

**Public Integrity Division  
Conduct Review Unit  
Policies and Procedures  
June 27, 2022**

## TABLE OF CONTENTS

|                |   |           |
|----------------|---|-----------|
| <b>1001.00</b> | <b>Conduct Review Unit - General</b>                          | <b>3</b>  |
| 1.             | Scope   | 3         |
| 2.             | Authority   | 3         |
| 3.             | Mission Statement   | 3         |
| 4.             | Policy Statement  | 3         |
| 5.             | Records   | 3         |
| 6.             | Statement of Confidentiality                                  | 4         |
| <b>1002.00</b> | <b>Investigative Case Review Policies – General Procedure</b> | <b>4</b>  |
| 1.             | Scheduled Discipline  | 4         |
| 2.             | Investigative Case Review                                     | 5         |
| <b>1004.00</b> | <b>Discipline</b>   | <b>9</b>  |
| 1.             | Reprimands  | 9         |
| 2.             | Departmental Orders of Discipline                             | 10        |
| <b>1005.00</b> | <b>Remedial Training</b>                                      | <b>11</b> |
| 1.             | Process   | 11        |
| <b>1007.00</b> | <b>Trend Analysis</b>   | <b>12</b> |
| 1.             | Overview  | 12        |
| <b>1008.00</b> | <b>Deputy/Employee Rights</b>                                 | <b>13</b> |
| 1.             | Overview  | 13        |
| <b>1090.00</b> | <b>Effective Date</b>   | <b>13</b> |
| <b>1010.00</b> | <b>Approval</b>   | <b>13</b> |

**1001.00            Conduct Review Unit - General**

**1.    Scope**

The Conduct Review Unit (“CRU”) Manager will appoint personnel to the CRU to review and evaluate disciplinary case files in their entirety, including the facts gathered through the Administrative Investigations Unit (“AIU”) investigative process.

**2.    Authority**

CRU personnel will act directly under the authority of the Manager of the CRU. The Manager and CRU staff will have the authority to review AIU cases, provide written analyses and rationales to identify potential rule violations, and apply the Denver Sheriff Department (DSD) Discipline Handbook and Matrix to determine penalty recommendations.

**3.    Mission Statement**

It is the mission of the CRU to support an effective disciplinary system which upholds the values and standards of the DSD and the Department of Public Safety (DOS).

**4.    Policy Statement**

- A.    It is the policy of the CRU that every investigation will be thoroughly, completely, and impartially reviewed in its entirety.
- B.    Investigation case review will be conducted in accordance with these policies and procedures and pursuant to the conduct principles and disciplinary guidelines in the DSD Discipline Handbook. Every effort will be made to conduct a comprehensive case file review as expeditiously as possible.
- C.    An impartial investigation is necessary to ensure investigations are appropriately conducted. Accordingly, recommendations will not be pre-determined for either the benefit or detriment of the subject deputy(ies), the CRU, or the DOS.

**5.    Records**

- A.    Case files compiled by the AIU and CRU are confidential. Access to such records is limited to authorized personnel only as identified below. All conduct review records shall be maintained in a restricted access storage area.
  - i.    In accordance with Colorado Revised Statutes § 24-72-302(4), criminal justice/investigative files compiled by the AIU and CRU shall be categorized as criminal justice records.
- B.    Requests and access to records and case files
  - i.    Internal requests
    - a.    Records may be provided to the following without prior authorization: AIU and CRU personnel, the CRU Manager, the Division Chief of the area affected, the Sheriff (or their designee), Executive Director of Safety (EDOS) (or their designee), City Attorney’s Office (CAO), and the Office of the

Independent Monitor (OIM).

- b. Requests for access to records by internal employees not identified in subsection B.1.a may only be approved upon the written authorization of the EDOS (or their designee), or CRU Manager for good cause shown. Any decision that good cause exists to release the requested records must be documented as part of the written authorization.
- ii. External requests
    - a. External requests for records, including subpoenas duces tecum or other legal requests, should be directed to the Department of Public Safety Records Administrator and shall be analyzed in conjunction with legal advice provided by the CAO pursuant to the Records Disclosure Policy and/or applicable law. Documents will be released and/or disseminated in accordance with applicable law and established DOS procedures.
    - b. Court orders for the disclosure of records and case files shall be immediately forwarded to the CAO and directed to the DOS Records Administrator. The CAO will advise the Records Administrator as to any legal issues prior to the release of such documents.
    - c. Documents will be maintained, released, and/or disseminated in accordance with applicable law and established DOS procedures.
  - iii. Records Management
    - a. In accordance with Executive Order 64, Schedule 100, Public Safety Records will apply to all documents created and retained by the PID, AIU, and CRU.

**6. Statement of Confidentiality**

- A. The Manager of the CRU shall be responsible for the security of confidential information in the files of the unit.
- B. All case analyses and recommendations (including, but not limited to, those made by the Sheriff, the OIM, and members of the CRU) made in connection with the review of AIU cases in the CRU are deemed confidential. Members of the CRU may discuss the case with the CRU Manager, the OIM, the EDOS (or their designee), the Sheriff, CAO, AIU, and other members of the CRU, as necessary. Staff members are reminded that conversations in the office or at other locations should be limited and they should always keep in mind the confidentiality requirements of the unit. Staff members who violate these confidentiality requirements will be subject to discipline.

**1002.00 Investigative Case Review Policies – General Procedure**

**1. Scheduled Discipline**

- A. Scheduled Discipline will be based on violations defined under Appendix G (Unauthorized Leave) & H (Failure to Participate in Required Firearms

Qualification/Training) of the DSD Discipline Handbook. The DSD Division Chief or designee will complete an investigation of the complaint, decide if further action is appropriate, and return the disposition to the appropriate AIU personnel.

- B. The CRU will not prepare an analysis in cases involving Scheduled Discipline, unless the case involves Mandatory Overtime, which will be handled pursuant to the Scheduled Discipline chart in the DSD Disciplinary Handbook.

## 2. Investigative Case Review

- C. All completed investigations received will be handled as follows:
  - i. The CRU Manager will receive an electronic communication from the AIU via the case management database.<sup>1</sup>
  - ii. The CRU Manager (or their designee) will review the case in its entirety and draft recommendations regarding the findings of the investigation, including any information that the Manager or their designee believes should be considered to determine whether any DSD policy, procedure, rule, regulation, or directive has been violated.
  - iii. If, after review, the CRU Manager determines additional information is needed, the case may be sent back to the AIU for additional investigation, specifying the reason(s) why the case is being returned.
  - iv. Findings shall be made in all cases (other than those types of cases specifically noted in the *Former Employee Appeals Process*), even if discipline is not imposed due to the subject or subjects of the investigation retiring or resigning from employment.
  - v. The findings will be categorized as follows:
    - a. “***Unfounded***” The subject deputy’s alleged actions relating to the Department policy, procedure, rule, regulation or directive in question did not occur.
    - b. “***Exonerated***” The alleged actions of the subject deputy were within the policies, procedures, rules, regulations, and directives of the DSD.
    - c. “***Not Sustained***” There is insufficient evidence to either prove or disprove the allegation.
    - d. “***Sustained***” The subject deputy’s actions were found, by a preponderance of the evidence, to have been in violation of the Department policy, procedure, rule, regulation, or directive in question.
  - vi. In the event that evidence does not provide for the possibility of entering a finding on the merits of a case, a case may be categorized with another outcome as follows:
    - a. “***Informal***” The action has resulted in, or will result in, an informal debriefing by DSD supervisors and/or training with the subject deputy. An informal finding does not indicate

---

<sup>1</sup> Currently the case management database is IPro.

misconduct. [Per DSD D.O. 1.00.5001, Complaint and Discipline Procedures]

- vii. The reviewer will enter a copy of the recommendations memo in the case management database. If the case is the subject of media attention or involves a potential Conduct Category E or F violation,<sup>2</sup> the reviewer shall complete a routing to the CRU Manager for preliminary review prior to routing to the OIM for review of the recommended findings and penalty (if applicable). Otherwise, the reviewer shall complete a routing for the OIM designee to review the CRU's recommended findings and penalty (if applicable).

## **2. Complaint Timeline**

- A. The CRU will either return an investigative case to AIU for additional investigation or submit its recommendations memo to the OIM within 30 days of receiving the investigative case file from the AIU. This deadline may be extended if the CRU Manager determines that the case requires additional time to complete. If the CRU Manager makes such a determination, they will notify the CRU Manager who will notify the OIM and the EDOS (or their designee) in writing of the specific reason why additional time is required and the date when the review, including all findings and recommendations, will be complete

### **1003.0 Managing the Post-Review Case Flow**

#### **1. Resolution of potential conflict with OIM**

- A. After the OIM has sent its recommendations back to the CRU, the following shall occur:
  - i. If the OIM and CRU agree as to the finding and/or penalty recommendations, the matter shall be forwarded to the Sheriff, EDOS, and CAO solely for purposes of notification.
  - i. Should the OIM and the CRU disagree as to the finding or penalty recommendations, the matter will be forwarded to the EDOS and CAO. Upon receipt of the matter, the EDOS (or their designee) shall confer with the OIM and the CRU in an effort to resolve and/or understand any disparity between their respective positions.

#### **2. Preliminary Determination**

- A. The EDOS will move forward, noting any disagreement between CRU and OIM.

---

<sup>2</sup> At the time of the implementation of this Policy, the DSD Discipline Handbook defined Conduct Categories E and F as follows:

Conduct 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."

Conduct 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."

- i. If the EDOS determines that an alleged policy violation is anything other than sustained, the CRU shall close the case in accordance with Section 1006.00 of this policy.
- ii. If the EDOS determines that an alleged policy violation is sustained and the appropriate penalty is a Written Reprimand, the CRU shall draft the reprimand in accordance with Section 1005.00 of this policy.
- iii. If the EDOS determines that an alleged policy violation is sustained and the appropriate penalty is a suspension or more severe penalty, the CRU will send the deputy a Contemplation of Discipline letter. If the preliminary determination is a suspension of ten days or less, the deputy may be given the opportunity to accept the recommended penalty and waive the Contemplation of Discipline meeting process, if applicable. If the deputy accepts the penalty and waives any applicable Contemplation of Discipline meeting, they must also agree to waive any right they might have to file a grievance under Career Service Rule (CSR) 18 or an appeal under CSR 20.
  - a. The terms of the waiver must be approved by the Sheriff, the EDOS (or their designee), and the OIM. The CRU will facilitate this review and approval process.
  - b. If the Sheriff, EDOS, and OIM do not approve of the waiver, the Contemplation of Discipline process will proceed in accordance with the Section 1003.3.
- iv. If the case resulted in no sustained finding(s), but included at least one of the following allegations or subjects, the CRU shall forward the case file to the Sheriff for review, regardless of the recommendations:
  - a. Misleading or Inaccurate Statements, RR-200.4.1
  - b. Commission of a Deceptive Act, RR-200.4.2
  - c. Conduct Prohibited by Law, RR- 300.11.1 and RR-300.11.2
  - d. Discrimination, Harassment, and Retaliation, RR-300.21.1
  - e. Inappropriate Force, RR-300.22 (where the force recipient was hospitalized)
  - f. Prison Rape Elimination Act (PREA) cases involving sworn personnel
  - g. Escapes
  - h. In-custody deaths
  - i. Any other case as deemed appropriate by the Sheriff

### **3. Contemplation of Discipline Meeting**

- A. Per CSR 16, any employee with career status is entitled to a Contemplation of Discipline meeting prior to any suspension, temporary reduction in pay, demotion, or dismissal. The purposes of the contemplation of discipline meeting are to allow an employee to:
  - i. Correct any errors in the department or agency's information or facts

- upon which it contemplates taking disciplinary action; and
- ii. Tell his or her side of the story and present any mitigating information as to why the disciplinary action should not be taken.
- B. The CRU shall generally be responsible for the coordination of the disciplinary process, and for scheduling the Contemplation of Discipline meeting and any other pre-disciplinary meetings.
- i. During each stage of this process, the CRU will update the case status in the case management database.
  - ii. If a case is to be set for a Contemplation of Discipline meeting (or if the CRU proposes a waiver on a given case), the following additional information shall be provided by the CRU to the Sheriff, CAO, OIM, and EDOS:
    - a. In the Review and Findings memo, the CRU reviewer shall include a list of prior disciplinary cases involving the subject deputy, as reflected in the "Officer Resume" downloaded from the case management system. This list shall be inclusive of all disciplinary cases, regardless of Conduct Category, falling within the prescribed timeframe as provided in the DSD Discipline Handbook, Conduct Principles and Disciplinary Guidelines § 18.1.
    - b. The purpose of this list is to provide a more complete description of a subject deputy's disciplinary history for consideration by those involved with the disciplinary process deliberation.
    - c. Previous discipline at a lower Conduct Category than that which is recommended by the CRU in the case at issue shall not mandatorily increase any proposed discipline. Rather, previous sustained discipline of a lower Conduct Category shall be considered for discretionary purposes only, as provided for in the DSD Discipline Handbook, Conduct Principles and Disciplinary Guidelines § 21.0.
  - iii. The subject of an AIU case, along with their chosen representative, if any, should be given the opportunity to review the investigatory file, including video, statements, witness/complainant/subject reports, and other documents that are part of the investigation prior to a Contemplation of Discipline meeting. The subject may also request additional investigation and/or submit materials they believe should be in the investigatory file. Neither the subject of an AIU case nor the subject's representative may review any of the CRU recommendations or other information that falls within the deliberative process or other privilege.
- C. The Contemplation of Discipline meeting will generally be conducted by the Sheriff in the presence of at least one member of command staff, and one or more representatives of the CRU. The OIM, the EDOS, and one or more representatives of the CAO may attend at their discretion and shall be notified by the CRU at least seven calendar days in advance of any such meeting. Additional attendees may be permitted at the discretion of the Sheriff. Nothing in this policy prohibits



the EDOS (or their designee) or the Sheriff (or their designee) from delegating this responsibility to another law enforcement agency, outside investigator, or another individual, as deemed appropriate.

**4. Final Determination**

- A. After a Contemplation of Discipline meeting, the Sheriff will provide a disciplinary recommendation to the EDOS.
- B. The EDOS will then make a final determination as to the appropriate discipline, if any.
- C. The subject(s) of the investigation will be provided a response within 21 days of the conclusion of any Contemplation of Discipline Meeting:
  - i. The CRU will issue Not Sustained, Exonerated, and Unfounded Letters;
  - ii. The CRU will coordinate with DSD to serve Written Reprimands and Notices of Improvement; and
  - iii. The EDOS (or their designee) will coordinate with Employee Services and the CRU to serve Final Orders of Discipline for suspensions, demotions, temporary reductions in pay, and terminations.

**1004.00 Discipline**

**1. Reprimands**

- A. Written Reprimands
  - i. When it is determined that a Written Reprimand is appropriate, the CRU should utilize the 'discipline template' to create the Written Reprimand letter. The letter should include the following:
    - a. Rule and regulation violations which will include exact narrative verbatim from the following applicable decrees:
      - Career Service Rules;
      - DSD Rules and Regulations;
      - Personnel/Employee Manual;
      - Departmental Orders, etc.;
    - b. Date of the disciplinary action;
    - c. Location of the disciplinary action; and
    - d. The conduct that necessitated the disciplinary action (statement of facts).
  - ii. Prior to sending out the letter, the Written Reprimand shall be sent to the CAO for review.
  - iii. Following approval from the CAO, the Written Reprimand letter will be sent to the Sheriff or designee for signature.
  - iv. Once the Written Reprimand letter is signed, the CRU will distribute copies to:
    - a. The deputy's Division Chief.

- A copy of the Written Reprimand letter will be served on the deputy by the Division Chief (or their designee).
- b. The deputy's Major.
  - A copy of the Performance Enhancement Plan (PEP) notification form will be provided to division records and included in the deputy's Performance Enhancement Plan Review (PEPR) file.
  - The Office of Human Resources so that a copy may be placed in the deputy's personnel file.
- v. The final signed copy of the Written Reprimand shall be uploaded to the case management database, and a routing sent to the OIM.

**2. Departmental Orders of Discipline**

- A. The EDOS will issue Departmental Orders of Discipline for all suspensions, demotions, temporary reductions in pay or terminations.
- B. Once the EDOS or their designee has issued the discipline letter, the DSD's PID Liaison is responsible for serving the letter upon the subject deputy, in person with a certificate of hand delivery, by email, or by first class U.S. mail with a certificate of mailing. The deputy should be notified in person or via telephone of any suspension or termination, absent extenuating circumstances, prior to receiving a letter in the mail. [See DSD Post Order 3.17.5001 and Career Service Rule 16-10.]
- C. The CRU will distribute copies to:
  - i. The deputy's Division Chief or designee.
    - a. A copy of the PEPR notification form will be provided to division records and the PEPR file.
  - ii. The Office of Human Resources so that a copy may be placed in the subject deputy's personnel file.
- D. A final signed copy of letter shall be uploaded to the case management database, and a routing sent to the OIM.
- E. If the final letter includes any sustained findings which must be reported to the Colorado Peace Officers Standards and Training ("P.O.S.T.") Board, a letter including the deputy's name, badge number, and sustained findings will be forwarded to the P.O.S.T. Board.
- F. Relinquishment of City Property
  - i. Upon the termination of a deputy sheriff, all identification cards, badges, keys, issued safety/security equipment, and parking placards will be turned in to Employee Services.
- G. Security Notice Bulletin Upon Termination:
  - i. Upon the termination of an employee, CRU will notify Employee Services which will coordinate with the following units to issue a security notice bulletin:
    - a. Director of Security

- b. Technology Management Unit
- c. Scheduling Unit
- d. Safety Human Resources

**1005.00 Remedial Training**

**1. Overview**

- A. As reflected in the DSD Discipline Handbook, while not considered discipline imposed on the subject deputy, timely remedial training is an important ancillary component of the overall discipline process. The Sheriff is responsible for determining necessary remedial training recommendations.

**1. Process**

- B. For investigations that do not include a Contemplation of Discipline meeting:
  - i. The CRU's recommendation to the Sheriff will include a recommendation for remedial training, if applicable. If no training is recommended, this will be noted in the Review and Findings with a brief explanation regarding why training is not recommended.
  - ii. The Sheriff will make the final decision regarding remedial training but may consult with others and their discretion. The Sheriff will communicate the final decision regarding remedial training to the CRU, who will then notify the OIM via IPro.
  - iii. If the Sheriff determines remedial training is appropriate, the training will take place as soon as practicable.
  - iv. The required training will generally be included in the disciplinary letter. Once training is complete, the CRU will include confirmation of completion in the case management database.
- C. For investigations that include a Contemplation of Discipline meeting:
  - i. The CRU's recommendation to the Sheriff will include a recommendation for remedial training, if appropriate. If no remedial training is recommended, this will be noted in the Review and Findings with a brief explanation regarding why training is not being recommended.
  - ii. The consideration of remedial training may occur at any time but will specifically be discussed as part of the deliberation that occurs after a Contemplation of Discipline meeting.
  - iii. The Sheriff will make the final decision regarding remedial training but may consult with others at their discretion. The Sheriff will communicate the final decision regarding remedial training to the CRU, who will then notify the OIM via IPro.
  - iv. If the Sheriff determines remedial training is appropriate, the training will take place as soon as practicable.
  - v. The required training may be included in the disciplinary letter. Once training is complete, the CRU will include confirmation of completion in the case management database.
- D. Communication of Remedial Training shall be provided as follows:

- i. When the Sheriff determines remedial training is appropriate at the conclusion of the Contemplation of Discipline meeting and/or upon finalizing the Review and Findings recommendation, the Sheriff will identify the appropriate type of training and delegate the task of communicating with the subject deputy and carrying out the training to Command Staff.
- ii. Upon completion of the training, the Sheriff and/or Command Staff will provide documentation of the training completed to the CRU, which will be uploaded into IAPro and routed to the OIM.
- iii. When deemed appropriate by the CRU Manager CRU Manager, an instructor may be permitted to view limited items contained in an AIU case file in order to develop specific, effective, and appropriate training. This will be done on an as-needed and case-by-case basis and will not include routings, recommendations, or any privileged documents or communications. Prior to viewing any items contained in an AIU case file, the instructor will sign a Confidentiality Declaration. [See Attachment.]

**1006.00 Case Closure and Notifications**

**1. Case Closure**

- A. Prior to the closure of any case reviewed by the CRU, the CRU shall notify the complainant and any subject deputy in person or by telephone, and in writing.
  - i. The written notification will consist of the outcome of the investigation. All notifications will be sent by email or first-class mail.
- B. In the following cases, the CRU will not be responsible for notifying the subject:
  - i. Departmental Orders of Discipline, which are drafted by the EDOS and served on the subject via a PID Sergeant; and
  - ii. Written Reprimands, which are signed and served by the Sheriff.
- C. All case closure documents will be uploaded in IAPro when the CRU is ready to close the case. The CRU will route the case to AIU for closure review for quality control purposes and will separately send a routing to the OIM advising the case has been closed.
- D. If the CRU becomes aware regarding the outcome of appeals to the Career Service Board, the CRU shall upload the related documents to IAPro, and reflect any changes.

**1007.00 Trend Analysis**

**1. Overview**

- A. A meeting shall be held quarterly, at a minimum, to analyze the circumstances associated with the issuance of discipline, including reviewing trends or patterns of misconduct as well as potentially identifying larger scale causes of trends or patterns. Examples include, but are not limited to policy failure, inaccurate or incomplete training, or inadequate resources or tools.
- B. If there is a more immediate need, additional “off-cycle” meetings can be held.

- C. Although others may be included in this meeting as needed at the discretion of the EDOS, the following people shall be invited to attend this meeting:
  - i. The Captain of the DSD Training Academy
  - ii. The Manager of the CRU
  - iii. The EDOS Civilian Review Administrator
  - iv. The OIM
  - v. A member of the CAO Employment and Labor Law section
  
- D. When necessary, an attendee may be permitted to view items contained in an AIU case file in order to develop specific, effective, and appropriate training. This will be done on an as-needed and case-by-case basis.

**1008.00 Deputy/Employee Rights**

**1. Overview**

- A. A deputy sheriff or civilian employee under investigation shall be informed in person or by telephone, and by letter, of the investigation determination as soon as practicable after the case has closed.
  
- B. No employee shall be disciplined, retaliated against, or discriminated against regarding their employment, or be threatened with any such treatment, for participating in an investigation as a complainant or witness.

**1090.00 Effective Date**

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

**1010.00 Approval**

This document has been reviewed, approved, and electronically signed by the EDOS of the City and County of Denver prior to its publication.

  
\_\_\_\_\_  
Armando Saldate  
Executive Director, Department of Public Safety

06/27/2022  
\_\_\_\_\_  
Date

## CONFIDENTIALITY DECLARATION

Pursuant to Sections 1005.00 and 1007.00 of the Public Integrity Division, Conduct Review Unit Policies and Procedures, Remedial Training Instructors and participants in Trend Analysis meetings may be given access to Administrative Investigations Unit files in order to develop specific, effective, and appropriate training.

Instructors and participants are strictly prohibited from divulging any information contained within those files.

\*\*\*\*\*

I declare that I will not divulge any information contained within the Administrative Investigations Unit files I may be given access to during my role as a Remedial Training Instructor or my participation in the Trend Analysis Meeting.

---

Signature of Participant

---

Date

---

Printed Name

Attachment: PID CRU Policies and Procedures