



Safety, Housing, Education & Homelessness Council Committee

Department of Public Safety

Troy Riggs, Executive Director



Jail Population Considerations

For more than a decade, Denver's jails have served as one of the largest mental health service providers in the state. All inmates are screened for mental illness, and on any given day, nearly half of the population may have an active mental health code alert.

Knowing this, the Denver Sheriff Department works closely with Denver Health psychiatrists, psychologists, nurse practitioners and psych nurses to provide extensive mental health services to inmates in its care.

However, jail is not the best place to treat those with mental health considerations. To support the health and well-being of our residents and long-term public safety success, we must focus on identifying and helping those who need mental health and other support services before they enter the criminal justice system.

This can be achieved through the combined efforts of non-profits, faith-based institutions, criminal justice partners, and internal and external stakeholders. It is my intent that the Department of Public Safety will focus its resources to advance this type of comprehensive approach under my leadership.

OIM Recommendation 1:

DSD should make changes to the culture of its Internal Affairs Bureau (IAB) to ensure that serious cases are investigated thoroughly and impartially, as DSD policy requires. This may include but not be limited to placing the management of IAB under civilian control.

The reform effort highlighted a need to transform the culture of the Sheriff Department and work has taken place to meet that need.

Part of that work includes evaluating areas where civilianization is a good fit and civilians have been added in the following areas:

- Conduct Review Office
- Records Unit
- Court Services
- Fleet Management

Several seasoned civilian investigators have also been hired to work in IAB in recent years and continue to work alongside sworn personnel.

Planning to support additional civilian positions in IAB has been underway for several months. The feasibility of adding civilians at the management level is also being considered.

Additionally, a performance improvement evaluation of the disciplinary process is assessing opportunities for improvement. This includes the investigative process.

OIM Recommendation 2:

When misconduct may fall into multiple disciplinary conduct categories, the Department of Safety (DOS) should, in its disciplinary order, specifically explain why the category was chosen.

Discipline orders issued by the DOS become actions of record in the appellate process and are specifically written to detail why the discipline imposed was appropriate based on the totality of the facts and evidence.

After meeting with the OIM to discuss this recommendation, we understand it is intended to address public perception about the discipline imposed. We are considering if there is an opportunity to address public perceptions while meeting our responsibility to present a sound legal argument in the orders that will withstand appeal.

OIM Recommendation 3:

The DOS should evaluate its hiring policies and procedures for the DPD and DSD to ensure that they do not permit potential recruits to be hired while they are under criminal or administrative investigation.

Although this situation is unique, the DOS recognizes the need to address the potential for cross-agency hiring while candidates are under criminal or administrative investigations.

The DOS is currently developing a new academy hiring disclosure policy to address this concern. Violation of the policy will be grounds for termination.

OIM Recommendation 4:

The DSD should provide additional, regular classroom and situation-based refresher training on identifying persons suffering from excited delirium and how to best respond to such incidents.

The DSD recognizes the importance of training staff to identify and respond to excited delirium and the following changes have been made to meet that need:

- How to identify and respond to instances of excited delirium was added to the Mental Health Policy.
- An excited delirium training video for sworn and civilian staff was implemented through the department's policy and training management system.
- A training component for excited delirium was added to the annual Mental Health in-service training course that all employees are required to take. This training is classroom and reality-based and is provided in conjunction with Denver Health staff.

OIM Recommendation 4 (Cont.):

The DSD should provide additional, regular classroom and situation-based refresher training on identifying persons suffering from excited delirium and how to best respond to such incidents.

Other efforts to enhance training related to appropriate use of force include:

- Collaboration with a large stakeholder group that included staff, community representatives, and members of the Executive Director of Safety's Office (EDOS) and Office of the Independent Monitor (OIM) to develop a new Use of Force Policy that emphasizes the need for deputies to de-escalate situations as an alternative to using force, when reasonably possible.
- Extensive training on the new Use of Force Policy was provided to aid employee understanding and to reinforce expectations.
- Employees are required to take Crisis Intervention Training that uses scenario-based training to teach deputies how to de-escalate situations without using force, while protecting themselves and inmates from harm.
- Appropriate use of force and de-escalation expectations were added to staff performance evaluations.

OIM Recommendations 5 & 6:

The DSD should develop a policy that, when time and circumstances permit, requires supervisors to attempt to resolve urgent medical and security concerns that may be in conflict, and that cannot be resolved by medical staff and deputies alone. The policy should require a supervisor to prepare a report that documents the conflict and its resolution, and to participate in a non-disciplinary debriefing after the incident. DSD should train supervisors on how to quickly resolve conflicts between urgent medical and security concerns, when time and circumstances permit, by weighing security risks against potential needs for immediate medical intervention in emergency situations.

The department agrees that good communication between Denver Health and DSD staff is imperative to resolving urgent matters and several efforts are underway to achieve this that will fulfil the intent of this recommendation:

- DSD is hiring seven additional full-time mental health professionals, in partnership with Denver Health, to provide mental health services 24 hours per day, 7 days a week at both jails.
- Training processes and communication protocols are being reviewed to ensure compliance with medical directives during mental health emergency situations.
- DSD is working with the Office of Behavioral Health Strategies (OBHS) to provide mental health clinical support in the Downtown Detention Center. These mental health responders will work with Denver Health psychology staff within the facility to provide proactive support to inmates who are struggling with mental health concerns.
- DSD is partnering with OBHS to develop Trauma-Informed Training practices that include defining trauma; viewing behavior through a trauma lens; identifying traumatic events that may be encountered in a workplace setting; survival and coping strategies; and the physical and mental impacts of stress.
- DSD added Mental Health First Aid Training, an annual 10-hour course that reinforces the 40-hour Crisis Intervention Training all staff are required to complete. The course uses scenario-based training to teach deputies how to de-escalate situations without using force, while protecting themselves and inmates from harm.

OIM Recommendation 7:

The DOS should publish written guidelines regarding the release of evidence of critical incidents, including video. The guidelines should balance the need for prompt public transparency with the need for confidentiality during active investigations, among other factors. Recognizing that every critical incident is unique, the guidelines should explain, to the extent possible, the analytical framework that the DOS will use in evaluating requests for the release of evidence of critical incidents.

There are established judicial guidelines DOS follows regarding the release of records. The guidelines include considerations of public interest.

- Records of the Denver Department of Public Safety are criminal justice records, the disclosure of which is governed by the Colorado Criminal Justice Records Act (CCJRA) CRS 24-72-301, et seq. Except for records of “official actions”, the disclosure of criminal justice records is discretionary and can be denied where the custodian believes disclosure would be contrary to the public interest. CRS 24-72-305.
- Pursuant to Harris v. Denver Post, 123 P.3d 1166 (Colo. 2005), the following factors are used to determine whether a record should be released or withheld:
 - the privacy interests of individuals, if any, who may be impacted by a decision to allow disclosure of the records;
 - the agency’s interest in keeping confidential information confidential;
 - the agency’s interest in pursuing ongoing investigations without compromising them;
 - the public purpose to be served in allowing disclosure of the records; and
 - any other pertinent considerations relevant to the circumstances of the particular records request, including whether disclosure would be contrary to the public interest.

OIM Recommendation 8:

The DSD should develop a formal protocol for, and an enhanced culture of, analyzing and learning from critical incidents in Denver's jails. This should include but not be limited to immediately prioritizing the development and full implementation of the force review protocol previously recommended by the OIR Group in 2015.

We agree it is important to learn from critical incidents that occur in Denver jails and the following efforts have take place to meet that need:

- A Grievance and Incident Review Team (GIRT) has been created to identify learning opportunities from critical incidents in Denver's jails.
- Over the past year, the GIRT has conducted extensive research that is being used to develop a force review protocol based on national best practices recognized by the Department of Justice.

Criminal Justice System Improvements

Before we take questions, we want to share important work taking place through partnerships with criminal justice system stakeholders, the Office of Behavior Health Strategies, and the Crime Prevention and Control Commission to advance several jail diversion and recidivism reduction strategies.

- SMART Pre-Trial is an assessment tool that is being used to move from bond-based to risk-based bail decision-making. Risk assessment is far more effective than relying only on the charge for which they were arrested in determining whether that person is a threat to public safety or poses a risk of flight.
- SMART Pre-Trial encourages the use of less-intensive or no supervision for lower-risk released defendants, while higher-risk defendants are subject to more intense supervision and risk assessment. This process helps prevent unnecessary incarceration. Additionally, Pre-Trial switched from offering services five days a week to seven days a week. This helps ensure that inmates are not spending unnecessary time in jail awaiting pre-trial services.
- We are also looking at PR bond issuance and working with the courts to better identify who is eligible for pre-trial release and if there a way to release those individuals out of jail who are only there because of a monetary requirement.
- People arrested and charged with low-level municipal level offenses in Denver County have the option of participating in Wellness Court. Wellness Court seeks to provide an efficient, judicially supervised, accountable, and systemic process to address mental health, substance use, participant success, and recovery.

Criminal Justice System Improvements (Cont.)

- Outreach Court is designed to meet people experiencing homelessness in a safe and familiar location. Participants can be referred to mental health services, addiction treatment, and other services, as well as clear warrants and citations by participating in same or next day community service offered on-site as part of the Denver Sheriff's Community Work Program.
- Denver Adult Drug Court provides specialty tracks designed to provide targeted services to people with co-occurring mental health and substance use disorders, women with childhood trauma, developmentally disabled and traumatic brain injuries, veterans, felony DUI offenders, and other special populations.
- Transitional Residential Treatment Beds (TRT Beds) serve people with moderate to severe, undermanaged substance use disorders who are frequent, repeat users of public services in Denver, including the criminal justice system, emergency medical or mental health treatment, and/or detoxification services.
- The sheriff department follows the national Transition from Jail to Community program model which combines direct service delivery with community support services and resources to tailor outcomes that best serve individuals while they are in the department's care and custody, and as they transition back to the community.



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Q&A

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