



**503.01 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN OFFICERS**

**(18) EDUCATION BASED DEVELOPMENT:**

- a. Education Based Development (EBD) is an innovative alternative to traditional discipline. EBD addresses certain lower-level policy violations by offering officers optional behavior-focused education and training instead of imposing traditional disciplinary actions. EBD is based on positively correcting behavior through the use of individualized education and training to improve employee performance.
- b. Instead of solely relying on punishment, the mission of EBD is to provide employees who have engaged in low-level policy violations with the knowledge and skills they need by developing individualized remedial plans that emphasizes education, training, and other creative interventions to promote a more comprehensive and successful outcome. The purpose of EBD is to formalize the already existing process of handling certain complaints informally, without the imposition of discipline, to ensure a defined process exists to give officers the training and guidance they may need to resolve matters differently in the future.
- c. As discussed in this policy, only certain matters are eligible for EBD. Should EBD be determined appropriate for the policy violation, officer participation is voluntary. If EBD is offered, the officer will have the opportunity to decide whether they want to participate or proceed with traditional discipline. If an officer accepts EBD, their administrative case will be deferred pending the completion of EBD. Acceptance of EBD will require the officer enter into an agreement accepting responsibility and completion of all conditions of the EBD Agreement within the specified time. If an officer completes EBD pursuant to the terms of the agreement, there will not be a sustained finding. If an officer fails to meet all the EBD conditions, the case will continue through the discipline process. Additionally, if an officer engages in substantially similar conduct in the future, the officer's conduct for which EBD was agreed to and completed may be considered as an aggravating factor as part of the discipline process.
- d. EBD will not be used for any use of force specifications.
- e. EBD Training Credit:  
Below is a guide to the minimum number of total training hours per category.
  1. Category A Presumptive (Oral Reprimand) - 4 hours of training.
  2. Category B Presumptive (Written Reprimand) - 10-hour decision making class and 4 hours of training (14 total hours).
  3. Category C Presumptive (2 Fined Days) - 10-hour decision making class and 8 hours of training (18 total hours). Additional fined days will be an additional 4 hours of training per fined day (3 fined days = 22 hours of training and up to 6 fined days = 30 hours of training).
- f. The EBD process is as follows:
  1. The internal affairs will conduct an investigation into a complaint to determine if EBD is appropriate. The case will be routed to the Office of the Independent Monitor (OIM) for a review of whether the investigation is thorough and complete, and to provide a recommendation regarding EBD if it is recommended that EBD may be appropriate, in lieu of discipline, pursuant to this policy.
  2. After the OIM has reviewed the investigation and given their EBD recommendation, a determination will be made by the Commander of the Accountability and Development Bureau if the case is approved for EBD. If EBD is not approved, the case will continue through the discipline process.
  3. If the case is approved for EBD, the Professional Development Unit, with the assistance of the Internal Affairs sergeant, will draft an EBD Agreement letter to be signed by the

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- involved officer. The EBD Agreement will include the individualized education plan.
4. The individualized education plan shall be submitted to the OIM, prior to providing it to the officer, for review and recommendations. Should the Professional Development Unit disagree with any OIM recommendations related to the plan, the individualized education plan and OIM recommendations shall be submitted to the Commander of the Accountability and Development Bureau for consideration.
    - a. Should the Commander decide that OIM recommendations should not be included as part of the plan, the Commander shall inform the OIM of the reasons why any OIM recommendations were not included.
    - b. After receiving the explanation, should the OIM continue to have concerns about not including its recommendations as part of the individualized education plan, such concerns may be elevated to the Executive Director of Public Safety or their designee for consideration prior to the plan being finalized. The Executive Director of Public Safety, in consultation with the OIM and with the Chief of Police or their designee, shall be responsible for making the final decision as to whether the OIM recommendations should be included as part of the individualized education plan.
  5. No discipline will be included in the EBD Agreement. The EBD Agreement will consist of education/training requirements as set forth in the EBD Matrix (Appendix H to the Denver Police Department Discipline Handbook), as well as any individualized training or assignments. The subject officer will have three (3) business days (Monday through Friday, excluding holidays recognized by the City and County of Denver) to decide whether to participate and sign the EBD Agreement. If the subject officer does not sign the Agreement within three business days, the discipline process will proceed, and EBD will no longer be an option.
    - i. If the officer agrees to EBD, the signed EBD Agreement will be forwarded to the officer's commander/director and the Professional Development Unit (PDU) to coordinate the assignment of classes and the completion of necessary journal entries to document the EBD training.
    - ii. All training will be made available within 30 days of the EBD Agreement being signed. The expectation is that all EBD will be completed within 90 days of signing the EBD Agreement. Any extension of EBD beyond 90 days must be approved by the Commander of the Accountability and Development Bureau and will only be granted upon a finding of extenuating circumstances that prevented completion.
    - iii. Once the EBD training is completed, an EBD journal entry will be added to Workday and the Internal Affairs case by the subject officer's sergeant/supervisor. The internal affairs case will be routed back to PDU from the officer's assignment when the district/bureau commander/director has confirmed the EBD has been completed.
    - iv. Once received from the officer's assignment, PDU will route the completed case to the Commander of the Accountability and Development Bureau. The Commander will ensure the EBD Agreement has been fulfilled and will route the case to the Internal Affairs Unit detectives to close the case as EBD. The date the Commander has verified an officer has completed all training requirements will serve as the closed date for an EBD case and a case closure letter will be uploaded to the officer's file.
    - v. If an officer fails to complete any part of the EBD Agreement or fails to meet the requirements of an approved extension, the case will continue through the discipline process and the OIM shall be timely notified of such failure through IA Pro.
- b. All EBD documentation, including agreements, training, and case closure letters, will be documented in IA Pro, the officer's IA Pro Resume and Workday Journal Entries for the purpose of progressive discipline. EBD courses and training will not be counted towards annual CEP requirements. The EBD courses and training shall be different from any courses or training the officer has completed within the past year and different from any courses and training which Denver police officers are required to take.
  - c. Anytime an officer receives Category B or C presumptive EBD, an in-depth review of the officer's EIPro system will be completed by the officer's direct supervisor. The supervisor will document

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this review in a DPD 200 to their commander/director and the PDU. EBD does not prevent a commander/director from placing an officer on a Performance Development Plan-Corrective (PDP), if deemed necessary.

- d. An officer will not be eligible for EBD if any of the following applies:
  - i. The officer has repeatedly committed the same violation.
  - ii. The officer's violations are determined by the Conduct Review Bureau based upon the IA investigation through to be part of a pattern of conduct, meaning a prior history demonstrating a continuation, pattern, or willful act of the same or similar misconduct.
  - iii. The alleged violation falls within a Category D violation or higher.
  - iv. For any use of force-related allegation (regardless of category specification).
- e. Education Based Development Guide – See Appendix A:

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May be Eligible	
Category A	Conduct that has a minimal negative impact on the operations or professional image of the Department.
Category B	Conduct that has more than minimal negative impact on the operations or professional image of the Department; or that negatively impacts relationships with other officers, agencies or the public.
Category C	Conduct that has a pronounced negative impact on the operations or professional image of the Department; or on relationships with other officers, agencies, or the public.
Secondary Employment	<ul style="list-style-type: none"> <li>• OMS 114.01 Secondary Employment Policy (if Category A-C only)</li> </ul>
Ineligible	
Category D	Conduct that is substantially contrary to the values of the Department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety
Category E	Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety, or to the professionalism of the Department.
Category F	Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury to another person; or constitutes a willful and wanton disregard of Department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.
Scheduled Discipline	<ul style="list-style-type: none"> <li>• OMS 120.01(2)(d)(3) - Required Minimum Annual Continuing Education</li> <li>• OMS 120.01(2)(d)(2) - CEP Cancellation / CEP Failure to Attend</li> <li>• OMS 120.01(3)(e) - Failure to Shoot for Efficiency</li> <li>• OMS 103.02(5)(b) - Failure to Appear in Court</li> <li>• OMS 203.08(2)(d)(6) - Preventable Accidents</li> <li>• OMS 112.03(4) - Photo Radar and Photo Red Light</li> <li>• OMS 501.03(2)(b) - Punctuality</li> <li>• OMS 112.01(3)(c)(2) - Safety Restraining Devices</li> <li>• OMS 119.04(12) – Body Worn Camera</li> <li>• OMS 505.01(9)(c) – On-Call Requirements / Fail to Respond to a Call for Duty</li> <li>• OMS 118.02(5) – Biased Policing - Stop Data Collection</li> </ul>
Equality	<ul style="list-style-type: none"> <li>• OMS 117.05 Department of Safety EEO Policy</li> </ul>

Use of Force	<ul style="list-style-type: none"> <li>• OMS 105 Use of Force Policy</li> </ul>
NCIC/CCIC	<ul style="list-style-type: none"> <li>• OMS 102.05 Use of NCIC/CCIC</li> </ul>
Police Pursuits	<ul style="list-style-type: none"> <li>• OMS 204.1 Police Pursuits Policy</li> </ul>

RR Category	Conduct Category	Eligibility	Training Module(s)
RR 100 Conduct			
102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders	A-F	Ineligible	N/A
103 Aid Another to Violate Rule	A-F	Ineligible	N/A
105 Conduct Prejudicial	A-F	Ineligible	N/A
106.1 Immoral Conduct	D	Ineligible	N/A
106.2 Sexual Misconduct	F	Ineligible	N/A
107 Always on Duty	C	Eligible	EQ, LD, HW
108.1 Plainclothes Officers – Identification	C	Eligible	EQ, PJ
108.2 Protecting Identity of Undercover Officers	B	Eligible	EQ, LD
109.1 Commission of an Offensive Act While Intoxicated	C	Ineligible	N/A
109.2 Unfit for Duty	D	Ineligible	N/A
109.3 Drinking on Duty or While in Uniform	E-F	Ineligible	N/A
109.4 Under the Influence	F	Ineligible	N/A
111 Controlled Substances	F	Ineligible	N/A
112.1 Misleading or Inaccurate Statement	D-F	Ineligible	N/A
112.2 Commission of a Deceptive Act	F	Ineligible	N/A
114 Intimidation of Persons	E	Ineligible	N/A
115.1 Conduct Prohibited by Law	A-F	Ineligible	N/A
115.2 Aggravated Conduct Prohibited by Law	F	Ineligible	N/A
116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law	A-F	Ineligible	N/A
117 Disobedience of an Order	C-F	Ineligible	N/A
119 Sleeping on Duty	C	Ineligible	N/A
120 Appropriating Property	E-F	Ineligible	N/A
121 Off Duty in Uniform	A-F	Eligible	EQ
122.1 Respect for Fellow Officer	B	Eligible	EQ, PJ

122.2 Abuse of Fellow Officer	C	Ineligible	N/A
122.3 Insubordination	D	Ineligible	N/A
123 Assault of Fellow Officer	E	Ineligible	N/A
125 Punctuality (Scheduled Discipline)	SD	Ineligible	N/A
126 Amusement Places Restrictions	B	Ineligible	N/A
127 Responsibilities to Serve Public	B	Eligible	EQ, PJ
128.1 Impartial Attitude	B	Ineligible	N/A
128.2 Impartial Attitude – Bias	D	Ineligible	N/A
129 Giving Name and Badge Number	A	Eligible	EQ, PJ
130.1 Failure to Aid or Protect Fellow Officers – Unreasonable	D	Ineligible	N/A
130.2 Failure to Aid or Protect Fellow Officers – Intentional or Reckless	F	Ineligible	N/A
132 Purchase of Forfeited Property	B	Ineligible	N/A
136 Use of Tobacco Products in Police Facilities	A	Ineligible	N/A
137 Collective Bargaining Fair Share Fee	F	Ineligible	N/A
138 Discrimination, Harassment, and Retaliation	C-F	Ineligible	N/A
140.1 Discourtesy	B	Eligible	EQ, LD, PJ
140.2 Verbal Assault and Abuse of the Public	C-D	Ineligible	N/A
141.1 Prohibited Associations	D-F	Ineligible	N/A
141.2 Reporting of Prohibited Associations	C	Ineligible	N/A
142 Soliciting Preferential Treatment	C-F	Ineligible	N/A
RR 200 Rewards and Gratuities			
202 Soliciting or Accepting a Bribe	C	Ineligible	N/A
203 Accepting Gifts from Persons of Bad Character	E	Ineligible	N/A
204 Soliciting, Accepting Gifts, Gratuities	C	Ineligible	N/A
205 Giving Testimonials, Seeking Publicity	A	Eligible	EQ
206 Soliciting Business	C	Ineligible	N/A
RR 300 Use of Force and Arrests			
302 Personal Family Disputes	E	Ineligible	N/A
303 Trivial Offenses	B	Eligible	EQ, PJ, LD
304 Traffic Enforcement When Not in Uniform	B	Eligible	EQ, TS, PJ
305 Duty to Protect Prisoner	E	Ineligible	N/A
306 Inappropriate Force	D-F	Ineligible	N/A
307 Posting Bail	C	Eligible	EQ
308 Aiding an Escapee	F	Ineligible	N/A

309.1 Suggesting Bondsmen or Attorneys	B	Ineligible	N/A
309.2 Suggesting Bondsmen or Attorneys for Profit	E	Ineligible	N/A
310 Mistreatment of Prisoners/Suspects	C	Ineligible	N/A
311.1 Compromising Criminal Cases	D	Ineligible	N/A
311.2 Interference with Prosecution	F	Ineligible	N/A
312.1 Interfering with Case Assigned to Other Officers	D	Ineligible	N/A
312.2 Interfering with Internal Investigation/Questioning	F	Ineligible	N/A
312.3 Failure to Provide a Statement	F	Ineligible	N/A
314 Providing Assistance Outside the City	A	Eligible	TS
RR 400 Firearms			
401 Display of Firearms	C	Ineligible	N/A
402 Careless Handling of Firearms or Less Lethal Weapons ( <i>excludes firearms</i> )	C-F	Eligible	TS
403 Restrictions on Auxiliary Weapons	C	Eligible	TS
RR 500 Court			
501 Personal Appearance in Court	A	Eligible	EQ, PJ
502 Attendance in Court (Scheduled Discipline)	SD	Ineligible	EQ, PJ
RR 600 Reports, Communication, Evidence, and Discovery			
601.1 Communication of Confidential Information, Generally	D	Ineligible	N/A
601.2 Communication of Confidential Information that Jeopardizes a Police Action	E-F	Ineligible	N/A
603 Destruction of Evidence	E	Ineligible	N/A
605 Removal of Reports and Records	B	Ineligible	N/A
606 Destruction of Reports or Records	E	Ineligible	N/A
607 Failure to Make, File, or Complete Official Reports	B	Eligible	EQ, PJ
609 Altering Information on Official Documents	E	Ineligible	N/A
612 Answer to Official Communications	A	Eligible	EQ, PJ
613 Unauthorized Use of Department Letterheads	B	Eligible	EQ, PJ
614 Publication of Articles	A	Eligible	EQ
616 Police Bulletin	A	Eligible	EQ
617 Compliance with Discovery Requirements	A-F	Ineligible	N/A
RR 700 Political Activities			
702 Using Police Position to Gain Political Office	C	Ineligible	N/A
703 Soliciting Money for Political Purposes	B	Ineligible	N/A
704 Soliciting for Promotion, Appointment	B	Ineligible	N/A
RR 800 Uniforms and Equipment			

802 Uniform Restrictions While Off Duty	A	Eligible	EQ
803 Uniform Restrictions for Officers Under Suspension	F	Ineligible	N/A
804 Exercise of Authority While Under Suspension	F	Ineligible	N/A
805 Equipment Carried on Person	A	Eligible	EQ, PJ
806.1 Alteration of Badge Prohibited	B	Ineligible	N/A
806.2 Use of Badge by Person Other Than an Officer	D	Ineligible	N/A
807 Loss or Damage to Badge	B	Eligible	PJ
808 Equipment and Property Restrictions on Use	B	Eligible	EQ
809 Rough or Careless Handling of City, Departmental, or Outside Agency Property (Scheduled Discipline as it relates to Preventable Accidents)	B	Eligible	EQ, PJ
RR 900 Vehicle Operation			
902 Department Vehicle Operation	B	Eligible	TS
RR 1000 Civil Cases			
1001 Testifying in Civil Cases	A	Eligible	EQ, PJ
1002 Service of Civil Process	A	Eligible	EQ, PJ
1003 Initiation of Civil Cases	A	Eligible	EQ, PJ
1004 Testifying for Defendant	C	Eligible	EQ, PJ
RR 1100 Leave, Sickness, and Injury			
1101 Reporting Absence Prior to Roll Call	B	Eligible	EQ, PJ, HW
1102 Reporting for Duty	B-D	Eligible	EQ, PJ, HW
1103 Constructive Resignation	F	Ineligible	N/A
1104 Location When Ill	A	Eligible	EQ, PJ, HW
1105 Reporting During Illness or Injury	A	Eligible	EQ, PJ, HW
1106 Feigning Illness or Injury	D	Ineligible	N/A
1107 Physical or Mental Examination	E-F	Ineligible	N/A
1108 Release of Medical Information	E	Ineligible	N/A
RR 1200 P.O.S.T Certification of Officers			
1201 P.O.S.T. Certification Required	F	Ineligible	N/A
Duties and Responsibilities			
3.06 Duties and Responsibilities of All Officers	A-F	Eligible	EQ, PJ
4.00 General Duties and Responsibilities of Supervisory Officers	A-F	Eligible	EQ, PJ, LD
6.04 Duties and Responsibilities of Patrol Officers-Incident Reporting-Investigations- Appropriate Action	A-F	Eligible	EQ, PJ
9.00 Duties and Responsibilities of Detectives	A-F	Eligible	EQ, PJ, LD

10.40 Duties and Responsibilities of a Sergeant to Reviewing Reports and Data	A-F	Eligible	EQ, PJ, LD
11.00 Duties and Responsibilities of Lieutenants	A-F	Ineligible	N/A
13.00 Duties and Responsibilities of Commanders and Career Service Directors	A-F	Ineligible	N/A

Training Module	Description	Example Topics
Emotional Intelligence (EQ)	Core components, such as self-awareness, self-regulation, motivation, empathy, and social skills.	Communication, De-escalation, Managing Emotions, Self-Awareness/Regulation, Active Listening, Bystandership, Conflict Management
Procedural Justice (PJ)	Core principles of fairness: treating people with dignity and respect, displaying trustworthy motives, maintaining neutrality and unbiased decisions, and giving people a voice.	Ethics, Diversity, Impact of Actions on Community Members, Bias, Communication, De-escalation
Tactical Skills (TS)	Remedial training of department's core tactical training modules.	Driving, ACT, Less Lethal Weapons, De-escalation
Leadership Development (LD)	Range of training from communication and conflict resolution to delegation and intervention.	Supervisor strategies, Trauma-informed leadership, Bystandership, Conflict Management, Communication
Health and Wellness (HW)	Focused on building resilience for officers across mental, physical, and social health.	Managing Emotions, Stress Management, Relationship Management, Bystandership