



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

2023 Semiannual Report

Lisabeth Pérez Castle
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 Denver Police and Sheriff Departments’ 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.



OIM Staff:

Administration/Policy

Matthew Buttice, Policy Director

Adrienne Roman, Office Administrator

Maria Ybarra, Complaint Intake Administrator

James Davis, Senior Policy Analyst

Spyridon Kodellas, Senior Policy Analyst

Monitors

Gregg Crittenden, Deputy Director - Monitor

Nate Fehrmann, Deputy Monitor

Kevin Strom, Deputy Monitor

Kerri Wyman, Deputy Monitor

Suzanne Iantorno, Deputy Monitor

Melina Rozzisi, Deputy Monitor

Community Outreach

Nicole Taylor, Community Relations Director

Asiya Mustefa, Youth Outreach Project Administrative Assistant

Juan Evangelista, Youth Outreach Project Staff Assistant

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Introduction

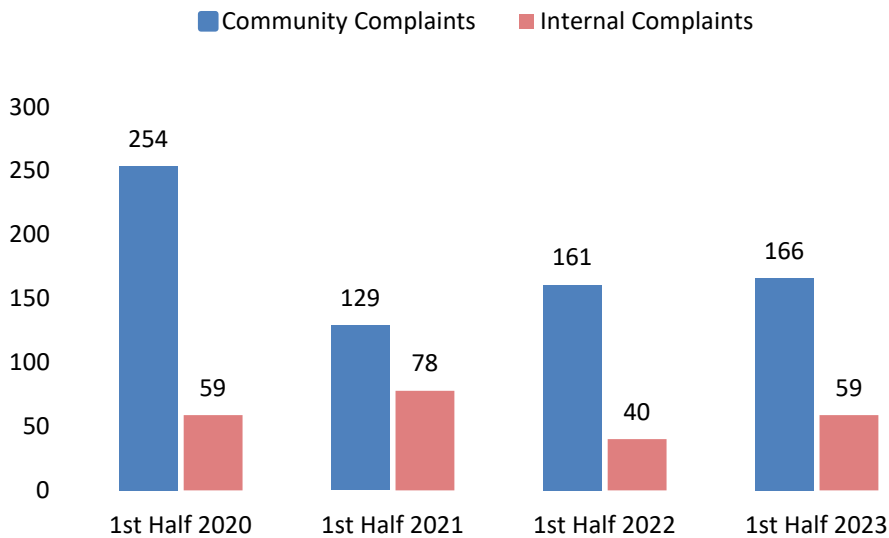
The Office of the Independent Monitor (“OIM”) is responsible for monitoring Denver Police Department (“DPD”) investigations into complaints involving sworn personnel and for ensuring that the complaint process is accessible to all community members.¹ Having an accessible complaint process is critical 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 information 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 tends to foster 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 2023

Figure 1.1 presents the number of complaints recorded by the DPD during the first half of 2023 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 166 community complaints in the first half of 2023, similar to the first half of 2022. Internal complaints recorded by the DPD increased by 48%, from 40 in the first half of 2022 to 59 in the first half of 2023.

Figure 1.1: Complaints Recorded, First Halves of 2020–2023



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.

Most Common Complaint Specifications

Individual complaints can include one or more 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 2023 and the first halves of the previous three years.⁴ The most common specifications recorded by the DPD in the first half of 2023 were Duty to Obey Departmental Rules and Mayoral Executive Orders and Discourtesy. 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

Table 1.1: Most Common Specifications, First Halves of 2020–2023⁷

Specification	1st Half 2020	1st Half 2021	1st Half 2022	1st Half 2023
Duty to Obey Departmental Rules and Mayoral Executive Orders	33%	43%	33%	43%
Discourtesy	17%	13%	12%	16%
Responsibilities to Serve Public	4%	3%	19%	15%
Unassigned	8%	9%	5%	7%
Failure to Make, File, or Complete Official Required Reports	2%	6%	7%	5%
Rough or Careless Handling of City and Department Property	2%	2%	3%	3%
Conduct Prohibited by Law	3%	3%	2%	2%
Inappropriate Force	20%	6%	9%	1%
Conduct Prejudicial	1%	3%	2%	1%
Respect for Fellow Officer	1%	2%	1%	1%
All Other Specifications	8%	9%	7%	5%
Total Number of Specifications	459	327	355	339

Inappropriate Force specifications were less common in the first half of 2023 than the first halves of prior years. This decrease appears to be driven, in part, by a procedural change rather than an actual decrease in complaints about officers' use of force. In first half of 2023, the DPD was more likely to address force-related

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allegations using the Duty to Obey Departmental Rules and Mayoral Executive Orders specification and link it to specific sections of the DPD Use of Force Policy.⁸

Intake Investigations, Screening Decisions, and Outcomes

In the first half of 2023, the DPD closed a total of 169 community complaints and 44 internal complaints. Table 1.2 shows the outcomes of these complaints. Community complaints were more likely to result in a decline after an initial investigation (39%) than internal complaints (14%). Internal complaints were more likely to result in a sustained finding than community complaints. Specifically, 50% of internal complaints closed in the first half of 2023 resulted in at least 1 sustained finding, while 19% of community complaints resulted in a sustained finding.

Table 1.2: Outcomes of Closed Complaints, First Half of 2023

Outcome	Community Complaints	Internal Complaints
Declined	39%	14%
Service Complaint	10%	0%
Mediation	7%	0%
Informal	19%	25%
Not Sustained/Exonerated/Unfounded	6%	11%
Sustained	19%	50%

Significant Disciplinary Cases Closed in the First Half of 2023⁹

Resignations and Retirements¹⁰

■ On May 28, 2020, a corporal was engaged in crowd control operations during the protests prompted by the murder of George Floyd. He was standing at an intersection in front of a group of protesters when he was hit in the helmet by a rock. Other officers identified a protester as the individual who may have thrown the rock. Even though that protester was not throwing anything at the time, the corporal fired two 40mm rounds at him, one of which hit him near his eye. The officer resigned prior to a disciplinary finding in the case.

■ On April 13, 2021, an off-duty officer was working an off-duty job in an unmarked car when he observed a vehicle driving in the wrong direction down a street. The officer drove through a red light, followed the vehicle in the wrong

direction, and crashed into a truck. Both the officer and the driver of the truck suffered serious injuries. The IAB investigation into the incident revealed that the officer did not have his supervisor's approval for working the off-duty job. The officer resigned prior to a disciplinary finding in the case.

■ In October 2021, IAB opened an investigation into a lieutenant's treatment of an officer who she supervised. During that investigation, the lieutenant lied about her actions and the orders she received from her own supervisor. The lieutenant retired prior to a disciplinary finding in the case.

■ In February 2022, a sergeant filed a complaint about an officer who had made inappropriate comments about officer-involved shootings, including that he wanted to get into a shooting with a shotgun. The officer had already been involved in officer-involved shootings with a handgun and a rifle and wanted to "have a kill" with all three weapons. The officer resigned prior to a disciplinary finding in the case.

■ On July 4, 2022, a supervisor at Denver 9-1-1 emailed his supervisors complaining about a sergeant's ongoing demeaning behavior toward dispatchers on the radio. The IAB investigation into the complaint revealed that the sergeant had a history of making unprofessional comments to dispatchers and had been counseled on the issue several times. The sergeant resigned prior to a disciplinary finding in the case.¹¹

■ On August 28, 2022, an officer arrived at a business where a woman had threatened customers. The owner expressed frustration about his frequent problems with the woman, and the officer responded unprofessionally, including telling the owner that he was "acting like a fucking five-year-old." The officer resigned prior to a disciplinary finding in the case.

■ On October 14, 2022, an officer sent an email from his DPD account to a Right of Way Enforcement Agent requesting the cancellation of a parking citation issued to his daughter in-law. The officer resigned prior to a disciplinary finding in the case.

Other Significant Cases, Including Suspensions of Ten or More Days

- On December 22, 2019, a cadet with Denver’s Public Safety Cadet Program participated in her first ride along with a DPD officer. After the ride along, the two exchanged text messages with each other, and the cadet texted that she was not interested in a relationship with the officer. The officer then texted that he “would love to see you in the nude and do adult things with you” and later asked to see nude images of the cadet. The officer was suspended for 10 days for violating the Department of Safety Equal Employment Opportunity Policy.
- On May 31, 2020, an officer was engaged in crowd control operations during the protests prompted by the murder of George Floyd. The officer attempted to arrest an individual who broke free from the officer and began running away. The officer fired pepperballs at the individual’s back as he was fleeing. The officer was suspended for four days for violating the DPD Use of Force Policy.
- On January 17, 2022, a cadet with Denver’s Public Safety Cadet Program worked with a DPD technician during a parade. Throughout the day, the technician made several inappropriate comments to the cadet, including asking the cadet if she was waiting until marriage to lose her virginity, stating that the DPD was like an “orgy” because everyone sleeps with each other, and describing his own sexual relationship with his former partner. The technician was suspended for 30 days for violating the Department of Safety Equal Employment Opportunity Policy. He appealed his suspension, and it was affirmed by a Hearing Officer in September 2023.
- On May 27, 2022, an officer on a temporary assignment to the Vice and Narcotics Section was released early and drove her assigned department vehicle to a bar. While at the bar, she revealed her concealed badge, firearm, and chest to bar patrons; consumed alcohol while armed and carrying her badge; and drove from the bar after consuming nearly three drinks. Upon being informed of the existence of an IAB investigation into her actions that night, the officer told a lieutenant that she had not gone to a bar. The officer was suspended for a total of 10 days for conduct prejudicial and making misleading or inaccurate statements. She appealed her suspension.

Appeals of Significant Discipline Imposed Prior to 2023, and Filed with or Decided by the Civil Service Commission in 2023¹²

■ On May 6, 2020, a sergeant sent a text message to a team of six officers he supervised. The text included a message from the sergeant comparing two officers on the team to a picture from the movie *Django Unchained* of a bounty hunter and house slave. One of the referenced officers, who is Black, was offended by the text and the suggestion that he bore any resemblance to the character, who the officer described as an “Uncle Tom” or “race traitor.” The sergeant was suspended for 10 days for violating the Department of Safety (“DOS”) Equal Employment Opportunity Policy when he sent a text message with a discriminatory image. He appealed his suspension, and it was affirmed by a Hearing Officer in April 2023. The sergeant appealed that decision to the Civil Service Commission.

■ On February 21, 2021, a corporal and two officers responded to a domestic violence call where a woman reported that her boyfriend fired a gun inside the apartment. After speaking with the woman, they allowed her to leave the scene without obtaining a written statement, despite a policy requiring officers obtain one in such situations. The corporal and officers searched the apartment and spoke with the boyfriend, who was intoxicated. The boyfriend had a box of ammunition in his pocket and two guns. There was also ammunition scattered within the apartment. The corporal and officers determined that he had not fired a gun and transported him to a detox center. At different times, the corporal and officers all entered the bathroom, failing to see a small bullet hole that was visible on the wall. The following day, the woman returned to the apartment to retrieve her belongings, saw the bullet hole in the bathroom, and contacted the DPD again. Other DPD officers returned to the apartment and collected the relevant evidence, but the Denver District Attorney declined to file charges against the boyfriend, in part, because of how the corporal and officers initially handled the incident. The officers were each suspended for 10 days for conduct prejudicial. Because he was the supervisor on the scene of the incident, the corporal was suspended for 14 days for conduct prejudicial. The corporal and officers appealed, and a Hearing Officer affirmed their suspensions in March 2023. They appealed that decision to the Civil Service Commission.

■ On June 5, 2021, a woman contacted her daughter after a domestic violence incident involving an ex-boyfriend and asked that she call 911. The daughter called 911, and two officers (“Officer A” and “Officer B”) responded to the house where

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the incident occurred. The ex-boyfriend answered the door and let Officers A and B into the house, where the woman was laying down under a sheet in a dark bedroom. While the ex-boyfriend stood outside the bedroom with Officer A, Officer B told the woman that her daughter had called 911. He then asked if she was ok. The woman, knowing that the ex-boyfriend could overhear the conversation, stated that she was fine, and Officers A and B left the house without any additional investigation. After Officers A and B left the house, the woman's son took her to the hospital, where she stayed for five weeks because of her injuries. A DPD detective who eventually investigated the incident found video evidence that the ex-boyfriend had violently assaulted the woman, and the Denver District Attorney's Office filed charges against him for Second Degree Assault, Third Degree Assault, Obstruction of Telephone Service, and Unlawful Sexual Contact with Force. Officers A and B were each suspended for 10 days for Conduct Prejudicial when they failed to sufficiently investigate the incident. They each appealed, and a Hearing Officer affirmed their suspensions in April 2023. The officers appealed that decision to the Denver District Court.

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 1.3 presents the number and type of commendations awarded to DPD officers in the first half of 2023. The most common commendations recorded in the first half of 2023 were Commendatory Action Reports and Official Commendations. Table 1.4 provides definitions for select commendations.

Table 1.3 DPD Commendations and Awards, First Half of 2023

Commendation Type	Count	Percentage
Commendatory Action Report	74	43%
Official Commendation	31	18%
STAR Award	16	9%
Chiefs Unit Citation	9	5%
Excellence in Crime Prevention	9	5%
Commendatory Letter	8	5%
Life Saving Award	7	4%
Unassigned	6	4%
Other than DPD Commendation	4	2%
Merit Award	3	2%
Distinguished Service Cross	2	1%
Letter of Appreciation	1	1%
Purple Heart	1	1%
Total	171	100%

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Table 1.4: 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 their colleagues.
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

Merit Award

In 2021, a detective investigated organizations receiving shipments of fentanyl and methamphetamine and distributing them in the Denver area. The investigation resulted in the recovery of 80,000 fentanyl pills, 2.5 pounds of fentanyl powder, over 80 pounds of methamphetamine, and various firearms. The detective helped secure 13 indictments and received a Merit Award.

Commendatory Action Report

On May 7, 2023, an officer assisted a person with the theft of their moped. The person noted that the DPD is lucky to have an officer who upholds pillars of service and dedication to the community. The person reported that the officer was the epitome of professionalism, kindness, and understanding in the matter. The officer received a Commendatory Action Report.

Commendatory Letter

On October 27, 2022, an officer realized that a person in the back of a police vehicle was unresponsive and foaming at the mouth, signs of a fentanyl overdose. The officer requested an ambulance and administered Narcan. The person regained consciousness and was taken to Denver Health Medical Center (“DHMC”) for treatment. The officer was awarded a Commendatory Letter for saving a potential overdose victim.

Lifesaving Award

On November 4, 2022, three officers responded to the scene of a person in mental health distress. Upon arriving, they found the person in the bathroom and saw that he had cut both of his wrists. The officers immediately applied tourniquets to the person’s arms. Paramedics arrived and transported the person to the hospital. All three officers received Lifesaving Awards.

Official Commendation

On April 5, 2023, a technology issue caused the DPD Records Management System to fail, and a lieutenant took point in managing the issue. He worked with Technology Services personnel through every step of the remediation and was able to mitigate the consequences. Without the lieutenant taking quick and decisive action, the situation could have had a severe negative impact on the operation of

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the DPD and other agencies. The lieutenant was awarded an Official Commendation.

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Introduction

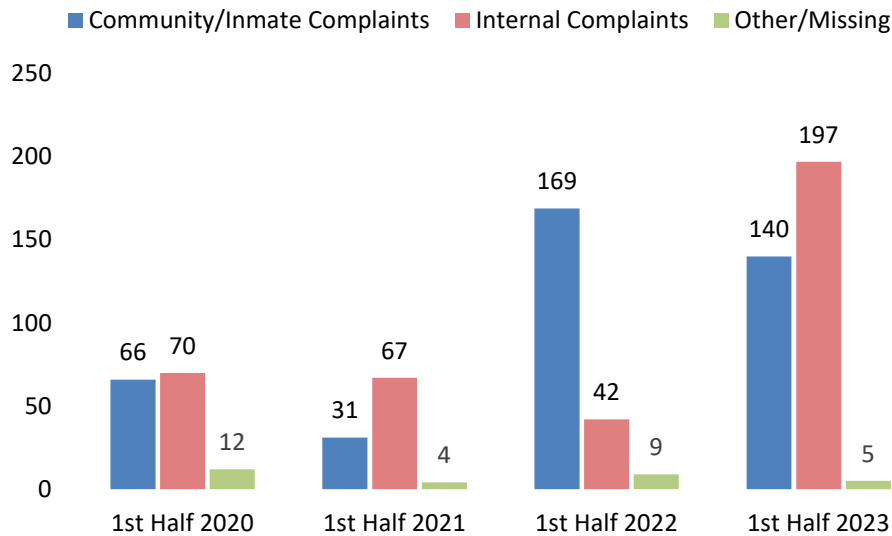
The OIM is responsible for monitoring and reporting on patterns in Denver Sheriff Department (“DSD”) complaints and commendations.¹³ Since 2019, these complaints have been primarily handled by the DOS Public Integrity Division, with its Administrative Investigations Unit (“AIU”) conducting investigations and Conduct Review Unit (“CRU”) making initial recommendations regarding whether there were any potential policy or procedural violations. In this chapter, we review information about the DSD’s complaints, investigations, findings, discipline, and commendations.

Complaints Recorded in the First Half of 2023

Figure 2.1 reports the number of complaints recorded in the AIU records management database in the first half of 2023 and the first halves of the previous three years.¹⁴ 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, but they do include complaints involving violations of the DSD’s BWC Policy.¹⁵ Community and inmate complaints recorded by AIU decreased by 17%, from 169 in the first half of 2022 to 140 in the first half of 2023. AIU recorded 197 internal complaints in the first half of 2023, more than 4 times as many as were recorded in the first half of 2022.¹⁶

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Figure 2.1: Complaints Recorded by Complaint Type, First Halves of 2020–2023



The increase in internal complaints is driven, in part, by potential violations of the DSD’s BWC Policy.¹⁷ In fact, 66% of the internal complaints opened in the first half of 2023 addressed, among other things, deputies use of BWCs. These complaints were generally opened when a review of deputies’ use of force in the jails revealed that they may have failed to activate their BWC when such activation was required or failed to properly upload and document their BWC recording after the incident.

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.¹⁸ Table 2.1 reports the most common specifications recorded against DSD deputies in the first half of 2023 and the first halves of the previous three years. The most common specifications recorded in the first half of 2023 were Disobedience of Rule and Unassigned.

Table 2.1: Most Common Specifications, First Halves of 2020–2023

Specification	1st Half 2020	1st Half 2021	1st Half 2022	1st Half 2023
Disobedience of Rule	17%	16%	13%	43%
Unassigned	13%	8%	29%	21%
Sexual Misconduct with a Prisoner	2%	7%	10%	5%
Failure to Perform Duties	1%	3%	0%	3%
Inappropriate Force on a Person	13%	12%	12%	3%
Discourtesy	1%	1%	6%	2%
Complete Reporting	1%	9%	1%	2%
Conduct Prejudicial	8%	2%	2%	2%
Full Attention to Duties	3%	2%	2%	2%
All Other Specifications	41%	40%	25%	16%
Total Number of Specifications	279	220	304	553

The Disobedience of Rule specification 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. This specification was far more common in the first half of 2023 than in previous years. As with the increase in internal complaints, this change was primarily driven by an increase in allegations related to the use of BWCs. Of the 239 Disobedience of Rule specifications recorded in the first half of 2023, 216 were for potential violations of the BWC Policy.

Intake Investigations, Screening Decisions, and Outcomes

In the first half of 2023, AIU closed a total of 212 complaints. Table 2.2 reports the final disposition of the complaints filed by community members and inmates and internal complaints filed by the DOS, AIU, and DSD employees.¹⁹ The majority of community/inmate complaints closed in the first half of 2023 were declined after an initial intake investigation (82%), while a much smaller percentage of internal complaints were closed as declines (16%).²⁰ Internal complaints were much more likely to result in a sustained finding than community/inmate complaints. Specifically, 29% of internal complaints closed in the first half of 2023 resulted in at least 1 sustained finding, while 7% of community/inmate complaints resulted in a sustained finding.

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Table 2.2: Outcomes of Closed Complaints, First Half of 2023

Outcome	Community/Inmate Complaints	Internal Complaints
Declined	82%	16%
Informal	7%	49%
Not Sustained/Exonerated/Unfounded	4%	5%
Sustained	7%	29%

DSD Rollout of Body-Worn Cameras

In 2021, the DSD began deploying BWCs to its sworn staff. The DSD continued to issue BWCs through the first half of 2023, and now almost every DSD deputy is required to wear a BWC while on duty. As part of the rollout, the DSD developed a [BWC Policy](#) that, among other things, defines the circumstances under which deputies are required to record events using their BWCs and the process by which they must upload and document recorded video. The DSD conducted training with deputies to review this BWC Policy and provide step-by-step demonstrations about how to activate the BWCs and save recordings. The DSD also updated its [Discipline Handbook](#) to identify the scheduled discipline imposed on deputies who fail to follow the BWC Policy, including a notice of improvement for the first violation in a 12-month period and a written reprimand for the second. BWCs have become an essential public safety resource, and we commend the DSD for the development of its BWC program.

However, the full benefit of BWCs cannot be realized until deputies are held accountable for failures to follow the DSD's BWC Policy. In the first half of 2023, the DSD and DOS closed more than 50 cases that included at least one allegation that a deputy violated the BWC Policy. For most of these cases, the involved deputies were issued informal debriefings about their conduct, rather than the notices of improvement or written reprimands listed in the DSD's Discipline Handbook. To be clear, the rollout of any new technology is difficult and providing deputies with a grace period or window during which they could become comfortable with the BWCs was appropriate. The OIM believes that time has passed and recommends that the DSD and DOS apply the scheduled discipline outlined in the DSD's Discipline Handbook to all violations of the BWC Policy going forward.

Significant Disciplinary Cases Closed in the First Half of 2023²¹

Terminations

■ On July 23, 2022, a deputy left a stack of papers on a housing unit desk that contained notes written by an inmate. The notes detailed, among other things, personal information about the deputy. AIU opened an investigation that revealed the deputy discussed personal details of her life with an inmate, used a work computer to listen to music and to browse the internet for personal use, allowed inmates to stand too close to the housing unit desk, failed to enforce rules regarding inmate uniforms, and missed at least one round. During the AIU investigation, the deputy contacted a fellow deputy who had initially found the notes and was a witness in the case, violating a policy prohibiting deputies from discussing ongoing investigations with witnesses. The deputy was terminated but entered into a settlement agreement with the DOS whereby she was suspended for 30 days, and the termination was held in abeyance for two years on the condition that she, among other things, commit no further serious rule violations.

■ On August 31, 2022, a sergeant reported potentially inappropriate behavior between a deputy on probationary status and an inmate. The AIU investigation revealed that the deputy had developed a personal relationship with the inmate and, among other things, failed to act when she saw that the inmate had contraband in his possession. The deputy was terminated from probationary status.

■ On September 7, 2022, a deputy, wearing his DSD uniform, went to the home of a woman he had been dating after the woman asked that he not visit at that time. He knocked on the door, and the woman told him that she did not want to talk. Later that evening, the woman opened her garage door to see if the deputy had left. She saw the deputy running toward the garage and attempted to close the door, but the deputy was able to lift it up and enter the garage. The two began arguing, and the deputy placed his gun on the ground and pushed the woman. When she tried to leave the garage, the deputy grabbed her by the back of the head and threw her to the ground. The deputy left the home, and the woman was taken to the hospital, where she learned that her femur and patella were broken. The next day, the deputy was arrested and charged with, among other things, First Degree Criminal Trespass and Second Degree Assault. The deputy failed to report his arrest to the DSD, as is required by policy. The deputy was suspended for a total of 20 days and was terminated for, among other things, aggravated conduct prohibited by law.

Resignations and Retirements²²

■ On July 24, 2022, a deputy asked an inmate if he would kill someone for her. The next day, the deputy told a sergeant that the father of her children was terminally ill and that she had asked an inmate about hiring someone to kill him. During the AIU investigation, the deputy initially denied asking the question of the inmate but later conceded that she had. The deputy resigned prior to a disciplinary finding in the case.

■ On September 11, 2022, an inmate filed a complaint about a deputy who made her feel unsafe. The AIU investigation revealed that the deputy had made sexual comments to several inmates and that he had developed a romantic relationship with a particular inmate while she was in DSD custody. The deputy resigned prior to a disciplinary finding in the case.

■ On April 10, 2022, on his last day of work with the DSD, a deputy provided his personal phone number to several female inmates. The AIU investigation revealed that the deputy had developed a personal relationship with at least one of the inmates while he was still employed with the DSD. The deputy resigned prior to a disciplinary finding in the case.

■ A deputy had two cases alleging misconduct. In the first case, on November 24, 2022, the deputy left work early without his supervisor's permission. When his supervisor tried to talk to him about the issue and an existing performance management plan, the deputy reacted unprofessionally. During the subsequent investigation, it was revealed that the deputy had arrived late or left early for multiple shifts during that month and had spoken to other DSD employees about an existing AIU investigation, which is prohibited by DSD policy. The deputy also refused to appear for a scheduled interview with AIU.

In the second case, on February 17, 2023, the deputy got into an argument with his girlfriend, grabbed her by the throat, and choked her. He was arrested for Second Degree Assault and issued a Mandatory Protection Order prohibiting him from having contact with the victim or possessing a firearm. The deputy resigned prior to a disciplinary finding in either case.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On June 21, 2022, an inmate was being disruptive in the intake area of the Van Cise-Simonet Detention Center (“DDC”). A sergeant ordered him to move into an isolation cell. The inmate followed the order and walked towards the cell. When he was directed to remove his shoes before entering the cell, the inmate became agitated, refused to take off his shoes, and turned towards a deputy standing nearby. Another deputy (“Deputy A”) walked up to the inmate, grabbed him from behind, and pushed him into the corner of the cell. Deputy A then punched the inmate in the face and grabbed him. Deputy A and several other deputies then forced the inmate to the ground and removed his shoes and socks. During the incident, Deputy A failed to turn on his BWC. Deputy A, whose penalty was increased due to his disciplinary history, was suspended for 30 days for using inappropriate force. He also received an informal debriefing for failing to activate his BWC.

■ On July 11, 2022, a deputy was conducting a round to check on the status of inmates in a housing unit when an inmate drew the deputy’s attention to two other female inmates lying on a bunk together, covered by a blanket. The deputy separated the inmates but did not file a report or notify a supervisor or Prison Rape Elimination Act (“PREA”) Compliance Manager, as is required by policy when a deputy has any knowledge, suspicion, or information regarding sexual contact between inmates. The deputy was suspended for 10 days for violating a rule regarding the reporting of in-custody sexual abuse and sexual harassment. He appealed the suspension and subsequently entered into a settlement agreement with the DOS that reduced his penalty to an 8-day suspension.

■ On September 17, 2022, a deputy drove her vehicle to the mountains with her brother, who was prohibited from possessing firearms. While there, the deputy heard gunshots but did not report them to local law enforcement and instead decided to leave the area. Officers from another jurisdiction stopped the deputy under suspicion that those in her vehicle may have been responsible for the gunshots she had heard. During a search of the vehicle, it was determined that the deputy’s vehicle registration had expired, her service weapon was unsecured in the car, her DSD badge was in her brother’s pocket, and that there was an open alcohol container in the vehicle. The deputy was suspended for 10 days for conduct prejudicial and for disobeying a rule related to securing firearms while off-duty.

■ On December 5, 2022, a deputy allowed an inmate who had been violent with staff and was supposed to be separated from other inmates (“Sep All”) out of his

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cell while another inmate was in the area. The inmate with the Sep All alert threatened the other inmate while the deputy was attending to other matters in the housing unit. An investigation into the incident revealed that the deputy had also allowed the Sep All inmate to have additional out time, walk behind her, and get too close to the housing unit desk. The deputy, whose penalty was increased due to her discipline history, was suspended for a total of 30 days for extending favors to an inmate, failing to protect prisoners, and failing to devote full attention to her duties. She appealed her suspension.

■ On December 20, 2022, a deputy assigned to the DSD Fugitive Warrant Detail was notified that a man wanted for a probation violation had been located in a neighboring jurisdiction. The deputy drove to that neighboring jurisdiction, observed the man running away from the area, and chased after him on foot with DPD officers. The man ran into a parking lot and tried to climb over a fence. DPD officers grabbed him and began to take him into custody. While the man struggled with the DPD officers, the deputy ran up to the man and kicked him in the groin. Following the incident, the deputy did not collect necessary information about the man or file the appropriate report. The deputy was suspended for a total of 38 days for using inappropriate force, engaging in law enforcement operations outside of Denver, and failing to collect and report the information required for such a contact. He appealed his suspension.

Appeals of Significant Discipline Imposed Prior to 2023 and Filed with or Decided by the Career Service Board in the First Half of 2023²³

■ On March 8, 2021, several deputies escorted a newly arrived and handcuffed inmate to a DSD isolation cell. They explained to the inmate that they needed to take his fingerprints and ordered him to kneel on the floor of the cell. While on the cell floor, the inmate balled his fist, refused to open his hand for the fingerprints to be taken, and began rolling on the ground. One of the deputies (“Deputy A”) wrapped an Orcutt Police Nunchaku (“OPN”) around the inmate’s leg, and another deputy (“Deputy B”) wrapped an OPN around the inmate’s wrist and continued to apply pressure until the inmate stopped moving. The force applied by Deputy B caused the inmate to develop suspected compartment syndrome and possible nerve damage. Deputy B was suspended for ten days for using inappropriate force. Deputy B appealed his suspension and subsequently entered into a settlement agreement with the DOS that reduced his penalty to a four-day 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 2.3 presents the number and type of commendations awarded to DSD personnel in the first half of 2023.²⁴ The most common commendation recorded in the first half of 2023 was the Personal Responsibility in Delivering Excellence (“PRIDE”) Award. This award is “presented 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 and/or putting forth extra effort when needed.”²⁵

Table 2.3 Commendations Awarded to DSD Deputies, First Half of 2023

Commendation Type	Count	Percentage
PRIDE Award	16	38%
Employee of the Month	8	19%
Lifesaving Award	7	17%
Sheriff's Commendation	3	7%
Unit Citation	3	7%
Distinguished Service Medal	2	5%
Community Service Award	1	2%
Medal of Valor	1	2%
Chief's Commendation	1	2%
Total	42	100%

Highlighted Commendations

■ A deputy served as a board member for the Christmas Crusade and volunteered to make sure every family received gifts during the holiday season. The deputy received a Community Service Award.

■ While driving home from work, a sergeant noticed the aftermath of a car accident involving two vehicles. He pulled over to make sure no one was injured, and he found one unconscious victim in the first car and two unconscious victims in the second car. He also noticed that the second car had a small fire coming from the engine block area and that the driver’s side door was locked. He rushed to his vehicle to retrieve his department-issued baton, broke the driver window, and called 911 to request emergency assistance. With the help of a civilian and a deputy from another jurisdiction, the deputy managed to pull an unconscious driver from the

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vehicle and placed her flat on the ground. The deputy then rushed to assist with pulling the driver out of the other vehicle before returning to the second vehicle to perform chest compressions on the female driver until emergency personnel arrived at the scene. The deputy received a Distinguished Service Medal.

■ A deputy who has served the DSD with distinction since 2018 received an Employee of the Month Award for demonstrating a high level of competency and for going above and beyond when called to deal with critical incidents. Also, the deputy motivated his colleagues and boosted their morale with his positive attitude and demeanor.

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 community members, officers, deputies, 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 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 occurring in Denver, the DPD 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. For OISs, a representative from the Colorado Department of Public Safety may respond 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 watches the interviews by video and may suggest additional questions at the conclusion of each officer interview. The DPD may ask those questions. 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. 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, the OIM recommendation will be forwarded to the Chief of Police or to the DOS, which makes the final decision regarding critical incidents.

DPD Officer-Involved Shootings in the First Half of 2023

Incident #1

On April 10, 2023, DPD officers were involved in an OIS. The administrative review into the incident was pending during this reporting period.

Incident #2

On May 1, 2023, DPD officers were involved in an OIS. The administrative review into the incident was pending during this reporting period.

Incident #3

On June 7, 2023, a DPD officer was involved in an OIS. The administrative review into the incident was pending during this reporting period.

Incident #4

On June 7, 2023, a DPD officer was involved in an OIS. The administrative review into the incident was pending during this reporting period.

DPD Accidental Discharges in the First Half of 2023

Incident #1

On March 31, 2023, an officer accidentally discharged their firearm. The administrative review into the incident was pending during this reporting period.

Deaths During DPD Contact in the First Half of 2023

Incident #1

On April 29, 2023, an individual died of an apparent self-inflicted gunshot wound during an interaction with DPD officers. The administrative review into the incident was pending during this reporting period.

DPD Critical Incidents Closed in the First Half of 2023²⁸

Closed Incident #1

On May 6, 2020, officers from several departments attempted to arrest a person suspected of attempted murder. Commerce City Police Department (“CCPD”) officers parked their patrol car near the suspect, exited, and announced their presence. The suspect ran around his vehicle, drew a gun, and fired it at one of the officers. A CCPD officer fired his weapon, and the suspect continued to run away. A Colorado Department of Corrections officer, who had been assisting with surveillance, saw the suspect fire at the CCPD officer and discharged his weapon. A DPD officer, who had assisted with surveillance and setting up a perimeter

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around the area, also saw the suspect shoot at the CCPD officer and fired his weapon. The suspect was struck and died from the wounds.

The District Attorney from the 17th Judicial District reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a [detailed letter](#) reviewing the shooting.²⁹ The DPD's Use of Force Review Board met on March 17, 2022 and determined the shooting to be in-policy.³⁰

Closed Incident #2

On June 22, 2020, officers responded to a reported kidnapping where a person entered the victim's car armed with a handgun and demanded that he drive out of the area. The person ordered the victim to elude the police, and they drove to a neighboring jurisdiction. When the car stopped, and while the person was turned around looking over his shoulder, the victim ran away. The person chased after the victim with a handgun. An officer ("Officer A") observed the victim fleeing the area and began following the person. Two detectives ("Detective A" and "Detective B") and two additional officers ("Officer B" and "Officer C") joined Officer A and followed the person through the area on foot, giving him multiple commands to drop his gun. The person ignored all the officers' commands and threatened officers and citizens in the area with his handgun. An officer from another jurisdiction, who had been observing the interaction from his patrol car, drove his car at the person and struck him. The person fired one round from the handgun and then it fell out of his hand. Detectives A and B and Officers A, B, and C approached on foot. The person picked up the handgun and pointed it at Officer B. Detectives A and B, Officers A, B, and C, and the officer from another jurisdiction all fired their weapons at the person. The person was struck and died from the wounds.

The District Attorney from the 17th Judicial District reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a [detailed letter](#) reviewing the shooting.³¹ The DPD's Use of Force Review Board met on March 17, 2022 and determined the shooting to be in-policy.

Closed Incident #3

On September 9, 2020, two officers ("Officer A" and "Officer B") responded to calls of a person with a gun, later determined to be an airsoft pistol replica of a Glock 17 handgun. When Officers A and B arrived, the person pointed the replica handgun at the occupants of a vehicle. Officers A and B unholstered their

handguns, exited their patrol car, and positioned themselves behind their opened doors. Officer B worked to ensure that the occupants of the vehicle and a bystander moved away, and Officer A commanded the person with the replica handgun to show his hands. The person turned toward the officers, pointed the replica handgun at them, and advanced towards them. Officers A and B both fired their weapons. The first rounds Officers A and B fired did not hit the person, and he continued across the street while pointing the replica handgun at the officers. Officer A continued to fire his weapon, and the person was struck and died from the wound.

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.³² The DPD's Use of Force Review Board met on March 17, 2022 and determined the shooting to be in-policy.

Closed Incident #4

On September 12, 2020, a deputy from a neighboring jurisdiction ("Deputy A") observed a vehicle with no license plates parked at a gas station. Deputy A thought the vehicle may have been stolen and reported his suspicions to another deputy ("Deputy B"). A woman got into the front passenger seat of the vehicle, and it drove away. Deputies A and B followed the vehicle in their respective patrol cars, and Deputy B turned on his emergency lights and attempted to stop the vehicle. The vehicle initially stopped but then sped away. Deputy A continued to follow the vehicle and saw the driver fire a handgun out of the window at him. Several other deputies joined Deputies A and B in pursuit of the vehicle, which entered Denver. The vehicle eventually struck a parked car, and the driver and passenger exited the vehicle. The driver took hold of the passenger and moved behind bushes in the backyard of a nearby residence.

Deputies from the neighboring jurisdiction, including Deputies A and B, and another deputy ("Deputy C"), arrived at the residence. Deputy C took a rifle from his patrol car and moved into the backyard. DPD officers also arrived, including an officer who entered the backyard ("Officer A) and one officer who moved to the yard of a nearby residence ("Officer B"). Officers attempted to establish a dialogue with the driver and repeatedly ordered him to drop the gun. The driver and the passenger walked out from behind the bushes, with the driver holding a handgun to the passenger's head. Deputies B and C moved out of the backyard into a position where they could see the driver and both fired their weapons. The passenger moved out of the way as the driver dropped to the ground. The driver continued to move on the ground and had the handgun in his hand. Deputies A,

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B, and C and Officers A and B then fired their weapons at the person. The driver 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.³³ The DPD's Use of Force Review Board met on September 15, 2022 and determined the shooting to be in-policy.

Closed Incident #5

On September 15, 2020, two corporals ("Corporal A" and "Corporal B") and an officer responded to a call about a distressed and potentially intoxicated man with a gun. When they arrived, Corporal B saw the man staggering, and Corporal A ordered him to put his hands up. The man raised his hands, lowered them, and started to walk toward Corporal A. Corporal A and the officer ordered the man to get on the ground, but he continued to walk towards Corporal A. Corporal A told the man that if he continued walking in that direction, Corporal A would shoot him. The man began walking away from Corporal A, and the officer announced that he could see a gun in the man's pocket. The man confirmed that he did have a gun in his pocket, turned to face the officers, and pulled it out of his pocket. Corporals A and B and the officer fired at the man. The man 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.³⁴ The DPD's Use of Force Review Board met on June 23, 2022 and determined the shooting to be in-policy.

Closed Incident #6

On September 26, 2020, an officer responded to a report of a person waving a large knife in the air. The officer arrived at the location, exited his vehicle, and told the person to drop the weapon. The person began sprinting at the officer with a knife raised in his right hand. The officer discharged his weapon. The person was struck but survived.

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.³⁵ The DPD's Use of Force Review Board met on June 23, 2022 and determined the shooting to be in-policy.

Closed Incident #7

On May 8, 2021, a community member reported that an individual armed with a gun was on his patio. A corporal and two officers (“Officers A and B”) responded to the call. The corporal and Officer A began to search the patio with their flashlights. The individual fired a shotgun that struck both the corporal and Officer A. The corporal returned fire, but the individual was not struck and ran away. The DPD’s Use of Force Review Board met on March 17, 2022 and determined the shooting to be in-policy.

Closed Incident #8

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.³⁶ The DPD’s Use of Force Review Board met on September 15, 2022 and determined the shooting to be in-policy.

Closed Incident #9

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 officer. The District Attorney prepared a [detailed letter](#)

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reviewing the shooting.³⁷ The DPD's Use of Force Review Board met on September 15, 2022 and determined the shooting to be in-policy.

Closed Incident #10

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 and making a comment about shooting police. 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.³⁸ The DPD's Use of Force Review Board met on September 15, 2022 and determined the shooting to be in-policy.

Closed Incident #11

On June 4, 2021, several community members reported an individual firing a gun at a park. DPD officers, including two corporals ("Corporals A and B") and an officer ("Officer A"), responded to the park and located the individual leaning into the passenger side of a vehicle. Officers ordered the individual to show them his hands, and the individual stood up from the vehicle with a gun. Officers ordered him to drop the gun. The individual pointed the gun at his own head, lowered it, and started to walk toward the officers and raise the gun. Corporals A and B and Officer A fired their weapons, and the individual 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.³⁹ The DPD's Use of Force Review Board met on December 1, 2022 and determined the shooting to be in-policy.

Closed Incident #12

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.⁴⁰ The DPD’s Use of Force Review Board met on December 1, 2022 and determined the shooting to be in-policy.

Closed Incident #13

On December 27, 2021, community members reported seeing a van at the location of several shootings. Two officers (“Officers A and B”) were driving in the area and saw the van. Officer A activated the patrol car’s lights and sirens and began pursuing the van. The van drove into a parking lot that ended in a dead end, and Officer A stopped near the parking lot’s entrance. Officer A and B got out of their vehicle, and the van made a U-turn and began driving at the patrol car. An individual within the van fired at Officers A and B, and Officer B returned fire. The individual fled the area in the van. The DPD’s Use of Force Review Board met on December 1, 2022 and determined the shooting to be in-policy.

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 may respond to the scene of the incident for a walk-through and debriefing from command staff. Major Crimes Unit detectives interview witnesses and involved deputies and collect video and documentary evidence. 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 AIU to commence the administrative review. The OIM confers with AIU to determine whether further investigation is necessary. Once all relevant evidence is gathered, the case may be submitted to the DOS CRU to determine whether there were any violations of DSD policy. If, after reviewing the investigation, the 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") or if the OIM disagrees with the CRU's recommended findings, the case may be 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 their side of the story, including mitigating information, if any. After hearing from the involved deputy, the OIM makes disciplinary recommendations to the Sheriff. Recommendations from the Sheriff and the OIM are forwarded to the DOS for further consideration. The DOS determines whether the deputy's actions were in-policy or out-of-policy and the appropriate level of discipline, if any.

DSD Critical Incidents in the First Half of 2023

Incident #1

On March 6, 2023, an inmate died while in the custody of the DSD. The administrative review into the incident was pending during this reporting period.

DSD Critical Incidents Closed in the First Half of 2023⁴¹

Closed Incident #1

On October 28, 2022, two deputies (“Deputy A” and “Deputy B”) attempted to evict a resident from an apartment. Deputies A and B used a key to unlock the apartment door and found that the door was blocked and chained shut. They heard a gunshot from within the apartment, left the building, and called for support. DPD officers and a DSD captain, sergeant, and four additional deputies (“Deputy C,” “Deputy D,” “Deputy E,” and “Deputy F”) responded to the apartment building. While driving to the apartment building, Deputies C and D activated the lights on their DSD vehicles and turned the sirens on and off during the drive, which is prohibited by DSD policy. Deputies C, D, E, and F helped maintain a perimeter at the scene. DPD officers eventually entered the apartment and found that the resident had died from a self-inflicted gunshot wound.

During the incident, Deputies A, C, D, E, and F did not set their BWCs to record for the entire time they were on the scene. They each received an informal, which is not discipline but a debriefing that addresses the subject’s conduct. Deputies D, E, and F also failed to write complete reports about the incident and received notices of improvement. The sergeant did not bring his BWC with him to the scene, and both he and the captain failed to ensure that others were using their BWCs and that all the relevant BWC video had been reviewed. They received informals.

Deputies C and D received written reprimands for violating a rule related to the use of emergency equipment. They filed grievances requesting that the finding be reversed, and the DSD granted their request and had the written reprimands removed from their personnel files.⁴²

Endnotes

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

² The data reported in this chapter, which do not include complaints against DPD civilian employees, 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. Changes in coding or analysis of complaints, specifications, findings, and discipline may also lead to discrepancies between historical data presented in this report and data presented in previous OIM reports. Unless otherwise noted, the data included in this chapter were last retrieved from IAPro on August 7, 2023.

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 Jan. 12, 2022).

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 disciplined, rather than the precise allegations communicated in the complaint.

⁵ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Rules and Regulations, at 12 (effective Jan. 12, 2022).

⁶ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Rules and Regulations, at 16 (effective Jan. 12, 2022).

⁷ Percentages presented in Table 1.1 and other tables and figures in this report may not sum to 100 due to rounding.

⁸ To be clear, the DPD is recording and investigating a similar number of force-related complaints, but the specification commonly used to document the allegations has changed. In the first half of 2022, the DPD recorded 38 total force-related specifications (6 Duty to Obey Departmental Rules and Mayoral Executive Orders specifications linked to specific sections of the DPD Use of Force Policy and 32 Inappropriate Force specifications). In the first half of 2023, the DPD recorded 36 total force-related specifications (31 Duty to Obey Departmental Rules and Mayoral Executive Orders specifications linked to specific sections of the DPD Use of Force Policy and 5 Inappropriate Force specifications).

⁹ Complaints with significant discipline closed in the first half of 2023 may not be included in this section if they were summarized in the OIM’s [2022 Annual Report](#). For more information on the DPD’s rules and regulations, see their [Discipline Handbook](#).

¹⁰ For each resignation or retirement summarized in this section, the Department of Safety ultimately sustained the allegations described.

¹¹ After resigning from the DPD, the sergeant appealed the Department of Safety’s decision to sustain the allegations made in this case. The Civil Service Commission dismissed the appeal for lack of jurisdiction.

¹² Summary data on appeals filed by DPD officers or by the DOS regarding DPD officers were provided to the OIM by the Civil Service Commission on July 6, 2023.

¹³ Denver Revised Municipal Code (“DRMC”) Article XVIII §§ 2-371(b), 2-375(a).

¹⁴ Unless otherwise noted, the data for this chapter, which do not include complaints against DSD civilian employees, 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 AIU’s data. Finally, though the OIM can make recommendations, it is not the final arbiter of what allegations to record in IAPro and against which deputies. Consequently, 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. Changes in coding or analysis of complaints, allegations, findings, and discipline may also lead to discrepancies between historical data presented in this report and data presented in previous OIM reports. The data included in this chapter were last retrieved from IAPro on August 18, 2023.

¹⁵ Scheduled discipline violations include Unauthorized Leave, Failure to Participate in Required Firearms Qualification/Training, and Refusals to Work Mandatory Overtime. *See* DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendices G, H, and J (updated Feb. 7, 2023).

In 2022, cases related to the Public Health Order requiring vaccination of City and County of Denver employees were also handled as scheduled discipline. They are not included in the counts and percentages presented in this chapter.

¹⁶ Internal complaints are those filed by DSD employees or opened at the direction of the DOS or AIU. AIU may decide to open some cases in response to an OIM recommendation.

¹⁷ DSD Department Order 1.00.3001 Body-Worn Cameras (effective July 2023).

¹⁸ Many reports related to law enforcement 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 a deputy. AIU 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 disciplined, rather than the precise allegations communicated in the complaint.

Endnotes

¹⁹ Seven of the complaints closed in the first half of 2023 are not included in Table 2.2 because they had a complaint type of “Other/Missing.” These complaints had outcomes of Declined (3), Not Sustained/Exonerated/Unfounded (1), Sustained (2), and Informal (1).

²⁰ In IAPro, complaints that AIU referred to the DSD had a variety of dispositions, including “DSD Handled” and “Resolved.” The OIM recoded all of these complaints as “Declined” to reflect the fact that the DSD determined that there was no credible evidence of misconduct and that further investigation was unlikely to reveal any such evidence.

²¹ 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 2023 may not be included in this section if they were summarized in the OIM’s 2022 Annual Report.

²² For each resignation or retirement summarized in this section, the Department of Safety ultimately recommended that the allegations described be sustained.

²³ 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 July 12, 2023.

²⁴ Data on DSD commendations were provided by the DSD.

²⁵ DSD Department Order 1.00.2001 § (6)(B)(5)(a) (effective April 2022).

²⁶ The OIM does not generally report on incidents where a community member dies of natural causes or an officer or deputy discharges a firearm at an animal.

²⁷ DPD Operations Manual Section 105.4(5).

²⁸ Critical incidents closed in the first half of 2023 may not be included in this section if they were summarized in the OIM’s 2022 Annual Report.

²⁹ Decision Letter from District Attorney Dave Young to Denver Police Chief Paul Pazen, et al. (July 24, 2020), <https://adamsbroomfieldda.org/userfiles/2358/files/OIS-7-27-20.pdf>.

³⁰ In 2022, the Use of Force Review Board determined that this shooting and the other closed shootings summarized in this report were in policy. We are summarizing these shootings in this report because the DPD did not close the cases out in IAPro until January 2023.

³¹ Decision Letter from District Attorney Dave Young to Denver Police Chief Paul Pazen and Aurora Police Chief Vanessa Wilson (Nov. 4, 2020), <https://adamsbroomfieldda.org/userfiles/2358/files/OIS-nov-4-2020-letter.pdf>.

³² Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Nov. 23, 2020), <https://www.denverda.org/wp-content/uploads/news-release/2020/11-23-20-Decision-Letter-for-Officer-Involved-Shooting-Antonio-Blackbear-Sept-9-2020.pdf>.

³³ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen and Adams County Sheriff Richard Reigenborn (Nov. 25, 2020), <https://www.denverda.org/wp-content/uploads/news-release/2020/112520-Decision-Letter-for-Officer-Involved-Shooting-Christopher-Escobedo-Sept-12-2020.pdf>.

³⁴ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Jan. 19, 2021), <https://www.denverda.org/wp-content/uploads/decision-letter/2021/011921-Decision-Letter-for-Officer-Involved-Shooting-Mac-McPherson-Sept-15-2020.pdf>.

³⁵ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (Oct. 26, 2020), <https://www.denverda.org/wp-content/uploads/news-release/2020/102620-Decision-Letter-for-Officer-Involved-Shooting-Heber-Gonzalez-Sept-26-2020.pdf>.

³⁶ 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>.

³⁷ 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>.

³⁸ 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>.

³⁹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Paul Pazen (July 7, 2022), <https://www.denverda.org/wp-content/uploads/news-release/2022/070722-Colton-Wagner-MLK-Park-Shooting-DECISION-LETTER-060421.pdf>.

⁴⁰ 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>.

⁴¹ Critical incidents closed in the first half of 2023 may not be included in this section if they were summarized in the OIM's [2022 Annual Report](#).

⁴² The DSD did not notify the OIM about its decision to rescind the written reprimands. The OIM is working with the DSD to ensure that, in the future, the OIM is given notice and the opportunity to provide recommendations in these situations.



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

Office of the Independent Monitor
101 W. Colfax Ave., Suite 100
Denver, CO 80202
720 913 3306
www.denvergov.org/OIM | oim@denvergov.org