogger, a hand-held canister that emits an OC aerosol or “pepper spray,” twice at the windshield of the driver’s vehicle. The officer was suspended for six days for using inappropriate force when he sprayed the OC fogger at the windshield of a person’s car, who was not part of the protest or resisting the officer in any way, but operating a vehicle.

■ In July 2020, a community member complained about an officer’s actions regarding her 17-year-old employee. An investigation revealed that, after being told the employee’s age, the officer exchanged texts with the employee, brought her coffee and energy drinks at work, took her to lunch, and shared personal details about his marriage and dating preferences. The officer was suspended for 10 days for conduct prejudicial.

■ On October 8, 2020, officers were dispatched to the report of an assault in progress. After arriving at the location, officers placed a man in handcuffs and put him into the back of a patrol vehicle. A short time later, another officer noticed that the man had slipped the handcuffs to the front of his body. The officer told the man to get out of the vehicle and attempted to pull him out by the handcuffs. The man headbutted the officer once, and, as he appeared to attempt to do so a second time, the officer punched the man twice in the head. The officer then grabbed the man’s throat and said “[i]f you ever do that again...” but did not finish the sentence. The man made sounds indicating that his breathing was restricted. The officer removed his hand from the man’s throat but grabbed it again while moving him away from the vehicle. The officer was suspended for 10 days for using inappropriate force for applying force to the man’s throat and restricting his breathing.

Commendations and Awards

The DPD gives commendations and awards to officers whose actions rise above the expected standards of key departmental values, such as honor, courage, and commitment to community service. Table 1.2 presents the number and type of commendations awarded to DPD officers in the first half of 2021.¹⁰ The most common commendations recorded in the first half of 2021 were STAR Awards and Official Commendations. Table 1.3 provides definitions for select commendations.

Table 1.2 DPD Commendations and Awards, First Half of 2021

Commendation Type	Count	Percentage
STAR Award	49	28%
Official Commendation	34	19%
Commendatory Action Report	25	14%
Station-Level Award	16	9%
Unassigned	13	7%
Medal of Valor	12	7%
Lifesaving Award	6	3%
Chief's Unit Citation	5	3%
Purple Heart	5	3%
Distinguished Service Cross	4	2%
Preservation of Life	3	2%
Citizen Letter	1	1%
Commendatory Letter	1	1%
Community Service Award	1	1%
Medal of Honor	1	1%
Merit Award	1	1%
Total	177	100%

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

Table 1.3: Select Commendation Types and Descriptions

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

Highlighted Commendations

Citizen Letter

A woman sent a letter to commend a sergeant for his help with her credit card hacking case. The sergeant's instructions and quick response put the woman at ease during a difficult time. The woman appreciated the sergeant's professionalism and his respectful and kind attitude in their email correspondence. She said that it meant a lot to her to know that the DPD cares for and respects its citizens.

Commendatory Action Report

A woman submitted a commendation for an officer who responded to her home after she was robbed. The officer was very patient, handled the situation very professionally, and worked beyond the end of his shift. The woman noted that the officer made a horrible, scary situation much easier and did not treat it as just another call. The officer received a Commendatory Action Report.

Commendatory Action Report

A police chief from another jurisdiction wrote a letter thanking a DPD lieutenant for assisting his department with a promotional exam. The police chief appreciated the lieutenant taking a week from his other assignments to help. Others in the department were impressed with the questions the lieutenant asked and his dedication to the assessment. The lieutenant received a Commendatory Action Report.

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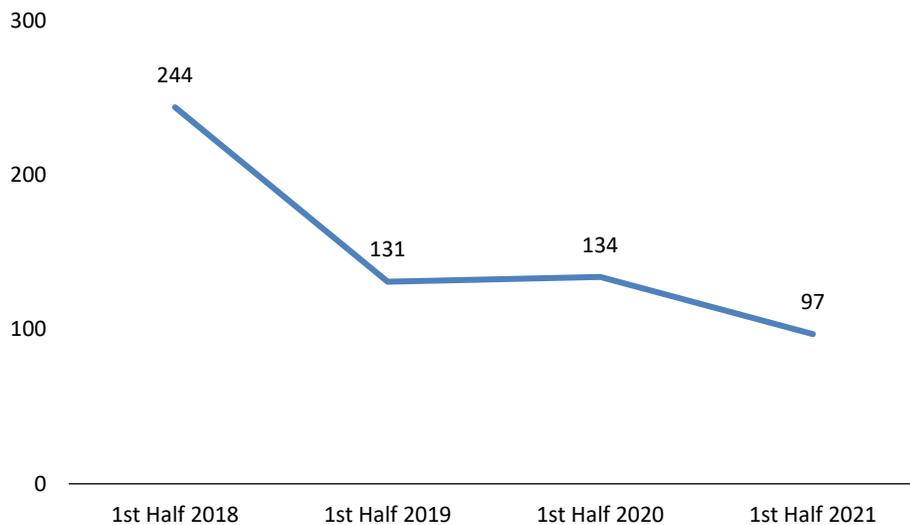
Introduction

The OIM is responsible for monitoring and reporting on patterns in Denver Sheriff Department (“DSD”) complaints and commendations.¹¹ In this chapter, we review information about the DSD’s complaints, investigations, findings, discipline, and commendations.

Complaints Recorded in the First Half of 2021

Figure 2.1 reports the number of complaints recorded in the DOS Administrative Investigations Unit (“AIU”) records management database in the first half of 2021 and the first halves of the previous three years.¹² These numbers do not include most scheduled discipline cases, such as when DSD deputies misuse leave time or fail to participate in firearms training or qualification.¹³

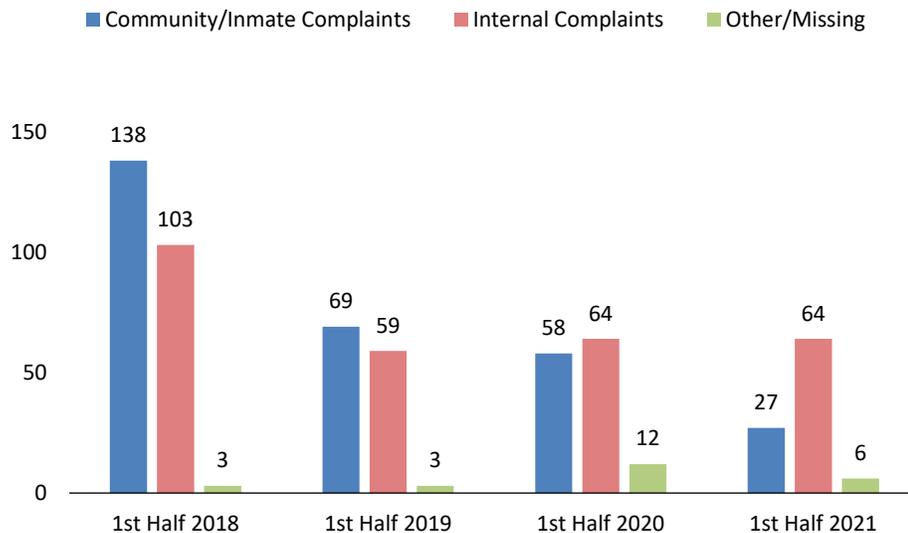
Figure 2.1: Complaints Recorded, First Halves of 2018–2021



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Figure 2.2 shows the number of complaints recorded against deputies by complaint type and year. The number of community member and inmate complaints that were recorded in the first half of 2021 decreased by 53% when compared to the first half of 2020. The number of internal complaints from AIU and DSD employees that were recorded in the first half of 2021 was similar to recent years.

Figure 2.2: Complaints Recorded by Complaint Type, First Halves of 2018–2021



In March 2021, the OIM learned that AIU had been employing a triage process through which it referred certain misconduct complaints to the DSD for investigation or other resolution rather than opening them into formal cases. This practice may explain the decline in recorded complaints that began in 2019. OIM staff are now analyzing the AIU’s approach to complaint triage and will provide more information about their findings in a future report.

Most Common Complaint Specifications

Individual complaints may include one or more specifications, which reflect the rules that a DSD deputy might be disciplined for violating.¹⁴ Table 2.1 reports the most common specifications recorded against DSD deputies in the first half of 2021 and the first halves of the previous three years. The most common specification was Disobedience of Rule, which prohibits deputies from violating “any lawful Departmental rule (including [Career Service Authority] rules), duty, procedure, policy, directive, instruction, or order (including Mayor’s Executive Order)” and

covers a wide range of potential misconduct.¹⁵ The second most common specification was Use of Inappropriate Force on a Person.

Table 2.1: Most Common Specifications, First Halves of 2018–2021

Specification	1st Half 2018	1st Half 2019	1st Half 2020	1st Half 2021
Disobedience of Rule	17%	20%	17%	18%
Use of Inappropriate Force on a Person	13%	9%	13%	12%
Sexual Misconduct with a Prisoner	1%	0%	2%	8%
Disobeying Lawful Order	0%	0%	2%	7%
Unassigned	17%	18%	8%	7%
Negligent Operation of Motor Vehicle or Equipment	0%	0%	2%	4%
Reporting of Use, or Attempted Use, of Force on a Person	1%	0%	0%	3%
Accurate Reporting	1%	2%	2%	3%
Failure to Intervene in an Inappropriate Use of Force on a Person or an Animal	0%	0%	0%	3%
Conduct Prohibited by Law	1%	0%	4%	2%
Discrimination, Harassment, and Retaliation	3%	1%	2%	2%
Full Attention to Duties	4%	10%	3%	2%
Humiliating, Cruel, or Harassing Treatment of Prisoners	0%	1%	2%	2%
Knowingly Making Misleading or Inaccurate Statements	1%	1%	1%	2%
All Other Specifications	41%	37%	43%	23%
Total Number of Specifications	516	290	265	208

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

In the first half of 2021, specifications for Sexual Misconduct with a Prisoner were more common than in previous years.¹⁶ This increase appears to be driven, in part, by a procedural change, rather than an actual increase in complaints alleging sexual misconduct. In previous years, the DSD and AIU were more likely to use the general Sexual Misconduct specification than they were to use the Sexual Misconduct with a Prisoner specification.¹⁷ Overall, however, the combined percentage of specifications related to sexual misconduct was not substantially larger in the first half of 2021 than in recent years.

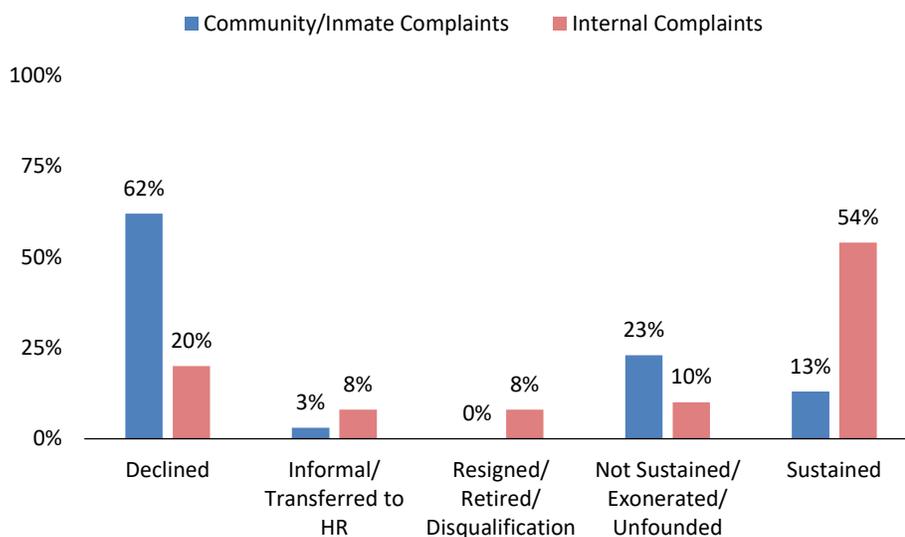
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Disobeying Lawful Order specifications were also more common in the first half of 2021 than in previous years. The majority of these specifications were associated with complaints about deputies refusing to work mandatory overtime. In June 2021, the DSD issued a directive that future overtime-related complaints would be handled, in part, as scheduled discipline.¹⁸

Complaint Screening Decisions and Outcomes

In the first half of 2021, AIU closed a total of 95 complaints. Figure 2.3 reports the final disposition of the complaints filed by community members and inmates and internal complaints filed by AIU and DSD employees.¹⁹ The majority of community/inmate complaints closed in the first half of 2021 were declined after an initial intake investigation (62%), while a much smaller percentage of internal complaints were closed as declines (20%). Internal complaints were much more likely to result in a sustained finding than community/inmate complaints. Specifically, 54% of internal complaints closed in the first half of 2021 resulted in at least 1 sustained finding, while 13% of community/inmate complaints resulted in a sustained finding.

Figure 2.3: Outcomes of Closed Complaints, First Half of 2021



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

Significant Disciplinary Cases Closed in the First Half of 2021²⁰

Terminations

■ On January 16, 2020, a deputy (“Deputy A”) was driving a DSD transport van containing three inmates on Interstate 25. A community member observed the van and another truck and reported to law enforcement a potential road rage incident or speeding contest based on their driving. A Colorado State Patrol aircraft located the two vehicles and recorded them driving recklessly and speeding as high as 100 miles per hour in a construction zone. Deputy A was charged with Speeding, Reckless Driving, Moving Violation in Construction Zone, Second Degree Official Misconduct, and three counts of Reckless Endangerment. During the investigation, the other deputy in the van (“Deputy B”) made deceptive statements about the incident and a prior unrelated incident when he had been stopped for speeding while driving a transport van. Deputy A ended up leaving DSD employment for an unrelated reason prior to a disciplinary finding. Deputy B was terminated for conduct prejudicial and failing to ensure the safety of persons in custody during transport when he did not intervene in Deputy A’s reckless driving and for commission of a deceptive act during the investigation into the incident.

Resignations and Retirements

■ On July 31, 2020, a deputy (“Deputy A”) attempted to search an inmate who had his hands placed on a wall. When the inmate turned, Deputy A took the inmate to ground. While the inmate was on his back, another deputy (“Deputy B”) grabbed his legs, and Deputy A placed a forearm on his throat. A third deputy (“Deputy C”) approached and began punching the inmate in the head. A fourth deputy (“Deputy D”) responded and also began punching the inmate in the head. The inmate was rolled over onto his chest, and Deputy D punched him in the head again. Deputy A was suspended for four days for using inappropriate force when he applied pressure to the inmate’s throat. Deputy C resigned prior to a disciplinary finding. Deputy D was suspended for 10 days for using inappropriate force when he struck the inmate in the head, especially after the inmate had been rolled over to his chest. Deputy A appealed, and in October 2021, a Hearing Officer reversed the suspension. Deputy D appealed and entered into a settlement agreement with the DOS that reduced his penalty to a 7-day suspension.

■ On November 27, 2020, a deputy (“Deputy A”) working in the Lindsey-Flannigan Courthouse conducted a preliminary search of an individual who had been remanded into DSD custody. Deputy A removed items from the individual

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and placed them into a property bag being held by another deputy (“Deputy B”). Deputies A and B escorted the individual to the inmate processing area, and Deputy A conducted another search and placed several additional items into a property bag. Another deputy (“Deputy C”) reviewed the contents of these property bags, including syringes and empty methadone bottles, moved them into a different property bag, and finished processing the individual’s property. Deputies A, B, and C did not remove and dispose of these items as required by policy. When the individual was released several days later, a DSD employee who was handling the property bag was stuck by one of the syringes. Deputy A was suspended for four days. He appealed his suspension. Deputy B retired prior to a disciplinary finding. Deputy C, whose penalty was increased due to her discipline history, entered into a settlement agreement with the DOS and was suspended for 30 days. Deputy C served a 15-day suspension and the other 15 days were held in abeyance on the condition that she not appeal her suspension and commit no other serious misconduct for 2 years.

■ On March 2, 2021, a deputy was arrested in another jurisdiction for Driving Under the Influence, Careless Driving, Child Abuse, and Prohibited Use of Weapons. The deputy resigned prior to disciplinary finding in the case.

Disqualification

■ On May 6, 2020, a deputy was arrested and charged with two counts of Menacing following several interactions where he allegedly threatened and injured his wife. The deputy was disqualified from employment prior to a disciplinary finding.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On September 4, 2019 a deputy gave a nurse his phone number and asked her to contact him. Several days later, the deputy approached the nurse, kissed her on each cheek, and said, “I’m doing this because no one else is around.” He asked the nurse why she had not texted him, and she told him that she had a boyfriend. He then pressed her further by saying he did not see her wearing a ring. The deputy’s actions were unsolicited and made the nurse uncomfortable. The deputy was suspended for 10 days for violating a DSD Department Order prohibiting sexual harassment. He appealed, and in July 2021, a Hearing Officer affirmed the suspension.

■ A deputy had two cases alleging misconduct. On June 7, 2020, the deputy ordered two inmates (“Inmate A” and “Inmate B”), who were arguing, to separate. Inmate A did so, but Inmate B continued to argue and confront Inmate A. The deputy tried to step in between Inmates A and B several times and eventually ordered Inmate B to return to his cell or be placed in handcuffs. Inmate B refused, and the deputy grabbed him by the wrist. Inmate B pulled away and raised his hand, making a fist as if he was going to punch the deputy. The deputy moved around the inmate and grabbed Inmate B around the neck area and pulled him backwards, causing him to fall on top of the deputy. The deputy was suspended 10 days for using inappropriate force when he did not call for assistance before physically engaging Inmate B and used a takedown that risked applying pressure to Inmate B’s neck. He appealed his suspension.

In the second case, on October 18, 2020, the deputy ordered an inmate to exit his cell so that it could be searched for contraband. The inmate refused to exit the cell and began threatening the deputy. Because the inmate was confined to his cell, the deputy had the opportunity to contact a supervisor and develop a plan to extract him, as is required by DSD policy. Instead, the deputy entered the cell, stood the inmate off the cell bed, placed him against the wall, handcuffed him, and escorted him from the cell. The deputy was suspended for 10 days for violating a rule requiring deputies to develop a planned course of action in such circumstances. He appealed his suspension.

■ On July 6, 2020, a major witnessed a deputy preparing to work out in the gym. The deputy had not been given permission to leave his post. An investigation into the incident revealed that the deputy had left his post without authorization for more than 11 hours over the course of 8 days. The deputy was suspended for 10 days for abandoning his post. He appealed and entered into a settlement agreement with the DOS that reduced his penalty to a 7-day suspension.

■ On July 6, 2020, a deputy and sergeant opened an inmate’s cell door to talk to him about completing the jail intake process. The inmate requested a phone call. The sergeant stepped into the doorway and explained that they needed to complete the intake process first. The inmate walked towards the doorway, and the sergeant told him to step back. The inmate initially stepped back, but again stepped toward the sergeant at the doorway. The sergeant shoved the inmate to the ground. Then, instead of leaving and closing the cell door, the sergeant entered the cell further and shoved the inmate to the ground again as the inmate began to stand up. The sergeant was suspended for 14 days for using inappropriate force when he entered the cell and pushed the inmate a second time. He appealed his suspension, and it

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was affirmed by a Hearing Officer. The sergeant has appealed that decision to the Career Service Board.

■ On August 31, 2020, a deputy (“Deputy A”) ordered an inmate to exit a nurse’s office. The inmate initially refused and then exited the room. As Deputy A began escorting the inmate to a cell, he placed his hand on the inmate’s back. Another deputy (“Deputy B”) noticed the inmate leaning back against Deputy A’s hand and joined the escort. At the cell door, the inmate refused to enter the cell and continued leaning back against the deputies. Deputy B placed his hand on the inmate’s neck and shoved him into the cell. In his report about the incident, Deputy B indicated that he placed his hand on the inmate’s back and pushed him into the cell. Deputy B was suspended for a total of 10 days for using inappropriate force when he applied force to the inmate’s neck and for failing to file a complete report when he reported that he placed his hand on the inmate’s back, rather than his neck.

■ On September 2, 2020, three deputies (“Deputy A,” “Deputy B,” and “Deputy C”) were tasked with transporting 38 inmates from the DDC to the County Jail. Upon arriving at the DDC, Deputies A, B, and C learned that only 22 inmates were going to be transferred. Deputy A conducted a roll call and counted 23 total inmates in the holding cells awaiting transport. While preparing the inmates for transport in their holding cells, Deputies A, B, and C failed to properly restrain all of the inmates with leg irons and handcuffs, as is required by policy. Working in small groups of 4 to 12 inmates, Deputy C watched the inmates as they waited to board the transport bus and Deputy A secured them inside the bus. During this process, an inmate who had not been placed in leg irons hid underneath the bus. After loading the final group of inmates onto the bus, Deputy A grew concerned that the total count of inmates was off by one. Rather than verifying the count, Deputies A and C discussed the number of inmates included in each of the small groups and agreed that they totaled to 22. Deputy A began driving to the County Jail, stopped at an intersection with a red light, and saw the inmate who had hid under the bus running away. Shortly after, the DPD and DSD apprehended the inmate. Deputies A, B, and C were each suspended for two days for failing to follow DSD transportation management procedures. They entered into settlement agreements with the DOS whereby the penalties would be held in abeyance for two years on the condition that they commit no further serious rule violations.

■ On September 17, 2020, a deputy (“Deputy A”) told an inmate to answer the phone on the housing unit’s desk despite rules prohibiting inmates from using such phones. The inmate answered the phone and then hung it up. A second deputy

(“Deputy B”) saw the inmate answer the phone and placed the inmate in a 23-hour lockdown in his cell as punishment. Deputy A did not inform Deputy B that she had told the inmate to answer the phone and instead allowed the inmate to be locked down. Deputy A was suspended for 10 days for humiliating, cruel, or harassing treatment of prisoners. She appealed, and in July 2021, a Hearing Officer affirmed the suspension. Deputy A has appealed that decision to the Career Service Board.

Appeals of Significant Discipline Imposed Prior to 2021 and Filed with or Decided by the Career Service Board in the First Half of 2021²¹

■ On January 18, 2020, a deputy assigned to the DDC intake unit directed an inmate to leave a bathroom so that others could use it. When the inmate did not leave the bathroom, the deputy pulled her out by the arm. Although the inmate returned to the intake seating area, she began yelling at the deputy, and the deputy ordered her to move into a cell. The inmate complied, and, as they approached the cell, was directed to remove her jacket, shoes, and socks. The inmate removed her jacket and shoes, but then stopped, reportedly refused to remove her socks, and tried to pick up the jacket. The deputy grabbed the inmate, pushed her into the cell, and ordered her to kneel on a bench. The inmate pushed off the wall towards the deputy. Rather than restraining the inmate, the deputy grabbed the inmate around the neck, lifted her off her feet, and then slammed her onto the floor. The deputy, whose penalty was increased because of her discipline history, was suspended for 18 days for using inappropriate force.²² She appealed, and in March 2021, a Hearing Officer affirmed the suspension.

Commendations and Awards

The DSD gives commendations and awards to deputies who engage in actions that reflect the DSD mission to provide safe and secure custody for those placed in its care. Table 2.2 presents the number and type of commendations awarded to DSD personnel in the first half of 2021.²³ The most common commendations recorded in the first half of 2021 were Unit Citations and PRIDE Certificates of Recognition. Unit Citations are awarded to DSD employee groups of two or more individuals who implement a process that improves DSD efficiencies or go above and beyond what is required in their job description on a regular basis.²⁴ PRIDE Certifications of Recognition are awarded by a supervisor when a DSD employee has demonstrated personal responsibility in delivering excellence in the workplace by going above and beyond their normal course of duty or putting forth extra effort when needed.²⁵

Table 2.2 Commendations Awarded to DSD Deputies, First Half of 2021

Commendation Type	Count	Percentage
Unit Citation	16	39%
PRIDE Certificate of Recognition	14	34%
Lifesaving Award	7	17%
Community Service Award	4	10%
Total	41	100%

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

Highlighted Commendations

- Two deputies received Lifesaving Awards for rendering aid to an inmate who attempted suicide. The deputies were able to slow the bleeding of a large cut until medical staff arrived and the inmate could be transported to the hospital.
- A deputy received a Lifesaving Award for attending to the injuries of victims of a car accident he witnessed. The deputy rendered first aid to a woman trapped in a car until other emergency personnel arrived.
- A deputy received a Community Service Award for his continued community service throughout 2020. He volunteered at many community events and was able to help raise money from DSD employees for various community causes.

3 Critical Incidents

Introduction and Overview

Officer-involved shootings (“OISs”) and deaths during DPD or DSD contact (collectively “critical incidents”) have a profound impact on the lives of both community members and officers and on the overall relationship between law enforcement and the community.²⁶ 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 critical incident investigations.

Critical Incidents: Denver Police Department

In all critical incidents, the DPD Major Crimes Unit and the Denver District Attorney’s Office respond to the scene to begin an investigation to determine whether any person should be held criminally liable. For OISs, a representative from the Aurora Police Department responds as well.²⁷ The OIM also may respond to the scene for a walk-through and debriefing from command staff. Major Crimes detectives interview civilian witnesses and involved officers and collect video and documentary evidence. The OIM monitors interviews by video and may recommend additional questions at the conclusion of each officer interview. After the criminal investigation is complete, the administrative review process begins.

Administrative Review of Critical Incidents Involving DPD Officers

Once the District Attorney's Office has made a decision regarding the filing of criminal charges against anyone involved in a critical incident, the Major Crimes Unit reports are submitted to the DPD's IAB to commence the administrative review. The OIM confers with IAB to determine whether further investigation is necessary to evaluate potential violations of DPD policy. Once all relevant evidence is gathered, the case is submitted to the DPD's Use of Force Review Board (which includes a representative from the Aurora Police Department) to determine whether there were any violations of DPD policy. The OIM is not a voting member of the Use of Force Review Board but is present for all its proceedings and deliberations.

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

If the Use of Force Review Board finds that the officer's actions appear to be in violation of any DPD policy ("out-of-policy"), the findings are forwarded to DPD IAB for further investigation, if necessary. Once the investigation is complete, the case is forwarded to the DPD Conduct Review Office ("CRO") for a disciplinary recommendation. If the CRO recommends discipline greater than a written reprimand, the involved officer is given the option to present mitigating information at a Chief's Hearing. Both the Chief's disciplinary recommendation and that of the OIM are then forwarded to the DOS for consideration.

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

DPD Officer-Involved Shootings in the First Half of 2021

Incident #1

On May 5, 2021, DPD officers were involved in an OIS. The incident is currently under review.

Incident #2

On May 14, 2021, officers responded to calls about a man who stole a car at gunpoint and shot at people in the area. Officers located the stolen car and followed it. During the pursuit, the man drove recklessly, shot at officers from the car, collided with two other vehicles, and ultimately crashed. Officers responded to the intersection where the car came to a stop. The man pointed a gun out of the car window in their direction and fired. Nine officers returned gunfire. The man was struck and died from his wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a [detailed letter](#) reviewing the shooting.²⁸ The administrative review into the incident is pending.

Incident #3

On May 19, 2021, two officers (“Officer A” and “Officer B”) responded to a call of a man with a knife who was cutting himself. Before Officers A and B could approach the man, he noticed the officers and began walking toward them with a knife in his hand. Officers A and B ordered the man to stop and drop the knife, but the man continued to rapidly walk toward them. Officer A shot the man several times with her pepperball launcher. The pepperballs had little effect, and the man continued to walk towards Officers A and B. Officer B deployed his Taser, but only one of the two Taser probes hit the man and it had no effect. The man continued to walk toward Officers A and B. As he closed in on Officer B, Officer A unholstered her gun and fired at him. The man was struck and died from his wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a [detailed letter](#) reviewing the shooting.²⁹ The administrative review into the incident is pending.

Chapter 3 :: Critical Incidents

Incident #4

On May 30, 2021, two officers (“Officer A” and “Officer B”) responded to a call about a man with a rifle stealing several items from a store. While responding to the area, Officers A and B found a man walking with a rifle slung over his shoulder. Officer A exited the patrol car with his rifle and ordered the man to drop the gun. Officer B got out of the patrol car and drew his gun. The man unslung the rifle from his shoulder and began raising it toward Officers A and B. Officers A and B fired at the man, who was struck and died from the wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a [detailed letter](#) reviewing the shooting.³⁰ The administrative review into the incident is pending.

Incident #5

On June 4, 2021, DPD officers were involved in an OIS. The incident is currently under review.

Incident #6

On June 13, 2021, DPD officers responded to the area where a person had reportedly fired a handgun at a car. Two officers (“Officer A” and “Officer B”) drove past a man who matched the description of the person with a handgun tucked into the waistband of his pants near the small of his back. They turned their patrol car around and parked facing the man. Two other officers (“Officer C” and “Officer D”) parked next to them, and all four officers exited with their guns drawn. They ordered the man to put his hands in the air and explained that he was being stopped because he was in possession of a gun. The man ignored the order to put his hands up, pulled out a bottle, and drank from it. He let the bottle fall to the ground and began reaching toward the small of his back where his gun was located. Officers A, C, and D fired their guns at the man, who was struck and died as a result of the wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a [detailed letter](#) reviewing the shooting.³¹ The administrative review into the incident is pending.

Deaths During DPD Contact in the First Half of 2021

Incident #1

On January 1, 2021, an individual died of an apparent self-inflicted gunshot wound during an interaction with DPD officers. The administrative review into the incident is pending.

DPD Critical Incidents Closed in the First Half of 2021³²

Closed Incident #1

On October 28, 2018, officers responded to the area of a reported shooting. They found a woman who had been shot, and she told officers that her son had shot her. Several officers established a perimeter around her home. While they were discussing who would cover the rear of the home, the son fired his gun from inside and struck an officer (“Officer A”) in the leg. Officer A fell and moved toward cover. Officer A and another officer (“Officer B”) returned gunfire toward the home. The son was not struck, and officers were later able to enter the home and arrest him without incident.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers.³³ The DPD’s Use of Force Review Board met on November 7, 2019 and determined the shooting to be in-policy. The shooting was referred to the Tactics Review Board.

Closed Incident #2

On January 27, 2019, officers responded to an area where reports indicated that a man had fired a gun at two bicyclists. The officers learned that the man may have entered a nearby home after firing the gun. Officers entered the home to search for the man and discovered a door that led to a crawl space. An officer (“Officer A”) walked down the crawl space stairs to find the man and alerted others by yelling, “[h]e’s down here!” The man shot Officer A in the midsection, and Officer A, another officer (“Officer B”), and a sergeant fired their guns in the direction of the man. As Officer A was pulled out of the crawl space, he left his handgun on the floor outside the crawl space. He was dragged outside and then placed behind a car providing cover between officers and the front of the home. The man climbed out of the crawl space, approached the front door from inside the home, and shot another officer (“Officer C”) who was standing between the other officers and the home. Officer B, another officer (“Officer D”), and a corporal returned gunfire toward the front door of the home, and Officer C was moved behind cover. The

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man was not struck by any of these rounds. The Metro/SWAT Unit took control of the scene and introduced chemical agents into the home that appeared to start a fire. Officers then heard a single gunshot from inside the home and found the man with a self-inflicted gunshot wound. The man later died from the self-inflicted gunshot wound.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers.³⁴ The DPD's Use of Force Review Board met on April 16, 2020 and determined the shooting to be in-policy. The shooting was referred to the Tactics Review Board.

DPD Accidental Discharges Closed in the First Half of 2021³⁵

Closed Incident #1

On May 2, 2019, a detective accidentally fired a round into a clearing barrel at the shooting range while attempting to reload his handgun. The Use of Force Review Board met on January 27, 2021 to review the incident and determined the accidental shooting to be out-of-policy. The detective received a written reprimand for carelessly handling his firearm.

Closed Incident #2

On June 13, 2019, an officer responded to a call related to a residential burglar alarm. The officer checked the home for open windows and doors. One of the homeowners thought the officer was an intruder and slammed a hand against a sliding glass door near the officer to scare him off. The homeowner's actions startled the officer, and the officer fired one round into the door frame near the homeowner. The Use of Force Review Board met on January 27, 2021 to review the incident and determined the accidental shooting to be out-of-policy. The officer was suspended for four days for carelessly handling his firearm.

Critical Incidents: Denver Sheriff Department

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

Administrative Review of Critical Incidents Involving DSD Deputies

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

If the CRU finds that the involved deputy's actions violated any DSD policy ("out-of-policy"), the case is referred to the Sheriff for a Contemplation of Discipline Hearing. The OIM observes the hearing and participates in deliberations of the command staff. At that hearing, the involved deputy is given the opportunity to present his or her side of the story, including mitigating information, if any. After hearing from the involved deputy, recommendations from the OIM and Sheriff are formally forwarded to the DOS for consideration. The DOS determines whether the deputy's actions were in-policy or out-of-policy and the appropriate level of discipline, if any.

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DSD Critical Incidents in the First Half of 2021

Incident #1

On March 30, 2021, a person died while in the custody of the DSD. The administrative review into the incident was pending during this reporting period.

Incident #2

On June 4, 2021, a person died while in the custody of the DSD. The administrative review into the incident is pending.

Incident #3

On June 21, 2021, a person died while in the custody of the DSD. The administrative review into the incident is pending.

Endnotes

¹ Denver Revised Municipal Code Art. XVIII §§ 2-371(b), 2-386.

² The data reported in this chapter were extracted from the DPD's Internal Affairs records management database ("IAPro"). The OIM is not an IAPro administrator and has limited control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. As a result, the OIM is unable to certify the accuracy of the DPD's Internal Affairs data. Finally, because the OIM is not the final arbiter of what allegations to record in IAPro and against which officers, the OIM cannot certify that the data presented (with respect to specific complaint allegations) are what they would be if the OIM were making these decisions. Since the data were drawn from dynamic, live databases, the recorded complaint, allegation, and outcome numbers will fluctuate over time and are subject to revision. The figures reported in this chapter do not include complaints against DPD civilian employees or complaints that were not linked to a subject officer in IAPro. Unless otherwise noted, the data included in this chapter were last retrieved from IAPro on August 6, 2021. Because of changes in coding or analysis of complaints, specifications, findings, and discipline, there may be discrepancies between historical data presented in this report and data presented in previous OIM reports.

³ Scheduled discipline violations include Failure to Appear in Court, Failure to Shoot for Efficiency, Photo Radar, Safety Restraining Devices, Required Minimum Annual Continuing Education, Continuing Education Programs Cancellation/Continuing Education Programs Failure to Attend, Preventable Accidents, and Punctuality. See DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 8-9 (effective Sept. 1, 2020).

⁴ Many reports related to police oversight and internal affairs processes refer to complainant allegations. In this chapter, "allegations" refer to assertions, in a complainant's own words, of particular kinds of purported misconduct by an officer. The DPD does not systematically track the detailed allegations made by complainants in IAPro. Instead, it tracks "specifications" that are based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which an officer might be punished, rather than the precise allegations communicated in the complaint.

⁵ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Rules and Regulations, at 12 (effective Sept. 1, 2020).

⁶ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Rules and Regulations, at 16 (effective Sept. 1, 2020).

⁷ Complaints with significant discipline closed in the first half of 2021 may not be included in this section if they were summarized in the OIM's 2020 Annual Report.

⁸ The Denver District Attorney reviewed the officer-involved shooting and declined to file charges against the involved officers. Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Aug. 3, 2020), <https://www.denverda.org/wp-content/uploads/decision-letter/2020/080320-OIS-Decision-Ltr-Adam-Martinez-Oct-21-2019.pdf>.

⁹ The Taser had little effect, and the man continued to run until another officer ordered him to the ground. The man initially stopped and got down on his knees. He then stood up and began walking

away. The officer who initially fired his Taser did so again, which immobilized the man and allowed officers to take him into custody.

¹⁰ The data presented in Table 2 were compiled from IAPro and data shared directly by the DPD from its Commendation Board activities. The OIM combined data from both sources and removed duplicates to create a table summarizing the number of commendations and awards recorded in the first half of 2021.

¹¹ Denver Revised Municipal Code (“DRMC”) Article XVIII §§ 2-371(b), 2-375(a).

¹² Unless otherwise noted, the data for this chapter were obtained from the AIU records management database (“IAPro”). The OIM is not an IAPro administrator and has no control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. As a result, the OIM is unable to certify the complete accuracy of the DSD’s internal affairs data. Finally, because the OIM is not the final arbiter of what allegations to record in IAPro and against which deputies, the OIM cannot certify that the data presented (with respect to specific complaint allegations) is what it would be if the OIM were making these decisions. Since the data were drawn from dynamic, live databases, the recorded complaint, allegation, and outcome numbers will fluctuate over time and are subject to revision. The figures reported in this chapter do not include complaints against DSD civilian employees or complaints that were not linked to a subject deputy in IAPro. The data included in this chapter were last retrieved from IAPro on August 13, 2021. Because of changes in coding or analysis of complaints, allegations, findings, and discipline, there may be slight discrepancies between historical data presented in this report and data presented in previous OIM reports.

¹³ Scheduled discipline violations include Unauthorized Leave and Failure to Participate in Required Firearms Qualification/Training. *See* DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendices G and H (updated Sept. 1, 2020).

¹⁴ Many reports related to law enforcement oversight and IAB processes refer to complainant allegations. In this chapter, “allegations” refer to assertions, in a complainant’s own words, of particular kinds of purported misconduct by a deputy. The DSD does not systematically track the detailed allegations made by complainants in IAPro. Instead, it tracks “specifications” that are based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which a deputy might be punished, rather than the precise allegations communicated in the complaint.

¹⁵ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 9 (updated Sept. 1, 2020).

¹⁶ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 7 (updated Sept. 1, 2020).

¹⁷ The DSD Discipline Handbook defines 300.10.2 Sexual Misconduct as:

While on duty, deputy sheriffs and employees shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation, or sexual abuse. The same conduct is also prohibited while off duty, either in uniform in a public place or in any vehicle or facility to which a Deputy or employee has access by virtue of his/her authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial to finding a violation of the rule.

It defines 300.10.3 Sexual Misconduct with a Prisoner as:

Deputy sheriffs and employees shall not engage in any sexual act or other conduct for the purpose of sexual gratification, sexual humiliation, or sexual abuse with any person in the care and custody of the Denver Sheriff Department or any other law enforcement or correctional agency. Deputy sheriffs and employees shall not solicit any person in the care and custody of the Denver Sheriff Department or any other law enforcement or correctional agency to become involved in any such sexual activity. The consent of any person to engage in any such sexual conduct or sexual act is immaterial to finding a violation of the rule.

DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F, at 7 (updated Sept. 1, 2020).

¹⁸ Directive from DSD Sheriff Elias Diggins to All Sworn Staff, Refusal to Work Overtime (June 11, 2021).

¹⁹ Six of the complaints closed in the first half of 2021 are not included in Figure 2.3 because they had a complaint type of “Other/Missing.” These complaints had outcomes of Declined (2), Informal/Transferred to HR (3), and Resigned/Retired/Disqualification (1).

²⁰ In this section, “deputy” refers only to those personnel with the title “deputy” at the time of the incident. Sworn staff with other titles, such as “captain” or “sergeant,” are noted throughout the summaries. Complaints with significant discipline closed in first half of 2021 may not be included in this section if they were summarized in the OIM’s 2020 Annual Report.

²¹ Summary data on appeals filed by DSD deputies or by the DOS regarding DSD deputies were provided to the OIM by the Career Service Hearing Office on Aug. 13, 2021.

²² The deputy was also required to serve two additional suspended days associated with a previous case. The discipline for that case had been partially held in abeyance under the condition that the deputy not engage in other serious misconduct.

²³ Data on DSD commendations were provided by the DSD.

²⁴ DSD Department Order 1.00.2001 § (6)(B)(6)(a) (effective Sept. 2020).

²⁵ DSD Department Order 1.00.2001 § (6)(B)(5)(a) (effective Sept. 2020).

²⁶ When community members die of natural causes in the custody of or during contact with the DPD or DSD, the OIM has not historically reported on those deaths.

²⁷ Denver District Attorney Beth McCann, Officer-Involved Shooting Protocol, at 1 (2017).

²⁸ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Sept. 16, 2021), <https://www.denverda.org/wp-content/uploads/decision-letter/2021/091621-Decision-Letter-for-Cedrick-Vick-051421.pdf>.

²⁹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (July 6, 2021), <https://www.denverda.org/wp-content/uploads/decision-letter/2021/070621-Decision-Letter-for-Raul-Rosas-Zarsosa-by-Officer-Phillips-May-19-2021.pdf>.

³⁰ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Aug. 4, 2021), <https://www.denverda.org/wp-content/uploads/decision-letter/2021/080421-OIS-Decision-Letter-Shannon-Wright-May-30-2021-FINAL.pdf>.

³¹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Aug. 4, 2021), <https://www.denverda.org/wp-content/uploads/decision-letter/2021/080421-OIS-Decision-Letter-Duane-Manzanares-June-13-2021-FINAL.pdf>.

³² Critical incidents closed in the first half of 2021 may not be included in this section if they were summarized in the OIM's 2020 Annual Report.

³³ When an officer shoots and wounds or kills a person in Denver, the Denver District Attorney's Office investigates the incident and releases a decision letter on its website. *See* Denver District Attorney Beth McCann, Officer-Involved Shooting Protocol, at 1-2 (2017). The District Attorney likely did not issue a public letter about the investigation of this shooting because the involved officers did not wound or kill the suspect.

³⁴ When an officer shoots and wounds or kills a person in Denver, the Denver District Attorney's Office investigates the incident and releases a decision letter on its website. *See* Denver District Attorney Beth McCann, Officer-Involved Shooting Protocol, at 1-2 (2017). The District Attorney likely did not issue a public letter about the investigation of this shooting because the involved officers did not wound or kill the suspect.

³⁵ Accidental discharges closed in the first half of 2021 may not be included in this section if they were summarized in the OIM's 2020 Annual Report.



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