

NEW VISION, BRIGHTER FUTURE

The Denver Sheriff Department

Transforming the Leadership, Operations and Culture of the Department

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FINDING #7: INTERNAL AFFAIRS HAS MADE PROGRESS - BUT MORE WORK IS NEEDED

The Internal Affairs Bureau and Civil Liabilities Unit (IAB) has made substantial progress toward improving the quality and timeliness of its investigations, and the changes of the past year should be maintained. Continued improvements, however, are needed.

Guidelines and Processes

DSD needs to establish guidelines and a process for the selection and training of new IAB investigators.

Supervision and Leadership

The current structure and staffing of the IAB can be enhanced to improve supervision and leadership.

Investigative Criteria

The criteria for which allegations and types of force incidents should be investigated by IAB can be better defined, and the Department's expectations regarding those incidents handled at the division level can be similarly improved.

Operational Efficiency

IAB uses considerable resources to investigate matters that could effectively be handled in other ways.

Video

The ways in which IAB investigators gather and use video evidence are inefficient and inconsistent.

Procedures

The Procedures Manual for IAB is out of date and does not clearly define all of the Bureau's expectations for its investigators.

Transparency

DSD could become more transparent by providing employees, stakeholders and the public at large with more information about its use of force incidents and internal investigations.

The Office of Independent Monitor

This is a valuable resource that DSD should consult when considering or implementing the recommendations proposed in this report, as well as other systemic reforms, policy initiatives, or new training curricula impacting accountability, force and deputy performance.



CIVILIAN OVERSIGHT AND ITS IMPORTANCE TO THE DEPARTMENT'S FUTURE

Denver's Office of the Independent Monitor (OIM) serves a vital role as a civilian watchdog overseeing the Denver Police and Sheriff Departments. Having strong civilian oversight over public safety agencies builds community trust and increases transparency and accountability. Multiple outside stakeholders expressed their appreciation for, and trust in, the OIM's work. However, they also noted areas in which the city could strengthen the role and effectiveness of the monitor.

Launched in 2005, the OIM office monitors and participates in investigations of sworn safety personnel in DSD and DPD, and it makes recommendations on employee discipline and broader policy issues.²⁴ The City and County of Denver also has a Citizen Oversight Board made up of seven citizens appointed by the Mayor to (1) evaluate the monitor's office; (2) make policy recommendations on discipline, use of force and other issues; (3) address community concerns; and (4) review and make recommendations on closed IAB cases where the findings were not sustained, when appropriate.²⁵

The independent monitor has had public problems obtaining the information it needs from the Department to most effectively do its job. In 2013, the monitor requested from DSD a policy memo that related to a report it was drafting on problems with the inmate grievance process. The monitor tried unsuccessfully for months to get this memo, which the Denver Post obtained through a FOIA request after the report's release. Multiple community members cited the monitor's inability to get all the information it needs as one of their major concerns, and used it as an example for how the Department has not been transparent with the community.

City officials took a step in the right direction in February 2015, when the Denver City Council approved changes to the OIM ordinance that would help strengthen OIM's ability to effectively monitor public safety agencies. The changes require the DPD, DFD and DSD to cooperate with the monitor in internal investigations and disciplinary proceedings. Prior to the changes, the OIM ordinance only required that the public safety agencies establish their own department policies that required them to cooperate. The changes also included legal language that requires the DPD, DFD and DSD to provide OIM with complete and timely access of all records unless there is a legal reason not to.

However, the powers and duties of OIM and the Citizen Oversight Board are not included in the city charter, unlike the public safety agencies they monitor. This may give the perception to the community that these oversight groups are disempowered and do not have the same level of importance as other city agencies. It also allows the Mayor and City Council to change or remove the powers and duties of these groups. The Colorado Latino Forum has pushed to put these oversight groups on equal legal footing with the public safety agencies they oversee.²⁶

» RECOMMENDATION

9.12 – OIM Responsibilities: Add the powers and duties of the OIM and Citizen Oversight Board into the city charter to show citizens that the City and County of Denver and DSD are committed to civilian oversight and transparency.