



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

2016 Annual Report

Nicholas E. Mitchell
Independent Monitor

The Office of the Independent Monitor

The Office of the Independent Monitor (“OIM”) is charged with working to ensure accountability, effectiveness, and transparency in the Denver Police and Sheriff disciplinary processes. The OIM is responsible for:

- ◆ Ensuring that the complaint and commendation processes are accessible to all community members;
- ◆ Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- ◆ Making recommendations on findings and discipline;
- ◆ Publicly reporting information regarding patterns of complaints, findings, and discipline;
- ◆ Making recommendations for improving Police and Sheriff policy, practices, and training;
- ◆ Conducting outreach to the Denver community and stakeholders in the disciplinary process; and
- ◆ Promoting alternative and innovative means for resolving complaints, such as mediation.

OIM Staff:

Policy

Jennifer Fratello, Policy Director

Matthew Buttice, Senior Policy Analyst

Tom Heddleston, Policy Analyst

Monitors

Gregg Crittenden, Senior Deputy Monitor

Nate Fehrmann, Deputy Monitor

Kevin Strom, Deputy Monitor

Denis McCormick, Deputy Monitor

Suzanne Iantorno, Deputy Monitor

Community Outreach/Administration

Gianina Irlando, Community Relations Ombudsman

Gerylann Castellano, Office Manager

Teniqua Pope, Staff Assistant

Gianina Horton, Youth Outreach Staff Assistant (Grant Funded)

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1 Overview

The Office of the Independent Monitor (“OIM”) is charged with monitoring the disciplinary systems in the Denver Police and Denver Sheriff Departments (“DPD” and “DSD,” respectively), making policy recommendations to those departments, and conducting outreach to communities throughout Denver. By ordinance, the OIM is to report to the public by March 15th of every year on the work of the OIM, as well as information about complaints, investigations, and discipline of sworn police and sheriff personnel during the prior year.

The OIM’s [2016 Annual Report](#) is presented in four chapters. Chapter 1 provides an overview of key information related to OIM operations in 2016. Chapters 2 and 3 discuss OIM monitoring of the DPD and the DSD, respectively, and examine statistical patterns in complaint and disciplinary trends in each. Finally, Chapter 4 contains information about the officer-involved shootings and in-custody deaths involving DPD officers and DSD deputies that occurred in 2016.¹

The OIM has a number of key focus areas:

1. Conducting data-driven systems analyses of potential policy issues in the DPD and DSD;
2. Promoting engagement through outreach to the community and officers;
3. Working to ensure that DPD and DSD Internal Affairs Bureau (“IAB”) investigations are thorough, and conducted without bias;
4. Working to ensure fair and consistent disciplinary outcomes;
5. Monitoring officer-involved shootings and in-custody deaths; and
6. Cultivating DPD officer/community member dialogue through the use of mediation.

In 2016, the OIM had significant achievements in each of these areas.

Data-Driven Analyses of Potential Policy Issues

Participation in the DPD's Demographic Data Collection Steering Committee

In 2017, the DPD will be among the first of Colorado's largest police departments to begin voluntary collection of data on the race and ethnicity of community members contacted during pedestrian and vehicle stops. This will allow the DPD, for the first time in 15 years, to assess whether officers are adhering to its Biased Policing Policy, which prohibits racial profiling.² This move is an important step toward ensuring that the DPD is accountable to the communities it serves.

Representatives from the OIM sit on a Demographic Data Collection Steering Committee ("the Committee") convened by the Executive Director of Safety ("EDOS") in 2016. The Committee also includes representatives from the Department of Safety, DPD Command Staff, and community groups. This group is devising a recommended plan by which the DPD will implement a demographic data collection program. The OIM is also part of a smaller Data Collection Subcommittee ("the Subcommittee"), which is tasked with formulating a plan for collecting and analyzing the demographic data. The Committee and Subcommittee have met one and ten times, respectively, and have made considerable progress toward their goals.³

The DPD's current efforts to implement a data collection plan will ultimately fill a gap in data that makes it nearly impossible to assess whether DPD officers engage in racial profiling. We commend the DPD and the EDOS for including civilian oversight and community members in the process, which is a best practice.⁴ The OIM is contributing to this work in several ways. In August 2016, we provided recommendations to the EDOS and the DPD on a number of key components to consider including on a data collection contact card.⁵ We are now providing technical advice to the Subcommittee by gathering academic research and best practices and identifying promising approaches to data collection that have been implemented by police departments in other large cities.⁶ Finally, we will monitor and report on the DPD's implementation of the data collection program and the analysis of demographic data that will ultimately be collected by DPD officers.

Ongoing Participation in the Reform of the DSD

In 2015, Mayor Michael B. Hancock created the DSD Reform Implementation Team, which includes a Use of Force and Internal Affairs Action Group co-chaired by former Manager of Safety Al LaCabe and Independent Monitor Nicholas Mitchell.^{7,8} Informed by a review of best practices, in 2016, this group developed a new Use of Force Policy that outlines standards that are more restrictive than state or federal law. It also requires jail deputies to attempt to de-escalate potential confrontations without force, when possible, and revises the system for reporting use of force incidents. All sworn staff received a 10-hour training on the new approach and the revised Use of Force Policy will go into effect in 2017.

In 2016, the Use of Force and Internal Affairs Action Group also recommended revisions to the DSD's Discipline Handbook, which has not yet been finalized. The Discipline Handbook establishes the DSD's disciplinary process and defines the matrix used to categorize types of misconduct and their associated penalties. The new Discipline Handbook revises these conduct categories to provide clearer guidance to the DSD, the Department of Safety, the Career Service Board, and its Hearing Officers. It also updates the ranges of discipline associated with certain policy violations, such as inappropriate use of force⁹ and failure to report a use of force,¹⁰ to better reflect the seriousness of the misconduct. Training on the new DSD Discipline Handbook is set to begin in 2017. The Mayor's [Sheriff Department Reform Website](#) provides additional information about the reform process.¹¹

Community and Officer Engagement

The OIM had many notable achievements in outreach to communities and to officers in 2016. We held or attended 229 presentations or events in the community, including 150 meetings with neighborhood associations, advocacy groups, and representatives of community organizations. We also held or attended 79 events that included outreach to members of law enforcement, including presentations at roll calls, ride alongs, training events, and attendance at graduations and other ceremonial functions.

Denver Voters Overwhelmingly Support Placing the OIM in the City Charter

Civilian oversight is a best practice that enhances law enforcement accountability in a variety of ways.¹² Denver’s residents have long embraced the value of civilian oversight of law enforcement. In fact, the OIM and Citizen Oversight Board (“COB”) were initially established by municipal ordinance over a decade ago, in 2004.¹³ The OIM and COB were created as part of a sweeping reform effort after the 2003 shooting death of a developmentally disabled teenager by a DPD officer.¹⁴

In 2016, an initiative to place the OIM and the COB into the City Charter was presented by Denver City Councilman Paul Lopez as an effort to “improve citizen oversight and re-establish trust between community and local law enforcement.”¹⁵ In November 2016, Denver voters showed strong support for civilian oversight when they approved that initiative. The measure, Referred Question 2B, passed overwhelmingly, with 72% of voters (206,487 of 285,823) in favor of it.¹⁶

The Youth Outreach Program: *Bridging the Gap: Kids and Cops*

As discussed in the OIM’s 2014 Annual Report and 2016 Semiannual Report, in early 2014, the OIM recognized a pattern of interactions between Denver youth and officers that appeared to have escalated due to miscommunication and misunderstanding.¹⁷ While several public and private entities in Denver had taken steps to try to address one or more aspects of this problem, we believed that additional work was needed to build skills in youth and officers that would help to improve their interactions. The OIM thus sought and received a Justice Assistance Grant from the Colorado Division of Criminal Justice to develop and launch the *Bridging the Gap: Kids and Cops*TM program (“Youth Outreach Project” or “YOP”) in 2014.^{18,19}

The program involves training officers on key aspects of adolescent development and de-escalation techniques geared toward youth, and educating youth about their rights and responsibilities when in contact with law enforcement. Officers and youth are then brought together in forums in which they share personal experiences of police/youth contacts, discuss their perceptions during those encounters, and develop principles to be followed by youth and officers during future contacts.

We had high hopes from the outset of the program, and the results have thus far significantly exceeded our expectations. In 2016, 359 youth and 42 DPD officers participated in 11 YOP forums. A total of 177 DPD officers have been trained on adolescent brain development and de-escalation techniques with youth, and 11

DPD trainers have been certified to continue training other officers within the DPD. In addition, 86 community members have been equipped to serve as YOP forum facilitators.

Participants are surveyed, and the responses of both officers and youth to the YOP training sessions and forums have been extraordinarily positive. Ninety-two percent of officers who were trained indicated that the training left them better equipped to interact with Denver's youth.²⁰ Similarly, all officers who participated in YOP forums indicated that they found the forums to be useful. Perhaps most significantly, four out of five youth forum participants reported that they now have greater trust in DPD officers than they did before having participated in a YOP forum.

Internal Affairs/Disciplinary Oversight

A core OIM function is reviewing IAB investigations in an attempt to ensure that they are thorough, complete, and fair to both community members and officers. In 2016, the OIM reviewed 517 IAB investigations in the DPD.²¹ The OIM also reviewed 248 IAB investigations in the DSD. The OIM reviews included examining a voluminous quantity of evidence, including recorded interviews, video footage, police reports, and facility records. When we identified a need for further investigation of particular cases, we returned those cases to IAB with recommendations for additional work. We also reviewed 225 DPD and DSD cases as they went through the discipline process, making recommendations on the appropriate disciplinary outcome, if any, under the departmental disciplinary matrices. In 2016, 19 DPD officers were suspended, 11 resigned or retired prior to the imposition of discipline, and two were terminated. In the DSD, 33 deputies were suspended, four resigned or retired prior to the imposition of discipline, and six were terminated.²²

In 2016, DPD officers received 412 commendations, all of which reflected notable examples of bravery or commendable performance. We discuss a number of individual commendations of DPD officers in Chapter 2. Data on commendations for DSD deputies received in 2016 were not available for this report (see page 60 for a discussion of this issue).

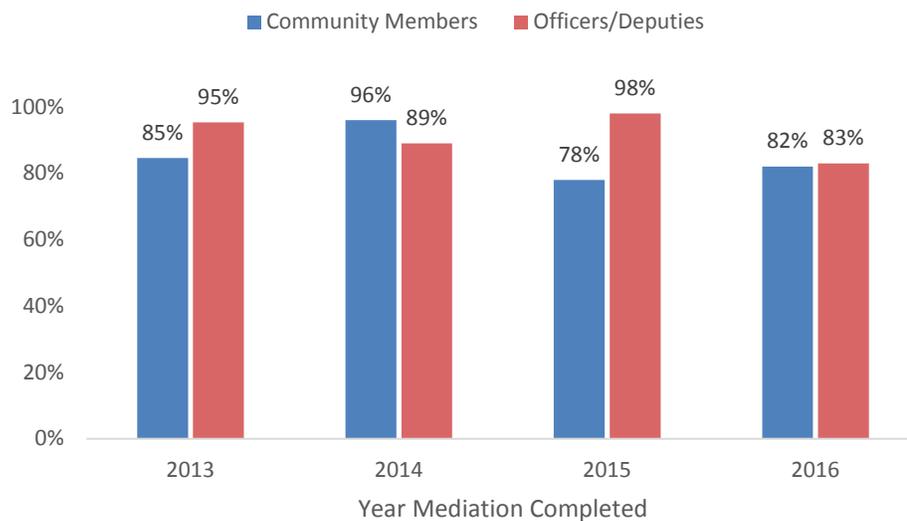
Officer-Involved Shooting and In-Custody Death Investigations

Pursuant to Denver Ordinance, the OIM responds to every officer-involved shooting and monitors the investigation and administrative review of each shooting. In 2016, there were 12 officer-involved shootings involving 18 DPD officers and no officer-involved shootings involving DSD deputies. There was one death of a citizen in the custody of the DPD, and three deaths of citizens in the custody of the DSD.²³ In Chapter 4, we provide information about each of the shootings and in-custody deaths and their current status in the administrative review process.

Mediation

Mediation continued to be an important focus area for the OIM in 2016. Since 2006, the OIM has facilitated 495 successful mediations between community members and DPD officers, and among DSD staff.²⁴ In 2016, 37 complaints involving DPD officers were successfully mediated. Of those who completed mediations and mediation surveys, 82% of the community member participants and 83% of the officer participants reported feeling satisfied with the mediation process.

Figure 1.1: Community Member and Officer/Deputy Satisfaction with Mediation Process



Chapter 1 :: Overview

2

Denver Police Department Monitoring

Introduction

The OIM is responsible for monitoring Denver Police Department (“DPD”) investigations into complaints involving sworn personnel and for ensuring that the complaint process is accessible to all community members. Having an accessible complaint process is critical for several reasons. First, complaints provide the DPD with information it can use to hold officers accountable when they fail to live up to Department and community standards of conduct. Second, complaints may provide “customer feedback” that can be used to improve police services through the refinement of policies, procedures, and training. Third, complaints can identify points of friction between officers and the community, which can support the development of outreach and community education initiatives. Finally, an open complaint process tends to foster community confidence in the police, which enables officers to effectively fulfill their important public safety function.

In this chapter, we review statistical and workload patterns relating to the DPD’s complaints, investigations, findings, discipline, and commendations.

Highlights

- The number of community complaints recorded by the DPD in 2016 declined slightly. In 2016, 388 community complaints were recorded against DPD officers, compared to 396 in 2015.
- The number of internal complaints filed by DPD personnel also declined. In 2016, 93 internal complaints were recorded against DPD officers, compared to 110 in 2015.

Chapter 2 :: DPD Monitoring

- The percentage of internal complaints with one or more sustained findings increased between 2015 and 2016. In 2016, 63% of internal complaints had one or more sustained findings, compared to 30% in 2015.
- In 2016, two DPD officers were terminated and 11 officers resigned or retired while an investigation or disciplinary decision was pending.
- DPD officers received 412 commendations in 2016.

Receiving Complaints Against DPD Officers

Complaints against Denver police officers fall into three categories: community complaints, internal complaints, and scheduled discipline complaints.

Community Complaints/Commendations

Community complaints are allegations of misconduct against a sworn member of the DPD that are filed by community members. Community members can file complaints or commendations by filling out the OIM's online complaint/commendation form, mailing the OIM a completed postage pre-paid complaint/commendation form, e-mailing or faxing a complaint/commendation to the OIM, or by visiting the OIM's offices. Complaints or commendations can also be filed directly with the DPD, through its Internal Affairs Bureau ("IAB"), or by using forms that are generally available at the Mayor's office, DPD district stations, and City Council offices. See Appendices A and B, which describe how complaints and commendations can be filed, and where OIM complaint/commendation forms are located.

Internal Complaints

Internal complaints are those that are filed by an officer, supervisor, command staff, or Internal Affairs. Internal complaints are more likely to be procedural than community complaints, and often allege a failure to follow DPD procedures. Not all internal complaints are minor, however, as complaints of criminal behavior by officers are sometimes generated internally.

Scheduled Discipline Complaints

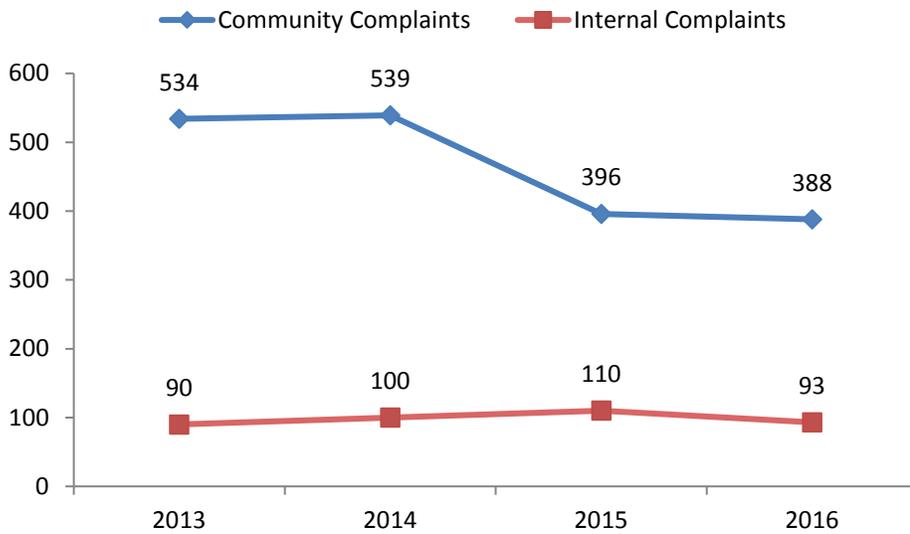
Scheduled discipline complaints are generally minor, such as when a DPD officer gets into a preventable traffic accident that does not cause injury, or misses a court date, shooting qualification, or continuing education class.²⁵ Discipline for these types of routine offenses is imposed according to a specific, escalating schedule.

Historically, the OIM has opted not to monitor or report on these types of cases. As a result, this chapter does not address patterns in scheduled discipline.

Complaints Recorded in 2016

Figure 2.1 presents the number of complaints recorded by the DPD IAB during 2016 and the previous three years.^{26,27} These numbers do not include scheduled discipline cases, such as when a DPD officer violates a traffic law or misses a court date.²⁸ The DPD recorded 388 community complaints and 93 internal complaints against DPD officers in 2016. The number of both community and internal complaints is lower in 2016 than in previous years. When compared to 2015, community complaints decreased by 2% in 2016 and internal complaints decreased by 15%.

Figure 2.1: Complaints Recorded, 2013-2016



Most Common Complaint Specifications

Table 2.1 presents some of the most common specifications (or rules that a DPD officer might be disciplined for violating) in both internal and community complaints in 2016, as well as the previous three years.²⁹ The most common specifications recorded by IAB in 2016 were Responsibilities to Serve the Public and Duty to Obey Department Rules and Mayoral Executive Orders. Responsibilities to Serve the Public is a specification used when officers are alleged to have violated a rule requiring them to “respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgment.”³⁰ Duty to Obey Department Rules and Mayoral Executive Orders is a specification that covers a wide range of possible violations, including but not limited to unconstitutional search and seizure, and improper handling of evidence and personal property.³¹

Table 2.1: Most Common Specifications, 2013–2016

Specification	2013	2014	2015	2016
Responsibilities to Serve Public	26%	21%	23%	28%
Duty to Obey Departmental Rules and Mayoral Executive Orders	20%	22%	22%	21%
Discourtesy	20%	18%	19%	17%
Inappropriate Force	10%	16%	14%	11%
Unassigned	2%	1%	4%	7%
Failure to Give Name and Badge Number	3%	3%	3%	3%
Rough or Careless Handling of City and Department Property	0%	1%	1%	3%
Conduct Prejudicial	2%	1%	1%	2%
Conduct Prohibited by Law	1%	1%	4%	2%
Failure to Make or File Reports	3%	3%	2%	2%
All Other Specifications	13%	11%	8%	6%
Total Number of Specifications	1,225	1,368	920	787

Note: Columns may not sum to 100 due to rounding.

Intake Investigations and Screening Decisions

After a complaint is received, a preliminary review is conducted to determine its level of seriousness, and whether it states an allegation of misconduct or a policy and procedural concern. This process may be thought of as “triage” to determine the level of resources to devote to the investigation of each complaint. IAB conducts this preliminary review (sometimes known as an “intake investigation” or “screening investigation”). The preliminary review may include a recorded telephonic or in-person interview with the complainant and witnesses; a review of police records, dispatch information, and relevant video; and interviews of involved officers.

Following the preliminary review, IAB supervisors determine what policies and procedures have allegedly been violated, and make a screening or classification decision that determines how the complaint will be handled. There are five common screening decisions:

Decline

The complaint either does not state an allegation of misconduct under DPD policy, or the preliminary review revealed that the facts alleged in the complaint did not occur or that there is insufficient evidence to proceed with further investigation. The OIM reviews every declined case before it is closed. The OIM also communicates the case outcome by mailing a letter to the complainant, along with a findings letter from IAB.

Informal

The complaint states an allegation of a minor procedural violation not rising to the level of official misconduct. As such, the complaint will be investigated by the subject officer’s supervisor, rather than by IAB. The OIM reviews the completed investigation, and may recommend additional investigation, if warranted. If the allegation is proven, the supervisor is to debrief or counsel the subject officer and document this action.

Service Complaint

The complaint states a general concern with police policy or services, rather than an allegation of misconduct against a specific officer. The OIM also reviews all service complaints prior to case closure.

Mediation

The complaint states a relatively non-serious allegation of misconduct, such as discourtesy, and the complainant and officer might benefit from the opportunity to discuss their interaction. If both the complainant and the officer agree to mediation, the complaint will not be further investigated, but the OIM will work to schedule a facilitated discussion with a neutral, professional mediator.

Formal

The complaint alleges misconduct under DPD policy and requires a full investigation and disciplinary review. Cases that are selected for full formal investigations are investigated by sergeants in IAB. On some serious cases, the OIM will actively monitor the investigations. When the OIM actively monitors a case, an OIM monitor will observe interviews, consult with the investigators and their supervisors on what direction the investigation should take, and review evidence as it is collected. Since active monitoring is resource-intensive, the OIM only actively monitors the most serious cases. Regardless of whether the OIM actively monitors a case, an OIM monitor reviews and comments on the IAB investigation once it is complete. The case is then given to the DPD's Conduct Review Office ("CRO") for disciplinary findings.

Findings and Discipline

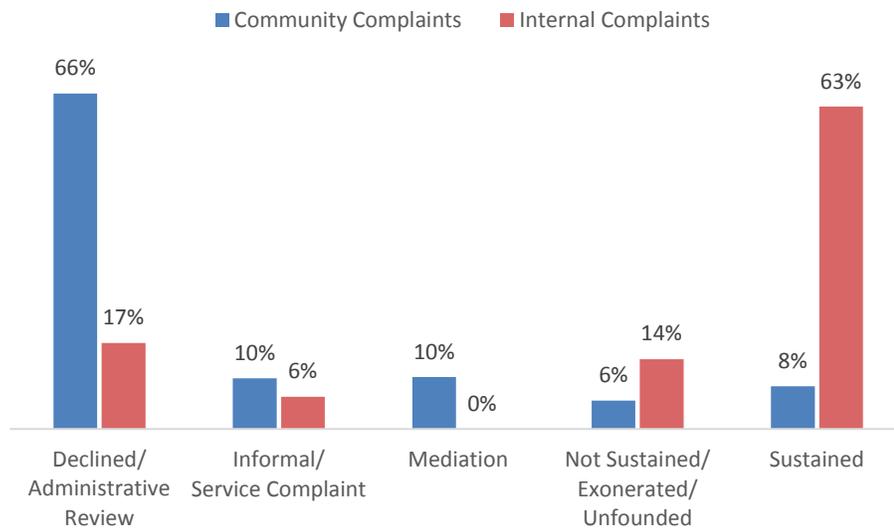
After a case is investigated by IAB and reviewed by the OIM, the case is sent to the CRO. In reviewing a case, the CRO examines the evidence, evaluates the appropriateness of the specifications assigned by IAB, and makes findings on each specification. There are generally four findings on formal investigations:³²

- Sustained - A preponderance of the evidence indicates that the officer's actions violated a DPD policy, procedure, rule, regulation, or directive.
- Not Sustained - There was insufficient evidence to either prove or disprove that the alleged misconduct occurred as described in the complaint.
- Unfounded - The evidence indicates that the misconduct alleged did not occur.
- Exonerated - The evidence indicates that the officer's actions were permissible under DPD policies, procedures, rules, regulations, and directives.

Complaint Screening and Outcomes

A total of 394 community complaints and 95 internal complaints were closed in 2016. Figure 2.2 shows the disposition of these complaints.³³ There were clear differences in outcomes between complaints filed by community members and internal complaints filed by DPD personnel. The majority of community complaints closed in 2016 were declined after an initial intake investigation (66%), while a much smaller percentage of internal complaints were closed as declines (17%). Internal complaints were much more likely to result in a sustained finding than community complaints. Specifically, 8% of community complaints closed in 2016 resulted in at least one sustained finding, while 63% of internally generated complaints resulted in a sustained finding.

Figure 2.2: Outcomes of Complaints Closed in 2016

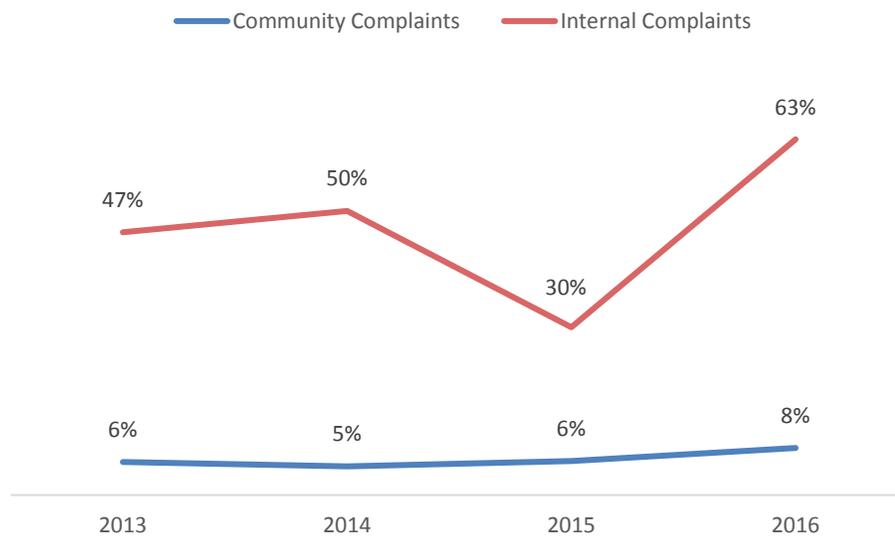


These patterns are generally consistent with previous years. However, a considerably smaller percentage of internal complaints were resolved informally in 2016 than in 2015. In 2015, 46% of internal complaints were resolved informally, compared to 6% in 2016. As reported in the [2015 Annual Report](#), the percentage of complaints resolved informally in 2015 was likely an outlier.³⁴ In 2015, the DPD identified 30 cases alleging violations of DPD’s Secondary Employment Policy through a Telestaff Audit.³⁵ These cases were resolved informally and were not reviewed by the OIM.³⁶

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While the rate of informal resolutions decreased, the rate of internal complaints with sustained findings increased. As Figure 2.3 demonstrates, 30% of internal complaints had a least one sustained allegation in 2015, compared to 63% in 2016. The percentage of sustained community complaints has remained relatively consistent over the past several years. Between 5% and 8% of community complaints have been closed with at least one sustained allegation since 2013.

Figure 2.3: Complaints that Resulted in One or More Sustained Allegations, 2013–2016



Discipline on Sustained Cases

After the completion of the DPD IAB investigation, the case is reviewed by the CRO. The CRO makes an initial finding regarding policy or procedural violations. The OIM then reviews the CRO findings. When the CRO and/or the OIM initially recommend that discipline greater than a written reprimand be imposed or when there is a disagreement between the OIM and CRO about the findings, a Chief's meeting will be held.³⁷ At this meeting, the Chief, Independent Monitor (and/or his representative), the CRO, Commander of IAB, the EDOS (and/or her representative), an assistant City Attorney, and a number of DPD Command officers discuss the case and provide input to the Chief to assist him in making his disciplinary recommendations, if any, to the EDOS.

If discipline greater than a written reprimand is contemplated following the Chief's meeting, the officer is entitled to a "Chief's Hearing." At this hearing, the officer can present his or her side of the story and any mitigating evidence to explain the alleged misconduct. After this meeting, the Chief and the Independent Monitor each make a final recommendation to the EDOS, independently. The EDOS (and/or her representative) provides input to the Chief as he formulates his recommendation. The EDOS then makes a final decision as to findings and discipline. If the officer disagrees with the discipline imposed by the EDOS, the officer may file an appeal with the Civil Service Commission's Hearing Office.

Table 2.2 reports the number of officers who retired/resigned prior to a discipline finding or who were disciplined by the Chief of Police (for reprimands) or the EDOS (for any discipline greater than a reprimand) for sustained allegations from 2013 through 2016. The most frequent discipline imposed in 2016 was written reprimands, followed by fined time³⁸ and suspensions without pay. Two officers were terminated in 2016.³⁹

Table 2.2: Discipline Imposed by Year of Case Closure, 2013–2016⁴⁰

Discipline	2013	2014	2015	2016
Terminated	1	4	1	2
Resigned/Retired Prior to Discipline	9	6	8	11
Demotion	0	1	0	0
Suspension	20	22	18	19
Fined Time	19	28	15	31
Written Reprimand	38	38	30	46
Oral Reprimand	4	3	4	3

Significant Disciplinary Cases Closed in 2016

Terminations

■ On September 8, 2015, an officer took a juvenile runaway to a juvenile assessment center to hold her until a parent could pick her up. During the intake process, the assessment center staff requested that the juvenile remove her piercings. When the juvenile refused, the officer made insulting and disparaging remarks about her, while also threatening to hold her down and forcibly remove her piercings. The officer eventually took the juvenile to the ground and handcuffed her. The officer then called a supervisor and misrepresented the incident. Both the assessment center staff and sheriff deputies from another jurisdiction later made statements to DPD IAB expressing concern about the officer's behavior. During the resulting investigation, the officer made numerous deceptive statements about the incident to IAB. The officer was terminated. He appealed that decision, and it was affirmed by a Hearing Officer in September 2016. He then appealed the Hearing Officer's decision, which is still pending with the Civil Service Commission.

■ In June and July of 2016, a sergeant engaged in numerous acts of misconduct while working off-duty at a local bar. The sergeant was observed by members of the public on multiple occasions consuming alcohol at the bar in either an on-duty, secondary employment, or off-duty capacity, sometimes while in uniform. He also carelessly handled his firearm. On one occasion, while working secondary employment, he left his loaded firearm unsecured in a coat closet and left the location to have sexual intercourse with a female at her home. On a separate occasion, he left his gun, gun belt, handcuffs, mace, badge, and uniform shirt behind an outdoor bar while he remained at the bar and consumed alcohol following his secondary employment shift. On a third occasion, the sergeant removed his weapon to perform a "safety demonstration" with his firearm, allowing a civilian to handle his gun while several people were in the bar. On each of these occasions, the sergeant consumed alcohol. The sergeant violated the DPD's policy regarding secondary employment by exceeding the number of hours he was authorized to work, working while on injury status, and working without supervisory approval. During the investigation, the sergeant violated a direct order from the Chief of Police to refrain from contact with any bar employee by calling, texting, and e-mailing an employee and returning to the bar while on-duty. The sergeant also made deceptive statements to investigators. The sergeant was terminated.

Resignations and Retirements

■ A detective had two cases alleging misconduct. In the first case, on April 10, 2014, officers in another jurisdiction followed and contacted the detective, who was off-duty, after he picked up and drove away with a known prostitute in his work vehicle. The detective also allegedly made deceptive statements to his supervisor about why he had been contacted by the police. The detective was ultimately convicted of patronizing a prostitute. In the second case, in May 2014, IAB received information from a woman that the detective allegedly exchanged sex with her for the return of her money and impounded car, and improperly alerted her to an impending arrest. The detective resigned prior to disciplinary findings in both cases.

■ An officer was arrested and charged in two separate criminal cases. In the first case, on February 24, 2015, the officer was arrested in another jurisdiction for Assault in the Third Degree, Domestic Violence, following an alleged domestic dispute with his girlfriend. In the second case, the officer was arrested on March 2, 2015, for allegedly violating a protection order. While the officer was found not guilty at trial in the criminal cases, the officer also allegedly violated department policy by accessing information about the criminal complainant on criminal justice databases (the National Crime Information Center, or “NCIC,” and the Colorado Crime Information Center, or “CCIC”.) He then allegedly contacted the complainant despite a direct order from the Chief of Police to have no contact with her. The officer retired prior to a disciplinary finding.

■ On July 4, 2015, an off-duty officer was allegedly involved in a car accident in another jurisdiction. The officer was subsequently charged with driving under the influence (“DUI”), careless driving, and failure to display proof of insurance. An officer from that jurisdiction reported that a ChemaTox laboratory test of the DPD officer’s blood indicated his blood alcohol content (“BAC”) was .178. The officer pled guilty to DUI and was sentenced to 12 months of probation, but retired prior to a disciplinary finding.

■ On July 12, 2015, an off-duty officer was involved in a traffic accident in another jurisdiction. The officer is alleged to have fled the scene at a high rate of speed without exchanging information with the other driver or notifying the police. A short time later, the officer’s car caught fire as a result of the accident, and the officer was transported to the hospital. The officer then allegedly made false statements to officers investigating the accident. The officer ultimately pled guilty to reckless driving and was given a fine, but resigned prior to a disciplinary finding.

Chapter 2 :: DPD Monitoring

■ On August 12, 2015, an officer allegedly misrepresented the date on which she was medically cleared to return to work by providing a doctor's note with an allegedly altered date to IAB. The officer resigned prior to a disciplinary finding.

■ On September 23, 2015, it was discovered that an officer allegedly owned and ran a business providing security for an establishment involved in the sale and cultivation of marijuana. The officer allegedly ran the security business without receiving approval for secondary employment and in violation of DPD policy prohibiting secondary employment at locations involved in the sale or production of marijuana. The officer is also alleged to have made deceptive statements to investigators. The officer was also convicted of violating a municipal ordinance that required him to obtain a merchant guard license and was sentenced to 12 months of probation. The officer resigned prior to a disciplinary finding.

■ On December 8, 2015, an officer responded to the scene of an officer-involved shooting in which a fellow officer was shot and seriously wounded. The officer allegedly took a picture of a high-ranking member of the DPD's command staff at the scene on his personal cell phone and uploaded it to a social media website. The officer also allegedly failed to turn the picture over to the detective investigating the shooting. The officer retired prior to a disciplinary finding.

■ An officer had two cases alleging misconduct. In the first case, on December 14, 2015, the officer allegedly used inappropriate force during the arrest of a domestic violence suspect. In the second case, in May 2016, the officer was arrested after a woman alleged that he had sexually assaulted her. The Denver District Attorney declined to file criminal charges. However, the officer was still alleged to have violated DPD policy during the incident by displaying and carelessly handling his firearm, and engaging in immoral conduct, sexual misconduct, and conduct prejudicial to the department. The officer resigned prior to disciplinary findings in both cases.

■ On March 14, 2016, an officer responded to a school to investigate a sexual assault. The officer was allegedly discourteous, impatient, and disrespectful while talking with the juvenile victim and witnesses. The officer retired prior to a disciplinary finding.

■ An officer had two cases alleging misconduct. In the first case, on May 1, 2016, the officer went to the home of a domestic violence victim after arresting the suspect. While in the home, the officer removed his duty belt and Taser and placed them on a nearby table. The officer then unfastened his pants to adjust his uniform, partially undressing in front of the victim and her female friend. The officer stated

he did this because his appearance was disheveled from the earlier arrest. After he completed dressing himself, the officer asked for the phone number of the victim's female friend. The two exchanged phone numbers and soon after, the officer and friend exchanged numerous text messages, including at least one sexually explicit text message sent while he was on-duty. The officer was suspended for 30 days for engaging in conduct prejudicial.

In the second case, on July 28, 2016, the officer was off-duty and driving when he was involved in a dispute and an alleged physical altercation with the driver of another vehicle. The officer was charged with disorderly conduct and the charges were later dismissed. The officer resigned prior to a disciplinary finding.

■ A detective had three cases alleging misconduct. In the first case, on May 23, 2016, the detective allegedly reported for duty while under the influence of a controlled substance, possessed the controlled substance without a prescription, and failed to notify his supervisor he was taking prescription medication that might affect his performance. In the second case, on August 30, 2016, the detective allegedly struck a parked car in a parking lot in another jurisdiction and then left the scene of the accident. The detective was later arrested and charged with driving under the influence, careless driving, and leaving the scene of an accident. The detective allegedly refused to submit to a chemical test of his blood to determine if he was under the influence of a narcotic. In the third case, on November 12, 2016, the detective was contacted at a shopping mall with his child while he was allegedly intoxicated and in possession of a controlled substance not prescribed to him. The Denver District Attorney's Office reviewed the case and declined to charge the detective. The detective resigned prior to disciplinary findings in his cases.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On August 24, 2012, a detective was assigned to investigate a home burglary. During her investigation, the detective obtained an item tied to the burglary and received information, including DNA evidence, linking a suspect to the burglary. However, she failed to obtain a warrant for the suspect's arrest, did not place the item into evidence, and failed to timely complete a supplemental report on the criminal investigation. A warrant for the suspect's arrest was not issued until another detective was assigned to the case in July 2015, after the homeowner called the DPD to complain. Between September 2012 and July 2015, the suspect was arrested for five other criminal offenses. Because the detective had previously been disciplined for similar misconduct in another case, she was suspended for 16 days. A sergeant and lieutenant were also disciplined for failing to adequately supervise

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the detective, who had known performance issues. Each supervisor was fined two-days' time.

■ On May 19, 2014, a DPD officer and his wife went to the home of a DPD detective and the detective's wife in another jurisdiction. Everyone consumed multiple alcoholic beverages before the wives became engaged in a physical altercation. The detective intervened, prompting a fight between the detective and the officer. At one point, the detective displayed his gun and told the officer to leave. The officer refused, but finally left once the local police were called. When police arrived, the officer returned to the detective's home and made deceptive statements to investigators about the incident. When the local police told the officer that DPD IAB had been notified of the incident, the officer stated that he was going to lie to IAB investigators.

The officer entered into a settlement agreement with the Office of the EDOS whereby he would be suspended without pay for 90 days, with a penalty of termination held in abeyance (i.e., a suspended termination, or probation) for two years on the condition that he commit no further rule violations of similar seriousness during that time.⁴¹ The detective was not disciplined because there was not sufficient evidence to prove or disprove that he violated DPD policy.

■ On February 14, 2015, an officer called in sick to work and then attended a sporting event without notifying his commander of his whereabouts, as required. Afterwards, the officer went to a bar. On his way home from the bar, the officer was involved in a single-car rollover accident while in possession of his firearm. The officer suffered serious injuries from the accident. He had a BAC of .054, as determined by a portable breath test, more than three hours after the accident. Taking into account the officer's prior discipline, the officer was suspended for 60 days for driving while his ability was impaired by alcohol, and given an oral reprimand for failing to inform his commander of his whereabouts.

■ In May 2015, a detective took home a city-owned trailer that had been sitting in a fenced-off area of a district police station. He made some repairs to the trailer and sold it on Craigslist, but failed to take appropriate steps to ascertain who owned the trailer prior to taking and selling it. The detective was suspended for 18 days. He appealed this decision, and entered into a settlement agreement with the Office of the EDOS that maintained the 18-day suspension, but held 13 of those days in abeyance for one year and reimbursed him for the 13 days of suspension he previously served.

- On October 18, 2015, an off-duty officer consumed a substantial amount of alcohol at a bar downtown. After leaving the bar, the officer became annoyed at a street performer and angrily confronted him, calling him offensive names and reportedly threatening him. The officer allegedly grabbed the street performer by the shirt, continuing to harass him until several bystanders intervened. The officer and the bystanders then became involved in a physical altercation. The officer called 911 for assistance and used offensive terminology to refer to the bystanders. Numerous officers responded to the scene. The officer was suspended for ten days and fined six-days' time.
- In January 2016, an officer used compensatory time without obtaining the required prior approval. When questioned by a supervisor about whether he had obtained permission to use the compensatory time, the officer misrepresented that he had. The officer had previously been warned that using compensatory time without prior approval was not acceptable. The officer was suspended for ten days.
- On January 5, 2016, an officer responded to a call and spoke with a man who wanted to report a theft. The officer gave the man a case number, but he then did not prepare a theft report, as required. The officer was suspended for ten days.
- On January 9, 2016, an officer mishandled evidence when he jokingly threw a bag of marijuana recently retrieved as evidence from his patrol vehicle into a fellow officer's car. He then un-holstered his service weapon, pointed it in the direction of the fellow officer and said, "Dirty cop, show me your hands." He was suspended for ten days.
- On February 2, 2016, an off-duty officer left a party and was involved in a single-car accident outside of Denver. The officer was arrested and charged with driving under the influence and other traffic offenses. A test of the officer's breath indicated his BAC was .165. The officer pled guilty to driving while ability impaired and a lane usage violation. The officer was sentenced to 18 months of probation and 24 hours of community service, and ordered to pay fines and costs. The officer was suspended for 16 days.
- In February 2016, an off-duty detective wearing his badge and sidearm travelled to a hotel outside of Denver several times. He suspected his wife was having an affair at the hotel. The detective told the hotel clerk he was looking for a fugitive staying at the hotel. Because of this misrepresentation, the detective was given access to hotel video, which he searched for evidence of his wife with another man. The detective took photos and videos with his cell phone. The detective was suspended for 30 days. He entered into a settlement agreement with the

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Department of Safety whereby he was suspended for 16 days, and 30 days of suspended time would be held in abeyance for a period of 12 months on the condition that he commit no more rule violations of similar or higher severity during that period.⁴²

■ An officer engaged in inappropriate and unwelcomed behavior with two civilian women. First, on several occasions, the officer went to a bar where one of the women worked while the officer was both on- and off-duty, making her uncomfortable by lingering and watching her. The officer allegedly followed the woman in her car while she was driving home from work, around 3 a.m. On a separate occasion, the officer's actions caused a woman working at a convenience store to be so uncomfortable that she hid in a cooler to get away from him. Other officers who worked with him directly in the past also described his interactions with females as inappropriate. The officer was previously disciplined for inappropriately accessing NCIC information to obtain the phone number of a woman to contact her, and there was evidence of a pattern of misconduct involving women. The officer therefore received an aggravated penalty of seven suspended days.

■ An officer was in an “on again, off again” relationship with a woman. In November 2015, the Chief of Police ordered the officer to have no contact with the woman as a result of a complaint she had filed against him. Despite the order, the officer continued to have frequent contact with the woman, including visiting her at her home in another state. The officer was suspended for ten days.

■ In June 2016, an officer missed five consecutive assigned shifts without notifying a supervisor, despite having been previously ordered to comply with the DPD's sick leave policy that requires sick officers to notify a supervisor at least one hour before the shift. The officer was suspended for ten days.

Appeals of Significant Discipline Imposed Prior to January 1, 2017, and Filed With and/or Decided by the Civil Service Commission in 2016⁴³

■ On multiple occasions in 2015, an officer spent excessive amounts of time visiting and attempting to flirt with female civilian DPD employees, causing multiple employees to feel uncomfortable. The officer also sent non-work-related and possibly inappropriate e-mails to one of the employees. During one interaction, the officer touched this employee's hair several times, making her feel uncomfortable. He also commented on her appearance and massaged her shoulders. The female employee's supervisor twice told the officer he needed to leave, and instead the officer walked behind the female supervisor and inappropriately tickled her waist. The officer was suspended for ten days and fined two-days' pay. The officer appealed this decision, and it was affirmed by a Hearing Officer in May 2016. The officer appealed the Hearing Officer's decision, which was affirmed by the Civil Service Commission in October 2016.

■ On July 10, 2014, a female struggled with police officers while they attempted to arrest and handcuff her, spitting in one officer's face and kicking a second officer in the face while he placed her in the back of a patrol car. She was transported to a district station. While in a holding cell, the female refused to relinquish her belt and shoes, which quickly led to a struggle with the male officer who had been previously kicked. During the struggle, the officer placed his right knee in the area of her neck and pinned her down on a bench. Moments later, the female is seen on video apparently losing consciousness and sliding off the bench, possibly due to the pressure that the male officer had placed on her neck. The officer failed to get medical attention for the female, failed to report the use of force to supervisors, and also failed to document the use of force, all of which are required by DPD policy. The officer was terminated. He appealed that decision, and a Hearing Officer modified the discipline to two 30-day suspensions and a termination held in abeyance for two years pending no further similarly serious acts of misconduct. The Office of the EDOS appealed this decision to the Civil Service Commission, which, in March 2016, reimposed the termination. The officer appealed that decision to the Denver District Court, which affirmed the Commission's decision. An appeal to the Colorado Court of Appeals is pending.

■ On July 26, 2014, an officer working off-duty in a bar downtown escorted an intoxicated male patron out of the establishment. The officer placed the male in handcuffs and called for a vehicle to take him to detox. The male's brother attempted to discuss the situation with the officer and asked the officer to

reconsider. When the officer refused, the brother allegedly began verbally abusing the officer. Although the brother did not make any threatening gestures, the officer advanced on him and aggressively shoved him to the ground, causing him to fall backwards onto concrete steps. The use of force was captured by a nearby high activity location observation (“HALO”) camera. The sergeant investigating the use of force was briefed by the officer, reviewed the HALO footage, and determined that the use of force did not require further investigation. The male subsequently filed a complaint alleging inappropriate force, resulting in an IAB investigation of the incident. The officer was ultimately suspended for 30 days for the inappropriate use of force, and the sergeant received a written reprimand for failing to recommend further investigation into the incident. The officer appealed his suspension, and a Hearing Officer reversed the discipline. The Office of the EDOS appealed to the Civil Service Commission, which reversed the Hearing Officer’s decision and reinstated the suspension in April 2016. The officer appealed this decision to the Denver District Court, which affirmed the Civil Service Commission’s decision. The officer has appealed to the Colorado Court of Appeals.

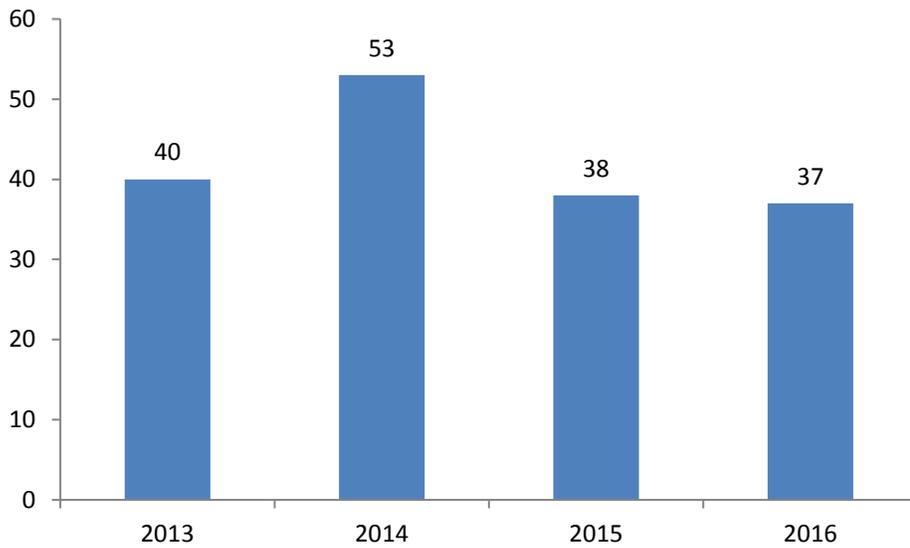
■ On January 14, 2015, an officer responded to a hit-and-run accident involving property damage to a residential fence. The officer failed to conduct a thorough investigation and failed to accurately complete a required report. The report omitted the presence of broken auto parts at the scene and potential video evidence from a nearby surveillance camera. This information could have helped to identify the make and model of the suspect’s vehicle and otherwise assist in the investigation. The officer, who had an extensive disciplinary history, received two ten-day suspensions to run concurrently. The officer appealed one aspect of this decision, and a Hearing Officer affirmed the discipline. The officer appealed this decision, and the Civil Service Commission affirmed the discipline in May 2016.

■ On July 2, 2015, an officer was in an elevator with a DPD civilian employee and other individuals. The officer drew his knife from its sheath and displayed it while allegedly looking the civilian employee in the eye. The employee indicated that he felt intimidated and unsafe. DPD policy requires officers to keep pocket knives completely concealed when not in use. The officer, who had a significant disciplinary history, received two ten-day suspensions to run concurrently. The officer appealed this decision, and a Hearing Officer upheld the discipline in March 2016.

Mediation

The complaints handled by IAB and the OIM range from allegations of criminal conduct to less serious misunderstandings between community members and police officers, including alleged rudeness. Although allegations of inappropriate force or serious constitutional violations require the investment of significant investigative resources, complaints alleging discourtesy and other less serious conduct can often be resolved more effectively through mediation. In 2016, the OIM/DPD mediation program resulted in 37 completed officer-community member mediations.⁴⁴

Figure 2.4: Completed Community-Police Mediations, 2013-2016



Timeliness

Table 2.3 reports the mean processing time, in days, for complaints recorded by IAB in 2015 and 2016.⁴⁵ These figures exclude the number of days required for the OIM to review investigations and discipline. Average processing times decreased between 2015 and 2016. In 2015, the mean processing time for all IAB cases was 42 days, compared to 38 days in 2016. Complaints still open when the OIM extracted data for this report had an average age of 40 days.

Table 2.3: Mean Case Age for Community and Internal Complaints Received, 2015–2016

Case Type	2015	2016
All IAB Cases	42	38
Declined/Administrative Review/Informal/Service Complaint/Mediation	35	27
Full Formal Investigations	63	63

Complainant Demographics and Complaint Filing Patterns

The demographic characteristics of the 418 complainants who filed complaints against DPD officers in 2016 are presented in Table 2.4 (note that a single complaint can be associated with multiple complainants).⁴⁶ Ninety-eight percent of complainants filed only a single complaint, while 2% filed two or more complaints.⁴⁷

Table 2.4: Complainant Demographics and Filing Patterns

Gender	Count	Percent
Male	231	55%
Female	126	30%
Missing	61	15%
Total	418	100%
Race	Count	Percent
White	115	28%
Black	94	22%
Hispanic	57	14%
Asian/Pacific Islander	4	1%
American Indian/Alaskan Native	3	1%
Missing	145	35%
Total	418	100%
Age	Count	Percent
0 - 18	12	3%
19 - 24	37	9%
25 - 30	34	8%
31 - 40	70	17%
41 - 50	34	8%
51+	33	8%
Missing	198	47%
Total	418	100%
Number of Complaints Filed	Count	Percent
One Complaint	411	98%
Two or More	7	2%
Total	418	100%

Officer Complaint Patterns

Complaints per Officer

Table 2.5 shows the number of complaints lodged against individual DPD officers from 2013 through 2016. This table includes citizen and internal complaints (regardless of finding), but excludes scheduled discipline complaints and complaints against non-sworn employees. In 2016, 70% of DPD sworn officers did not receive any complaints, while 21% received one complaint.

Table 2.5: Number of Community/Internal Complaints per Officer by Year, 2013–2016

Number of Complaints	2013	2014	2015	2016
0	61%	59%	65%	70%
1	24%	25%	25%	21%
2	9%	11%	7%	6%
3	3%	3%	2%	2%
4	1%	1%	< 1%	1%
5	1%	< 1%	< 1%	0%
6	< 1%	< 1%	0%	< 1%
7 or More	< 1%	< 1%	< 1%	0%
Total Sworn Officers*	1,388	1,420	1,442	1,491

*Note: Counts of sworn officers provided by the DPD Data Analysis Unit.

Inappropriate Force Complaints per Officer

Table 2.6 shows the number of inappropriate force complaints lodged against individual DPD officers from 2013 through 2016. In 2016, 5% of DPD officers received one inappropriate force complaint. Less than 1% of officers received two or more inappropriate force complaints in 2016.

Table 2.6: Officers Receiving Inappropriate Force Complaints by Year, 2013–2016

Number of Complaints	2013	2014	2015	2016
0	92%	88%	92%	95%
1	7%	10%	7%	5%
2	1%	2%	1%	< 1%
3	< 1%	< 1%	< 1%	0%
Total Sworn Officers*	1,388	1,420	1,442	1,491

*Note: Counts of sworn officers provided by the DPD Data Analysis Unit.

Sustained Complaints per Officer

Table 2.7 reports the number of sustained complaints for individual officers between 2013 and 2016 grouped by the year the complaints were closed. In 2016, 6% of officers had one sustained complaint and less than 1% had two or more sustained complaints.

Table 2.7: DPD Officers with Sustained Complaints by Year Closed, 2013-2016

Number of Complaints	2013	2014	2015	2016
0	95%	94%	96%	93%
1	5%	5%	4%	6%
2	1%	< 1%	< 1%	< 1%
3	0%	< 1%	0%	0%
Total Sworn Officers*	1,388	1,420	1,442	1,491

*Note: Counts of sworn officers provided by the DPD Data Analysis Unit.

Commendations and Awards

Every year, there are noteworthy examples of officers engaging in actions that reflect departmental values of honor, courage, and commitment to community service. Table 2.8 presents the number and type of commendations awarded to DPD officers in 2016. Table 2.9 provides definitions for select commendations.

Table 2.8 Commendations Awarded to DPD Officers in 2016

Commendations	Number	Percentage
Commendatory Action Report	170	41%
Official Commendation	62	15%
Citizen Letter	57	14%
Commendatory Letter	38	9%
Life Saving Award	18	4%
Chiefs Unit Citation	16	4%
Distinguished Service Cross	14	3%
Citizens Appreciate Police	8	2%
Unassigned	7	2%
Medal of Valor	5	1%
Other than DPD Commendation	4	1%
Community Service Award	4	1%
Excellence in Crime Prevention	3	1%
STAR Award	2	< 1%
Top Cop	2	< 1%
Officer of The Year	1	< 1%
Certificate of Appreciation	1	< 1%
Total	412	100%

Note: Columns may not sum to 100 due to rounding.

Table 2.9: Commendation Types and Descriptions

Commendation Type	Description
Commendatory Action Report	A Commendatory Action Report is generated when the Department receives complimentary information about an officer from a member of the public; the commendable action generally does not rise to the level of an official Departmental award.
Community Service Award	Awarded to an employee who, by virtue of sacrifice and expense of time, fosters or contributes to a valuable and successful program in the area of community affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official police capacity.
Department Service Award	Awarded to an individual who, through personal initiative and ingenuity, develops a program or plan (for non-leadership type of actions) which contributes significantly to the Department's objectives and goals.
Distinguished Service Cross	Awarded to employees who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor.
Leadership Award	Awarded to an individual in a position of command or supervisory authority for a single or a series of incident(s)/event(s)/initiative(s) where the leadership and management actions of the individual were such that the successful outcome of the incident/event/initiative was greatly influenced by the timely, accurate, and decisive nature of the individual's actions, and which contributed significantly to the Department's mission, vision and values.
Life Saving Award	Awarded to employees who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no danger to the officer's life.
Medal of Honor	Awarded to employees who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.
Medal of Valor	Awarded to employees who distinguish themselves by extraordinary heroism not justifying the award of the Medal of Honor.
Merit Award	Awarded to employees who distinguish themselves by exceptional meritorious service who, through personal initiative, tenacity and great effort act to solve a major crime or series of crimes, or through personal initiative and ingenuity, develop a program or plan which contributes significantly to the Department's objectives and goals.
Officer of the Month	Awarded to employees who represent the Department in all facets of law enforcement with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were sworn.
Official Commendation	Awarded to employees, who by exemplary conduct and demeanor perform their assigned functions in an unusually effective manner.
Purple Heart	Awarded to employees who are killed, seriously wounded or seriously injured in the performance of an official action.
STAR Award	Awarded to employees who, through exceptional tactics, act to successfully resolve a critical incident, thereby setting a standard for safety and professionalism to which all officers should aspire.

Highlighted Commendations

EXCELLENCE IN CRIME PREVENTION

Using contacts through prior experience as a Narcotics Detective and in conjunction with Public Information Officers, an officer created a series of videos to inform the community about how to prevent vehicle theft. These videos illustrated the methods used by criminals to steal vehicles and provided viewers with insight into how a perpetrator views his or her victim. The videos were posted on DPD social media sites and have been viewed over 3.5 million times. The officer was given an Excellence in Crime Prevention Award for his personal initiative and ingenuity.

EXCELLENCE IN CRIME PREVENTION

Over the course of more than a year, an officer worked to gather information about vehicle thefts in northern Denver. This officer worked with detectives from the DPD and other jurisdictions to identify a group of individuals stealing vehicles in Denver, Commerce City, and Thornton. Their work led to numerous felony arrests, and the seizure of illegal drugs and stolen vehicles. In addition, the officer was solely responsible for the recovery of 64 stolen vehicles in 2015. The officer was given the Excellence in Crime Prevention Award for his dedication and superb police work.

MEDAL OF VALOR

Officers responded to a report that an unconscious woman was carried into a residence following a fight. The officers observed a man at a second-story window of the residence. The man stated he wanted to allow the officers into the home but that others within the residence would not allow him. Officers entered the home to check on the welfare of those within. A corporal confronted a person who failed to comply with an order to get on the ground and began grabbing a handgun from his front pocket. The corporal took control of the person's wrist to prevent the gun from being drawn and warned fellow officers by yelling "gun." The person was arrested and the gun recovered without any further incident. The corporal was awarded the Medal of Valor for his quick thinking and decisive action that prevented a dangerous situation from becoming a potential deadly force encounter.

DISTINGUISHED SERVICE CROSS

A man who was wanted for assault and failure to register as a sex offender barricaded himself and his six-month-old daughter inside his apartment after officers confronted him at the door. Two officers established communication with the man through the rear window of the apartment. The man armed himself with a knife, picked up his daughter, and threatened to kill the baby and himself. The officers worked to de-escalate the situation and convinced the man to place his uninjured child outside the apartment window where the officers could retrieve her. The man eventually stabbed himself in the neck, but paramedics treated him and he survived. The two officers were awarded the Distinguished Service Cross for their courage and skill.

DISTINGUISHED SERVICE CROSS

A hotel employee advised officers that a man had told the employee to not allow anyone near his truck parked in front of the hotel. A K-9 bomb dog indicated that there was some form of explosives inside the vehicle. Two officers were tasked with evacuating the hotel safely and without causing panic among the guests and staff. The two officers evacuated the entire building within a short amount of time and moved those inside to safety. The officers were awarded a Distinguished Service Cross for their efforts to ensure that a potentially chaotic situation was handled safely.

OFFICIAL COMMENDATION

Two officers approached a home with a second-floor room engulfed in flames. The officers requested a response from the Denver Fire Department and began knocking on windows and doors as they moved around the residence. After a resident unlocked the rear door, the officers entered the home and safely escorted five juveniles out. Because of their quick thinking and heroic actions, the officers were awarded Official Commendations.

OFFICIAL COMMENDATION

Three officers responded to a call regarding a possible armed robbery in progress at a store. On the way to the location, the officers learned that the suspects were demanding money from employees and brandishing a handgun. The officers waited outside the store because they continued to receive information, via dispatch, from an employee inside. As the suspects exited the store, the officers ordered them to stop, drop their weapons, and place themselves on the ground. The suspects

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complied and were taken into custody without incident. The three officers were awarded Official Commendations for their rapid response, superb tactics, and excellent decision making.

CITIZEN LETTER OF APPRECIATION

A resident wrote to commend a DPD officer who contacted her following the theft of her bicycle. The locked bicycle, the resident's main mode of transportation, was stolen from her backyard. The officer offered to give the resident his old mountain bike and rode it over to her home the following day. The resident wanted to express her gratitude to the officer for going far above and beyond the call of duty in helping address her situation.

LIFESAVING AWARD

Two officers responded to a report of a woman possibly attempting to jump off a bridge onto Interstate 225. The woman was found sitting on the edge of the bridge, cutting her arm from wrist to elbow. The officers were immediately concerned that she would jump or fall from the bridge, so they approached her from behind, knocked the knife out of her hand, and took control of her arms. After pulling her to a safer location, they called paramedics to treat several cuts on her arms. Because of their quick thinking and decisive actions, the officers were given Lifesaving Awards.

LIFESAVING AWARD

Two officers responded to a report of an unknown female breaking a window to gain entry to a residence. Upon arriving, the officers followed a blood trail to the side of the residence where they found the female wedged under an air conditioner stand. The female was bleeding profusely and the officers discovered that her right arm was nearly amputated just below the elbow. The officers improvised a makeshift tourniquet using a dog leash and applied it to the female, who resisted the officers' aid. The female was transported to the Denver Health Medical Center where the attending physician stated that she would have died from blood loss without the quick thinking of the officers. The officers were given Lifesaving Awards for their actions.

3

Denver Sheriff Department Monitoring

Introduction

The OIM is responsible for monitoring and reporting on patterns in Denver Sheriff Department (“DSD”) complaints and commendations. In this chapter, we review statistical and workload patterns relating to the DSD’s complaints, investigations, findings, and discipline.

Highlights

- The DSD is in the midst of an ongoing comprehensive reform that is addressing nearly every area of the Department’s operations. In 2016, the DSD approved a new Use of Force Policy and provided training on that policy to all sworn staff. The policy will take effect in 2017 once revisions to the DSD Discipline Handbook are completed and approved.
- The number of complaints recorded by the DSD declined substantially between 2015 and 2016. In 2015, 231 complaints were recorded against DSD sworn staff, compared to 170 in 2016.
- The percentage of complaints closed with one or more sustained findings increased between 2015 and 2016. In 2015, 19% of the closed complaints had one or more sustained findings compared to 28% in 2016.
- In 2016, six DSD deputies were terminated and four deputies resigned or retired while an investigation or disciplinary decision was pending.

Receiving Complaints against DSD Deputies

Complaints against sworn members of the DSD generally fall into four categories: community complaints, inmate complaints, management complaints, and employee complaints.

Community Complaints

Community complaints are allegations of misconduct against deputies that are filed by community members. See Appendices A and B which describe how complaints and commendations can be filed, and where OIM complaint/commendation forms are located.

Inmate Complaints

Complaint/Commendation forms are available to inmates housed at DSD correctional facilities. These forms can be completed and mailed to the OIM at no charge to the inmate. Inmates may also file complaints by contacting the OIM by telephone, without charge, from inside any DSD jail.

Management Complaints

DSD management complaints are those filed by a supervisor, command officer, or IAB (as opposed to a community member or inmate).

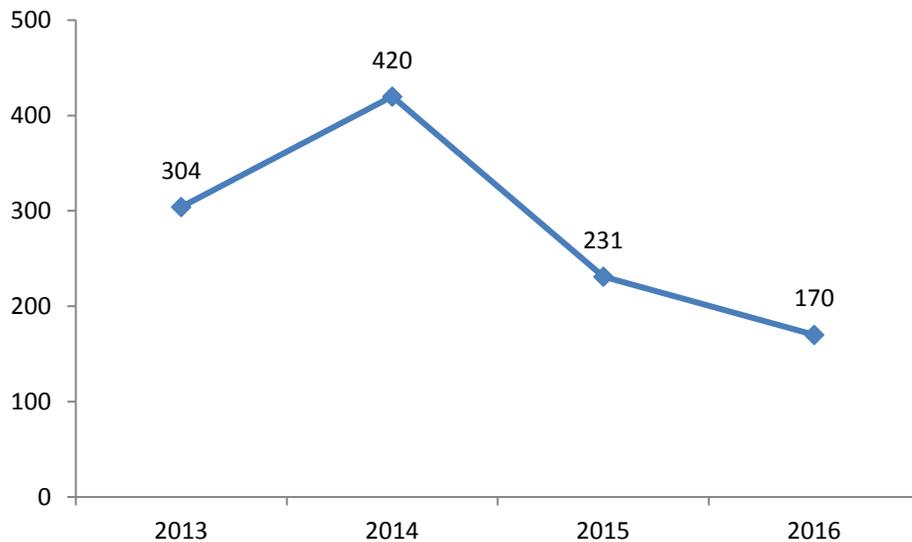
Employee Complaints

Employee complaints are those filed by civilian or non-supervisory sworn employees of the DSD against deputies.

Complaints Recorded in 2016

Figure 3.1 reports the number of complaints recorded by the DSD by year.^{48,49} In 2016, the DSD recorded 170 total complaints against deputies. This represents a 26% decrease from 2015, when 231 complaints against deputies were recorded.

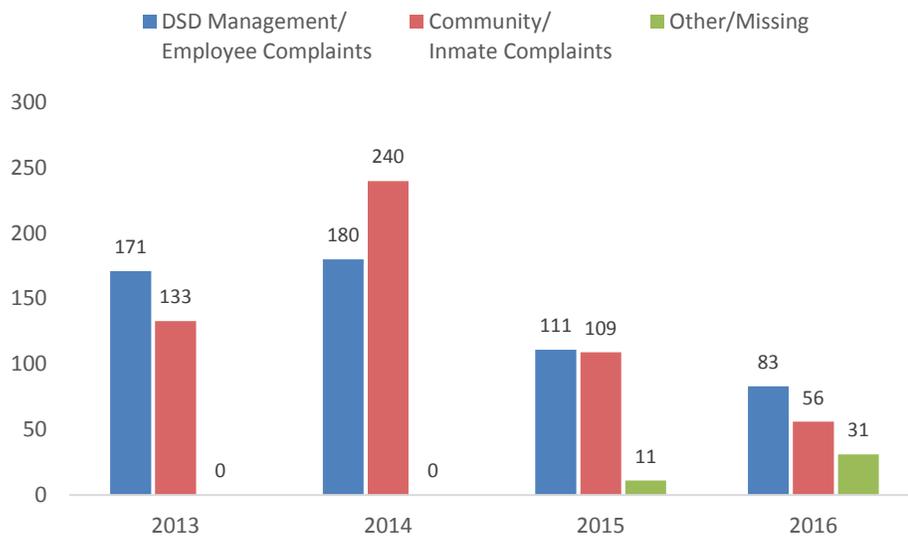
Figure 3.1: Complaints Recorded in 2013–2016



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Figure 3.2 shows the number of complaints recorded against deputies by complaint type and year.⁵⁰ The number of complaints by DSD management and other employees that were recorded in 2016 declined by 25% when compared to 2015, while the number of complaints by community members and inmates declined by 49%.

Figure 3.2: Complaints Recorded by Year and Complaint Type, 2013-2016



The OIM Initiates Review of DSD Grievance and Complaint Handling

The annual total number of complaints recorded by the DSD dropped precipitously from 2014 to 2016, from 420 to just 170, a 60% decrease. As noted in previous reports, the OIM has been monitoring this downward trend in an attempt to understand its causes. While there can be many reasons for fluctuations in complaint patterns, this decrease is especially striking considering rising jail populations in both DSD jails in 2016.^{51,52}

Related, in 2015, the OIM became aware of a large number of inmate complaints that may have required formal investigation but were never entered into IAPro (the DSD's complaint tracking database) and/or provided to the OIM for review. Recognizing that these missing complaints may be a contributor to the overall downward trend in complaint numbers, the OIM expressed concerns in two previous reports.⁵³ The OIM also made multiple requests for copies of these complaints,⁵⁴ but they were not provided to the OIM in response to these requests.⁵⁵

The OIM has previously investigated and reported on issues associated with the intake of inmate complaints by the DSD.⁵⁶ For example, in its 2013 Semiannual Report, the OIM reported that inmate grievances alleging serious deputy misconduct were often not referred to or investigated by DSD IAB, as required by policy. Following that report, the DSD made multiple changes to its policies on the receipt, tracking, triage, and resolution of grievances.⁵⁷ The revised Inmate Grievance Policy now requires that grievances alleging serious misconduct must be forwarded to IAB,⁵⁸ and the OIM must now have access to the electronic recording system for grievances.⁵⁹

To assess whether grievances and complaints are being handled in accordance with those revised policies, in late 2016, the OIM launched a review of the DSD's grievance and complaint handling processes. To facilitate the review, the OIM requested documents from the DSD, including: copies of all complaints and non-medical grievances; tracking documents, conversation logs, and databases maintained by IAB or either jail facility; and documents, memoranda, and e-mails pertaining to complaint and grievance handling policies and practices, dating back to January 1, 2014.⁶⁰ The DSD provided responsive documents to the OIM in November 2016.⁶¹ OIM staff are now analyzing trends and patterns in grievance and complaint handling, and, in partnership with the DSD, look forward to sharing our findings in a future report.

Most Common Complaint Specifications

Table 3.1 reports the most common specifications recorded against DSD deputies in 2015 and 2016.⁶² The most common specification was Inappropriate Force, which prohibits the use of “inappropriate force in making an arrest, dealing with a prisoner or in dealing with any other person.”⁶³ The second most common specification was “unassigned.” Because the DSD finalizes each case’s specifications during the discipline review phase rather than the investigation/review process, 11% of the specifications associated with complaints recorded in 2016 were “unassigned” at the time the OIM extracted data for this report.⁶⁴

Table 3.1: Most Common Specifications in 2015–2016

Specifications	2015	2016
Inappropriate Force	13%	12%
Unassigned	5%	11%
Disobedience of Rule	8%	9%
Unauthorized Leave	14%	6%
Harassment of Prisoners	4%	5%
Full Attention to Duties	4%	4%
Discrimination, Harassment or Retaliation against Prisoners	4%	4%
Conduct Prejudicial	1%	3%
Conduct Prohibited by Law	2%	2%
Discourtesy	6%	2%
Failure to Perform Duties	4%	2%
All Other Specifications	40%	40%
Total	393	339

Note: Columns may not sum to 100 due to rounding.

Complaint Location

Table 3.2 reports the location of the incidents about which complaints were recorded between 2013 and 2016. The largest percentage of recorded complaints (64%) related to incidents occurring at the Downtown Detention Center (“DDC”). This is not unexpected since the DDC houses the greatest number of inmates in DSD custody.

Table 3.2: Location of Complaints by Year Received, 2013–2016

Location	2013	2014	2015	2016
DDC	55%	63%	56%	64%
County Jail	22%	18%	27%	14%
Other Location	21%	14%	13%	17%
Missing Location	2%	5%	4%	5%

Note: Columns may not sum to 100 due to rounding.

Intake Investigations and Screening Decisions

When complaints are filed directly with the OIM, the role of the OIM in the intake process is limited to collecting the complainant’s contact information and the general nature of the complaint. The complaint is then forwarded to DSD IAB for its review and screening decision, which can include any of the following:

Decline

The complaint does not state an allegation of misconduct, the intake review reveals that the incident as described by the complainant does not indicate misconduct, or an initial review of the complaint reveals that there is little or no evidence to support the allegation. No further action will be taken.

Informal

If founded, the complaint results in a debriefing with the subject deputy. This outcome does not necessarily indicate that the deputy engaged in misconduct.

Resolved

DSD IAB or a DSD supervisor was able to resolve the issue without a full, formal investigation or the subject deputies resigned, retired, or were otherwise determined to be disqualified from sworn service while the investigation was pending. No further action was deemed necessary.

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Referred

The complaint is referred to another agency or division for review and handling.

Mediation

The complaint states a relatively less serious allegation of misconduct, such as discourtesy, and those involved might benefit from the opportunity to discuss their interaction. Due to security concerns, the DSD does not mediate complaints filed by inmates.

Formal

The complaint states an allegation of misconduct under DSD policy that requires a full investigation and disciplinary review.

The OIM monitors DSD IAB case screening decisions.⁶⁵ If the DSD resolves, declines, or treats the complaint as an informal, the OIM reviews the completed case and makes any recommendations that may be necessary. If the OIM agrees that the case handling was appropriate, DSD IAB writes a letter to the complainant that explains the outcome. The OIM then forwards DSD IAB's letter to the complainant along with a letter from the OIM.

If a case is referred for a formal investigation, it is assigned to a DSD IAB investigator.⁶⁶ In some serious cases, the OIM may actively monitor and participate in the investigation. In the majority of cases, the OIM will review the formal investigation once DSD IAB has completed its work.

Disciplinary Process and Findings

After the completion of the DSD IAB investigation, the case is reviewed by the DSD Conduct Review Office (“CRO”). The CRO makes an initial finding regarding potential policy or procedural violations, and the OIM then reviews the CRO findings. When the CRO initially recommends that discipline greater than a written reprimand be imposed or when there is disagreement between the OIM and CRO about the initial findings, the deputy may have a Contemplation of Discipline Meeting. At this meeting, the deputy can present his or her side of the story and any mitigating evidence to explain the alleged misconduct. The Sheriff, a DSD Deputy Chief, the Independent Monitor (and/or his representative), the CRO, and a representative from the City Attorney’s Office discuss the case and provide input to the Sheriff to assist him in making his disciplinary recommendations, if any, to the EDOS. The EDOS (and/or her representative) may also be present at this meeting. After this meeting, the Sheriff and the Independent Monitor each make a final recommendation to the EDOS, separately. The EDOS then makes a final decision as to findings and discipline. If the deputy disagrees with the discipline imposed by the EDOS, the deputy may file an appeal with the Career Service Board’s Hearing Office.

Closed Complaints

Figure 3.3 reports the number of complaints closed between 2013 and 2016. The DSD closed 293 complaints in 2016, representing an 8% decrease from 2015, when 319 complaints were closed.⁶⁷

Figure 3.3: Complaints Closed by Year Closed, 2013–2016

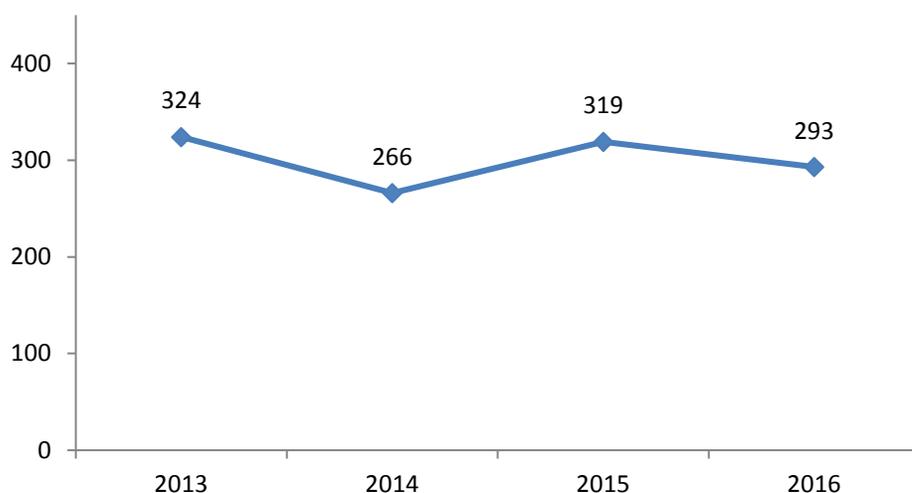


Table 3.3 reports the final disposition of complaints closed between 2013 and 2016. In 2016, a smaller percentage of complaints were declined after an initial review than in 2015 and a higher percentage were closed with one or more sustained findings. In 2015, 54% of complaints were declined while 37% percent of complaints closed in 2016 were declined. Nineteen percent of complaints had at least one sustained finding in 2015, compared to 28% in 2016.

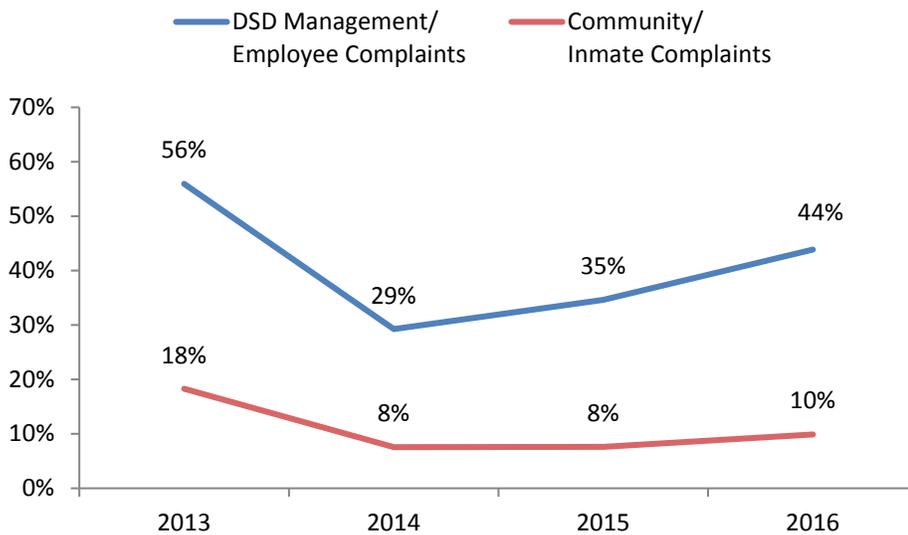
Table 3.3: Findings for Complaints Closed in 2013–2016

Outcome	2013	2014	2015	2016
Declined	26%	42%	54%	37%
Sustained	36%	20%	19%	28%
Informal/Referred/Resolved/Information Only	9%	11%	15%	15%
Not Sustained/Exonerated/Unfounded	29%	27%	11%	20%
Mediation	0%	1%	1%	0%

Note: Columns may not sum to 100 due to rounding.

Patterns in sustain rates vary considerably across different case types. Complaints that are initiated by DSD management or employees tend to result in sustained findings at much higher rates than complaints initiated by community members or inmates (see Figure 3.4).⁶⁸ In 2016, 10% of community member and inmate complaints had one or more sustained findings. The 2016 sustain rate for complaints filed by DSD management or other employees was 44%.

Figure 3.4: Complaints that Resulted in One or More Sustained Findings, 2013-2016



Discipline on Sustained Cases

Table 3.4 reports the number of deputies who retired/resigned prior to a discipline finding or who were disciplined for sustained allegations from 2013 through 2016.^{69,70} The most common forms of discipline in 2016 were suspensions and written reprimands.

Table 3.4: Discipline Imposed by Year of Case Closure, 2013–2016

Discipline	2013	2014	2015	2016
Termination	5	8	4	6
Resigned/Retired Prior to Discipline	4	4	7	4
Demotion	0	0	1	0
Suspension	26	21	24	33
Written Reprimand	15	14	21	25
Verbal Reprimand ⁷¹	39	21	19	6

Significant Disciplinary Cases Closed in 2016⁷²

Terminations

■ On November 24, 2014, a deputy working in a special management unit got into a discussion with an inmate about whether a hardcover shell of a Bible (without pages) was contraband. The deputy told the inmate to lock down and walked the inmate back to his cell. When they got to the cell door, the inmate put his hand on the door frame. In response, the deputy wrapped his arm around the inmate's neck, and violently threw the inmate backwards off his feet. The inmate's head slammed into a nearby metal table, causing injury. The deputy was terminated. He appealed, and a Career Service Hearing Officer modified his termination to a six-day suspension. The Office of the EDOS appealed this decision to the Career Service Board.

■ On July 31, 2015, a deputy was collecting food trays from inmates when an inmate threw his food tray out of the cell door flap. The deputy unnecessarily kicked the door flap while the inmate's hands were visibly extended through the slot. The deputy failed to request medical care for the inmate, and when medical staff checked the inmate days later, there was visible injury to at least one of his hands. The deputy also made deceptive statements about the incident in which he provided contradictory reasons for the kick and misrepresented the position of the inmate's hands. The deputy was terminated. He appealed, and a Hearing Officer upheld his termination in October 2016. The deputy has appealed to the Career Service Board.

■ On January 18, 2016, a deputy unnecessarily used force on an inmate who wanted to use the phone during meal time. The deputy told the inmate several times he could not use the phone, but the inmate ignored him and picked up the phone. In response, the deputy took the phone from the inmate and ordered him to lock down in his cell. After the inmate walked past the deputy, the deputy pushed the inmate in the back. The inmate reacted to the push by turning toward the deputy and taking a step forward and then several steps back. After the inmate backed away, the deputy advanced on him, striking him in the face, taking him down by his neck, and slamming his face into the ground. The deputy had prior discipline for inappropriate force, which was taken into consideration for the discipline decision. The deputy was terminated. He appealed, and the termination was upheld by a Hearing Officer in October 2016. He has appealed that decision to the Career Service Board.

■ A deputy had two cases. In the first case, the deputy was working in a housing pod when he used a racial slur and made racially derogatory comments when talking to inmates. He also told an inmate who had been shot by a DPD officer that he should be “. . . glad the Denver Police shot you instead of me or the Denver Sheriffs, or we would have killed you.” In addition, he called inmates “snitches” for filing grievances. In the second case, the deputy allegedly made derogatory comments about the sexual orientation of some inmates. The deputy was terminated in the first case prior to a disciplinary finding in the second case. He has appealed this decision.

■ A deputy on probationary employment status was terminated on October 10, 2016. A second deputy on probationary employment status was terminated on November 13, 2016.⁷³

Resignations

■ A deputy had four cases. In the first case, on March 24 and 25, 2015, the deputy brought an unauthorized cell phone into a jail pod and used it multiple times, at least once to conduct business for his personally-owned company.⁷⁴ His secondary employment was not authorized by the DSD. During the investigation of the alleged misconduct, IAB discovered that the deputy also failed to conduct required rounds, failed to conduct inmate roll call, failed to properly pat-search inmates, and improperly used the DSD computer. The deputy was suspended for 30 days. In his second case, in January 2016, the deputy allegedly solicited business for his personally-owned company while on-duty. In his third case, the deputy allegedly did not report his secondary employment, as required by DSD policy. In his fourth case, on July 16, 2016, the deputy allegedly violated the law by trespassing in a private residence while intoxicated, leading to his arrest. The deputy resigned prior to disciplinary findings on the second, third, and fourth cases.

■ A deputy had two cases alleging misconduct. In the first case, on December 4, 2015, the deputy was arrested and charged with sexual exploitation of a child in another jurisdiction. The deputy’s criminal charges were ultimately dismissed. In the second case, between April and July of 2015, the deputy is alleged to have misused the NCIC/CCIC criminal records database by querying his own name to investigate whether a warrant for his arrest had been issued. The deputy also allegedly visited and then lived with a relative who is an ex-prisoner, without notifying the Department and receiving departmental permission, as required. He allegedly interfered with a parole officer’s investigation into the living situation of

the ex-prisoner, and engaged in conduct prejudicial to the department. The deputy resigned prior to a disciplinary finding in either case.

■ On February 12, 2016, a captain at the DDC was supervising the search of a housing pod for contraband when an inmate was escorted out of the pod by several deputies. During the escort, the inmate allegedly became resistant, and the captain struck the inmate in the face with a closed fist. The captain retired prior to a disciplinary finding.

■ On April 7, 2016, a deputy is alleged to have improperly stored his firearm in an unsecured drawer in the control center of the courthouse. The deputy resigned prior to a disciplinary finding.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On September 12, 2013, two deputies (“Deputy A” and “Deputy B”) were moving an inmate from one housing unit to a more restrictive unit after the inmate flooded his cell. The deputies handcuffed the inmate from behind and escorted him into an elevator, forcing his head into the corner of the elevator and his face against the rear wall. The restrained inmate began to struggle and attempted to backwards “mule kick” the deputies who were standing behind him on either side. A sergeant who was present told the deputies to take the inmate to the ground. Both deputies then violently and forcefully launched the inmate backwards where he struck the metal floor of the elevator. After a brief struggle on the ground, the inmate was placed onto his stomach and Deputy A placed his knee on the inmate’s upper back/neck area. After two other deputies grabbed the inmate’s legs to carry him out of the elevator, Deputy A picked the inmate up by the handcuffs while the inmate’s arms were still behind him, risking serious injury. Once the deputies got the inmate to the new housing unit, Deputy A placed his knee on the inmate’s head needlessly for approximately two and a half minutes. Deputy A was suspended for 16 days and Deputy B was suspended for 10 days. Both deputies have appealed.

■ On April 21, 2014, a deputy discovered an inmate deceased in his cell. Prior to the discovery, the deputy failed to complete rounds he purported to have conducted. In some cases, he skipped parts of the housing unit altogether. The deputy also failed to adequately conduct some rounds by passing inmate cells without taking notice of conditions inside. The deputy’s failure to conduct rounds had no apparent bearing on the inmate’s death. The deputy was suspended for ten days, and ordered to complete remedial training on conducting and documenting rounds. The deputy appealed that decision, and his appeal was dismissed in September 2016.

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■ On May 23, 2014, a deputy escorted a handcuffed inmate into a sallyport and placed him on a bench. Although the inmate was not exhibiting any active aggression and the deputy had another deputy to assist him, the deputy deployed a burst of oleoresin capsaicin (“OC”) spray directly into the inmate’s eyes. The deputy was suspended for ten days. The deputy appealed that decision, and the appeal was dismissed in June 2016.

■ On November 29, 2014, a deputy working off-duty at a diner followed a person who had been involved in a fight outside of the establishment. The deputy also reviewed security-camera video and then later detained and handcuffed a possible witness because she was not cooperating with his questioning. The deputy violated a DSD policy that generally prohibits deputies from engaging in law enforcement and investigative duties. The deputy was suspended for ten days. He appealed that decision, which was upheld by a Hearing Officer in June 2016. He appealed the Hearing Officer’s decision to the Career Service Board, which affirmed the suspension.

■ On January 5, 2015, a deputy left an unsupervised inmate in an elevator for approximately 36 minutes. The inmate was discovered by a security specialist checking the elevator cameras after the deputy had left for the day. The deputy was suspended for ten days. The deputy appealed that decision, and the suspension was upheld by a Hearing Officer in December 2016. The deputy has appealed this decision to the Career Service Board.

■ On January 18, 2015, a deputy became frustrated with an inmate for repeatedly asking the deputy to look up information related to his release. The deputy instructed the inmate to sit in the sallyport and not talk to other inmates. The inmate allegedly disobeyed the order by failing to stay seated and talking to inmates outside of the sallyport. The deputy then moved him to another sallyport, handcuffed him to a bench, and left him alone as punishment, in violation of the DSD policy on the use of restraints. The deputy was suspended for 16 days, and appealed this decision. In September 2016, a Hearing Officer modified the discipline to a ten-day suspension. Both the deputy and the Office of the EDOS appealed that decision to the Career Service Board.

■ In March of 2015, a deputy was assigned to work regular ten-hour shifts with the Saturday morning work crew at the jail. Instead of working the full ten hours, the deputy left two hours early on 13 separate occasions without supervisor approval and without using leave time for the hours he did not work. The deputy was suspended for 30 days and was fined 36 hours of vacation time to pay the city back for time for which he was paid and did not work.

- On May 5, 2015, a deputy used inappropriate force by pulling the hair of an intoxicated, suicidal, and naked inmate when no force was required. The deputy was suspended for ten days. The deputy appealed that decision, and the suspension was upheld by a Hearing Officer in September 2016. The deputy has appealed this decision to the Career Service Board.
- On October 7, 2015, a deputy was speaking with a co-worker when a security specialist told him she was unable to hear her radio. The deputy responded with racial epithets, offending the security specialist. The deputy was suspended for ten days.
- On October 17, 2015, a deputy working in a medical unit at the DDC told a suicidal inmate to “just die” when the inmate asked him what he should do. When a nurse walked by moments later, the deputy giggled and told her that what he had said was not very professional. The deputy was suspended for ten days. The deputy appealed the decision, and it was reversed by a Hearing Officer in December 2016. The Office of the EDOS has appealed that decision to the Career Service Board.
- On November 23, 2015, a deputy was assigned to work at the DDC when the deputy’s supervisor could not locate him. The deputy was absent from duty for approximately two and a half hours. The supervisor did not give him permission to be off post during that time. The deputy was suspended for 16 days.
- On December 1, 2015, there was a serious staffing shortage at the DDC. A deputy working at the county jail was ordered by his supervisor to report to the DDC to provide assistance. However, the deputy refused the supervisor’s direct order and failed to report to the DDC. The deputy was suspended for ten days.
- On January 26, 2016, a deputy failed to report for duty at the DDC without authorization and without confirming that another deputy could cover his shift. His absence resulted in the facility being short staffed, requiring a supervisor to shut down the scout van for the day and leave a housing pod short staffed. The deputy was suspended for ten days.
- On April 17, 2016, a deputy was working in a housing unit when an inmate attempted suicide by cutting his wrists with a razor blade in the shower area. The deputy failed to do a required round in the unit just prior to the inmate’s suicide attempt. The deputy also submitted an inaccurate report in which she purported to have completed the missed round. The deputy was suspended for ten days and ordered to complete remedial rounds training, and has appealed this decision.

■ On June 9, 2016, a deputy was inside the control center of the courthouse with several other employees when she carelessly handled her firearm. The deputy pulled out her firearm and racked it to clear it of ammunition in the control center instead of in an area provided for clearing weapons outside of the building. She then walked to a corridor where inmates are often present with her firearm in her hand with the slide locked back. The deputy then re-entered the control center and reloaded her firearm. The deputy was suspended for 30 days.

Appeals of Significant Discipline Imposed Prior to January 1, 2017, and Filed With and/or Decided by the Career Service Board in 2016⁷⁵

■ On March 14, 2014, a deputy from a neighboring jurisdiction was at the Denver County Jail to transport an inmate to the other jurisdiction. While the deputy was attempting to take custody of the inmate, the inmate refused to cooperate and became involved in a physical struggle with the deputy. A DSD deputy who was standing in close proximity failed to offer any assistance during the struggle, which lasted for at least three minutes. The DSD deputy was suspended for ten days. The deputy appealed, and a Hearing Officer reversed the decision in March 2016.

■ In May 2014, a jail camera captured video of an incident involving three deputies. One deputy (“Deputy A”) allowed two inmate workers to conduct pat searches of numerous other inmates. The inmate workers also restrained inmates in physical holds to prevent their free movement. One inmate worker is seen on video kicking an inmate’s foot, causing the inmate’s knee to buckle. This behavior took place in front of Deputy A’s desk while he remained seated and failed to intervene, despite the protests of multiple inmates. Deputy A and another deputy (“Deputy B”) also made deceptive statements to IAB during its investigation of the incident. In a separate incident, Deputy A allegedly failed to write a required report after being present when force was used on an inmate. Deputy A was terminated for the first incident, thus a disciplinary decision was not reached for the second incident. Deputy B was also terminated. A third deputy (“Deputy C”), who was also alleged to have been involved in the first incident, resigned prior to the completion of the investigation. A Hearing Officer upheld both terminations in June and April of 2016, respectively. Both deputies appealed, and the Career Service Board upheld both terminations. Both deputies have appealed to the Denver District Court.

On June 15, 2014, a deputy used a racial epithet multiple times when referring to an inmate.⁷⁶ This was overheard by other inmates who began yelling at the deputy, causing unrest in the housing unit. In writing a report about the incident, the

deputy failed to include the derogatory comment or the related disturbance in the housing pod. The deputy instead attempted to blame the inmate to whom the comment was made for the unrest. The deputy was suspended for 30 days. The deputy appealed this decision, and a Hearing Officer reversed the suspension in April 2016. The Office of the EDOS appealed that decision, but ultimately withdrew the appeal.

■ On June 15, 2014, an off-duty DSD captain was arrested for an alleged domestic violence incident. Following an arraignment on June 16, 2014, the captain was issued a personal recognizance bond with pre-trial services as a condition of the bond. Although a DSD acting division chief had been given direct orders by the Sheriff not to give the captain any preferential treatment, certain evidence indicated that he allowed the captain to leave the courtroom without following the proper procedure for releasing inmates, which would have required the captain to return to the jail to complete paperwork and to check in with pre-trial services. The acting division chief also allegedly made deceptive statements during IAB's investigation of the incident. He was terminated, appealed this decision, and his termination was upheld by a Hearing Officer. He appealed that decision to the Career Service Board, which upheld his termination in May 2016. The acting division chief has appealed the Career Service Board's decision to the Denver District Court.

■ In July 31, 2014, while being tasked with providing courtroom security during a murder trial, a deputy was instead seated, with her head down, looking at two cell phones and visiting internet sites. The deputy was suspended for ten days. The deputy appealed that decision, and a Hearing Officer reduced the discipline to a written reprimand in March 2016. The Office of the EDOS appealed that decision, and the Career Service Board reinstated the suspension in July 2016.

■ On September 4, 2014, a captain, a major, and several other deputies responded to the cell of a severely mentally ill inmate who needed to be moved to a cell with a video camera. The inmate was disoriented and incoherent, and was repeatedly saying the word "cigarette." The major obtained a cigarette (a contraband item inmates are prohibited from possessing) and gave it to the captain to coax the inmate from the cell without having to use force. After the inmate had already accompanied deputies to a camera cell without any use of force the captain gave the inmate the cigarette. Two deputies wrote reports about the incident omitting that a captain had given the inmate a cigarette. The major and the two deputies were suspended for two days. The captain was demoted to the rank of sergeant. He appealed that decision, and a Hearing Officer reversed the demotion in December 2015. The Office of the EDOS appealed that decision, and the Career Service

Board reinstated the demotion in July 2016. An appeal is pending with the Denver District Court.

Timeliness

Timeliness in the investigation and disciplinary review of misconduct complaints is critical for ensuring public confidence in the ability of a department to hold itself accountable. Allowing administrative investigations to languish may prevent a department from acting to quickly correct or deter deputy misconduct, may lower morale, and tends to undermine public and department trust in the complaint process.

Table 3.5 shows mean processing times, in days, for different case types recorded by the DSD in 2015 and 2016.⁷⁷ The DSD saw significant improvements in processing times in 2016. Average processing times decreased by 43% between 2015 and 2016. IAB cases recorded in 2015 were closed within an average of 153 days, compared to 87 days for cases recorded in 2016. Complaints still open at the time the OIM extracted data for this report had an average age of 92 days.

Table 3.5: Mean Processing Days, by Case Type, 2015-2016

Case Type	2015	2016
All IAB Cases	153	87
Declined/Informal/Referred/ Resolved/Mediation	85	67
Full Formal Investigations	102	113

Complainant Demographics and Complaint Filing

Table 3.6 presents the demographic characteristics for the 63 unique inmate and community complainants whose complaints were recorded in 2016.⁷⁸ Complainants who filed multiple complaints were counted only once in this table. Table 3.6 also reports the number of community members with multiple complaints against DSD deputies recorded in 2016. Most complainants filed only a single complaint (98%) while one complainant filed two or more complaints.⁷⁹

Table 3.6: Complainant Demographic Characteristics

Gender	Count	Percent
Male	53	84%
Female	7	11%
Unknown	3	5%
Total	63	100%
Race	Count	Percent
White	28	44%
Black	16	25%
Hispanic	9	14%
Asian or Pacific Islander	1	2%
American Indian or Alaskan Native	0	0%
Missing	9	14%
Total	63	100%
Age	Count	Percent
0 - 18	0	0%
19 - 24	12	19%
25 - 30	15	24%
31 - 40	16	25%
41 - 50	6	10%
51+	3	5%
Missing	11	17%
Total	63	100%
Number of Complaints Filed	Count	Percent
One Complaint	62	98%
Two or More	1	2%
Total	63	100%

Note: Columns may not sum to 100 due to rounding.

Deputies Receiving Multiple Complaints

Complaints per Deputy

Approximately 76% of DSD deputies had no complaints recorded against them in 2016 (this excludes a number of complaints where IAB did not identify the subject deputy or the subject deputy was unknown). Nineteen percent of DSD deputies received one complaint and approximately 5% of deputies had two or more complaints.

Table 3.7: Number of Complaints Recorded Against Deputies by Year Received, 2013-2016

Number of Complaints	2013	2014	2015	2016
0	74%	62%	73%	76%
1	21%	24%	20%	19%
2	4%	9%	5%	3%
3	1%	3%	1%	1%
4 or More	< 1%	2%	1%	< 1%
Total Sworn Employees*	707	722	690	775

*Note: Counts of DSD sworn employees provided by the DSD administration.

Force Complaints per Deputy

Slightly more than 5% of DSD deputies received one or more complaints that included an inappropriate force allegation in 2016 (see Table 3.8).

Table 3.8: Deputies Receiving Inappropriate Force Complaints by Year Received, 2013-2016

Number of Complaints	2013	2014	2015	2016
0	96%	88%	93%	95%
1	4%	10%	7%	5%
2	< 1%	1%	1%	< 1%
3 or More	0%	< 1%	0%	< 1%
Total Sworn Employees*	707	722	690	775

*Note: Counts of DSD sworn employees provided by the DSD administration.

Sustained Complaints per Deputy

The majority of DSD deputies (88%) had no sustained complaints in 2016, while 10% had one sustained complaint. Fewer than 3% had more than one sustained complaint in 2016 (see Table 3.9).

Table 3.9: DSD Deputies with Sustained Complaints by Year Closed, 2013–2016

Number of Complaints	2013	2014	2015	2016
0	86%	93%	88%	88%
1	12%	7%	11%	10%
2	1%	< 1%	1%	2%
3 or More	< 1%	0%	< 1%	< 1%
Total Sworn Employees*	707	722	690	775

*Note: Counts of DSD sworn employees provided by the DSD administration.

Commendations and Awards

The OIM typically reports summary data and synopses of commendations awarded to deputies during the reporting period. The DSD did not supply information on commendations for 2016, but provided the following statement:

It is the policy of the Denver Sheriff Department (DSD) to recognize and officially commend employees, individuals and/or groups who display outstanding acts in the performance of duty or service through the official issuance of commendations, letters or certificates of appreciation, recognition, awards of service, achievement, and awards for valor. Commendations, letters of appreciation, recognition, awards of service, achievement and awards for valor are important for public relations as well as motivation and morale factors for DSD employees and other outstanding individuals. The Department expects a high level of professional conduct from all employees. Sometimes members of the Department and, or non DSD individuals perform their duties or perform acts that go above and beyond the highest standards of the Department; these employees and individuals should be recognized. These recognitions are to include persons who perform special services for the Department, for the inmates or for the community.

In 2016, the DSD was funded for a new unit called the Data Science Unit who will be responsible for reporting on department statistics; such as the number of commendations issued to DSD employees. The new Data Science Unit Manager is in the process of hiring the approved staff and establishing the goals of the unit. Once this occurs and the employees in the unit have been trained, DSD will be able to provide the data for this section of the OIM report. We look forward to sharing the positive work that our staff do on a daily basis with the community that we serve. Thank you.⁸⁰

The OIM looks forward to working with the new Data Science Unit on this topic in the future.

4

Critical Incidents

Introduction and Overview

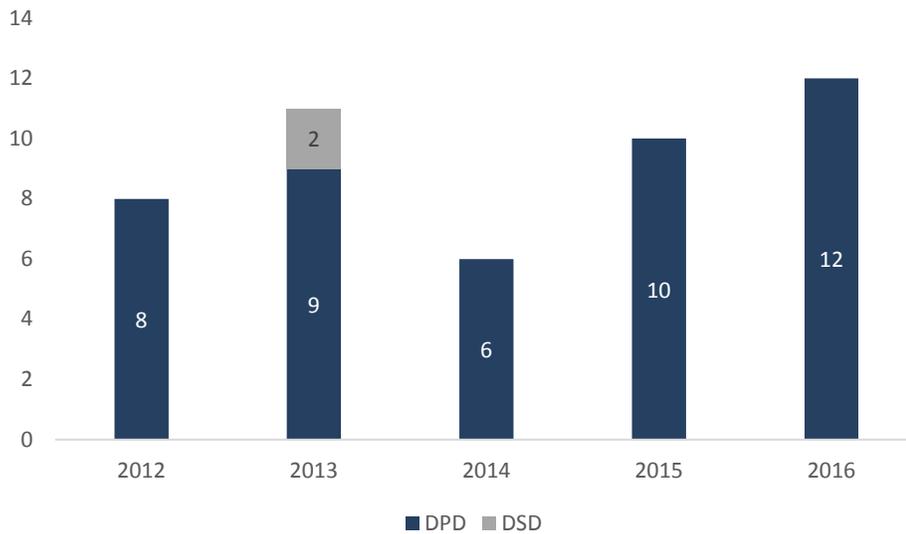
Officer-involved shootings (“OISs”) and deaths in custody (collectively “critical incidents”) can have a profound impact on the lives of both community members and officers, and on the overall relationship between law enforcement and the community. All investigations into critical incidents should be completed thoroughly and efficiently, with a goal of determining whether the incidents were handled lawfully and according to Department policy. To promote transparency in the investigation and review of critical incidents, the OIM publishes regular reports regarding the status of investigations into critical incidents.

In all critical incidents, the DPD’s Major Crimes Unit and the Denver District Attorney’s Office immediately respond to the scene to begin an investigation to determine whether any person should be held criminally liable. The OIM also generally responds to the scene for a walk-through and debriefing from command staff. Major Crimes detectives interview civilian witnesses and involved officers, and obtain video and documentary evidence. The OIM monitors all interviews by video and may suggest additional questions at the conclusion of each officer interview. After the criminal investigation is complete, the administrative review process begins.

Patterns in Officer-Involved Shootings

On pages 66-71 of this chapter, we examine every 2016 OIS for adherence to Departmental policy. Prior to describing each individual shooting, we examine patterns in the number of intentional shootings (“Officer-Involved Shootings” or “OISs”) of citizens by the DPD and DSD annually, as well as key characteristics of shootings that occurred in 2016.

Figure 4.1: DPD and DSD Officer-Involved Shootings by Year, 2012-2016



In 2016, there was an increase in the number of OISs among DPD officers compared to previous years (see Figure 4.1). There were 12 shootings involving DPD officers, and no shootings involving DSD deputies. The DPD completed its critical incident administrative review for six OISs from 2015 and six OISs from 2016, and all were found to be within policy. Table 4.1 presents outcomes and characteristics of officers involved in the intentional shootings that occurred in 2016, and Table 4.2 contains outcomes, locations, and characteristics of community members involved in those shootings.

Table 4.1: 2016 Officer-Involved Shooting Characteristics: DPD Officers

Intentional Shootings (OISs)	
Total Officer-Involved Shooting Incidents	12
Officers Involved	18
Rank of Officers	
Officer	11
Corporal	2
Technician	1
Detective	3
Sergeant	1
Years of Service of Shooting Officers	
0-5 years	5
6-10 years	3
11-15 years	6
16-20 years	3
21+ years	1
Assignment of Shooting Officers	
District 1	7
District 2	1
District 3	1
District 4	2
District 5	2
District 6	3
Gang	1
Metro/SWAT	1
Race/Gender of Shooting Officers	
White Male	12
White Female	2
Hispanic Male	3
Black Male	1

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Table 4.2: 2016 Officer-Involved Shooting Characteristics: Outcomes, Locations, and Community Members

Intentional Shootings (OISs)	
Total Officer-Involved Shooting Incidents	12
Community Members Involved	13
Results of Shots Fired	
Community Member Fatalities	6
Community Member Non-Fatal Injuries	5
No Injury	2
Location of Shooting Incidents	
District 1	3
District 2	2
District 3	1
District 4	2
District 5	1
District 6	3
Race/Gender of Community Members	
White Male	6
Black Male	4
Hispanic Male	3

Critical Incidents: Denver Police Department

Administrative Review of Critical Incidents Involving DPD Officers

Once the District Attorney's Office has made a decision regarding the filing of criminal charges against anyone involved in an incident, the Major Crimes Unit reports are submitted to DPD IAB to commence the administrative review. The OIM confers with IAB to determine whether further investigation is necessary to assess potential violations of Department policy. Once all relevant evidence is gathered, the case is submitted to a DPD Use of Force Review Board to determine whether there were any violations of the DPD's use of force policies. The OIM is present at all Use of Force Review Board proceedings and deliberations.

If the Use of Force Review Board finds that the officer's actions were in compliance with DPD policy ("in-policy"), the case is forwarded to the Chief of Police. If the Chief and the OIM agree that there were no policy violations in non-fatal shootings, the case is closed and no further administrative action is taken. In fatal shootings, the EDOS makes the final determination.

If the Use of Force Review Board finds that the officer's actions were in violation of any Department policy ("out-of-policy"), the officer is given an opportunity to respond to the allegations and provide mitigating evidence at a Chief's Hearing. Both the Chief's disciplinary recommendation and that of the OIM are forwarded to the EDOS for his or her consideration.

If the OIM disagrees with a recommendation made by the Use of Force Review Board or the Chief of Police, the OIM recommendation will be forwarded to the EDOS, who makes the final decision regarding critical incidents.

DPD Officer-Involved Shootings in 2016

Incident #1

On January 11, 2016, two District 1 officers were patrolling a hotel parking lot when they located a stolen vehicle. One of the officers entered the lobby of the hotel to investigate, while the other officer stayed in the police car (“Officer A”). While in the lobby, the first officer noticed a female customer attempting to commit a possibly fraudulent transaction with a credit card that had been cut in half. The officer learned that the female was associated with a different sport utility vehicle (“SUV”) in the hotel parking lot. A third officer radioed Officer A and asked him to pull up behind the SUV.

As Officer A stopped behind the SUV, a male exited from the passenger side. Officer A got out of his police car to contact the male, and observed that the male was holding a handgun. Officer A drew his own handgun and announced “gun” on the police radio.

At that time, another officer (“Officer B”) arrived, parked behind the passenger side of the SUV, and saw the male suspect. Officer B jumped out of his police car, and then saw that the male was holding a gun. Officer B drew his weapon, and ordered the male to drop his gun. Officer B said that the male started turning the muzzle toward him. Officer B then started firing.

After Officer B fired, the male lunged into the front passenger side of the SUV. Officer A, who was standing on the driver’s side of the SUV, stated that he saw the male suspect’s gun pointed at him. Officer A fired multiple shots from the driver’s side of the SUV, aiming at the suspect. The male was struck multiple times, resulting in his death. Ballistic evidence revealed that the male had fired a shot from inside the SUV through its front windshield.

The Denver District Attorney (“DA”) reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸¹ The Use of Force Review Board met on August 3, 2016, and determined that the shooting was in-policy. The OIM deferred to the Board’s decision.

Incident #2

On February 22, 2016, officers were dispatched to a burglary-in-progress call involving two male suspects. Two officers saw the suspects in an alley and pulled in to investigate. Officer A took the first suspect into custody, and the second suspect fled on foot. Officer B followed the fleeing suspect on foot, when a third officer joined the foot pursuit. The suspect fired a handgun at Officer B, and she returned fire. The officer was shot but survived. After the shots were fired, Officer C caught up to the suspect and fired multiple times.

The suspect then fled, carjacked a vehicle, and drove away. Officers pursued the suspect in their police vehicles. Eventually, the suspect jumped a curb and crashed the vehicle. One of the officers pursuing the stolen vehicle rammed into it with her police car to prevent him from leaving. The suspect exited the vehicle and fired at the officers as he ran away. Officers exchanged gunfire with the suspect, who was struck multiple times, resulting in his death.

The Denver DA reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸² The Use of Force Review Board met on December 14, 2016 and determined that the shooting was in-policy. The OIM concurred with that assessment.

Incident #3

On April 12, 2016, officers assigned to the DPD's Fugitive Unit located a suspect wanted for armed robbery who was driving a vehicle with two passengers. The Fugitive Unit requested that Metro/SWAT officers conduct the arrest. The suspect drove to the 1300 block of Bannock Street where both passengers got out of the vehicle. Metro/SWAT officers converged on the vehicle to make the arrest.

One officer positioned his police car in front of the suspect vehicle. That officer exited his car and stood behind his driver's front door for protection. Looking through the suspect's front windshield, the officer pointed his weapon and ordered the suspect to show his hands. The officer said the suspect did not comply, and instead shook his head "no." At one point, the officer believed the suspect was reaching for a gun, and he stated that the suspect suddenly brought both his hands together above the steering wheel. The officer believed that the suspect was holding a gun and was beginning to point it toward him. The officer fired seven shots at the suspect, striking him three times, resulting in his death. No gun was found in the suspect's vehicle or in his possession.

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The Denver DA reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸³ The Use of Force Review Board met on February 22, 2017 and determined that the shooting was in-policy. The OIM deferred to the Board's decision.

Incident #4

On June 12, 2016, a suspect called 911 and threatened to shoot police officers. The suspect also allegedly threatened several citizens from his balcony with a weapon that was described as a shotgun. When police arrived, the suspect allegedly pointed the weapon at officers. Three officers fired at the suspect. The suspect was struck once, but survived.

The Denver DA reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸⁴ The Use of Force Review Board met on February 22, 2017 and determined that the shooting was in-policy. The OIM concurred with that assessment.

Incident #5

On June 25, 2016, officers responded to a domestic violence incident. Upon arriving, officers allegedly saw the suspect point some type of a gun at the officers from the doorway of the residence. An officer fired at the suspect but missed him. The suspect ran away and was apprehended nearby. A BB/pellet gun was found in the house at the original location. The DPD Use of Force Review Board met on December 14, 2016, and determined that the shooting was in-policy. The OIM concurred with that assessment.⁸⁵

Incident #6

On July 10, 2016, two males got into a verbal altercation outside a residential building in downtown Denver. The altercation turned into a physical fight. A nearby security guard attempted to break up the fight by deploying pepper spray, but was unsuccessful. While the security guard attempted to break up the fight, one of the males involved ran down the street, where he stopped at a vehicle and opened the trunk. Moments later, he can be seen on camera returning toward the location of the fight holding a handgun. The security guard caught the attention of a detective working off-duty at a nearby bar. Shortly afterwards, the detective saw one of the men raise a handgun and start firing it in the direction of the crowd.

The detective yelled at the gunman to get on the ground, but the gunman continued to fire at the crowd. When the gunman did not comply, both the detective and the security guard, who was also armed, fired at the gunman. Both the gunman and his brother, who was involved in the physical fight and standing next to the gunman at the time of the shooting, were shot and wounded.

The Denver DA reviewed the incident and declined to file charges against either the officer or the security guard. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸⁶ The case is currently under administrative review.

Incident #7

On July 31, 2016, an officer was searching for a suspect seen running from a car that was believed to have been involved in a shooting the day before. The officer spotted the suspect jogging down an alley and grabbing at his waistband as if reaching for a weapon. The officer yelled for the suspect to show his hands and get on the ground, but the suspect continued to run. The officer and his partner rounded a corner and took cover behind two vehicles. The officer heard a noise from between two houses in the dark that he knew to be someone racking the slide of a gun, so he used his weapon mounted flashlight to illuminate the area and saw the suspect caught on a fence. The officer yelled for the suspect to show his hands, but the suspect instead raised a gun and pointed it at the officer. Both the suspect and the officer fired their weapons. The suspect sustained a non-lethal gunshot wound to his lower abdomen. The officer was unhurt.

The Denver DA reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸⁷ The Use of Force Review Board met on February 22, 2017 and determined that the shooting was in-policy. The OIM concurred with that assessment.

Incident #8

On August 16, 2016, a sergeant radioed for police assistance after he spotted a car known to have been stolen in an armed car-jacking two days prior. The sergeant followed the car for a short distance, but, due to traffic, was unable to keep up. A corporal responding to the call spotted the car in a parking lot, backed up to a chain-link fence. The corporal pulled his police SUV to face the car, got out with his weapon drawn, and yelled for the car's occupants to show their hands. Two backseat passengers and the driver, who was armed with a handgun, got out of the

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car and began running. The officer chased the driver toward the chain-link fence. The two passengers attempted to escape by going over the chain-link fence, and the corporal was concerned that the armed driver would attempt to escape as well. The corporal fired his gun multiple times at the driver, striking him in the ankle. The driver, who was a juvenile, survived his injury.

The Denver DA reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸⁸ The case is currently under administrative review.

Incident #9

On August 27, 2016 two officers responded to a 911 call that a man had been stabbed at his home by a suspect who was wanted by police. When the officers arrived at the home, the suspect came out of the house, saw the officers, and ran back inside to a bedroom on the second floor. The officers entered the home, and Officer A drew his handgun and Officer B drew his Taser. At the closed door of the second story bedroom, the officers heard a woman who was crying say, “[D]on’t do this,” and then scream. Fearing that the woman was being attacked, the officers opened the door and observed the suspect, who was in the room with two other people, holding a large black knife that he began swinging at the officers. Officer A pointed his gun at the suspect and shouted commands for the man to put down the knife. The suspect refused to comply and instead said that he was, “not going back.” The suspect began throwing items in the room at the officers while the officers continued to tell the suspect to put the knife down. At one point, the suspect charged at the officers with the knife and Officer B deployed his Taser, stopping the suspect momentarily. However, the suspect was able to remove the Taser probes. The officers retreated down a hallway when the suspect, still armed with the knife, came out of the bedroom and advanced on the officers shouting, “Just kill me, shoot me!” Officer A again told the suspect to put the knife down. When he did not, Officer A fired his weapon several times, striking and killing the suspect.

The Denver DA reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁸⁹ The case is currently under administrative review.

Incident #10

On August 31, 2016, several officers responded to a house after receiving a 911 call that a wanted suspect was inside. The 911 caller indicated the suspect, her son, had

a stolen truck and was likely to try and run from police. Upon arrival, one of the occupants indicated that the suspect was in a bedroom. Officers A, B, and C went inside the house while other officers took positions outside of the house. Two officers opened the bedroom door and observed that the suspect had fled out of a bedroom window. Officers A, B, and C ran out of the house to chase the suspect. Officer A followed the suspect over a fence but then lost sight of him. Officer B, who had run to his patrol car, observed the suspect making his way to the stolen truck and attempting to get inside. Officer B blocked the driver's side of the truck with his patrol car, jumped out of his car, and grabbed the suspect, pulling him to the ground. Officer B straddled the suspect and was holding him down with his body weight. Officers C and D attempted to assist Officer B in controlling the suspect. The suspect allegedly grabbed Officer B's gun while it was still in the holster. Officer B yelled "He's got my gun!" Officer A, who had made his way to the struggle, drew his weapon when he heard a shot as Officer B's gun went off.⁹⁰ Believing Officer B had been shot, Officer A fired at the suspect twice, shooting him in the head and killing him. No officers were injured.

The Denver DA reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁹¹ The case is currently under administrative review.

Incident #11

On September 5, 2016, a detective received information regarding the location of a suspect wanted for several bank robberies. After the detective and two other officers located the suspect, the suspect fired his gun in the direction of one of the detectives and two bystanders. The detective returned fire, missing the suspect. No injuries were sustained and the suspect was arrested. The shooting is currently under review by the Denver DA.

Incident #12

On November 8, 2016, officers from Denver and another jurisdiction were attempting to locate a homicide suspect when an officer-involved shooting occurred. An officer from the other jurisdiction was shot and survived. The suspect was shot and killed. The shooting is currently under review by the Denver DA.

DPD Accidental Shootings in 2016

Accidental Shooting #1

On January 27, 2016, a Metro/SWAT officer was instructing a class and accidentally discharged his firearm into an empty room. There were no injuries. The technician was fined two-days' time for careless handling of a firearm.

Accidental Shooting #2

On February 22, 2016, a Metro/SWAT officer was participating in a search of a house related to a burglary where one of the suspects had shot a police officer (see 2016 Incident #2). When the technician was searching the basement, he accidentally discharged his weapon. The firearm was pointed at the floor at the time, and no one was struck. The technician was fined two-days' time for careless handling of a firearm.

Accidental Shooting #3

On July 28, 2016, an officer responded to provide cover for other officers who had stopped a suspected stolen vehicle. As the officer was getting out of his car and drawing his gun, he allegedly accidentally discharged his weapon when his hand inadvertently struck the car frame, causing him to pull the trigger. No one was injured in the shooting.

The Denver District Attorney reviewed the incident and declined to file charges against the officer. The case is currently under administrative review.

DPD In-Custody Deaths in 2016

2016 Incident #1

On January 12, 2016, officers were dispatched to a home and observed a female who was partially hanging out of a second-story window apparently having a psychotic episode. She refused to open her locked apartment door, so officers attempted negotiations. The woman fell from the window into the apartment, and the officers forced entry into the apartment. She became unresponsive, and was transported to the hospital. She had several lacerations, likely caused by broken glass from the window out of which she had been hanging. Police officers also found a small razor blade with blood on it on the floor below the window.

The woman was pronounced dead on January 28, 2016. The cause of death was complications from intoxication by the combined effects of ethanol and methamphetamine with recent cocaine intoxication. The incident was investigated by the DPD's Major Crimes Division and reviewed by IAB, which determined that the officers involved did not violate any department policies or procedures. The OIM concurred with that assessment.

DPD Critical Incidents Closed in 2016

2015 Incident #1

On January 26, 2015 at approximately 6:30 a.m., a civilian called the police to report a suspicious vehicle parked in an alley in the Park Hill neighborhood. The vehicle was facing northbound, and Officer A pulled into the alley from the north. Officer A discovered that the vehicle had been reported stolen, which he radioed to dispatch. Soon after, Officer B entered the alley from the south behind the stolen vehicle.

Officer A turned on his emergency lights and drove closer to the front of the stolen vehicle. He got out of his police car, stood behind the driver's door, drew his weapon, and yelled, "Police! Get out of the vehicle!" The vehicle began slowly backing up. It then changed directions, and drove forward, toward Officer A. The vehicle then reversed again, turning at an angle toward a fence on the west side of the alley. The back of the vehicle crashed into a trash container and the fence. The vehicle stopped momentarily, and Officer A moved toward it. When Officer A was approximately 10 feet from the vehicle, he heard the engine rev, and the vehicle accelerated toward him. Officer A said the vehicle came within inches of him, and

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he hit the hood of the car with his left hand, pushing himself away from it. Officer A fired five shots, one of which struck the driver. Officer B heard Officer A fire several shots. Concerned for Officer A's safety, Officer B fired three shots at the driver, two of which struck the driver. The driver of the vehicle died as a result of her gunshot wounds. None of the other four passengers were struck.

The Denver DA reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁹² The Use of Force Review Board met on January 27, 2016 and evaluated the shooting under the policy on shooting into moving vehicles that was in place at the time of the shooting, which has since been significantly modified (see Chapter 1 of the OIM's 2015 Semiannual Report). The Use of Force Review Board determined the shooting to be in-policy.

One day after this shooting, the OIM announced its launch of an evaluation of the DPD's policies, practices and training regarding shooting into moving vehicles.⁹³ As reported in the OIM's 2015 Semiannual Report, the OIM ultimately concluded that DPD policy lacked a straightforward prohibition against shooting into moving vehicles,⁹⁴ a recommended best practice.⁹⁵ In June 2015, the DPD published a revised Use of Force Policy that now generally prohibits shooting into moving vehicles.⁹⁶ Because that revised policy was not in effect at the time of this shooting, this case was evaluated for compliance with the previous policy on shooting into moving vehicles. On January 23, 2017, the DPD announced that "the officers involved in the incident used appropriate force in compliance with the departmental policies and procedures that existed at the time of the incident."⁹⁷ Because the policy that was in effect at the time of the shooting was vague and not consistent with best practices, the OIM concluded that the DPD's determination was not unreasonable. The OIM will continue to work with the DPD to monitor its training on shooting into moving vehicles, as well as its enforcement of the new policy.

2015 Incident #2

On May 25, 2015, shortly before midnight, two officers in separate vehicles responded to a 911 call that a man was brandishing a semi-automatic pistol at bystanders in downtown Denver. Officer A observed the suspect holding a gun, so he exited his police car and moved around to the rear passenger side for cover. The officer drew his service weapon and yelled, "Police, drop the gun!" Officer A saw the suspect raise his gun hand up and then heard a gunshot. Both he and Officer B (the cover officer) returned fire, and the suspect ran away. Minutes later, other officers apprehended the suspect. The suspect sustained a gunshot wound in the lower right arm, but survived.

The Denver DA reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁹⁸ The Use of Force Review Board met on June 8, 2016, and determined the shooting to be in-policy. The OIM concurred with that assessment.

2015 Incident #3

On August 22, 2015, Officer A, while driving an unmarked police car, observed a vehicle commit a traffic infraction. The officer learned that the vehicle had been forcibly stolen at gun point earlier that morning in a carjacking. The officer observed the vehicle enter an alley going northbound. The officer did not follow the vehicle, instead driving to the north and entering the alley heading southbound. The officer saw the suspect vehicle in the alley heading toward him. The officer radioed for a marked police car to enter the alley from the south, behind the vehicle. A marked police car with two officers soon pulled into the alley behind the suspect vehicle, boxing it in. The suspect vehicle backed into the marked unit. Three males then quickly exited the vehicle. All three officers had exited their police cars, and Officer B saw one of the suspects allegedly pull out a gun and point it in the direction of Officer A. Officer B yelled, “Gun!” Officers A and B fired their weapons at the suspect. The suspect was struck at least twice, but survived.

The Denver DA reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).⁹⁹ The Use of Force Review Board met on April 27, 2016, and determined the shooting to be in-policy. The OIM concurred with that assessment.

2015 Incident #4

On November 22, 2015, officers responded to a 911 call of a family disturbance. Upon arriving to the scene, officers learned that a male was armed with a handgun and had barricaded himself in a garage and had shot himself in the leg. After officers were unsuccessful in getting the male to come out peacefully, the officers breached the door of the location. The male refused numerous commands to drop the gun and gunfire was exchanged between him and the police. The male was struck, and pronounced dead at the scene. The Denver DA reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰⁰ The Use of Force Review Board met on August 3, 2016, and determined that the shooting was in-policy. The OIM deferred to the Board’s decision.

2015 Incident #5

On December 8, 2015, an officer (who has since been promoted to sergeant) initiated a vehicle stop. The driver came to a stop in a liquor store parking lot, exited his vehicle, and began shooting at the officer. The officer was shot six times—first in his chest, where the bullet was stopped by a ballistic vest, then in his arms and legs. Despite being forced to the ground by his wounds, the officer moved to a position near or behind his car and returned fire, shooting the driver in the ankle. The driver drove away, abandoned his car, fled on foot to a bank, and carjacked a vehicle. He then drove away in the carjacked vehicle, and two cover officers successfully stopped him by utilizing a PIT maneuver. The driver was taken into custody, transported to Denver Health, and survived. The officer sustained life-threatening injuries and survived, possibly due, in part, to another officer placing a tourniquet on his leg while they waited for an ambulance to arrive.

The Denver DA reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁰¹ The Use of Force Review Board met on June 8, 2016 and determined the shooting to be in-policy. The OIM concurred with that assessment.

2015 Incident #6

On December 14, 2015, an officer responded to an apartment building, along with other officers, on a 911 call from a woman reporting her ex-boyfriend broke into her residence. Upon arrival, the officers spoke with the woman who said her ex-boyfriend was in the apartment and she wanted him removed. The woman gave the officers a key to enter the apartment. Several officers went to the door of the apartment door and knocked with no response. As the officer was unlocking the door it swung open and officers observed the suspect with what appeared to be a handgun, which he raised in the direction of the officers. The officer fired once, missing the suspect. The suspect retreated into the apartment and complied with the officer's orders to drop the gun. The suspect was taken into custody and a toy gun was recovered from the apartment.

The Denver DA reviewed the incident and declined to file charges against the involved officer.¹⁰² The Use of Force Review Board met on September 28, 2016, and determined the shooting was in-policy. The OIM concurred with that assessment.

Critical Incidents: Denver Sheriff Department

In-Custody Death Investigation and Review Protocol

Similar to situations involving the DPD, in all DSD critical incidents, the DPD's Major Crimes Unit responds to the scene to begin an investigation to determine whether any person should be held criminally liable. If the incident warrants it, the OIM also responds to the scene of the incident for a walk-through and debriefing from command staff. Major Crimes detectives interview all witnesses and every involved officer, and obtain video and documentary evidence. The OIM monitors all interviews conducted by the Major Crimes Unit and may suggest additional questions at the conclusion of each interview. After the criminal investigation is complete, the administrative review process begins.

Administrative Review of Critical Incidents Involving DSD Deputies

Once the District Attorney's Office has made a decision regarding the filing of criminal charges against anyone involved in the incident, the Major Crime Unit's reports are submitted to DSD IAB to commence the administrative review. The OIM confers with IAB to determine whether further investigation is necessary to assess whether there have been violations of Departmental policy. If, after reviewing the investigation, the Conduct Review Office finds that the involved deputy's actions were in compliance with DSD policy ("in-policy"), the case is forwarded to the Sheriff. If the Sheriff agrees there were no policy violations, the case may be closed. The OIM reviews the Conduct Review Office's findings and makes recommendations to the Sheriff and the EDOS.

If the Conduct Review Office finds that the involved deputy's actions violated any Department policy ("out-of-policy"), the case is referred to the Sheriff for a "Contemplation of Discipline Hearing." The OIM observes the hearing and participates in deliberations of the Command Staff. At that hearing, the involved deputy is given the opportunity to present his or her side of the story, including mitigating evidence, if any. After hearing from the involved deputy, the OIM makes disciplinary recommendations to the Sheriff. Both the Sheriff's recommendations and that of the OIM are forwarded to the EDOS for consideration. The EDOS determines whether the deputy's actions were in-policy or out-of-policy and the appropriate level of discipline, if any.

DSD In-Custody Deaths in 2016

In-Custody Death #1

On March 8, 2016, an inmate in the County Jail committed suicide by hanging. Lifesaving efforts by DSD deputies, Denver Health medical staff, Denver Paramedics, and the Denver Fire Department were unsuccessful. The incident was reviewed by IAB and declined for further investigation.

In-Custody Death #2

On May 3, 2016, an inmate was pronounced dead while in custody at the Denver Health Medical Facility. According to the Office of the Medical Examiner, the inmate died as a result of complications from a medical condition. The incident was reviewed by IAB and declined for further investigation.

In-Custody Death #3

On June 29, 2016, an inmate who was on work release did not show up for work and did not return to his housing at the County Jail. It was later determined by the Larimer County Coroner's Office that the inmate died as a result of a self-inflicted gunshot wound to the chest. The DSD closed the case as "Information Only" and did not conduct an investigation, and the OIM did not review the incident.

DSD Accidental Shootings in 2016

Accidental Shooting #1

On August 18, 2016, a sergeant accidentally discharged his weapon in the clearing barrel of the cleaning area of the shooting range. The incident is currently under administrative review.

DSD Accidental Shootings Closed in 2016

Accidental Shooting #1

On March 27, 2015, a deputy accidentally discharged her weapon while participating in required firearms qualification. The bullet struck the floor and did not hit anyone or cause any injuries. The deputy was suspended for two days for carelessly handling her firearm.

DSD Critical Incidents Closed in 2016

Closed Incident #1

On September 26, 2013 at approximately 9:56 a.m., a deputy (“Deputy A”) discovered an unresponsive inmate at the Downtown Detention Center (“DDC”). Deputy A shook the inmate, but he did not respond. According to the autopsy report by the medical examiner, the inmate died from probable arrhythmia due to hypertensive cardiovascular disease, and the cause of death was ruled natural.

Deputy A began her shift that morning at approximately 8:30 a.m. Video of the shift demonstrated that Deputy A failed to conduct a required round upon her arrival, and did not begin her first round until 9:26 a.m. Deputy A also failed to make Shift Log entries documenting her rounds in the Jail Management System, as required. Deputy A also failed to turn on the housing lights, which are required to be turned on by 6:00 a.m., and instead, turned the lights on at 9:51 a.m., shortly before the inmate was discovered. Deputy A was suspended for six days.

Deputy B was assigned to the pod prior to the discovery of the deceased inmate. Deputy B’s shift was from 2:30 p.m. on September 25, 2013 to 2:30 a.m. on September 26, 2013. Video of the shift demonstrated that Deputy B failed to complete 10 of the 24 rounds required during her shift. Also, Deputy B left her housing unit on three separate occasions without another deputy present in the housing unit to relieve her (for 24 minutes total). Lastly, Deputy B failed to make all required Shift Log entries documenting her completed rounds into the Jail Management System during her shift. Deputy B was suspended for ten days.

Deputy C was also assigned to the pod that day, having relieved Deputy B at approximately 2:20 a.m. and worked until approximately 8:30 a.m., when he was relieved by Deputy A. Video of the shift revealed that Deputy C failed to complete 5 of the 12 rounds required during his shift. Also, Deputy C left his housing unit

Chapter 4 :: Critical Incidents

on two separate occasions without another deputy present in the housing unit to relieve him (for 16 minutes total). Deputy C failed to turn on the housing lights at 6:00 a.m. as required by the DDC Housing Post Order. Deputy C failed to document the names of all inmates who declined to eat breakfast in the Jail Management System Log, as required. Lastly, Deputy C failed to make all required Shift Log entries documenting his completed rounds into the Jail Management System during his shift. Deputy C was suspended for ten days. The deputies' failure to conduct and document rounds had no apparent bearing on the inmate's death.

Closed Incident #2

On April 21, 2014, at approximately 5:45 a.m., an inmate was found deceased in his holding cell at the DDC. Video footage revealed that the deputy assigned to the pod failed to complete all portions of his required rounds. The surveillance footage showed that the deputy walked around the pod in the appearance of a round, averaging approximately two minutes to complete a round, did not adequately conduct the round, and sometimes skipped large portions of the housing unit altogether. As a result of failing to make required rounds and carelessness in performance of duties and responsibilities, the deputy was suspended for ten days and ordered to complete remedial training on conducting and documenting rounds. The deputy's failure to conduct rounds had no apparent bearing on the inmate's death.

Closed Incident #3

On December 15, 2015, an inmate was found unresponsive in his cell in the medical unit of the DDC. He was pronounced dead four days later. The manner of death was determined as natural and due to several severe medical conditions. The incident was reviewed by DPD IAB and declined for further investigation.

Endnotes

¹ Sworn DSD staff, including supervisors, are collectively referred to as “deputies” throughout this report, unless otherwise noted.

² The policy states that “officers will not make routine or spontaneous law enforcement decisions ... based upon to any degree a person’s race, ethnicity, national origin, age, religion, gender, gender identity, or sexual orientation unless these characteristics, traits, attributes, or statuses are contained in suspect descriptions that have been provided to officers. Profiling or discriminating on the basis of these characteristics, traits, attributes, or statuses is prohibited.” *See* DPD Operations Manual Section (“OMS”) 118.02(3)(b).

³ This total includes meetings held up to and including March 6, 2017.

⁴ FINAL REPORT OF THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING, 42-46 (May 2015).

⁵ E-mail from Independent Monitor Nicholas E. Mitchell to Executive Director of Safety Stephanie O’Malley and DPD Chief Robert White (August 4, 2016) (on file with author).

⁶ For a summary of best practices, see Rob Tillyer, Robin Engel, and Jennifer Calnon Cherkauskas, *Best Practices in Vehicle Stop Data Collection and Analysis*, 33 POLICING: AN INTERNATIONAL JOURNAL OF POLICE STRATEGIES AND MANAGEMENT 1 (1997).

⁷ Office of Denver Mayor Michael B. Hancock, Sheriff Department Reform, <http://www.denvergov.org/content/denvergov/en/mayors-office/programs-initiatives/sheriff-department-reform.html> (last accessed Feb. 21, 2017).

⁸ The DSD Reform Implementation Team was formed following a series of written analyses by the OIM, several high-profile civil rights lawsuits and disciplinary cases, and an independent evaluation by two consultant groups. *See* OFFICE OF THE INDEPENDENT MONITOR, 2013 SEMIANNUAL REPORT at 5-33; Letter from Independent Monitor Nicholas E. Mitchell to the Honorable Paul D. Lopez, Safety and Wellbeing Committee Chairman (Sept. 10, 2014) (on file with author); HILLARD HEINTZE, NEW VISION, BRIGHTER FUTURE: THE DENVER SHERIFF DEPARTMENT (May 21, 2015).

⁹ DENVER SHERIFF DEPARTMENT DISCIPLINE HANDBOOK: CONDUCT PRINCIPLES AND DISCIPLINARY GUIDELINES, Appendix F, at 16 (RR-300.22).

¹⁰ DENVER SHERIFF DEPARTMENT DISCIPLINE HANDBOOK: CONDUCT PRINCIPLES AND DISCIPLINARY GUIDELINES, Appendix F, at 8 (RR-200.2).

¹¹ Office of Denver Mayor Michael B. Hancock, Sheriff Department Reform, <http://www.denvergov.org/content/denvergov/en/mayors-office/programs-initiatives/sheriff-department-reform.html> (last accessed Feb. 21, 2017).

¹² *See., e.g.*, SAMUEL WALKER & CAROL A. ARCHIBALD, THE NEW WORLD OF POLICE ACCOUNTABILITY (2d ed. 2014).

¹³ The COB was created in Denver Revised Municipal Code (DRMC) Art. XVIII, §2-377 and the OIM in Art. XVIII, §2-371.

Endnotes

¹⁴ OFFICE OF THE AUDITOR, CITY AND CNTY. OF DENVER, OFFICE OF THE INDEPENDENT MONITOR PERFORMANCE AUDIT, 6 (October 2011); Joel Warner, *Independent Monitor Richard Rosenthal Keeps a Close Eye on the Denver Police*, WESTWORD (May 17, 2011).

¹⁵ Kieran Nicholson, *Denver Voters to Decide if Two Police Review Boards will be Part of City Charter*, THE DENVER POST (August 15, 2016).

¹⁶ See Denver Election Results, Referred Measure 2B, <https://www.denvergov.org/electionresults#/results/20161108>.

¹⁷ See OFFICE OF THE INDEPENDENT MONITOR, 2014 ANNUAL REPORT 4; OFFICE OF THE INDEPENDENT MONITOR, 2016 SEMIANNUAL REPORT 2.

¹⁸ In 2014, the YOP received funding from the Justice Assistance Grant Board through the Colorado Department of Public Safety to create a curriculum and test it with youth and officers. This grant is available for up to four years with a 10% reduction in the grant amount per year. In addition, the YOP received approximately \$54,000 in 2016 from Denver's Marijuana tax revenue through the Office of Behavioral Health Strategies, Denver Human Services. The YOP has also been awarded Denver Foundation funds in the amount of \$10,000 through the Strengthening Neighborhoods Grant process as well as the Community Leadership Endowment Fund.

¹⁹ This project was supported by Grant #2014-DJ-BX-0792 and #2015-MU-BX-0390 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in the document are those of the author and do not represent the official position or policies of the United States Department of Justice.

²⁰ The phrase “percent of officers/youth/participants,” or something similar, is used here. Because not all training-session and forum participants filled out surveys about their experiences or answered each question in the survey, statistics presented are technically the percent of officers/youth/participants who answered the given survey question.

²¹ The OIM also reviewed 42 DPD IAB investigations into complaints about DSD deputies.

²² Two of the six deputies who were terminated were on probationary status. Their cases were not reviewed by the OIM.

²³ The OIM reports on deaths that begin or occur while the inmate is in the custody of any DSD jail. When inmates die in custodial facilities at Denver Health of natural causes (such as cancer deaths occurring in hospice), the OIM has not historically reported on those deaths.

²⁴ Due to security concerns, the DSD has not historically mediated complaints filed by inmates. DSD mediations typically involve staff member complaints lodged against other staff.

²⁵ In addition, the DPD's Body Worn Camera Policy provides scheduled discipline for first and second violations of the recording requirements set forth in the policy, with a written reprimand for the first violation and one fined day for a second violation. See DPD OMS 111.11(9).

²⁶ The data reported in this chapter were extracted from the Denver Police Department's Internal Affairs records management database (“IAPro”). The OIM is not an IAPro administrator and has

limited control over data entry into the database. The OIM does not conduct governmentally-approved audits of the database for accuracy. As a result, the OIM is unable to certify the accuracy of the DPD's Internal Affairs data. Finally, because the OIM is not the final arbiter of what allegations to record in IAPro and against which officers, the OIM cannot certify that the data presented (with respect to specific complaint allegations) are what they would be if the OIM were making these decisions. Since the data were drawn from dynamic, live databases, the recorded complaint, allegation, and outcome numbers will fluctuate over time and are subject to revision. The figures reported in this chapter do not include complaints against DPD civilian employees, or complaints that were not linked to a subject officer in IAPro. Unless otherwise noted, the data included in this chapter were last retrieved from IAPro on February 1, 2017.

²⁷ Because of changes in coding and/or analysis of complaints, allegations, findings, and discipline, there may be slight discrepancies between historical data presented in this report and data presented in previous OIM reports.

²⁸ Scheduled discipline violations include Failure to Appear in Court, Failure to Shoot for Efficiency, Photo Radar, Safety Restraining Devices, Required Minimum Annual Continuing Education, CEP Cancellation/CEP Failure to Attend, Preventable Accidents, and Punctuality. *See* DENVER POLICE DEPARTMENT DISCIPLINE HANDBOOK: CONDUCT PRINCIPLES AND DISCIPLINARY GUIDELINES, 12.4.

²⁹ Many reports related to police oversight and IAB processes refer to complainant allegations. In this chapter, "allegations" refer to assertions, in a complainant's own words, of particular kinds of purported misconduct by an officer. The DPD does not systematically track the detailed allegations made by complainants in its Internal Affairs database. Instead, it tracks "specifications" that are based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which an officer might be punished, rather than the precise allegations communicated in the complaint. At the time the OIM extracted the data for this report, 52 specifications associated with complaints recorded in 2016 were unassigned.

³⁰ DENVER POLICE DEPARTMENT DISCIPLINE HANDBOOK: CONDUCT PRINCIPLES AND DISCIPLINARY GUIDELINES, Appendix G, at 9 (RR-127).

³¹ DENVER POLICE DEPARTMENT DISCIPLINE HANDBOOK: CONDUCT PRINCIPLES AND DISCIPLINARY GUIDELINES, Appendix G, at 6 (RR-102.1).

³² Formal investigations may not receive a finding in cases where an officer resigns or retires prior to the completion of the investigation and/or a final finding determination. Such cases fall into the "Declined/Administrative Review" category in Figure 2.2.

³³ Data on complaint outcomes were extracted from IAPro on February 21, 2017.

³⁴ *See* OFFICE OF THE INDEPENDENT MONITOR, 2015 ANNUAL REPORT 33-34.

³⁵ *See* DPD OMS 114.01(3)(a)-(c).

³⁶ OFFICE OF THE INDEPENDENT MONITOR, 2015 ANNUAL REPORT 34.

³⁷ A Chief's meeting may also be held in certain other cases where no discipline is recommended.

³⁸ When a discipline of fined time is imposed, officers are fined the specified number of hours/days of accrued benefit time.

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³⁹ Note that several cases are under appeal with the Civil Service Commission, as well as the courts. As a result, these totals are subject to revision until all appeals have been exhausted.

⁴⁰ The actual number of officers who resigned or retired while an investigation or discipline was pending is higher than the total reported in Table 2.2. The OIM reports only those resignations and retirements that are likely directly related to a pending investigation or pending discipline. For example, the OIM does not report resignations or retirements of officers with pending investigations alleging misconduct that, if sustained, would result in a low-level of discipline such as a reprimand.

⁴¹ The OIM is not involved in settlement agreements between officers and the Department of Safety.

⁴² Pursuant to the settlement agreement, if the 30 days of suspended time held in abeyance are reinstated, the detective would serve an additional 14 day period of suspension without pay.

⁴³ Summary data on appeals filed by DPD officers or by the Office of the EDOS regarding DPD officers were provided to the OIM by the Civil Service Commission on January 10, 2017.

⁴⁴ Data on completed mediations come from Community Mediation Concepts, the organization that conducts DPD/community member mediations.

⁴⁵ DPD timeliness figures were calculated by measuring the number of days between the date a case was received and the date a case was completed, and subtracting the total number of days the case was with the OIM for either investigative or disciplinary review and the number of days the case was suspended. For cases that opened in a given year but were not yet completed by the end of the year, OIM analysts used the date of data extraction as the end date. Performance measures for the timeliness of OIM investigation reviews are discussed in the Citizen Oversight Board's Annual Reports.

⁴⁶ Regarding the "missing" data category in Table 2.4, it should be noted that complainants can choose not to provide their demographic information when filing complaints.

⁴⁷ DPD IAB will sometimes combine multiple complaints made by one individual under a single case number, particularly if the complainant's issue stems from issues of mental health or if the complainant has a significant history of filing numerous false/trivial complaints.

⁴⁸ Unless otherwise noted, the data for this chapter were obtained from the Denver Sheriff Department's Internal Affairs records management database ("IAPro"). The OIM is not an IAPro administrator and has no control over data entry into the database. The OIM does not conduct governmentally approved audits of the database for accuracy. As a result, the OIM is unable to certify the complete accuracy of the DSD's internal affairs data. Finally, because the OIM is not the final arbiter of what allegations to record in IAPro and against which officers, the OIM cannot certify that the data presented (with respect to specific complaint allegations) is what it would be if the OIM were making these decisions. Since the data were drawn from dynamic, live databases, the recorded complaint, allegation, and outcome numbers will fluctuate over time and are subject to revision. The figures reported in this chapter include only complaints against sworn DSD deputies. The data included in this chapter were last retrieved from IAPro on February 1, 2017.

⁴⁹ Because of changes in coding and/or analysis of complaints, allegations, findings, and discipline, there may be slight discrepancies between historical data presented in this report and data presented in previous OIM reports.

⁵⁰ In 30 of the 170 complaints recorded in 2016, the complainant or complainant type (e.g., inmate, employee, etc.) is not recorded in the IAB database so it was not possible to determine the complaint type.

⁵¹ See Letter from Sheriff Patrick Firman to City Council Members (December 12, 2016) (on file with author); DEPARTMENT OF PUBLIC SAFETY, DENVER SHERIFF DEPARTMENT JAIL POPULATION PRESENTATION TO CITY COUNCIL (May 10, 2016) (on file with author).

⁵² Overcrowding generally creates unsafe and unsatisfactory conditions, which makes a correctional environment particularly challenging for both inmates and staff. See, e.g., Gerald G. Gaes & William J. McGuire, *Prison Violence: The Contribution of Crowding Versus Other Determinants of Prison Assault Rates*, 22 JOURNAL OF RESEARCH IN CRIME AND DELINQUENCY 1 (1985); Meredith P. Huey & Thomas L. McNulty, *Institutional Conditions and Prison Suicide: Conditional Effects of Deprivation and Overcrowding*, 85 PRISON JOURNAL 4 (2005); Joseph L. Martin et al., *“They Can Take Us Over Any Time They Want”: Correctional Officers’ Responses to Prison Crowding*, 92 THE PRISON JOURNAL 1 (2012).

⁵³ OFFICE OF THE INDEPENDENT MONITOR, 2015 SEMIANNUAL REPORT 31-32; OFFICE OF THE INDEPENDENT MONITOR, 2015 ANNUAL REPORT 59.

⁵⁴ E-mail from Independent Monitor Nicholas E. Mitchell to EDOS Stephanie O’Malley, Deputy Director of Safety Jess Vigil, then-Sheriff Elias Diggins, and Major Jodi Blair (Sept. 11, 2015) (on file with author); this request was reiterated in a meeting between Independent Monitor Mitchell, Major Blair, and then-Manager of IAB Armando Saldate held on October 23, 2015.

⁵⁵ The DSD has indicated the following about these complaints: “these complaints originated under prior command and administrative staff of IAB and, after the transition to new IAB leadership, they could not be located. They were not on file anywhere within IAB and cross reference with the facilities did not produce the documents. It is unknown where the original complaints went after being entered into the complaints spreadsheet by the prior command and/or administrative staff.” E-mail from Major Jodi Blair to Independent Monitor Nicholas E. Mitchell (March 9, 2017) (on file with author).

⁵⁶ See OFFICE OF THE INDEPENDENT MONITOR, 2013 SEMIANNUAL REPORT CHAPTER 2.

⁵⁷ DENVER SHERIFF DEPARTMENT REFORM EFFORT, PHASE ONE STATUS REPORT 14 (October 31, 2014).

⁵⁸ DENVER SHERIFF DEPARTMENT ORDER 4810.2A(6).

⁵⁹ DENVER SHERIFF DEPARTMENT ORDER 4810.2A(7)(A)(3).

⁶⁰ E-mail from Independent Monitor Nicholas E. Mitchell to Sheriff Patrick Firman and EDOS Stephanie O’Malley (October 27, 2016) (on file with author).

⁶¹ E-mail from Major Jodi Blair to Independent Monitor Nicholas E. Mitchell (Nov. 29, 2016) (on file with author).

⁶² Many reports related to police oversight and IAB processes refer to complainant allegations. In this chapter, “allegations” refer to assertions, in a complainant’s own words, of particular kinds of purported misconduct by an officer. The DSD does not systematically track the detailed allegations made by complainants in its Internal Affairs database. Instead, it tracks “specifications” that are

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based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which an officer might be punished, rather than the precise allegations communicated in the complaint.

⁶³ DENVER SHERIFF DEPARTMENT DISCIPLINARY HANDBOOK, Appendix F, at 16 (RR-300.22, which prohibits “inappropriate force”). Prior annual reports from the OIM used the phrase “excessive force” to refer to such specifications.

⁶⁴ The fact that the DSD finalizes specifications during the discipline review phase also explains why the total number of 2015 specifications and some of the associated percentages reported here differ from those presented in the [2015 ANNUAL REPORT](#).

⁶⁵ If the OIM disagrees with a screening decision, the DSD IAB Major is notified. If the OIM and DSD IAB cannot agree on a screening decision, the OIM will discuss the conflict with the Sheriff and then, if necessary, with the EDOS.

⁶⁶ If a case involves allegations of criminal conduct, the investigation is conducted by the DPD’s IAB. The DPD IAB will investigate the case and present it to the District Attorney’s Office for a charging decision. If the District Attorney decides to file charges, the case will generally be retained by DPD IAB until the conclusion of any criminal proceedings. Once the criminal proceedings are concluded, or if the District Attorney decides not to file charges, the case will be turned over to the DSD for completion of the administrative investigation to determine if any internal procedures or policies were violated.

⁶⁷ The total number of closed complaints includes all complaints involving deputies that were closed by IAB with a 2016 completion date; not all cases are reviewed by the OIM.

⁶⁸ The sustained rates for complaints closed in 2013 are based on data extracted from the IAB records management database used prior to IAPro because the data on complainant type for these years were not carried over into the new database.

⁶⁹ Note that several cases are under appeal with the Career Service Board, as well as the courts. As a result, these totals are subject to revision until all appeals have been exhausted.

⁷⁰ The actual number of deputies who resigned or retired while an investigation or discipline was pending is actually higher than the total reported in Table 3.4. The OIM reports only those resignations and retirements that are likely directly related to a pending investigation or pending discipline. For example, the OIM does not report resignations or retirements of officers with pending investigations alleging misconduct that, if sustained, would result in a low-level of discipline such as a reprimand.

⁷¹ On February 12, 2016, Career Service Rule 16-42 was revised to eliminate verbal reprimands as a form of discipline. *See* Memorandum from Career Service Board to Holders of Career Service Rule Books (February 12, 2016).

⁷² In this section, “deputy” refers only to those personnel with the title “deputy” at the time of the incident. Sworn staff with other titles, such as “captain” or “sergeant,” are noted throughout the summaries.

⁷³ DSD deputies, like many other employees of the City and County of Denver, are placed on an initial 6-month probationary status upon hiring. Employees on probationary status may be separated at any time in accordance with Denver Career Service Rule 5, Appointments and Status.

Investigations of misconduct by deputies on probationary status are handled outside of the normal disciplinary process, and may not be reviewed by the OIM.

⁷⁴ The known phone conversation in which the deputy conducted business for his personally-owned company was held with an OIM employee.

⁷⁵ Summary data on appeals filed by DSD deputies or by the Office of the EDOS regarding DSD deputies were provided to the OIM by the Career Service Hearing Office on January 27, 2017.

⁷⁶ Though the Departmental Order of Discipline states that the deputy used a “racial epithet,” “ethnic epithet” may be a more appropriate description.

⁷⁷ DSD timeliness figures were calculated by measuring the number of days between the date a case was received and the date a case was completed, and subtracting the total number of days the case was with the OIM for either investigative or disciplinary review, and the total number of days the case was suspended. For cases that opened in a given year but were not yet completed by the end of the year, OIM analysts used the date of data extraction as the end date. Performance measures for the timeliness of OIM investigation reviews are discussed in the Citizen Oversight Board’s Annual Reports.

⁷⁸ Regarding the “missing” data categories in Table 3.6, it should be noted that complainants can choose not to provide their demographic information when filing complaints.

⁷⁹ DSD IAB will sometimes combine multiple complaints made by one individual under a single case number, particularly if the complainant’s issue stems from issues of mental health or if the complainant has a significant history of filing numerous false/trivial complaints.

⁸⁰ E-mails from Denver Sheriff Division Chief Gary Wilson to OIM Policy Director Jennifer Fratello (Sept. 8, 2016 and January 10, 2017) (on file with the author).

⁸¹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (March 10, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016letter_ManzanaresMehrtens.pdf (regarding the investigation of the shooting death of Ramone Lonergan).

⁸² Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (May 27, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016letter_EidClarkBurkeCooper.pdf (regarding the investigation of the shooting death of Gerardo Cayetano-Gonzalez)

⁸³ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (August 11, 2016), http://www.denverda.org/News_Release/Decision_Letters/Decision%20letter_%20April%202012%202016%20--%20DPD%20Technician%20_Jeffrey%20Motz%20.pdf (regarding the investigation of the shooting death of Dion Damon).

⁸⁴ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (July 28, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016letterDuncanFayles.pdf (regarding the investigation of the shooting and wounding of James E. Bronish).

⁸⁵ While the Denver DA’s Office investigates all officer-involved shootings, it only releases decision letters on its website for members of the public when an officer shoots and wounds or kills a person.

Endnotes

See MITCHELL R. MORRISSEY, DENVER DISTRICT ATTORNEY, OFFICER-INVOLVED SHOOTING PROTOCOL (2015) at 1. The DA did not issue a public letter on his investigation of the shooting, likely because the suspect was not killed or wounded.

⁸⁶ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (September 19, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016-14th%20&%20Curtis.pdf (regarding the investigation of the shooting and wounding of Kevin Lee Jones and Robert Jones).

⁸⁷ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (November 29, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016letterStadler.pdf (regarding the investigation of the shooting and wounding of Darius Ratcliff).

⁸⁸ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (November 22, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016letterHeinis.pdf (regarding the investigation of the shooting and wounding of Mr. LAJ, a juvenile).

⁸⁹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (December 12, 2016), http://www.denverda.org/News_Release/Decision_Letters/2016letterGutierrezMcKain.pdf (regarding the investigation of the shooting death of Terry Lee Salazar).

⁹⁰ Ballistic analysis revealed that Officer B's pistol had discharged but failed to eject the spent cartridge. DNA evidence indicated that there is a probability greater than 99.9% that the suspect had his hands on Officer B's pistol. See Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (January 9, 2017), http://www.denverda.org/News_Release/Decision_Letters/2016%20West%20Bates.pdf (regarding the investigation of the shooting death of Michael Ferguson).

⁹¹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (January 9, 2017), http://www.denverda.org/News_Release/Decision_Letters/2016%20West%20Bates.pdf (regarding the investigation of the shooting death of Michael Ferguson).

⁹² Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (June 5, 2015), http://www.denverda.org/News_Release/Decision_Letters/2015letterJordanandGreene.pdf (regarding the investigation of the shooting of Jessica Hernandez).

⁹³ OFFICE OF THE INDEPENDENT MONITOR, 2015 SEMIANNUAL REPORT 1-14.

⁹⁴ This prohibition applies only to when the threat is posed solely by the vehicle. See OFFICE OF THE INDEPENDENT MONITOR, 2015 SEMIANNUAL REPORT 7.

⁹⁵ POLICE EXECUTIVE RESEARCH FORUM, MIAMI BEACH POLICE DEPARTMENT: REVIEW AND ASSESSMENT, 17 (2014).

⁹⁶ OFFICE OF THE INDEPENDENT MONITOR, 2015 SEMIANNUAL REPORT 9-10.

⁹⁷ Letter from Denver Police Chief Robert White to Community Members (January 23, 2017) (on file with author).

⁹⁸ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (July 31, 2015), http://www.denverda.org/News_Release/Decision_Letters/Decision%20Letter%20Nwandilibe%207-31-2015.pdf (regarding the investigation of the shooting and wounding of Chisom Nwandilibe).

⁹⁹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (October 28, 2015), http://www.denverda.org/News_Release/Decision_Letters/Decision%20Letter%20regarding%20Officer-involved%20shooting%20--%20August%2022%202015%20--%20DPD%20Det.%20Jon%20Crowe%20and%20Officer%20Jimmy%20Sheppard%20.pdf (regarding the investigation into the shooting and wounding of Kylear Antonio Williams).

¹⁰⁰ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (Feb. 12, 2016), http://www.denverda.org/News_Release/Decision_Letters/Decision%20Letter%202015%20South%20Alcott.pdf (regarding the investigation of the shooting death of Miguel Martinez).

¹⁰¹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (February 23, 2016), http://www.denverda.org/News_Release/Decision_Letters/Decision%20Letter%202015%20-%203755%20N%20Federal.pdf (regarding the investigation of the shooting and wounding of Jason Wood).

¹⁰² The Denver DA's Office releases decision letters on its website for members of the public when an officer shoots and wounds or kills a person. *See* MITCHELL R. MORRISSEY, DENVER DISTRICT ATTORNEY, OFFICER-INVOLVED SHOOTING PROTOCOL (2015) at 1. The DA did not issue a public letter on his investigation of the shooting, likely because the suspect was not killed or wounded.

Appendix A
How to File a
Complaint/Commendation

How to File a DPD Complaint/Commendation

- Postage-paid Complaint/Commendation Forms: The OIM distributes complaint/commendation forms at government offices, libraries, and police facilities throughout Denver, and they can be mailed to the OIM at no charge.
- OIM Online Complaint/Commendation Form: Complaints and commendations may also be filed through online form on the OIM, COB, and DPD websites. See <http://www.denvergov.org/content/denvergov/en/office-of-the-independent-monitor.html>.
- E-mail and FAX: The OIM and COB also accept complaints and commendations through e-mail at OIM@denvergov.org and by FAX at 720-913-3305.
- Walk-ins and Telephone: Community members can drop off complaint/commendation forms during normal business hours on the 1st floor of the Denver Post Building at 101 W. Colfax Avenue, Suite 100. In addition, every district police station in Denver is required to accept walk-in and telephone complaints. IAB also accepts complaints by telephone (720-913-6019) and walk-in (1331 Cherokee Street), during normal business hours.
- Tort and Civil Rights Claims: Investigations may also be initiated when a community member alleges officer misconduct in a claim or lawsuit filed against the City.

How to File a DSD Complaint/Commendation

- Postage-paid Complaint/Commendation Forms: The OIM distributes complaint/commendation forms at government offices, libraries, and police facilities throughout Denver, and they can be mailed to the OIM at no charge.
- OIM Online Complaint/Commendation Form: Complaints and commendations may also be filed through an online form on the OIM, COB, and DSD websites. See <http://www.denvergov.org/content/denvergov/en/office-of-the-independent-monitor.html>.
- E-mail and FAX: The OIM and COB also accept complaints and commendations through e-mail and fax at OIM@denvergov.org and 720-913-3305.
- Walk-ins and Telephone: Community members can drop off complaint/commendation forms during normal business hours on the 1st floor of the Denver Post Building at 101 W. Colfax Avenue, Suite 100. The DSD also accepts complaints and commendations by telephone (720-865-3888).
- Tort and Civil Rights Claims: Investigations may also be initiated as a result of allegations of deputy misconduct in a claim or lawsuit filed against the City.

Appendix B
Complaint /Commendation
Brochure Locations

City Council Offices

City and County Building, 1437 Bannock St., Room 451:

- Rafael G. Espinoza, District 1 City Councilman
- Paul D. Lopez, District 3 City Councilman
- Paul Kashmann, District 6 City Councilman
- Jolon Clark, District 7 City Councilman
- Mary Beth Susman, District 5 City Councilwoman
- Wayne New, District 10 City Councilman
- Robin Kniech, City Councilwoman At-Large
- Deborah Ortega, City Councilwoman At-Large

Other Locations:

- Kevin Flynn, District 2 City Councilman – 3100 S. Sheridan Boulevard, Unit D
- Kendra Black, District 4 City Councilwoman – 3540 S. Poplar Street, Suite 100
- Christopher J. Herndon, District 8 City Councilman – Arie P. Taylor Municipal Building, 4685 Peoria Street, Suite 245
- Albus Brooks, District 9 City Councilman – Elbra M. Wedgeworth Building, 2855 Tremont Place, Suite 201
- Stacie Gilmore, District 11 City Councilwoman – Arie P. Taylor Municipal Building, 4685 Peoria Street, Suite 215

Government Agencies

- Blair-Caldwell African American Research Library, Denver Public Library – 2401 Welton Street
- Central Library, Denver Public Library – 10 W. 14th Avenue Parkway
- Corkey Gonzalez Library, Denver Public Library – 1498 N. Irving Street
- Department of Safety, City and County of Denver – 1331 Cherokee Street, Room 302
- Human Rights & Community Partnerships, City and County of Denver – 201 W. Colfax Avenue, Department 1102
- Office of the Independent Monitor, City and County of Denver – 101 W. Colfax Avenue, Suite 100
- Parks and Recreation, City and County of Denver – 201 W. Colfax Avenue, Department 601

Community-Based Locations

- Barnum Recreation Center – 360 Hooker Street
- Centro Humanitario Para Los Trabajadores – 2260 California Street
- Colorado Progressive Coalition, National People's Action – 1029 Santa Fe Drive
- Denver Indian Center – 4407 Morrison Road
- Gang Resecue and Support Project (GRASP) – 701 S. Logan Street, Suite 109
- Greater Park Hill Community – 2823 Fairfax Street
- Denver Inner City Parish – 1212 Mariposa Street
- Mi Casa Resource Center – 360 Acoma Street
- Meyer Law Office – 1029 Santa Fe Drive
- NEWSED Community Development Corporation – 901 W 10th Avenue, Suite 2A
- Project VOYCE – 3455 Ringsby Court, #131
- Servicios de la Raza – 3131 W. 14th Avenue
- SouthWest Improvement Council – 1000 S. Lowell Boulevard
- Su Teatro Cultural and Performing Arts Center – 721 Santa Fe Drive
- The Bridge Project – 1265 Mariposa Street
- True Light Baptist Church – 14333 Bolling Drive
- YESS Institute – 1385 S. Colorado Blvd
- Padres y Jovenes Unidos – 3025 W 37th Avenue, Suite 206
- Shorter Community African Methodist Episcopal Church – 3100 Richard Allen Court
- Youth on Record – 1301 W. 10th Avenue
- Steps for Success – 4725 Paris Street, Suite 300
- Mile High Youth Corps – 1801 Federal Boulevard

Jails

- Denver County Jail – 10500 E. Smith Road
- Van Cise-Simonet Detention Center – 490 W. Colfax Avenue

Police Stations

- District 1 Station – 1311 W. 46th Avenue
- District 2 Station – 3921 N. Holly Street
- District 3 Station – 1625 S. University Boulevard
- District 4 Station – 2100 S. Clay Street
- District 5 Station – 4685 Peoria Street
- District 6 Station – 1566 Washington Street

- West Denver Cop Shop – 4200 Morrison Road
- Police Headquarters – 1331 Cherokee Street

Schools

- Bruce Randolph School – 3955 Steele Street
- Denver Center for 21st Century Learning – 1690 Williams Street
- Colorado Heights University – 3001 S. Federal Boulevard
- East High School – 1600 City Park Esplanade
- Escuela Tlatelolco Centro de Estudios – 2949 N. Federal Boulevard
- Manual High School – 1700 E. 28th Avenue
- South High School – 1700 E. Louisiana Avenue
- Swansea Elementary School – 4650 Columbine Street
- West Leadership Academy – 951 Elati Street
- ACE Community Challenge School – 948 Santa Fe Drive
- La Academia – 910 Galapago Street

Courts/Criminal Justice Locations

- Denver Office, Colorado State Public Defender – 1560 Broadway, Suite 300
- Courtroom 2100, Van Cise-Simonet Detention Center – 490 W. Colfax Avenue
- Courtroom 2100, Van Cise-Simonet Detention Center – 490 W. Colfax Avenue
- Community Reentry Project – 201 W. Colfax Avenue
- Denver District Court - Civil & Domestic – 1437 Bannock Street, Room 256
- Denver Municipal Court-General Sessions – 520 W. Colfax Avenue, Room 160
- Denver Municipal Court-Traffic Division – 1437 Bannock Street, Room 135
- Lindsay-Flanigan Courthouse – 520 W. Colfax Avenue
- Denver Juvenile Services Center – 303 W. Colfax Avenue, 1st Floor
- Safe City Kids Office – 303 W. Colfax Avenue, 10th Floor

Appendix C
Citizen Oversight Board
Biographies and Meetings

Citizen Oversight Board

The Citizen Oversight Board (“COB”) is responsible for assessing whether the Office of the Independent Monitor is effectively performing its duties, making recommendations regarding policy and training issues, and addressing issues of concern to the community and other interested stakeholders. The COB will meet at least quarterly in public with the Executive Director of Safety, the Chief of Police and the Sheriff and will conduct at least three meetings annually for public comment. The COB will also make an annual report to the public, Mayor and City Council and may furnish additional public reports as necessary.

2016 COB Members

- Dr. Mary Davis is the Chair of the COB. She has been actively involved in civic and community-improvement activities since arriving in Denver more than 30 years ago. She began her career in healthcare as a registered nurse and moved into the education sector as an undergraduate and graduate faculty member. Davis was the Director of Administration at the Regional Transportation District for 10 years prior to launching McGlothlin Davis, Inc., an organizational effectiveness consulting firm in 1995. She has served on numerous nonprofit boards including the Denver Chapter of the American Cancer Society, The Denver Hospice, The Learning Source, and Goodwill Industries of Denver, serving as board chairperson of the latter two organizations. Other community-based activities include serving on school accountability committees, nonprofit scholarship committees, higher education advisory committees, and as director of Children’s Church at two churches.
- Francisco “Cisco” Gallardo is the Vice Chair of the COB. In his teen years, he joined what has been one of the largest gangs in Denver’s north side. Since that time, after facing a possible 48 years in prison, he has dedicated his life to undoing the damage he helped cause. By redefining respect, power and pride and making a commitment to help the youth heal, he has helped countless young people, over the past 20 years, to redefine their own lives through his work in the community.
- Pastor Paul Burleson is the president of the Greater Metro Denver Ministerial Alliance. He founded Denver’s Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He also spent 28 years as an engineer with U.S. West Communication and four years in the U.S. Air Force. A former dean of the United Theological Seminary’s Denver Extension, Burleson is

experienced in the prevention, identification, and counseling of individuals and families with substance abuse and other at-risk behaviors.

- Katina Banks is an associate counsel and vice president of Urban Fulfillment Services, a minority business enterprise that provides business process outsourced services to the mortgage banking industry. She previously spent ten year practicing intellectual property law at the firm of Dorsey and Whitney LLP. A proud Denver native, she has been civically engaged throughout her professional career. Currently, she is on the board of One Colorado, which advocates for fairness and equality for LGBT Coloradans and their families. She also served eight years on the Colorado Civil Rights Commission, helping enforce the state's anti-discrimination laws, and was a member of the Colorado Lawyers Trust Account Foundation (known as COLTAF), which helps provide legal services statewide to underserved members of the community. Katina graduated summa cum laude from Capital University Law School after earning her Bachelor of Arts degree at the University of Pennsylvania. She lives in Denver's Park Hill neighborhood.
- Mark Brown is the Agent-In-Charge for the Colorado Department of Revenue, Division of Racing Events; a regulatory law enforcement agency. His duties include management of administrative judges, law enforcement officers, licensing personnel and veterinarian staff. In addition to those duties, he also conducts firearms and arrest control technique training.

Regular COB Meetings

COB meetings are usually held on the first and third Fridays of each month on the 1st floor of the Denver Post Building at 101 W. Colfax Avenue. It is advised that you call to confirm in advance if you plan to attend to ensure the Board will be meeting.

2016 Quarterly Public Forums

COB public forums are usually held in the evenings from 7-8:30 p.m. in rotating police districts in Denver. In 2016 public forums were held on the following dates and in the following locations:

1. March 31, 2016 – District 6 – Parr-Widener Room, City and County of Denver Building, 1437 Bannock Street
2. June 16, 2016 – District 2 – Cole Middle School, 1350 E. 33rd Avenue
3. September 22, 2016 – District 1 – Garden Place Academy, 4425 Lincoln Street
4. December 8, 2016 – District 3 – Denver Center for International Studies, 574 W. 6th Avenue

Proposed 2017 Public Forums

1. March 30, 2017 – District 4 – Location to be determined
2. June 1, 2017 – District 5 – Location to be determined
3. September 21, 2017 – District 6 – Location to be determined
4. November 30, 2017 – District 2 – Location to be determined



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