

**Public Integrity Division
Administrative Investigations
Unit
Policies and Procedures
June 27, 2022**

TABLE OF CONTENTS

<u>100.0 Administrative Investigations Unit – General</u>	3
101.0 Preamble	3
102.0 Authority	3
103.0 Statement of Confidentiality	4
104.0 Notice of Allegations and Incidents that Must be Reviewed by the AIU	4
<u>200.0 Definitions</u>	5
<u>300.0 Complaint Intake</u>	7
301.0 Origin of Complaints	7
302.0 Intake and Complaint Recording Procedures	7
303.0 Response Protocol and Notification	11
<u>400.0 Investigative Policies</u>	12
401.0 General Procedures	12
402.0 Review by the District Attorney’s Office of Allegations of Criminal Law Violations	16
403.0 Declining a Complaint for Further Review	17
404.0 Managing the Case Flow	18
<u>500.0 Mediation</u>	19
501.0 Mediation Overview	19
502.0 Mediation Eligibility	19
503.0 Mediation Procedures	21
<u>600.0 Notification</u>	21
<u>700.0 Records</u>	21
<u>800.0 Alcohol and Drug Policies and Testing</u>	22
<u>900.0 Sexual Harassment Discrimination or Hostile Work Environment – Deputy or Civilian is the Subject</u>	22
<u>1000.0 Restraining Orders – Served on Deputy or Civilian Employee</u>	22
<u>1100.0 Pre-Investigation Completion Policies</u>	23
1101.0 Investigatory Leave	23
1102.0 Investigative Reassignment	23
<u>1200.0 Deputy/Employee Rights</u>	23
<u>1300.0 Effective Date</u>	25
<u>Appendix A – Investigation Request Form</u>	26
<u>Appendix B – Complaints that must be Triaged by the AIU</u>	27

100.00 Administrative Investigations Unit – General

101.00 Preamble

The Denver Sheriff Department (DSD or the Department) and the Department of Public Safety (DOS) recognize that the Public Integrity Division (PID) of DOS is essential to building and maintaining mutual trust and respect with both the community and its own employees. Integrity, honesty, and professionalism are foundational elements of the missions of DOS and DSD. A disciplinary process, including an established set of accountability standards that fairly address how complaints involving employees are made, filtered, processed, and evaluated at all levels, is vital to those missions. It also secures the safety of inmates and assists in effectively managing risk and potential civil liability for deputies, the DSD, and the City of Denver.

The Administrative Investigations Unit (AIU) of the PID is tasked with conducting unbiased, thorough, timely, and complete administrative investigations concerning complaints of misconduct made against uniformed employees of the DSD. The DSD and Executive Director of Public Safety (EDOS) believe that cooperation with the Office of the Independent Monitor (OIM) as provided in Den. Rev. Mun. Code, art. XVIII, § 2-390, is both required by law and essential to help achieve these goals.

The DSD and the AIU recognize that the PID's investigative and review processes must not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, gender identity, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State, local law, or regulation. Investigations are to be conducted objectively, without bias or an appearance of bias, and no effort will be made to slant any investigation for either the benefit or detriment of the subject deputy(ies). Equally important, the DSD and the PID value truthfulness as vital to the interests of the Department, and truthfulness is required from all DSD personnel whether they are complainants, subjects of, or witnesses in an investigation.

To allow the Department to develop an effective early intervention/outreach system, the recording and tracking of complaints of misconduct and investigations are critical. Thus, all complaints received by, or referred to, the AIU shall be uploaded to IAPro.

The following sets forth the investigative bodies responsible for handling various categories of complaints against DSD employees:

1. Performance and Service-related complaints not involving misconduct will be handled by the DSD.
2. Allegations of misconduct will be reviewed by the AIU, which will determine the appropriate course of action.
3. Allegations involving only civilian employees will be handled by the DSD and Department of Public Safety Human Resources.

There may be instances when performance issues and allegations of misconduct merge. Should that occur, the Manager of the AIU shall determine the appropriate investigative body.

102.00 Authority

The AIU acts directly under the authority of the (EDOS. AIU personnel have the authority to require any member of the DSD, regardless of rank, to make a full and complete disclosure pertaining to the

commission or omission of acts under investigation. The Manager of the AIU is responsible for ensuring that complaints and AIU investigations are handled consistent with this policy and has the authority to determine the direction of all investigations to ensure the completion of thorough and impartial investigations. When the Manager of the AIU determines that an AIU investigation is required pursuant to this policy, no personnel outside of the PID/AIU, up to and including the Sheriff, may overturn that determination.

103.00 Statement of Confidentiality

The AIU Manager shall be responsible for the confidentiality of information within the unit and, except as set forth in this policy or in compliance with a court order, shall not release confidential information without specific authorization from the EDOS or their designee.¹

Cases, outcomes, and incidents handled by the AIU must remain completely confidential to the extent reasonably possible. Members of the AIU may discuss cases with their supervisors, other AIU personnel, the City Attorney's Office (CAO), the OIM, CRU personnel and the EDOS or designee. Cases and outcomes may be released, in whole or in part, based on applicable open records laws, or pursuant to discovery requirements in a lawsuit or court order.

104.00 Notice of Allegations and Incidents that Must be Reviewed by the AIU

Allegations of misconduct and incidents that must be referred to the AIU include, but are not limited to, the following:

- a. Inappropriate force, failure to report inappropriate force, and the failure to intervene in the use of inappropriate force
- b. Use of force resulting in serious bodily injury or death to any person
- c. Misconduct resulting in injury to employees or inmates not arising from use of force or alleged misconduct
- d. Escapes (not including work release walk-aways)
- e. Criminal investigations and/or arrests of DSD employees
- f. Harassment, discrimination, retaliation and/or bias against any person
- g. Sexual misconduct in any form, including any subsequent retaliation
- h. Fraternalization with current or former inmates
- i. Executive Order 94.² violations
- j. Prison Rape Elimination Act cases involving a DSD staff member, contractor

¹ References to specific individuals, including the EDOS, AIU Manager, Independent Monitor, and Sheriff, shall be deemed to also include the individual and/or their designee even if "or their designee" is not specifically referenced in this policy.

² Commonly referred to as the City and County of Denver Employees' Alcohol and Drug Policy.

- or volunteer and an inmate
- k. Violations of inmate rights
 - l. Any DSD manager or supervisor request for an AIU review or investigation.
 - m. Behavior that compromises the safety and security of DSD staff, inmates or the general public.
 - n. Allegations related to violations of DSD orders, policies, procedures, rules, etc. (not inclusive of those falling under scheduled discipline)
 - o. EEO allegations (in conjunction with Department of Safety Human Resources) involving DSD uniformed staff
 - p. Bias/discrimination based on actual or perceived race, ethnicity, sexual orientation, disability, gender, gender identity, age, religion, or other basis protected by Federal, State, local law or regulation.
 - q. Any discharge of a weapon by any DSD employee, either on-duty or off-duty, including, but not limited to, shooting at a person, accidental discharges and shooting at animals. This does not include legal, licensed hunting activities or the discharge of a weapon for training or recreational purposes.
 - r. Willful failure to perform duties
 - s. Performance issues as determined by DSD
 - t. Failures by a deputy to submit an accurate and complete report, the making of a knowingly misleading or inaccurate statement by a deputy, or a deputy's commission of a deceptive act
 - u. All conduct prohibited by law, including criminal traffic offenses and those involving serious bodily injury as defined by C.R.S. § 18-1-901(3)(p), inclusive of those occurring while a deputy is off-duty at the time of the offense
 - v. Any other incident as determined by the AIU Manager

(See Discipline Handbook and Matrix, Appendix F, *see also*, Appendix B of this policy)

200.0 Definitions

Definitions contained in this section are applicable solely to the PID, AIU, and Conduct Review Unit (CRU). Definitions found in Department orders, policies, and other DSD documents may differ from those contained in this policy. Where definitions differ from those in internal DSD documents, the definitions contained in this policy shall control.

1. An "**allegation**" means each claim of purported misconduct.
2. A "**case**" or "**case file**" means all documentation, evidence, recordings, and any other information obtained by the PID in the course of its investigation.

3. A “**complaint**” is any verbal or written statement, including a grievance or kite, that alleges misconduct by any employee of the DSD. The complaint is the method of communicating the allegation of misconduct.
4. A “**complainant**” is the person or entity making an allegation against a DSD employee.
5. A “**completed investigation**” is an unbiased investigation which includes all relevant evidence, that is reasonably available relied upon to make a fair and informed decision on the outcome of the complaint.
6. A “**conviction**” means either a plea of guilty or no contest to a crime, or a finding of guilt for a crime (as defined by state or federal statute or municipal ordinance). It also includes a plea on a deferred judgment.
7. A “**critical incident**” includes any deputy-involved shooting, serious bodily injury or death of an inmate, or serious bodily injury or death following contact with a DSD employee inside or outside a DSD facility.
8. A “**declined complaint**” is a complaint that has been dismissed pursuant to section 403.0 of this policy.
9. A “**deputy**” is any sworn member of the DSD, regardless of rank.
10. “**Discipline**” is the imposition of a written reprimand or higher, as provided for in the DSD Disciplinary Matrix.
11. A “**grievance**” is a complaint filed by an inmate related to any aspect of institutional life or conditions of confinement which affects the inmate grievant; it may also be related to alleged misconduct. Grievances that do not allege misconduct should be categorized by DSD as service complaints or performance complaints, which include, but are not limited to, those related to: health services; housing; quality of food service; hygiene; sanitation needs; or recreation opportunities that do not impact the health and safety of the inmate.
12. “**Misconduct**” is a violation of law, DSD policy, procedure, executive order, court order, rule, or regulation that generally does not include performance concerns or service complaints. Repeat performance concerns, and/or willful performance issues, however, may rise to the level of misconduct.
13. A “**performance complaint**” is an allegation or grievance that an employee is falling short in the completion of their duties due to a lack of skill, ability, or training. Performance complaints do not include allegations of willful failure to perform duties, negligent performance of duties, misconduct, actions or failures to act that placed an inmate’s health or safety at risk, or service complaints.
14. “**Serious bodily injury**” means “bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.” See C.R.S. § 18-1-901(3)(p).

15. A “**service complaint**” is a complaint or grievance by a member of the public or an inmate that pertains generally to services or policies of the department and conditions of confinement but does not allege misconduct or poor performance against a DSD employee.
16. “**Subject**” means a person whose conduct is within the scope of the AIU’s investigative authority. A subject may have engaged in misconduct and further investigation of the alleged misconduct is appropriate.
17. “**Witness**” means an individual who may have information that investigators assess to be relevant to the investigation to help prove or disprove whether the subject(s) engaged in the alleged misconduct.

300.0 Complaint Intake

301.00 Origin of Complaints

1. Complaints of employee misconduct originate from various external and internal sources. External sources include written and verbal complaints from the public, inmates, outside law enforcement agencies, civil claims, lawsuits, and other governmental agencies. Internally generated complaints can originate from observed misconduct, other employees, and audits.
2. The AIU shall accept all complaints. The AIU will accept and investigate anonymous complaints and third-party complaints to the extent that sufficient information is provided or can be reasonably obtained by an AIU investigator.
3. Complaints may be received in-person, by mail, email, fax, or by phone, and may be submitted to the AIU, the OIM, or the Citizen Oversight Board (COB). Any employee requesting the AIU to initiate an investigation must complete an intake form. This form shall be available from the AIU and on the DSD intranet.

302.00 Intake and Complaint Recording Procedures

1. The AIU investigates alleged misconduct. The AIU Manager will review each complaint and follow the investigative procedures noted in section 400.0 *et. seq.*, below. Per the procedures set forth in this policy, the AIU shall refer service and performance complaints to the DSD for resolution. The AIU shall upload all such complaints to IAPro, along with a brief summary of the information considered in determining that a complaint will be referred to the DSD. Any evidence obtained as part of the investigation shall also be uploaded into IAPro.
2. The OIM shall have access to all complaints and relevant materials which are uploaded to IAPro subject to any legal limitations. Additionally, the OIM shall have the opportunity to review all complaints and related materials, the investigation and handling of all complaints by the AIU, and to provide recommendations with respect to the same.
3. The OIM shall be provided real-time access to IAPro, including those complaints for which AIU has not made a determination as to whether an investigation will be opened.

- a. The OIM shall be provided with all evidence available to the AIU. In the event that the complaint includes allegations against DSD uniformed staff, the OIM shall be afforded an opportunity to make a recommendation as to whether an investigation should be opened prior to AIU routing a complaint to another department.

4. The Intake process for complaints shall include:

- a. A preliminary review of all relevant, reasonably available evidence, to include reports, body worn camera video/audio footage, and any available video footage of the area where the incident occurred.
- b. The AIU Manager will determine whether a formal investigation will be opened in the Case Management Database or if the complaint will be referred to DSD, the Grievance and Incident Review Team (GIRT)³, or the Prison Rape Elimination Act (PREA) Compliance Manager⁴ to handle internally. To make this determination, the AIU Manager should consider, but not to be limited to, the following: the seriousness of the alleged offense; whether an investigation is required under Colorado law; the amount of evidence that is likely available; the passage of time since the alleged incident; the need to determine whether any policy changes or additional training may be necessary; the presence of evidence that clearly refutes any alleged misconduct (meaning the existence of any video/audio recording that clearly captures the entire incident); and any other factor that has bearing as to the merits of the complaint.
- c. All matters referred back to the DSD, GIRT, or the PREA Compliance Manager for internal handling shall be included in IAPro, including all information the AIU Manager relied upon to determine that the complaint should be referred back and identification of the person or unit to which the complaint was forwarded.
- d. All complaints of misconduct and determinations about their handling will be tracked by AIU in IAPro. Complaints that are refuted by clear and convincing evidence shall list the deputy in question as an "involved non-subject".
- e. In accordance with D.R.M.C. §2-390(a), the OIM may make requests for additional information and/or documentation for those complaints in which the AIU has determined not to open a formal investigation.
- f. In the event that the AIU and OIM disagree as to whether a complaint should be formally investigated, the OIM may refer the matter to the EDOS for additional review. The EDOS shall then discuss the matter with the OIM and/or

³ The mission of the GIRT is to enhance the DSD's efforts in managing the inmate grievance process, ensuring consistency in inmate disciplinary decisions. The GIRT is responsible for reviewing certain uses of force to identify areas for potential improvement and learning, as well as for promoting accountability and, when appropriate, for recognizing employees for commendable force prevention actions. (See DSD Procedural Manual 6.28.1068).

⁴ The PREA Compliance Manager serves the important role of maintaining compliance with PREA standards and Denver Sheriff Department (DSD) procedures related to the Department's zero-tolerance policy towards the sexual mistreatment of inmates. Maintaining compliance ensures allegations of sexual abuse and sexual harassment between inmates or between staff and inmates are either prevented or detected and responded to in accordance with best practice and the law. (See DSD Post Order 5.21.10009).

AIU. The EDOS (or their designee) shall make a final determination.

5. Complaints received by mail and fax shall be date and time stamped and uploaded into IPro, along with any relevant evidence, information, documentation, or video/audio files.
6. After a review of all information determined relevant by the AIU Manager or their designee, the AIU Manager or their designee may open an investigation regarding the appropriateness of the use of force, which may include forwarding information to the appropriate law enforcement agency for criminal investigation or advising GIRT that the use of force may be reviewed by GIRT consistent with the GIRT policy on use of force review.
7. Applicable procedures when matters have been referred to DSD, GIRT, or the PREA Compliance Manager:
 - a. When evaluating a complaint, if the AIU Manager determines that:
 - i. the complaint alleges a potential violation of PREA, or
 - ii. the complaint may be better suited to be handled by DSD or GIRT,

The AIU Manager shall:

- i. upload all documentation and any relevant video/audio to IPro; and
 - ii. create a routing to the OIM briefly stating the reasons why the AIU Manager believes the complaint should be routed to DSD, GIRT, or the PREA Compliance Manager.
 - b. For cases involving PREA allegations:
 - i. Upon receipt of a PREA complaint alleging sexual assault or sexual harassment of an inmate by an employee, contractor, or volunteer of DSD, the AIU Manager shall:
 - A. enter the complaint, the involved parties, and any relevant documentation and video/audio in IPro.
 - B. confer with the PREA Compliance Manager, to determine if the PREA Compliance Team has completed all protocols required. In the event that PREA protocols have not yet been completed, the AIU Manager may refer the matter to the PREA Compliance Team immediately after creating a routing to the OIM.
 - C. On a monthly basis, AIU shall request updates for open PREA complaints referred to the PREA Compliance Team to ensure that evidence has been properly preserved, and make note of any status changes, and upload any gathered evidence or generated documentation within IPro.
 - D. route all PREA complaints that allege misconduct by a deputy to the OIM via IPro for review.
 - ii. PREA complaints that allege sexual misconduct that may be criminal

in nature shall be forwarded to the DPD for investigation. In the event that a PREA complaint is forwarded to the DPD for investigation, this does not terminate AIU's responsibility to conduct its own investigation, compliant with this Policy.

- iii. All evidence gathered or information generated in connection with a PREA investigation shall be uploaded into IAPro.
- iv. All PREA complaints shall be investigated by AIU or DSD staff who have completed training in conducting such investigations in confinement settings.⁵ Such specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral, as required by 28 C.F.R. § 115.34.
- v. For PREA complaints, the resignation or retirement of the subject deputy is not grounds for terminating the investigation, and summaries of all relevant documentation, including the outcome of the investigation will be entered into IAPro.⁶
- vi. This policy incorporates by reference all defined terms contained in DSD DO 1.000.3010 (Reporting In Custody Sexual Abuse and Sexual Harassment) and DSD PO 5.21.10009 (PREA Compliance Manager).

c. For cases not involving a PREA allegation:

- i. The AIU Manager may refer complaints to the DSD and/or GIRT.
- ii. The AIU Manager shall not route these complaints to DSD and/or GIRT until the OIM has indicated its agreement with this routing.
- iii. If the OIM does not agree that a matter should be handled by the DSD or GIRT, the OIM may escalate the matter to the EDOS. (or their designee) for a final determination. Once a final determination has been made by the EDOS (or their designee), the AIU Manager shall follow that determination.
- iv. If a complaint is returned to AIU by GIRT or DSD on the basis that there are issues related to a willful failure to perform duties, negligent performance of duties, or suspected misconduct on the part of any uniformed employee,
 - A. The AIU Manager shall request all information gathered by DSD or GIRT and upload the information to IAPro.
 - B. The AIU Manager shall then make a determination as to

⁵ Please note: the initial investigation of a PREA allegation is not synonymous with the investigations typically conducted by AIU. Rather, the initial investigation of a PREA allegation requires compliance with the standards as provided for by PREA standards and DSD procedures.

⁶ When the subject of a sustained or substantiated PREA or AIU complaint no longer works for the City at the time the finding is made, the former employee may request a meeting with the EDOS or their designee to contest the finding made against them. The former employee will have 30 days to request the meeting per the "Former Employee Appeals Process."

whether an investigation should be opened.

- C. If the AIU Manager declines to open an investigation into the matter, the AIU Manager shall send a routing to the OIM, reflecting the reasons for such declination.
 - D. In the event that the OIM disagrees with the AIU Manager's declination, the OIM may escalate the matter to the EDOS for determination.
 - E. Once a final determination has been made by the EDOS (or their designee), the AIU Manager shall follow that determination.
- d. For all complaints routed to the PREA Compliance Manager, GIRT, or DSD, the AIU Manager (or their designee) shall:
- i. Check in at least monthly on the status of any such complaint; and
 - ii. Request all documentation gathered or generated by the PREA Compliance Manager, GIRT, or DSD, and upload the items into IAPro.
2. Any pattern of performance complaints that are identified by the AIU shall be communicated to the DSD to ensure appropriate measures (e.g. training) are considered by the DSD to reduce or eliminate similar, future complaints.
3. For cases involving minor victims:
- a. Upon receipt of a complaint involving a minor complainant or victim, the AIU Manager (or their designee) shall forward all materials to the CAO for review, redaction, and isolation of sensitive materials.
 - b. Upon receiving redacted materials returned from the CAO, the AIU Manager (or their designee) shall create a case in IAPro, uploading all redacted materials.

303.00 Response Protocol and Notification

- 1. The AIU Manager will ensure immediate response to critical incidents and other matters requiring urgent attention. The types of incidents requiring immediate AIU response include, but are not limited to, the following:
 - a. All shootings by any deputy, both on-duty and off-duty, including accidental discharges, and shooting at animals.
 - b. All incidents in which DSD personnel are shot.
 - c. All uses of force resulting in death or serious bodily injury.
 - d. Any death not occurring in a medical facility, any inmate suicide, or attempted suicide that results in serious bodily injury.
 - e. Any incident in which an on-duty DSD employee is involved in a traffic collision resulting in death or serious bodily injury of any party.

- f. Escapes.
 - g. Criminal investigations and/or arrests of any deputy
 - h. Any Department training or activity that results in death or serious bodily injury.
2. It is within the decision-making authority of the AIU Manager to determine the appropriate response.
 3. The AIU Manager (or their designee) may also immediately respond to any situation they deem necessary and are not limited to any of the incidents listed in subsection (1) of this section 303.0, Response Protocol and Notification.
 4. The AIU Manager shall, as soon as reasonably possible, notify the Independent Monitor verbally either by telephone or in-person of the occurrence of any of the incidents listed in subsection (1) of this section 303.0, Response Protocol and Notification.
 5. When an AIU investigator responds to any of the above incidents, a DSD Liaison (*see* P.O. 3.17.5001) shall also be called to respond and work with the AIU investigator.

400.0 Investigative Policies

401.00 General Procedures

1. All complaints investigated by the AIU will be tracked through each phase of the complaint process in IAPro, and will include, at minimum, the case number, date received, source, complaint classification, and complaint disposition or resolution.
2. Once a complaint has been entered into IAPro and assigned to an AIU investigator, the investigator shall:
 - a. Email the Independent Monitor (or their designee) and provide the case number to determine whether the Independent Monitor wishes to actively monitor the case.
 - b. Notify any identified subject deputy by email (however, this provision shall not apply to a complaint and/or investigation that would be jeopardized by such notification).
 - c. Attempt to notify any identified witness by email, phone, or any other method reasonably calculated to provide notification.
 - d. For each allegation of misconduct, the corresponding specification shall be recorded in IAPro.
3. When it becomes apparent during an investigation that evidence indicates types of misconduct that were not part of the original complaint, the investigator shall record the corresponding additional specification(s) in IAPro.
4. AIU investigators shall update the case file in IAPro as a case progresses, and upload all evidence received, and documents produced from case opening to final disposition.

5. No member of the AIU shall disclose to any complainant, subject, witness, or their representatives any investigative or disciplinary recommendations made by the Sheriff, DSD, the CRU, command staff, the EDOS, the CAO, or OIM.
6. All interviews of complainants, subjects, and/or witnesses shall be video and/or audio recorded. In the event that an interview, or portion thereof, cannot be recorded due to spontaneous utterance or refusal by the witness, the AIU Manager shall be alerted and two AIU investigators shall be present for any interviews which are not video or audio recorded. As soon as reasonably possible at the conclusion of the interview, in the event that an interview is not recorded, the two AIU investigators shall each upload a summary of the interview in IAPro.
7. The AIU Manager will immediately report any allegation of law violations, in-custody deaths, incidents resulting in serious bodily injury, or situations likely to generate public interest to CRU Manager, the Deputy Director of Safety over the PID, the Independent Monitor,⁷ the CAO, and the appropriate person within the DSD.
8. The AIU Manager shall refer to local law enforcement any plausible violation of the law discovered during an investigation.
9. The AIU Manager shall comply with the Brady Notification Policy.⁸
10. Interviews of community member witnesses or complainants:
 - a. On all cases being actively monitored by the OIM, the assigned deputy monitor will be given at least 72 hours' notice by AIU prior to all interviews. If a representative of the OIM wishes to be present for an interview, the AIU shall make reasonable efforts to schedule the interview so that an OIM representative

⁷ Cases involving information subject to the following statutes should not be reported to the OIM without first consulting with the CAO:

(i) C.R.S. 19-1-307(1) which provides in pertinent part: "Except as otherwise provided in this section and section 19-1-303, reports of child abuse or neglect and the name and address of any child, family, or informant or any other identifying information contained in such reports shall be confidential and shall not be public information."

(ii) C.R.S. 19-1-307(2) which provides that only the persons or agencies listed in paragraph (2) shall be given access to child abuse or neglect records and reports. Among those persons and agencies is the law enforcement agency investigating a report of a known or suspected incident of child abuse or neglect.

In the event that a case involves a minor or other confidential material, the OIM shall nonetheless be provided with relevant information regarding the investigation, excluding any confidential information.

⁸ The Denver Sheriff Department is required under federal and state case law, as well as sections 16-2.5-502 and 24-33.5-114 of the Colorado Revised Statutes, to disclose to the Denver District Attorney's Office (DAO) and the City Attorney's Office Prosecution and Code Enforcement Section (PACE) information in the department's possession that may affect a deputy's credibility in court. This is commonly referred to as a "Brady Notification."

When an investigation is opened that includes a specification requiring a credibility disclosure notification, or if such a specification is subsequently added, the AIU will be notifying the DAO and PACE of the investigation and will include the investigation case number and the specification(s) triggering the notification. The subject deputy shall also be notified of the credibility disclosure using a Credibility Disclosure - Deputy Notification Form, which shall be included with the AIU subject notification letter sent to the subject officer, unless a notification letter is not provided due to jeopardizing an ongoing investigation.

may attend.

- b. The investigator should contact the complainant(s) and determine their willingness to be interviewed. If the complainant is represented by counsel, their counsel should be contacted in lieu of directly contacting the complainant. If a complainant is uncooperative or insists on withdrawing the complaint, it will be up to the AIU Manager to determine how best to proceed.
- c. The investigator may interview the complainant by phone, videoconferencing application(s), or in-person. However, video recording of the interview is preferred.
- d. The complainant should be allowed to review their original complaint and/or statements prior to being interviewed by AIU.
- e. If appropriate, the investigator should seek to photograph or video record any areas of the body on which the complainant alleges injury, or areas of the body on which the complainant alleges that force was used. (If photographing juveniles, see section 401(12)(d) below).
- f. Before concluding the interview, the investigator shall attempt to obtain releases from the complainant for relevant documents, such as medical records, if necessary.
- g. The OIM deputy monitor who is actively monitoring the case and present during the interview may recommend questions; however, the investigator retains the discretion to determine whether to ask the recommended question(s).

11. Interviews of employee witnesses or subjects:

- a. On all cases being actively monitored by the OIM, the assigned deputy monitor shall be given at least 72 hours' notice by AIU prior to all interviews. If a representative of the OIM wishes to be present for an interview, the AIU shall make reasonable efforts to schedule the interview so that an OIM representative may attend.
- b. Interviews of employee witnesses or subjects shall be video and/or audio recorded.
- c. The employee should be able to review their original written statement or report and their own body-worn camera (BWC) video of the incident, if any, prior to being interviewed by AIU.
- d. Whether the employee is a witness or subject, prior to an AIU interview being conducted, the investigator will explain the process to the interviewee and to the employee's representative, if present. The employee should be provided an explanation of the subject matter or incident to be discussed and a brief description of the matter under investigation.
- e. The Garrity Advisement form will be read and signed by DSD employees at the time of the interview, or alternatively, signed and transmitted to the investigator in advance of the interview. Additionally, during the interview the interviewee

will verbally acknowledge their understanding of, and agreement that they are subject to, the Garrity Advisement.

- f. If the interviewee has previously viewed video relevant to the allegation (other than their own BWC) before their AIU interview, the interviewee will be required to disclose that information to the AIU investigator on the record.
- g. The OIM deputy monitor who is actively monitoring the case and present during the interview may recommend questions; however, the investigator retains the discretion to determine whether to ask the recommended question(s).
- h. Employees and representatives may be reminded not to interrupt while a question is being asked, and similarly they will not be interrupted while providing an answer.
- i. Representatives may be told that if they have a question it will be addressed prior to the conclusion of the interview.
- j. Representatives may be told that the interview may be terminated if they become disruptive.
- k. Investigation interview sessions shall be conducted for reasonable time periods and shall periodically allow for personal necessities and breaks. At a minimum, or at the employee or representative's request, there may be one five to ten-minute break during each hour of an interview. The times of all such breaks, as well as the beginning and ending times of the interview, shall be noted in the recordings of the interview. Employees may be told they will need to wait for a break until after the initial questions and follow-up questions have been answered.
 - i. Note: Employees will be required to respond to AIU email notifications, including those pertaining to arranging for interviews, within five (5) scheduled working days to facilitate the timely scheduling of required AIU interviews. Reasonable effort will be made by all parties involved to schedule and complete relevant interviews in a timely manner and shall not exceed 15 business days from the date of the notification being sent. Exceptions may be granted on an individual basis, in accordance with acceptable considerations, such as staffing issues, authorized leave, etc.
 - ii. Employees will be compelled to appear for AIU interviews if there is no response to the first notification within 15 business days. The date and time of the interview will be scheduled by the AIU investigator.
 - iii. A representative will not receive overtime for their participation in an interview.

12. Interviewing Juvenile Complainants or Witnesses:

- a. Because of the age, maturity level, and limited life experience of juveniles, special care must be taken when interviewing juveniles. Investigators must take care to be aware that juveniles may be more susceptible to suggestion and leading interview questions.
- b. No interview of a juvenile shall occur until a parent, guardian, or legal

representative has provided consent.

- c. A parent, guardian, or legal representative shall be present during any interview of a juvenile. In the event that a parent, guardian, or legal representative cannot attend the interview, another adult of the juvenile's choosing shall be present for the AIU interview.
- d. Occasionally, there may be circumstances in which a juvenile has suffered injuries which should be photographed in connection with an investigation. Should photographing a minor's body become necessary for an investigation, the following procedures shall apply:
 - i. If the investigator is to take photographs:
 - A. The juvenile and their parent, guardian, or legal representative shall be allowed to select the gender of the investigator who will take any photographs; and
 - B. The juvenile's parent, guardian, or legal representative shall be present in the room when photographs are taken.
 - ii. If the parent, guardian, legal representative, or juvenile does not feel comfortable with an investigator taking photographs:
 - A. The investigator shall provide a brief instruction to the parent, guardian, or legal representative on operation of a camera to be supplied by AIU;
 - B. The investigator shall leave the interview room, and allow the parent, guardian, or legal representative to take any necessary photographs; and
 - C. Upon completion of the photographs, the AIU investigator shall retrieve the camera, and deliver the SD card (or other storage device) to the CAO for proper handling.

13. Investigative Timelines

- a. All investigations shall be completed in 90 days. Any exception to this rule will require approval by the AIU Manager.
- b. The due date for completion of each interview shall be noted in IAPro.

402.00 Review by the District Attorney's Office of Allegations of Criminal Law Violations

1. The AIU Manager shall immediately notify the EDOS, OIM, and the Sheriff and refer all allegations of potentially criminal conduct by a DSD employee to the appropriate police department and District Attorney's Office for investigation.
2. All complaints forwarded for investigation for potential criminal charges will be entered into IAPro with a status of "suspended" until the result of the criminal investigation is provided to AIU.

3. If the District Attorney determines that no criminal charges will be filed:
 - a. A 'refusal' or "pink sheet" should be obtained and uploaded into the case management database.
 - b. The case will be assigned or returned to the AIU investigator and the subject deputy will be advised of the commencement/continuation of the AIU investigation.
 - c. The AIU investigator shall then proceed with a formal investigation, pursuant to the procedures outlined in this policy, including interviewing the subject deputy(ies).
4. When criminal charges are filed:
 - a. The EDOS, Sheriff and OIM will be immediately informed of the filing of criminal charges.
 - b. The Sheriff may issue specific orders (i.e. changing the deputy's post or placing them on investigatory leave).
 - c. The AIU Manager may place the AIU investigation on suspended status until the conclusion of the criminal matter. The determination of whether to suspend the investigation pending the conclusion of the criminal matter shall be made on a case-by-case basis by the AIU Manager.
5. The AIU Manager will advise the Independent Monitor and the Sheriff of any criminal case status changes.
6. If an AIU investigation has been suspended pending the conclusion of a criminal case or other law enforcement agency's investigation, at the conclusion of the criminal case and/or external investigation against a deputy, contractor, or volunteer, the AIU will proceed with an investigation pursuant to the procedures outlined in this policy.
7. Nothing in this section shall prohibit the AIU from proceeding with an investigation, or portions thereof, during the pendency of a criminal case or other law enforcement agency's investigation.

403.00 Declining a Complaint for Further Review

1. A complaint or case may be declined when there is no credible evidence of misconduct by an identifiable DSD employee and further investigation is unlikely to reveal evidence of misconduct or identification of a DSD employee.
2. All cases the AIU assesses to be appropriate for declination shall be forwarded to the OIM Investigation Review Mailbox, via IAPro, for OIM review.
3. If the OIM agrees with the declination, the AIU Manager shall record the declination in IAPro, including the "involved" deputy, if known, and the nature of the allegation.
4. If the OIM disagrees with the proposed declination, the case shall be formally investigated and

then forwarded to the PID's CRU to review in the same manner as other cases.

404.00 Managing the Case Flow

1. The AIU Manager shall open and assign all cases within the AIU.
 - a. The AIU Manager may open the case in IAPro or require the assigned Administrative Investigator (AI) to perform that function.
2. The AIU Manager shall continuously monitor assigned cases to ensure the Administrative Investigators are completing their cases in a timely manner, consistent with established timelines.
 - a. In the event an Administrative Investigator requires additional time to complete an investigation beyond the established timelines, the AI shall request an extension, in writing, for a new deadline. The AI's request will be submitted to the AIU Manager and include causes for the delay(s).
 - b. The AIU Manager shall also meet periodically with the Administrative Investigators to review investigations and caseloads.
3. When an Administrative Investigator completes an investigation, they shall notify the AIU Manager. The AIU Manager shall review the investigation to determine if it requires additional investigation or if it is ready to be forwarded to the OIM.
 - a. If an investigation requires additional work by an AI, the AI will promptly complete the investigation consistent with the requirements established by the AIU Manager.
4. After the investigation has been approved by the AIU Manager, the case will be forwarded to the OIM and updated in IAPro.
5. If the OIM agrees with the completeness and associated specifications noted in the investigative case file, the OIM will advise the assigned AIU investigator of such approval, and the AIU will forward the case to the CRU for review.
6. If the OIM requests additional investigation on the part of the AI/AIU, the assigned AI shall meet with the AIU Manager to discuss the OIM's request. The AIU Manager shall determine if any follow-up investigation is warranted based on the request by the OIM. If additional follow-up investigation is performed and completed, the case will be routed back to the OIM for review.
 - a. If additional investigation is not performed and completed per OIM's request, the AIU Manager will discuss with the OIM the reasons why the recommendation for additional investigation was declined.
 - b. If a disagreement between the AIU Manager and the OIM concerning the OIM's request for additional investigation is not resolved, the final decision regarding the completeness of and associated specifications noted in an investigative case file will be made by the AIU Manager, upon whose approval, the case will be sent to the CRU.

- c. Pursuant to D.R.M.C. 2-388(d), "If [AIU] does not complete the additional investigation to the satisfaction of the [OIM], the [OIM] may conduct additional investigation, including issuing subpoenas." Should the OIM desire to conduct an interview of employees who had not been previously interviewed, the OIM shall make a request to the EDOS (or their designee) to compel that individual's attendance as well as their statements subject to a *Garrity* advisement.
7. A DSD employee's resignation or retirement does not conclude any investigation or disciplinary decision. The AIU Manager will continue the investigation in cases where a DSD employee resigns or retires prior to the conclusion of an investigation and the disciplinary process.⁹

500.0 Mediation

501.00 Mediation Overview

1. Mediation is a voluntary process that provides both deputies and complainants the opportunity to gain a better understanding of each other's perspective. Mediation is an exceptional non-disciplinary tool that can be utilized to create communication and common ground. DSD personnel are encouraged to use the mediation program to resolve workplace disputes.
2. Both performance complaints and misconduct complaints may be mediated subject to the eligibility requirements in section 502.0, Mediation Eligibility.
3. Even if a complaint is eligible for mediation, any involved party may decline to allow a complaint to be resolved through the mediation process. No involved party shall be required to state the reason for declining to participate in mediation.
4. Mediation is confidential and communications made during the mediation may not be disclosed, subject to the exceptions in C.R.S. § 13-22-307.
5. A complaint may be dismissed upon the successful completion of a mediation session only if there is agreement among stakeholders to do so, including the OIM.

502.00 Mediation Eligibility

1. A complaint may be considered for mediation if the allegation would likely be better resolved through discussion between the complainant and deputy(ies), rather than through investigation, and if it meets the requirements set forth below. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation if the AIU Manager and the OIM¹⁰ determine that

⁹ As noted in footnote 3 of this policy, in AIU and PREA cases, the resignation or retirement of the subject deputy is not grounds for terminating the investigation. Any findings made in these cases may be appealed by the former employee under the *Former Employee Appeals Process*.

¹⁰ Since mediation may end an investigation, and is conducted in lieu of potential discipline, the OIM and AIU Manager must agree on the appropriateness of mediation. Mediation that will not end an investigation, and is not in lieu of potential discipline, does not

mediation is appropriate:

- a. **Category A:** Conduct that has a minimal negative impact on the operations or professional image of the Department.
 - b. **Category B:** Conduct that has more than a minimal negative impact on the operations or professional image of the Department, or that negatively impacts relationships with other employees, agencies, or the public.
 - c. **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.
2. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation AIU Manager and the OIM determine that mediation is appropriate:
- a. **Category D:** Misconduct that: (i) is contrary to the guiding principles of the Department or interferes with its mission to provide care and custody to inmates in accordance with those guiding principles; (ii) substantially interferes with the Department's operations or professional image; or (iii) involves a demonstrable risk to the safety of a deputy sheriff, an employee, a detainee, or the public.
3. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is ineligible for mediation:
- a. **Category E – Misconduct that:** (i) foreseeably results in bodily injury or otherwise results in an actual adverse impact on the safety of a deputy sheriff, an employee, a detainee, or the public; or (ii) involves unethical behavior or a serious misuse of authority.
 - b. **Category F – Misconduct that:** (i) foreseeably results in death or serious bodily injury; (ii) constitutes a willful and wanton disregard of Department guiding principles; (iii) involves any act so serious as to demonstrate a lack of the integrity, ethics, character, or fitness to hold the position of Denver deputy sheriff; (iv) involves any serious or abusive conduct contrary to the standards of conduct reasonably expected of one whose sworn duties are to uphold the law and to provide for the care and custody of detainees; or (v) involves any conduct that constitutes the failure to adhere to any conditions required by law, contract, or policy for employment as a Denver deputy sheriff.
4. Complaints and grievances filed by inmates are not eligible for mediation while the inmate is still incarcerated.
5. Where conduct falls into multiple categories, the highest identified conduct category will determine whether the case is eligible for mediation.

need the approval of the AIU Manager or the OIM.

503.00 Mediation Procedures

1. **Approved Mediation**
 - a. If a complaint has been approved for mediation, a notice will be sent via email by the AIU Manager to the involved deputy's(ies') work email and to the OIM's mediation box (upon its establishment), which shall include the complaint number, the name of the complainant(s), an explanation of the mediation program, and an advisement that the deputy will be contacted by the mediator.
 - b. If the involved deputy(ies) declines to participate in mediation, the complaint shall be returned to the AIU and investigated in accordance with the AIU's standard policies and procedures.
 - c. If a complainant fails to appear for scheduled mediation without good cause, the involved deputy(ies) will be provided with the choice of either rescheduling mediation or having the case declined by the AIU.
 - d. If the involved deputy(ies) fails to appear for scheduled mediation without good cause, the AIU will notify the OIM. The complaint will then be investigated by the AIU per its standard policies and procedures.
2. Upon successful completion of mediation and consensus among stakeholders, the complaint will be dismissed. No new complaint shall be accepted based on the alleged conduct of a deputy which resulted in mediation. The mediation session(s) shall be confidential per C.R.S. §13-22-307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V, and there shall be no requirement that an agreement be reached during the course of the mediation.

600.0 Notification

1. Upon completion of an investigation the complainant will be notified in writing of the disposition. AIU will handle the drafting of a notification letter on declined cases and the CRU will handle the drafting of a notification letter on cases they review.

700.0 Records

1. Records retention and purging of files shall comply with the Mayor's Executive Order 143 – Memo B (Records Management) and Memo C (Litigation Hold Policy) and the City and County of Denver General Records Retention Schedule.
2. Case files compiled by the PID-AIU are considered confidential. Access to such records is limited to investigative and discipline review personnel. All AIU records shall be maintained electronically.
3. Other requests and access to records and case files:
 - a. The AIU shall not disclose the investigative and/or disciplinary recommendations of any party, except as required by law.
 - b. Internal requests:

- i. Are limited to investigative personnel, conduct review personnel, as well as the Division Chief of the affected area, the Sheriff, and the EDOS or their designee.
 - ii. The subject of an AIU investigation may review the case, including video, statements, witness/complainant/subject reports, and other documents that are part of the investigation, with their representative prior to a pre-disciplinary meeting. However, the subject of an AIU investigation may not review any communications or information that are part of the City's deliberative process, including but not limited to, emails, memos and other communications to or from the OIM, CRU, CAO, Sheriff or EDOS regarding any investigation.
- c. External requests:
 - i. Must be directed to the Department of Safety Records Coordinator and will be analyzed pursuant to the Records Disclosure Policy.
 - ii. Are permitted by others only upon the written authorization of the Sheriff or their designee, by subpoena or court order, or as required during discovery in litigation.
- 4. Note: All electronic communications pertaining to AIU cases will be maintained electronically along with the applicable case file.

800.0 Alcohol and Drug Policies and Testing

- 1. The DSD drug and alcohol policy is contained within Department Order 2035.1 (Drug Free Workplace) and in the City and County of Denver's Executive Order 94. Please refer to those items for further details.

900.0 Sexual Harassment Discrimination or Hostile Work Environment – Deputy or Civilian is the Subject

- 1. When a case involves allegations of harassment, discrimination or hostile work environment, the Employee Relations Specialist shall be notified.

1000.0 Restraining Orders – Served on Deputy or Civilian Employee

- 1. If the DSD becomes aware of any employee who is the subject of a restraining order, the employee will be required to provide a copy of that order to the AIU. The information contained in the restraining order will help determine the appropriate action.
- 2. Appropriate action will be made on a case-by-case basis. The AIU will consult with the unit or division Major or their designee to ensure proper assignment of the deputy who is the subject of a restraining order.
- 3. If there is a firearms/weapons restriction on a deputy, the deputy shall not be permitted to return to duty until the restriction is removed. Disqualification proceedings may ensue.

1100.0 Pre-Investigation Completion Policies

1101.0 Investigatory Leave

1. AIU may recommend to the Sheriff that an employee be placed on leave with pay, pending an investigation, when the employee's continued presence in the workplace is likely to:
 - a. Interfere with the orderly operation of any unit;
 - b. Contribute to an atmosphere of workplace violence;
 - c. Threaten the safety of other employees or inmates;
 - d. Undermine the respect and confidence of the public when the employee has been charged with a crime;
 - e. Interfere with any investigation; or
 - f. Any other reason that may be deemed necessary to remove the employee from the workplace.
2. Investigatory leave which exceeds 45 days must be approved by the Office of Human Resources in accordance with Career Service Rule 16-30, through the Sheriff or designee.

1102.0 Investigative Reassignment

1. The AIU Manager may recommend that the Sheriff temporarily assign an employee to other units or divisions if deemed appropriate during an investigation.
2. The employee will be notified in writing of any temporary assignment.

1200.0 Deputy/Employee Rights

1. No deputy or civilian employee shall be subjected to discrimination, retaliation, or discipline by his/her employer, or be threatened with any such treatment, due to an employee's exercise of the rights granted in this section.
2. A deputy or civilian employee under investigation shall be informed by email of the investigation as soon as practicable after the complaint has been received. This provision shall not apply to a complaint and/or investigation that would be jeopardized by such notification.
3. Deputies and civilians who are subject to an investigation shall be permitted to read their written Incident Reports, as well as their own BWC, prior to making a compelled verbal or written statement concerning the matter under investigation. Copies of reports or statements will not be released during an investigation.
4. All employees who are the subject of an investigation will be notified in advance when practicable and may, at their option, be accompanied to the interview by an available representative, including legal counsel. The representative chosen must be able to attend the interview within a reasonable time frame. The employee will read and sign the *Garrity* Advisement form. (See CSA Rule 16-26 D & E)

5. All deputy or civilian employees who are identified as witnesses to an event may be interviewed as part of an investigation. Witnesses may bring an available, non-witness representative with them to the interview. However, the interview will not be rescheduled due to the unavailability of a specific representative. Instead, the witness must select a representative that is available at the time of the scheduled interview. The witness will read and sign the *Garrity* Advisement form.
6. Any witness to the alleged violation will not be permitted to act as a representative for the employee under investigation. A representative may be excluded from the interview at the discretion of the interviewer if their behavior becomes disruptive to the interview. A representative will be allowed to represent multiple employees on the same case if, in the opinion of the interviewer, the integrity of the case will not be jeopardized.
7. Any information, criminal or non-criminal in nature, received by an employee representative from the employee under investigation is not considered privileged. This does not apply to attorneys who act as an employee's representative. Determinations on privilege will be made in accordance with the law.
8. Any employee contacted by the AIU with regard to providing a statement or other information shall be advised of their role (subject/witness) prior to the interview.
9. Upon request, an employee called for a subsequent investigation interview shall be afforded the opportunity to review their prior written or audio statements before being asked any further questions.
10. Investigation interview sessions shall be conducted for reasonable time periods and shall periodically allow for personal necessities and rest periods. At a minimum, or at the individual's request, there may be one five-minute break per each hour of an interview. The times of all such breaks, as well as the beginning and ending times of the interview, shall be noted in the recordings of the interview.
11. Whenever an employee is interviewed pursuant to an investigation, the interview documents, including written reports and/or audio or video recordings, shall contain the date, the time, and the names of all persons present during the interview, as well as the time of any breaks taken during the interview.
12. An employee will not be allowed to audio and/or video record any part of an interview.
13. Unless immediate action is required, the investigation interview shall be conducted at a reasonable hour, preferably during the employee's normal work shift.
14. All investigation interviews shall be conducted in settings that are as private as possible, preferably at the AIU office in a designated interview room.
15. Any employee being interviewed shall neither be subjected to offensive language, which is unrelated to the investigation, nor coerced or threatened in any manner. Any employee refusing to respond to questions shall be informed that failure to answer questions directly related to the investigation may result in disciplinary action, up to and including dismissal.
16. The employee's photograph may be released externally as part of litigation subject to a protective order or if the photograph is already public.

1300.0 Effective Date

This policy and procedure will become effective upon signature of the EDOS.



Armando Saldate
Executive Director, Department of Public Safety

6/27/2022

Date

Appendix A – Investigation Request Form

PID ADMINISTRATIVE INVESTIGATION REQUEST FORM			
Employee making request (name, rank, badge number, facility)			
Date of request		Date of incident	
Complaint received by		Date received	
Complaint filed against			
Incident summary (include a summary of the incident including location, involved employees, inmate or employee witnesses, and any other pertinent information)	<p><i>[Faint handwritten notes and signatures are visible in this section]</i></p>		
If documentation, video, photographs, etc. are available but not attached, please indicate why the information is not attached and/or where the information is located.			
Video?*	Y/N		
Photographs?*	Y/N		
Other documentation?*	Y/N		
Additional Information:			
<p><i>[This section is currently blank]</i></p>			

*Please attach copies of any documentation, Offense-in-Custody (OIC) reports, photographs, etc.

Appendix B – Complaints that must be Triaged by the AIU

The following types of complaints and/or incidents must be sent to the AIU for triage to determine how each complaint will be handled, including if an investigation by the AIU will be conducted:

- a. Inappropriate force, failure to report inappropriate force, and failure to intervene in the use of inappropriate force
- b. Use of force resulting in serious bodily injury or death to any person
- c. Misconduct resulting in injury to employees or inmates not arising from use of force or alleged misconduct
- d. Escapes (not including work release walk-aways)
- e. Criminal investigations and/or arrests of DSD employees
- f. Harassment, discrimination, retaliation and/or bias against any person
- g. Sexual misconduct in any form, including any subsequent retaliation
- h. Fraternalization with current or former inmates
- i. Executive Order 94 violations
- j. Prison Rape Elimination Act (PREA) cases involving a DSD staff member, contractor, or volunteer and inmate
- k. Violations of inmate rights
- l. Any DSD manager or supervisor request for an AIU review or investigation.
- m. Behavior that compromises the safety and security of DSD staff, an inmate or the general public.
- n. Serious allegations related to violations of department orders, policies procedures, rules, etc. (not inclusive of those falling under scheduled discipline)
- o. EEO allegations (in conjunction with Department of Safety Human Resources) involving DSD uniformed staff
- p. Bias/discrimination based on actual or perceived race, ethnicity, sexual orientation, disability, gender, gender identity, age, religion, or other basis protected by Federal, State, local law or regulation.
- q. Any discharge of a weapon by any DSD employee, either on-duty or off-duty, including, but not limited to, shooting at a person, accidental discharges and shooting at animals. This does not include legal, licensed hunting activities or the discharge of a weapon for training or recreational purposes.
- r. Willful failure to perform duties
- s. Failures by a deputy to submit an accurate and complete report, the making of a knowingly misleading or inaccurate statement by a deputy, or a deputy's commission of

a deceptive act

- t. All conduct prohibited by law, including criminal traffic offenses and those involving serious bodily injury as defined by C.R.S. § 18-1-901(3)(p), inclusive of those occurring while a deputy is off-duty at the time of the offense
- u. Any other incident as determined by the AIU Manager