



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

2017 Annual Report

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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.

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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 [2017 Annual Report](#) is presented in four chapters. Chapter 1 provides an overview of key information related to OIM operations in 2017. 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 2017.¹

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 2017, the OIM had significant achievements in each of these areas.

Data-Driven Analyses of Potential Policy Issues

Participation in the DPD Use of Force Policy Advisory Committee

On January 4, 2017, the DPD released a revised draft Use of Force Policy (“Draft Policy”) for public comment.² While the Draft Policy included the important principles of de-escalation and force avoidance, it also had noteworthy deficiencies.³ On January 25, 2017, the OIM sent a letter to Chief White documenting those deficiencies, which included:

1. Some of the Draft Policy’s key provisions were vague and poorly defined;
2. The overall use of force standard was less restrictive than the standards of a number of other large U.S. police agencies;
3. Other key provisions did not adhere to national best practices, including the definition of “deadly force”; and
4. The Draft Policy omitted substantive discussion of a number of topics that must be included in use of force policies.

The OIM recommended that these issues be addressed through a partnership between DPD command, rank-and-file officers, community members, the OIM, and the Citizen Oversight Board (“COB”).⁴ On April 4, 2017, Chief White invited Independent Monitor Nick Mitchell to join a “short-term, task-specific advisory committee (“Committee”) to review the draft Use of Force Policy and public commentary, and to make recommendations regarding the policy’s final content.”⁵ The Committee formed by Chief White included Independent Monitor Nick Mitchell and Deputy Monitor Suzanne Iantorno from the OIM, members of City Council, and representatives of the community, among others. Beginning in April 2017, the Committee met weekly for six months, and on October 30, 2017, it submitted a proposed revised policy to Chief White. The proposed revised policy contained a number of improvements, many of which were consistent with the OIM’s recommendations. This included providing clearer guidance on the use of force standard, new officer reporting requirements, and a requirement that the DPD begin publishing aggregate statistics on uses of force to the public.⁶ Chief White is reviewing the Committee’s recommendations and has said that a final policy is forthcoming.⁷

The DSD Commits to Reinstating Contact Visits

Under current DSD policy, inmates are permitted to have visits with families and friends only via telephone or video, and are not generally permitted to have face-to-face, in-person visits.⁸ Inmates instead sit at video terminals in the jail housing areas, and visitors communicate with them from corresponding video terminals in the jail lobbies.⁹

In its 2017 Semiannual Report, citing national standards and research on the numerous benefits of contact visits, the OIM recommended that the DSD begin developing a plan to reinstate contact visits in Denver's jails.¹⁰ For example, in the American Bar Association's ("ABA") Standards on the Treatment of Prisoners, the ABA recommends that correctional administrators "implement visitation policies that assist prisoners in maintaining and developing healthy family relationships," including allowing "contact visits between prisoners and their visitors, especially minor children, absent an individualized determination that a contact visit . . . poses a danger."¹¹ Research has proven that in-person visits have many positive impacts on inmates, including increasing their psychological well-being,¹² and reducing their likelihood of violating jail rules.¹³ One study found that in-person visits have been shown to decrease inmates' likelihood of reoffending after release by up to 30%.¹⁴

After the OIM's recommendation, the DSD convened a workgroup ("Workgroup") to explore how to reinstate contact visits in both of its jails.¹⁵ The Workgroup includes representatives from the DSD, DPD, Denver City Council, District Attorney's Office, community, Mayor's Office, OIM, and COB, among others. The Workgroup, which is led by DSD Chief Elias Diggins, met for the first time on December 7, 2017, and continues to meet almost every other week. In February 2018, members of the Workgroup visited the Las Colinas Detention and Reentry Facility in San Diego, California, to tour a facility whose visitation center is considered by many to be a national model.

Community and Officer Engagement

The OIM had many notable achievements in outreach to communities and to officers in 2017. We held or attended 252 presentations or events in the community, including 165 meetings with neighborhood associations, advocacy groups, and representatives of community organizations. We also held or attended 87 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.

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

Since 2015, the OIM has delivered its *Bridging the Gap: Kids and Cops*TM program (“Youth Outreach Project” or “YOP”) to communities throughout Denver.^{16,17} The YOP trains officers on key aspects of adolescent development and de-escalation techniques geared toward youth, and educates youth about their rights and responsibilities when in contact with law enforcement. In 2017, 474 youth and 30 DPD officers participated in 12 YOP forums.¹⁸ Ninety DPD officers were trained on adolescent brain development and de-escalation techniques with youth.¹⁹ In addition, 42 community members were equipped to serve as YOP forum facilitators.²⁰

Participants are surveyed, and the responses of both officers and youth to the 2017 YOP training sessions and forums have been extraordinarily positive. Seventy-six percent of officers who were trained indicated that the training left them better equipped to interact with Denver’s youth.²¹ Similarly, all officers who participated in YOP forums indicated that they found the forums to be useful. Perhaps most significantly, 84% of youth forum participants reported that they now have greater trust in DPD officers than they did before having participated in a YOP forum.

The Colorado Office of Adult and Juvenile Justice has contracted with a third-party researcher from the University of Colorado Denver to conduct a rigorous outcome evaluation of the program. This study began in late 2016. Preliminary results were shared in 2017 and the full evaluation and report are scheduled to be released in 2018.

The OIM Hosts Regional Oversight Training

From November 30 to December 1, 2017, the OIM co-hosted a Regional Training (“Training”) with the National Association for Civilian Oversight of Law Enforcement (“NACOLE”). The Training, entitled “Vulnerable Populations and Civilian Oversight,” addressed law enforcement accountability as it pertains to some of society’s most vulnerable populations, including young people, those suffering from mental illness, those without stable housing, LGBTQIA community members,²² and veterans with disabilities.

The Training included six panel presentations featuring local lawmakers, judges, community members, nationally-recognized criminal justice experts, and OIM staff, who discussed:

1. Criminal Justice Reform and the Future of Civilian Oversight;
2. Innovative Approaches to Diverting Vulnerable Populations;
3. Juvenile Status Offenders;
4. Segregation in Jails and Prisons;
5. Homelessness and Incarceration; and
6. Inspection and Monitoring of Detention Facilities.

The Training was co-sponsored by a number of organizations, including the DOS, the DPD, the DSD, the Denver District Attorney, and several community groups.²³ The event was well-attended by both members of Denver’s community as well as oversight practitioners from across the country. More information about the event, including a detailed schedule and full list of co-sponsors, can be found here: http://www.nacole.org/denver_regional_meeting. Independent Monitor Nick Mitchell provided an extensive interview about the training to Colorado Public Radio that can be found here: <https://www.cpr.org/news/story/breaking-a-vicious-cycle-for-denvers-vulnerable-populations>.

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.²⁴ In 2017, the OIM reviewed 563 IAB investigations in the DPD.²⁵ The OIM also reviewed 265 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 244 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 2017, 12 DPD officers were suspended, 8 resigned or retired prior to the imposition of discipline, and none were terminated.²⁶ In the DSD, 47 deputies were suspended, 9 resigned or retired prior to the imposition of discipline, and 3 were terminated.

In 2017, DPD officers received 423 commendations and DSD deputies received 67 commendations, all of which reflected notable examples of bravery or commendable performance.²⁷ We discuss a number of individual commendations of DPD officers and DSD deputies in Chapters 2 and 3, respectively.

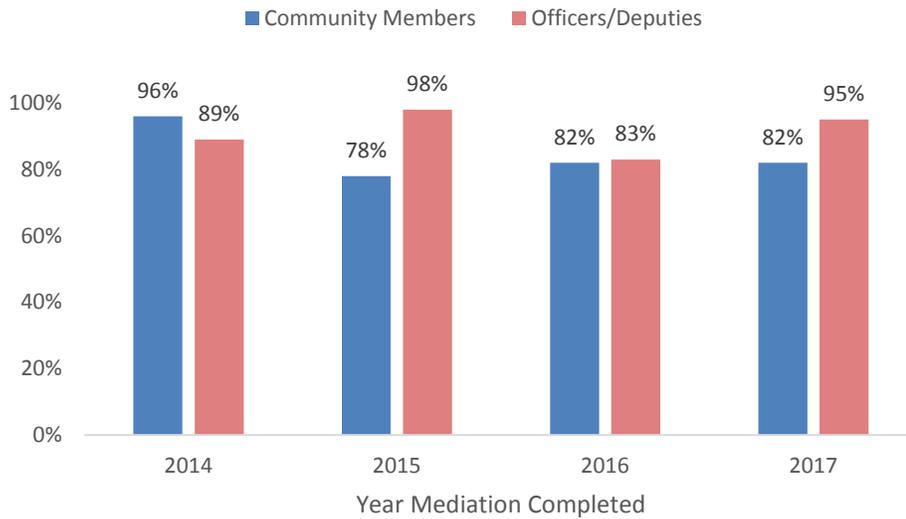
Officer-Involved Shooting and In-Custody Death Investigations

Pursuant to Denver Ordinance, the OIM responds to every officer-involved shooting and monitors the investigation and administrative review of each shooting.²⁸ In 2017, there were six officer-involved shootings involving seven DPD officers and no duty-related shootings involving DSD deputies. There were two deaths of citizens in the custody of the DPD, and one death of a citizen in the custody of the DSD.²⁹ 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 2017. Since 2006, the OIM has facilitated 548 successful mediations between community members and DPD officers, and among DSD sworn staff.³⁰ Due to the hard work of and coordination among DPD IAB, Community Mediation Concepts, and the OIM, the number of successful mediations reached a three-year peak of 53 in 2017. Of those who completed mediations and mediation surveys, 82% of the community member participants and 95% of the officer participants reported feeling satisfied with the mediation process.³¹

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 DPD investigations into complaints involving sworn personnel and for ensuring that the complaint process is accessible to all community members.³² 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 more 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

- In 2016, the DPD began introducing body worn cameras (“BWCs”) department-wide and implemented a policy that requires officers to activate them during most community member contacts. By and large, officers adhere to this requirement. Yet the failure of some officers to activate BWCs when required resulted in an increase in the number of Duty to Obey Department Rules and Mayoral Executive Orders specifications recorded, the number of community complaints closed with at least one sustained finding, and the number of reprimands issued to officers, in 2017.

Chapter 2 :: DPD Monitoring

- The number of community complaints recorded by the DPD in 2017 increased by 6%. In 2017, 412 community complaints were recorded against DPD officers, compared to 388 in 2016.
- The number of internal complaints filed by DPD personnel against other DPD sworn staff increased by 39%. In 2017, 129 internal complaints were recorded against DPD officers, compared to 93 in 2016.
- The percentage of community complaints with one or more sustained findings increased between 2016 and 2017. In 2017, 15% of community complaints had one or more sustained findings, compared to 8% in 2016.
- In 2017, no DPD officers were terminated. Eight officers resigned or retired while an investigation or disciplinary decision was pending.
- DPD officers received 423 commendations in 2017, a 3% increase from 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.

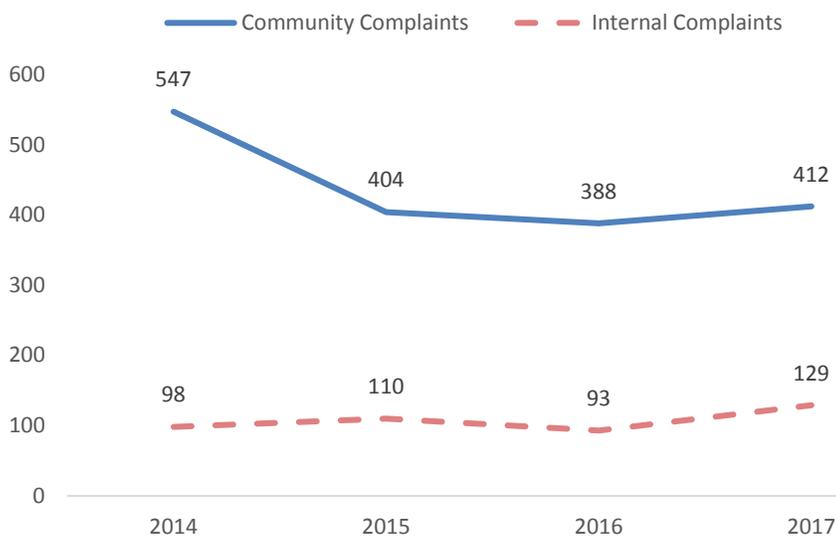
Scheduled Discipline Complaints

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.³³ Discipline for these types of routine offenses is imposed according to a specific, escalating schedule. With the exception of BWC complaints, the OIM has opted not to monitor or report on most of these cases. As a result, this chapter does not address patterns in scheduled discipline.

Complaints Recorded in 2017

Figure 2.1 presents the number of complaints recorded by the DPD IAB during 2017 and the previous three years.^{34, 35} These numbers do not include most scheduled discipline cases, such as when a DPD officer violates a traffic law or misses a court date, but they do include complaints involving violations of the DPD's BWC Policy.^{36, 37} The number of both community and internal complaints was higher in 2017 than in previous years. The DPD recorded 412 community complaints in 2017, a 6% increase from 2016. Internal complaints recorded by the DPD increased by 39%, from 93 in 2016 to 129 in 2017. This relatively large increase in internal complaints is driven, in part, by increases in the number of complaints filed by DPD personnel against other DPD sworn staff for Rough or Careless Handling of City or Department Property, violations of the DPD's BWC Policy, and Inappropriate Force.³⁸

Figure 2.1: Complaints Recorded, 2014-2017



As we have noted in previous reports, it is very difficult to explain fluctuations in the number of complaints filed over time. Patterns in complaints can change as the result of developments in organizational policy, practice, or training. Complaint numbers can also increase or decrease in response to a range of other factors, including, but not limited to, media coverage, changes in complaint-triage practices, and changes in the types of complaints that are recorded or not recorded.

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 2017, as well as the previous three years.³⁹ The most common specifications recorded by IAB in 2017 were Duty to Obey Department Rules and Mayoral Executive Orders and Responsibilities to Serve the Public.

Table 2.1: Most Common Specifications, 2014–2017

Specification	2014	2015	2016	2017
Duty to Obey Departmental Rules and Mayoral Executive Orders (including BWC Policy)	23%	23%	21%	29%
Responsibilities to Serve Public	21%	22%	27%	20%
Discourtesy	18%	19%	17%	16%
Unassigned	1%	5%	6%	10%
Inappropriate Force	16%	14%	11%	10%
Rough or Careless Handling of City and Department Property	1%	1%	3%	3%
Failure to Make or File Reports	3%	2%	2%	2%
Conduct Prohibited by Law	1%	4%	2%	2%
Impartial Attitude	3%	1%	0%	1%
Conduct Prejudicial	1%	1%	2%	1%
All Other Specifications	12%	9%	9%	6%
Total Number of Specifications	1,376	932	795	926

Note: The prior page noted that internal complaints with specifications of Rough or Careless Handling of City or Department Property and Inappropriate Force increased in 2017. This table does not show an overall increase in the percentage of those particular specifications because (1) this table presents percentages, not counts; (2) the table's unit of analysis is the specification, not the complaint, and complaints may have more than one specification; and (3) the table includes specifications associated with both internal and community complaints.

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.”⁴⁰

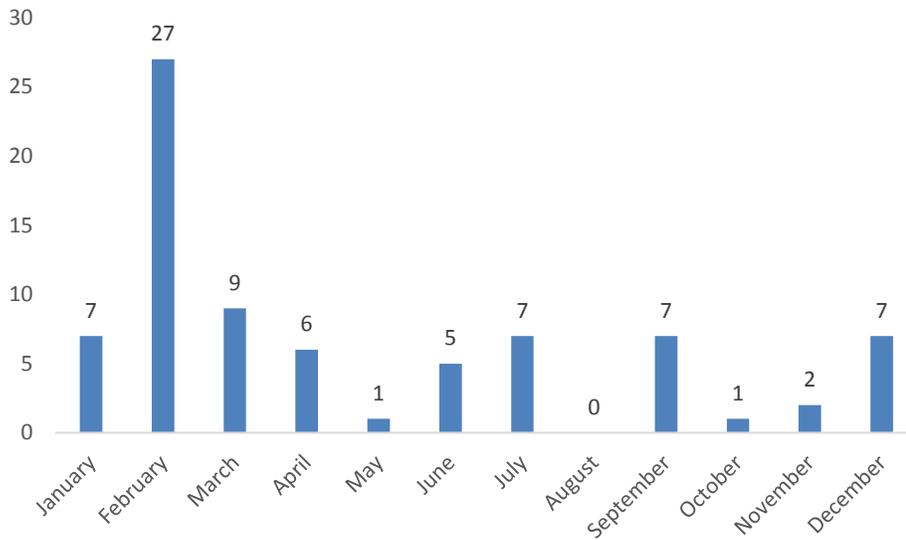
Duty to Obey Department Rules and Mayoral Executive Orders is a specification that covers a wide range of possible violations, including but not limited to unconstitutional search and seizure, improper handling of evidence and personal property, and violations of the DPD's BWC Policy.⁴¹ In fact, almost 30% (79 of the 270) of the Duty to Obey Department Rules and Mayoral Executive Orders

Chapter 2 :: DPD Monitoring

specifications recorded in 2017 were for potential violations of the BWC Policy.⁴² These specifications are generally added when an IAB investigation into other allegations reveals that an officer may have failed to activate his or her BWC when such activation was required by DPD policy.

Figure 2.2 presents the number of specifications for potential violations of the BWC Policy by the month in which they were recorded. The number of such specifications peaked in February 2017, though specifications were recorded throughout the year.⁴³

Figure 2.2: Duty to Obey Department Rules and Mayoral Executive Orders Specifications for Potential Violations of the BWC Policy Recorded in 2017



Intake Investigations, Screening Decisions, and Findings

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 phone 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.

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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 third-party, professional mediator.

Formal

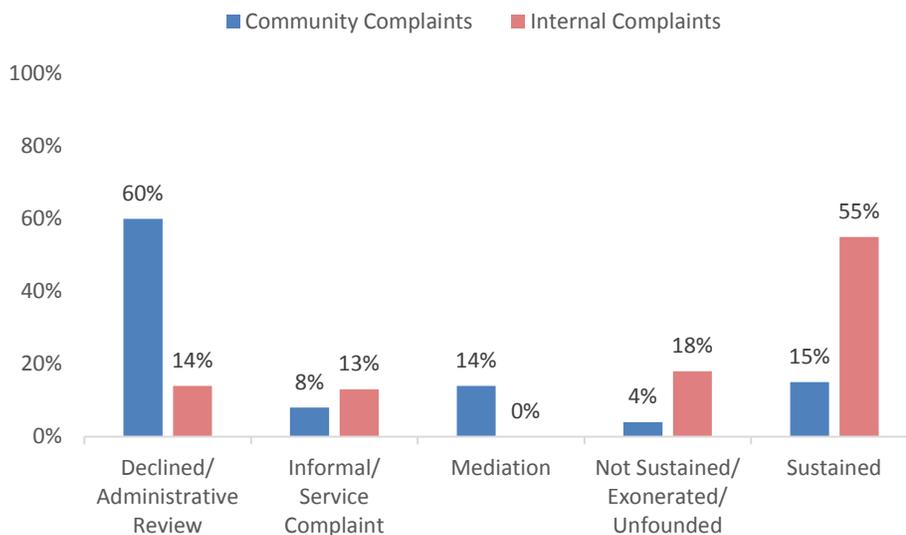
The complaint alleges misconduct under DPD policy and requires a full investigation and disciplinary review. Cases that are selected for full formal investigations are investigated by sergeants in IAB. On some serious cases, the OIM will actively monitor the investigations. When the OIM actively monitors 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 before it is closed. The case is then given to the DPD's Conduct Review Office ("CRO") for disciplinary findings.

To make those findings, the CRO examines the evidence, evaluates the appropriateness of the specifications assigned by IAB, and makes determinations about each specification. There are generally four findings on formal investigations:⁴⁴

- 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.

A total of 405 community complaints and 112 internal complaints were closed in 2017. Figure 2.3 shows the disposition of these complaints. 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 2017 were declined after an initial intake investigation (60%), while a much smaller percentage of internal complaints were closed as declines (14%). Internal complaints were much more likely to result in a sustained finding than community complaints. Specifically, 15% of community complaints closed in 2017 resulted in at least one sustained finding, while 55% of internally generated complaints resulted in a sustained finding.

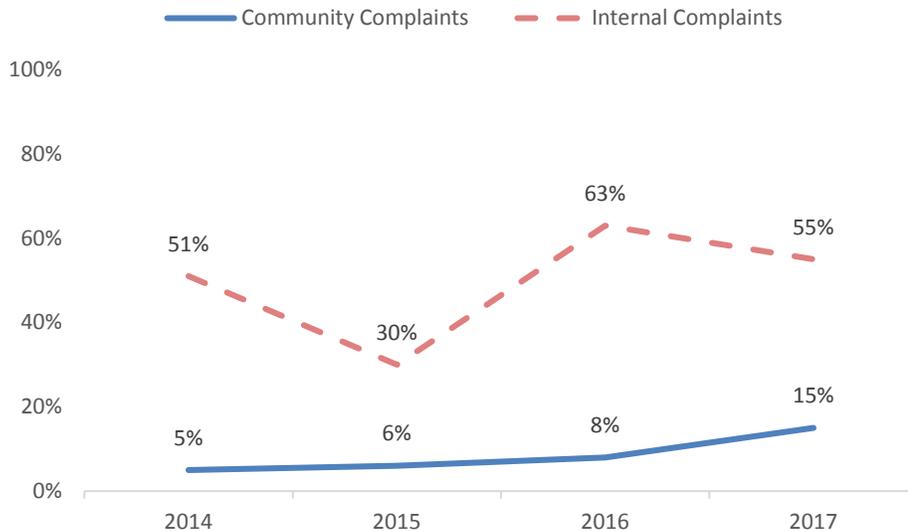
Figure 2.3: Outcomes of Complaints Closed in 2017



As Figure 2.4 demonstrates, the percentage of sustained community complaints increased substantially in 2017, primarily due to the increase in complaints with specifications for failing to activate BWCs. In 2017, the DPD closed 34 community complaints with specifications for potential violations of the BWC Policy’s recording requirements, compared to 5 in 2016.⁴⁵ Of these 34 community complaints closed in 2017, 29 were sustained (85%), which explains why the sustained rate for community complaints is higher in 2017 than in previous years.

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Figure 2.4: Complaints that Resulted in One or More Sustained Specifications, 2014–2017



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 be imposed or when there is a disagreement between the OIM and CRO about the findings, a Chief's meeting will be held.⁴⁶ At this meeting, the Chief, Independent Monitor (and/or his representative), the CRO, Commander of IAB, a representative from the DOS, 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 DOS.

If discipline greater than a written reprimand is contemplated following the Chief's meeting, the officer is entitled to a pre-disciplinary meeting. At this meeting, 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 DOS, independently. The DOS representative provides input to the Chief as he formulates his recommendation. The DOS then makes a final decision as to findings and

discipline. If the officer disagrees with the discipline imposed by the DOS, the officer may file an appeal with the Civil Service Commission’s Hearing Office.

Table 2.2 reports the number of officers who retired or resigned prior to a discipline finding or who were disciplined by the Chief of Police (for reprimands) or the DOS (for any discipline greater than a reprimand) for sustained allegations from 2014 through 2017.⁴⁷ Written and oral reprimands were more common in 2017 than in previous years because of an increase in closed complaints with sustained violations of the BWC Policy. Between January 2016 and June 2017, officers received written reprimands for their first violations of the BWC Policy.⁴⁸ In June 2017, the DPD revised its policy to reduce the penalty for the majority of first-time BWC violations to an oral reprimand, in addition to a mandated officer review of the BWC policy and a supervisory meeting to discuss it.^{49, 50}

Table 2.2: Discipline Imposed by Year of Case Closure, 2014–2017⁵¹

Discipline	2014	2015	2016	2017
Termination	4	1	2	0
Resigned/Retired Prior to Discipline	6	8	11	8
Demotion	1	0	0	1
Suspension	22	18	19	12
Fined Time	28	15	31	26
Written Reprimand	38	30	46	92
Oral Reprimand	3	4	3	18

Significant Disciplinary Cases Closed in 2017⁵²

Resignations and Retirements

■ On October 7, 2016, an officer stole money from a crime scene. The officer's actions were recorded on his BWC. The officer pled guilty to criminal charges of Theft and First Degree Official Misconduct, and he was sentenced to 18 months of probation. The officer resigned prior to a disciplinary finding.

■ In January 2017, a lawsuit was filed by a juvenile victim of sexual abuse who alleged that a film production company compromised her identity in a documentary about sex trafficking. The plaintiff alleged that a DPD sergeant disclosed her personal information and photographs in a recorded interview with the filmmakers, who then used the interview in the documentary. An investigation was initiated to determine if the sergeant violated DPD policy. The sergeant resigned prior to a disciplinary finding.

■ On May 5, 2017, an officer was allegedly involved in a fight at a bar in another jurisdiction. He was charged with Disorderly Conduct and resigned prior to a disciplinary finding.

■ On June 13, 2017, an officer on probationary status was arrested for Public Intoxication in another state. The officer allegedly lied to the arresting officer. The officer resigned prior to a disciplinary finding.

■ On July 9, 2017, an officer was arrested for Domestic Violence-Battery and Domestic Violence-Criminal Mischief. The charges were subsequently dismissed. The officer resigned prior to a disciplinary finding.

■ On August 24, 2017, a sergeant was involved in a one-vehicle accident in another jurisdiction. The sergeant was criminally charged with Driving Under the Influence, Possession of a Firearm while Under the Influence of Alcohol, Careless Driving, and Driving Without a Safety Belt. The sergeant retired prior to a disciplinary finding.

■ On September 3, 2017, an officer was criminally charged with Harassment related to an incident with his wife. The officer resigned prior to a disciplinary finding.

■ On October 18, 2016, it was reported that a sergeant had used his work computer to access pornographic material. The sergeant allegedly conducted thousands of

inappropriate internet searches over the course of several years. The sergeant resigned prior to a disciplinary finding.

Demotions

■ On September 8, 2016, a sergeant (“Sergeant A”), who was assigned to IAB, unholstered his duty weapon, set it on a desk, and pointed it in the direction of another sergeant, who had been explaining to him how to input information into a DPD computer database. Sergeant A was criminally charged with Prohibited Use of Weapons, and subsequently pled guilty and received a twelve-month deferred judgment and sentence. Sergeant A entered into a settlement agreement with the DOS whereby Sergeant A was demoted to the rank of “Police Officer 1” with a penalty of termination held in abeyance for two years on the condition that he commit no further serious rule violations during the two-year period.

Other Significant Cases, Including Suspensions of Ten or More Days

■ Between August and December 2016, an officer worked numerous off-duty jobs without the required supervisory approval. The officer also violated DPD policy by working off-duty jobs that exceeded the allowable 64 hours of work in a calendar week. The officer was suspended for 16 days.

■ In December 2016, an officer paid a woman for sexual acts and then continued to have a brief romantic relationship with her. On February 8, 2017, the DPD arrested the woman in an undercover prostitution investigation, and she disclosed that the officer had paid her for sexual acts. The officer entered into a settlement agreement with the DOS whereby he was suspended for 30 days. The agreement imposes a termination to be held in abeyance for 12 months on condition he commit no further rule violations of Conduct Category C or higher.⁵³

■ On January 3, 2017, an officer failed to answer his phone or return multiple voice messages from supervisors after being placed under a Chief’s order to remain home during business hours and be immediately accessible if contacted by phone. The next day, the officer indicated that he had not answered his phone because he was sick. When supervisors were again unable to reach him by telephone, several sergeants went to the officer’s home to check on his welfare and discovered that he was home, intoxicated, and sleeping. Because he was not accessible by telephone, the officer violated the Chief’s order. The officer was suspended for 10 days.

■ On January 18, 2017, a sergeant spent over three hours while on-duty investigating a personal matter regarding the theft of his daughter’s cell phone,

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which he had already reported to a law enforcement agency in another jurisdiction. During his investigation, the sergeant left his assigned district, neglected his other assigned duties, and inappropriately utilized department resources, including the National Crime Information Center/Colorado Crime Information Center criminal records database. The sergeant was suspended for three days.

■ On February 7, 2017, an officer was responsible for operating and monitoring a district station's holding cell and ensuring that detainees were not kept in the cell for longer than an hour before being transported to jail. The officer failed to properly monitor the station's holding cell, resulting in a detainee remaining in a holding cell for nine hours. The officer, whose penalty was increased due to his discipline history, was suspended for 10 days.

■ In August 2016, a detective was suspended for 30 days for Conduct Prejudicial and Soliciting Preferential Treatment. He entered into a settlement agreement with the DOS 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, among other things, he commit no more rule violations within a range of severity specified in the agreement during that period.⁵⁴

In a second, unrelated incident, on April 5, 2017, DPD officers contacted a suspect in a stolen car. While attempting to flee, the suspect backed into a police vehicle. After the collision, the suspect got out of the car, ran, and tripped, fracturing his arm. Officers placed the suspect, who was still on the ground, in handcuffs. The former detective, whose rank had been reduced to patrol officer prior to the second incident, then used inappropriate force by lifting the suspect by the handcuffs and holding the suspect's hands high behind his back as he was walked to a police car. The officer also failed to activate his BWC. The officer, whose penalty was increased due to his discipline history, was suspended for 30 days for his inappropriate use of force, and received a written reprimand for failing to activate his BWC.

Because this misconduct violated the terms of his agreement with the DOS in the first case, the officer could have been ordered to serve the 30 additional suspended days that had been held in abeyance. In its Disciplinary Order in the second case, the DOS acknowledged that the officer had violated the terms of the agreement, but the DOS did not impose the additional 30-day suspension due to "mitigating circumstances" in the second case, including that the force was not used for inappropriate purposes (such as retaliation), did not exacerbate the suspect's injury, and that the officer had taken responsibility for his misconduct.

When a Settlement Agreement is Violated, Penalties Held in Abeyance Should be Imposed

The DPD's Discipline Handbook permits the DOS to sometimes enter into settlement agreements with officers to resolve discipline cases.⁵⁵ When settling a case, the Handbook vests the DOS with discretion to hold any penalties in abeyance if doing so would "further the interests of fairness and reasonableness."⁵⁶ Penalties held in abeyance are deferred and will not be imposed if the officer commits no other misconduct within a certain period after the settlement agreement ("Abeyance Period").

One of the "primary purposes" of the DPD's discipline system is deterring officer misconduct.⁵⁷ This is consistent with best practices, and with the philosophy espoused by the United States Department of Justice on the deterrent effect of discipline.⁵⁸ In carefully selected cases, holding penalties in abeyance may help to deter future misconduct by an officer who has already had a sustained discipline case.⁵⁹

The Discipline Handbook establishes that settlement of a disciplinary case is "not a matter of right."⁶⁰ Thus, when an officer has been allowed to settle a case and receives a penalty that is held in abeyance—and then commits another violation during the Abeyance Period—we believe that the abeyed penalty should be imposed. To do otherwise risks undermining any deterrent effect that penalties held in abeyance may have within the DPD.

In the case above, the settlement agreement held a 30-day suspension in abeyance on the condition that the officer commit no other serious violations during a one-year period.⁶¹ The agreement also stated that if the officer engaged in new misconduct that violated the terms of the agreement, the 30-day suspension "will be reinstated."⁶² Just eight months after that settlement agreement, the officer engaged in inappropriate force in the second incident.⁶³ Yet, when the DOS imposed discipline for that inappropriate force, the penalty that had been held in abeyance was not imposed.⁶⁴ We believe that allowing the officer to violate the agreement without consequence was an error by the DOS. If, in future settlement agreements, the DOS holds penalties in abeyance and officers commit misconduct that violates those agreements, we recommend that the DOS impose the penalties as the agreements require.

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- An officer requested to take two consecutive vacation days in June 2017. The request was denied due to staffing issues. On the first of the two days he requested off, the officer called in sick for his shift. He admitted that he was not sick when he called to report that he was taking a sick day. The officer was suspended for 10 days.
- On July 16, 2017, an officer inappropriately used a Taser on a fleeing, seemingly unarmed suspect who did not pose a threat to officers or others. A sergeant conducted a use of force investigation at the scene and determined that the use of the Taser was reasonable when, in fact, it violated policy. The officer was suspended for four days, and the sergeant, whose penalty was increased due to his discipline history, was suspended for 10 days.
- On July 27, 2017, an officer transported an intoxicated woman to a detox facility. At the facility, the woman was escorted to a quiet room and became argumentative with staff. When the woman continued to argue with staff, the officer entered the quiet room and ordered the woman to sit on a bench. She refused and hit the officer on his forearm with a closed fist. In response, the officer grabbed the woman and slapped her on the left side of the face with an open hand. The officer then shoved the woman's head down and against the wall and pushed on it with his hands while sitting on her with the right side of his body. He also yelled at her and called her a "dumb bitch." Prior to the physical altercation, the officer could have retreated from the room or gotten the assistance of another officer who had arrived at the facility. The officer was suspended for 10 days. He appealed the decision, and his appeal was dismissed.

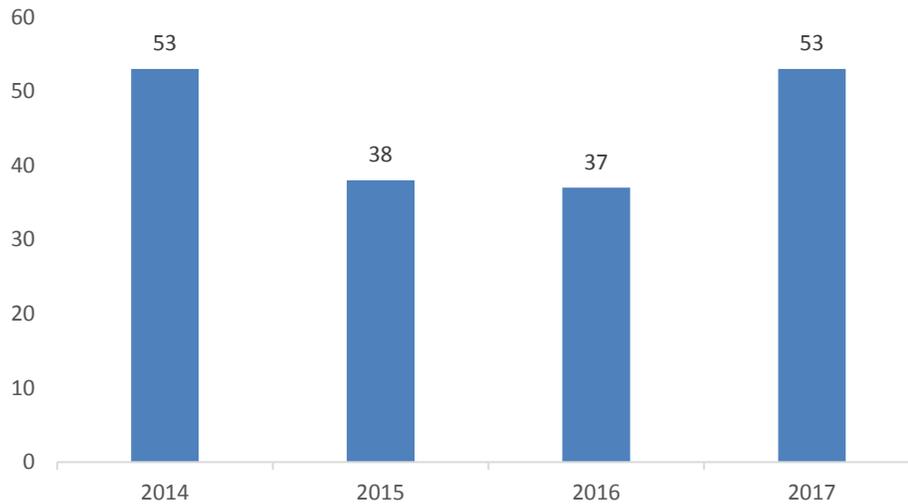
Appeals of Significant Discipline Imposed Prior to January 1, 2018, and Filed With and/or Decided by the Civil Service Commission in 2017⁶⁵

■ 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 deceptive statements about the incident to IAB. The officer was terminated in June 2016. He appealed that decision, and it was affirmed by a Hearing Officer in September 2016. He then appealed the Hearing Officer's decision, and it was affirmed by the Civil Service Commission in May 2017.

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 2017, the OIM/DPD mediation program resulted in 53 completed officer-community member mediations, a 43% increase from 2016.⁶⁶

Figure 2.5: Completed Community-Police Mediations, 2014-2017



Timeliness

Table 2.3 reports the mean processing time, in days, for complaints recorded by IAB between 2015 and 2017.⁶⁷ These figures exclude the number of days required for the OIM to review investigations and discipline. Average processing times increased between 2016 and 2017. In 2016, the mean processing time for all IAB cases was 38 days, compared to 46 days in 2017. Complaints still open when the OIM extracted data for this report had an average age of 53 days.

Table 2.3: Mean Case Age for Complaints Received, 2015–2017

Case Type	2015	2016	2017
All IAB Cases	42	38	46
Declined/Administrative Review/Informal/Service Complaint/Mediation	35	27	30
Full Formal Investigations	63	63	74

Complainant Demographics and Complaint Filing Patterns

The demographic characteristics of the 433 complainants who filed complaints against DPD officers in 2017 are presented in Table 2.4 (note that a single complaint can be associated with multiple complainants).⁶⁸ Ninety-eight percent of complainants filed only a single complaint, while 2% filed two or more complaints.⁶⁹

Table 2.4: Complainant Demographics and Filing Patterns

Gender	Count	Percentage
Male	220	51%
Female	156	36%
Transgender	1	< 1%
Unknown	56	13%
Total	433	100%
Race	Count	Percentage
White	159	37%
Black	77	18%
Hispanic	48	11%
Asian/Pacific Islander	5	1%
American Indian	1	< 1%
Unknown	143	33%
Total	433	100%
Age	Count	Percentage
0 - 18	3	1%
19 - 24	24	6%
25 - 30	30	7%
31 - 40	58	13%
41 - 50	36	8%
51+	32	7%
Unknown	250	58%
Total	433	100%
Number of Complaints Filed	Count	Percentage
One Complaint	425	98%
Two or More	8	2%
Total	433	100%

Officer Complaint Patterns

Complaints per Officer

Table 2.5 shows the number of complaints filed against individual DPD officers from 2014 through 2017. This table includes citizen and internal complaints (regardless of finding), but excludes most scheduled discipline complaints and complaints against non-sworn employees. In 2017, 65% of DPD sworn officers did not receive any complaints, while 25% received one complaint.

Table 2.5: Number of Community/Internal Complaints per Officer by Year, 2014-2017

Number of Complaints	2014	2015	2016	2017
0	59%	65%	70%	65%
1	25%	25%	21%	25%
2	11%	8%	6%	6%
3	3%	2%	2%	2%
4	1%	< 1%	1%	1%
5	< 1%	< 1%	0%	< 1%
6	< 1%	0%	< 1%	< 1%
7 or More	< 1%	< 1%	0%	0%
Total Sworn Officers	1,420	1,442	1,491	1,471

Inappropriate Force Complaints per Officer

Table 2.6 shows the number of inappropriate force complaints filed against individual DPD officers from 2014 through 2017. In 2017, 5% of DPD officers received one inappropriate force complaint and 1% of officers received two or more inappropriate force complaints.

Table 2.6: Officers Receiving Inappropriate Force Complaints by Year, 2014-2017

Number of Complaints	2014	2015	2016	2017
0	88%	92%	95%	95%
1	10%	7%	5%	5%
2	2%	1%	< 1%	1%
3	< 1%	< 1%	0%	0%
Total Sworn Officers	1,420	1,442	1,491	1,471

Sustained Complaints per Officer

Table 2.7 reports the number of sustained complaints for individual officers between 2014 and 2017 grouped by the year the complaints were closed. In 2017, 9% of officers had one sustained complaint and less than 2% had two or more sustained complaints.

Table 2.7: DPD Officers with Sustained Complaints by Year Closed, 2014-2017

Number of Complaints	2014	2015	2016	2017
0	94%	96%	93%	90%
1	5%	4%	7%	9%
2	< 1%	< 1%	< 1%	1%
3	< 1%	0%	0%	< 1%
Total Sworn Officers	1,420	1,442	1,491	1,471

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 2017. Table 2.9 provides definitions for select commendations.

Table 2.8 Commendations Awarded to DPD Officers in 2017

Commendation Type	Count	Percentage
Citizen Letter	118	28%
Commendatory Action Report	118	28%
Commendatory Letter	70	17%
Official Commendation	50	12%
Other than DPD Commendation	13	3%
Unassigned	13	3%
Top Cop	9	2%
Preservation of Life	7	2%
Excellence in Crime Prevention	4	1%
Certificate of Appreciation	3	1%
Life Saving Award	3	1%
Certificate of Recognition	2	< 1%
Medal of Valor	2	< 1%
Purple Heart	2	< 1%
Top Detective	2	< 1%
Above + Beyond	1	< 1%
Certificate of Commendation	1	< 1%
Medal of Honor	1	< 1%
Merit Award	1	< 1%
Meritorious Service Ribbon Award	1	< 1%
Officer of The Year	1	< 1%
Service Award	1	< 1%
Total	423	100%

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Table 2.9: Commendation Types and Descriptions

Commendation Type	Description
Medal of Honor	Awarded to an individual for an act of outstanding bravery or heroism by which the individual has demonstrated in great degree the characteristics of selflessness, personal courage, and devotion to duty at the risk of his or her own life. The individual's actions substantially contributed to the saving of, or attempted saving of a human life.
Medal of Valor	Awarded to an individual for an act, in the face of great danger, wherein valor, courage, and bravery are demonstrated over and above that normally demanded and expected.
Preservation of Life	Awarded to an individual who performs an act of heroism, demonstrates good judgment, zeal, or ingenuity over and above what is normally demanded and expected, to preserve the life of another during a critical, volatile, or dangerous encounter while protecting the safety and security of the public and his or her fellow officers.
Distinguished Service Cross	Awarded to members who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor. The heroic act(s) performed must render the individual conspicuous and well above the standard expected.
Purple Heart Award	Awarded to an individual who is seriously or critically injured while performing a heroic and/or police action. This award is limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor.
Excellence in Crime Prevention	Awarded to an individual who, through personal initiative and ingenuity, develops a program or plan which contributes significantly to the department's mission; or through innovative crime prevention strategies, combats issues affecting the community.
Lifesaving Award	Awarded to an individual who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no danger to the individual's life.
Community Service Award	Awarded to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of community service or affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
Official Commendation	Awarded to an individual who by exemplary conduct and demeanor, performs at a superior level of duty, exhibiting perseverance with actions resulting in a significant contribution to the department and/or improvement to the quality of life in the community, or an individual who supervised or managed a tactical situation of an active, evolving incident as the on-scene commander.
Outstanding Volunteer Award	Awarded to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of the department's mission, vision and values, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
Officer of the Year Award	Awarded annually to an officer who has represented the department in all facets of law enforcement with a commitment to excellence, in support of the mission and values of the organization. The officer has consistently persevered in the prevention of crime and demonstrated initiative, leadership, and dedication to the law enforcement profession.

Highlighted Commendations

LIFESAVING AWARD

An officer responded to a report of a woman under a bridge who had attempted suicide. He contacted the woman, and saw blood on the woman's hands, three cuts on her wrist, and a more serious laceration on the inside of her elbow. He deduced that she had already lost a lot of blood and quickly tied a tourniquet to stop any further bleeding. She was transported to a hospital where she recovered from her wounds. Both the attending paramedic and physician stated that the woman survived this incident due to the officer's actions. Because the officer saved the victim's life, he was awarded the Lifesaving Award.

MEDAL OF VALOR

An officer on patrol observed smoke and drove to a house that was on fire. Upon arriving, he observed a man shouting into the house and learned that there was an immobile person trapped inside. After confirming that the Denver Fire Department ("DFD") had been dispatched, the officer grabbed a hose from the front yard and began spraying the house's entry way. The officer attempted to enter to extract the victim, but a partial structure collapse prevented him from doing so. Cover officers arrived and continued to spray the house with the hose until the DFD rescued the victim, who had burns on his face, arms, and legs. The victim and officer were transported to the hospital. The actions of the officer prevented the fire from spreading further. For his quick and clear thinking, bravery, and selflessness in his devotion to duty, the officer was awarded the Medal of Valor.

TOP COP AWARD

A detective and an officer responded to a call of a suicidal man who was threatening to jump off the roof of a 16-story apartment building. The detective established a rapport with the man by talking to him while the officer formulated a plan to prevent the man from jumping, if necessary. The detective kept the man's attention while the officer and members of the DFD put on harnesses and positioned themselves closer to the man. As the man got closer to the edge of the roof and appeared to be attempting to jump, the officer and the firefighters grabbed him and safely took him into protective custody. The officer and detective were awarded the Top Cop Award for working together to save the man's life.

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LIFESAVING AWARD/OFFICIAL COMMENDATION

Two officers (“Officer A” and “Officer B”) stopped a speeding vehicle. Two individuals exited and were screaming that their friend had been shot and was dying. The officers approached the vehicle and observed the victim sitting in the front passenger seat with a large amount of blood on and around him. Officer A interacted with the other occupants of the vehicle, keeping them calm, and Officer B placed direct pressure on a gunshot wound on the victim’s neck while speaking to him to keep him focused until an ambulance arrived. One of the responding paramedics stated that Officer B’s actions “without a doubt, saved [the victim’s] life.” Because both officers played vital roles in the resolution of the incident, Officer B was awarded a Lifesaving Award and Officer A received an Official Commendation.

PURPLE HEART

In December of 2014, an officer was assigned to a team of bike officers tasked with protecting a large group of high school students participating in a protest. The officers protected the student-protestors in active lanes of traffic for nearly three hours. At the end of the demonstration, a driver experienced a medical episode and veered into four uniformed bike officers, striking the officer and dragging him more than 100 feet. The officer suffered crushed ribs, a punctured lung, a severed artery, a broken right femur, and a cracked pelvis, and he required more than 20 surgeries. The officer has maintained an upbeat attitude and served as an inspiration for his fellow officers. For being critically injured while performing his duties, in April 2017, the officer was awarded the Purple Heart.

EXCELLENCE IN CRIME PREVENTION

A detective (“Detective A”) with the Gang Bureau received a call about a missing kidnapping victim. The victim was contacted by police after she was released by her captors, and identified a second kidnapping and sexual assault victim. Detective A and two other detectives widened the investigation and discovered that suspects were holding men and women against their will to repay drug debts, moving victims to multiple locations, and subjecting them to torture, sexual assault, and aggravated assault. These suspects were also trafficking in methamphetamine and heroin, stealing cars, committing robberies and arranging a murder for hire to kill a witness. The detectives requested that the Denver District Attorney use a grand jury to prove that the enterprise was subject to the Colorado Organized Crime and Control Act (COCCA). The Grand Jury indicted 18 suspects on 128 felony counts. Motivated by a desire to stop a criminal organization that was affecting the entire metro area, the three detectives spent countless hours working on these cases and

building rapport with witnesses and victims, in addition to their regular case load. Because of their diligence and dedication, the three detectives were awarded the Excellence in Crime Prevention Award.

COMMENDATORY LETTER

Two officers were called to conduct a traffic stop of a vehicle that had been under surveillance by a DPD detective. After stopping the vehicle, the officer on the driver's side ("Officer A") noticed that the front passenger was rocking back and forth in his seat, so he went to assist the officer on the passenger's side ("Officer B"). Officer B then noticed the passenger was sweating profusely. Officer A opened the front passenger door and the passenger reached for a handgun that was protruding from his pocket. Officer A grabbed the handgun and restrained the remaining passengers at gunpoint while Officer B put the suspect in custody. The vehicle was impounded and five other handguns, an inert hand grenade, stolen jewelry, and large quantities of methamphetamine and heroin were discovered. The rear passenger stated he was going to shoot the two officers who conducted the traffic stop. The two officers received Commendatory Letters for doing an excellent job in opening the vehicle and removing the suspect before he could make the situation more volatile.

PRESERVATION OF LIFE AWARD

Two officers responded to a report of domestic violence in progress. The suspect was assaulting, striking, biting, and choking the victim. When the officers contacted the victim and the suspect, the victim answered the door and surreptitiously mouthed to the officers that the suspect had a knife. The suspect sprang to his feet and menaced the officers with a large butcher knife that had been concealed under his leg. The officers distanced themselves from the suspect, requested emergency cover, and used dining room chairs to create a barrier between themselves and the suspect. Because of their quick thinking and use of de-escalation tactics, the officers prevented the incident from escalating into a deadly force situation, and were awarded Preservation of Life Awards.

COMMENDATORY ACTION REPORT

A resident wrote to commend two DPD officers who had assisted his wife after a bicyclist had run into her vehicle. The bicyclist had been verbally abusive and the driver was very upset and scared. The officers made sure the driver was not injured and counseled her about the effects of traumatic events. The resident wanted to express his gratitude for the professionalism that the officers showed in addressing the situation.

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3

Denver Sheriff Department Monitoring

Introduction

The OIM is responsible for monitoring and reporting on patterns in Denver Sheriff Department (“DSD”) complaints and commendations.⁷⁰ In this chapter, we review statistical and workload patterns relating to the DSD’s complaints, investigations, findings, and discipline.

Highlights

- As discussed on page 40 of this report, in 2017, the DSD revised its Internal Affairs and Civil Liabilities Bureau Procedures to define a complaint as “any formal verbal or written statement, including a grievance, that alleges misconduct by any employee of the DSD” and to require “all complaints and allegations of misconduct . . . be recorded, and the investigative progress tracked” in IAB’s complaint tracking database.⁷¹ This change is consistent with national law enforcement best practices which recommend that all allegations of misconduct be recorded and tracked within one central case tracking system.⁷²
- The number of community and inmate complaints recorded by the DSD increased by 167% in 2017. In 2017, 203 community complaints were recorded against DSD deputies, compared to 76 in 2016. We believe that this reflects the change in the DSD’s complaint recording practices discussed above, rather than an increase in the rate at which inmates asserted claims of misconduct.
- The number of recorded internal complaints filed by DSD management and other employees increased by 33%. In 2017, 124 such complaints were recorded against DSD deputies, compared to 93 in 2016.

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- The percentage of community/inmate complaints that were closed with one or more sustained findings decreased between 2016 and 2017. In 2017, 5% of closed community/inmate complaints had one or more sustained findings compared to 10% in 2016.
- In 2017, 3 DSD deputies were terminated and 9 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 jails. 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 2017

Figure 3.1 reports the number of complaints recorded by the DSD by year.^{73, 74} In 2017, the DSD recorded 335 total complaints (both internal and inmate/community complaints) against deputies, an 87% increase from 2016. This increase is likely related to the DSD’s revision of its Internal Affairs and Civil Liabilities Bureau Procedures.⁷⁵

Figure 3.1: Complaints Recorded in 2014–2017

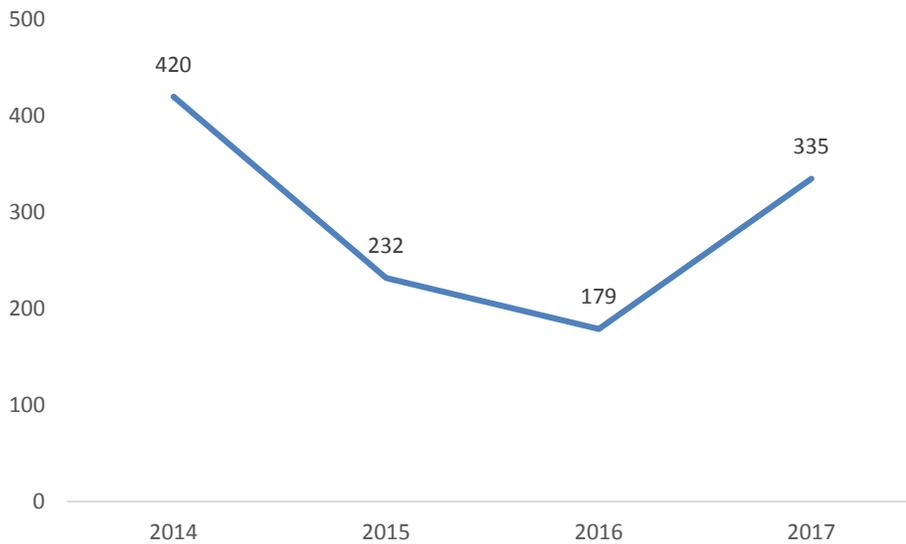
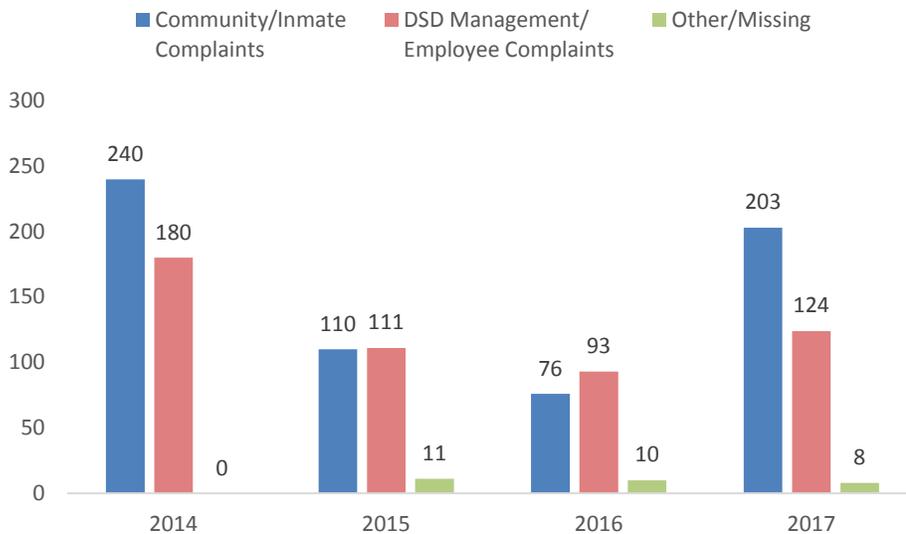


Figure 3.2 shows the number of complaints recorded against deputies by complaint type and year.⁷⁶ The number of internal complaints filed by DSD management and other employees that were recorded in 2017 increased by 33% when compared to 2016, while the number of complaints by community members and inmates increased by 167%.

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Figure 3.2: Complaints Recorded by Year and Complaint Type, 2014-2017



The DSD Makes Necessary Revisions to its IAB Complaint Handling Procedures

The total number of recorded complaints filed by community members and inmates increased from 2016 to 2017. This increase follows a two-year period, 2015 and 2016, during which community member and inmate complaints recorded by the DSD decreased substantially. As noted in previous reports, the OIM was monitoring this downward trend in an attempt to understand its causes.⁷⁷ In late 2016, the OIM launched a review and requested documents from the DSD, including copies of all complaints, tracking documents, and databases maintained by IAB or either jail facility.⁷⁸ The OIM reviewed these documents and national best practices, which recommend that departments develop a reliable complaint tracking system that records and tracks all allegations of misconduct within one central database.⁷⁹ The OIM subsequently raised concerns about the DSD's complaint triage process.⁸⁰

In 2017, the DSD revised its Internal Affairs and Civil Liabilities Bureau Procedures to, among other things, define a complaint as “any formal verbal or written statement, including a grievance, that alleges misconduct by any employee of the DSD” and to require “all complaints and allegations of misconduct . . . be recorded, and the investigative progress tracked, in the IAPro database,” IAB's complaint tracking database.⁸¹ The OIM commends the DSD for revising its complaint handling process to reflect national law enforcement best practices.

Most Common Complaint Specifications

Table 3.1 reports the most common specifications recorded against DSD deputies by year.⁸² The most common specification was “unassigned.” Because the DSD finalizes each case’s specifications during the discipline review phase, 18% of the specifications associated with complaints recorded in 2017 were “unassigned” at the time the OIM extracted data for this report.⁸³ The second 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.”⁸⁴

Table 3.1: Most Common Specifications in 2015–2017

Specification	2015	2016	2017
Unassigned	5%	7%	18%
Inappropriate Force	14%	12%	12%
Disobedience of Rule	8%	13%	11%
Discrimination, Harassment or Retaliation against Prisoners	4%	5%	5%
Full Attention to Duties	5%	4%	5%
Discrimination, Harassment, and Retaliation	1%	1%	4%
Accurate Reporting	1%	2%	4%
Conduct Prejudicial	1%	3%	3%
Sexual Misconduct	0%	1%	3%
Harassment of Prisoners	4%	5%	3%
All Other Specifications	57%	47%	30%
Total Number of Specifications	393	385	689

Complaint Location

Table 3.2 reports the location of the incidents about which complaints were recorded between 2014 and 2017. The largest percentage of recorded complaints (66%) related to incidents occurring at the Van Cise-Simonet Detention Center (“Denver Detention Center” or “DDC”). This is not unexpected since the DDC houses the greatest number of inmates in DSD custody.⁸⁵

Table 3.2: Location of Complaints by Year Received, 2014–2017

Location	2014	2015	2016	2017
DDC	63%	56%	63%	66%
County Jail	18%	27%	15%	18%
Other Location	14%	13%	17%	11%
Missing Location	5%	4%	5%	5%

The OIM Commends the DSD for its Creation of a Data Science Unit

In its 2015 review of the DSD, Hillard Heintze found that “the DSD needs to find better ways to collect reliable data and use that data to analyze and audit uses of force and other issues.”⁸⁶ To develop the capacity to address this finding, the DSD requested assistance from United States Department of Justice’s Office of Justice Programs (“OJP”) Diagnostic Center.⁸⁷ With OJP’s assistance, the DSD created its Data Science Unit (“DSU”) in 2016 “to collect and analyze data on jail trends including inmate population, use of force incidents and in-custody assaults.”⁸⁸

Under the leadership of Armando Saldate, the DSU has created a series of interactive data dashboards that can be used by DSD executive staff to make decisions about staffing and other aspects of jail management.⁸⁹ In addition, the DSD now shares regularly updated data on IAB investigations, the jail population, staff demographics, and uses of force, with the public on its website.⁹⁰ We commend the DSD for developing the DSU, which will help jail managers make data-driven decisions, and for promoting transparency by making DSD data available to the public.

Intake Investigations, Screening Decisions, and Findings

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.

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.⁹¹ If the DSD resolves, declines, or treats the complaint as an informal, the OIM reviews the completed

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case and makes any recommendations that may be necessary. If the OIM agrees that the case handling was appropriate, IAB writes a letter to the complainant that explains the outcome. The OIM then forwards 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 an IAB investigator.⁹² 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 IAB has completed its work.

The case is then given to the DSD Conduct Review Office ("CRO") to make an initial finding regarding whether there are any potential policy or procedural violations. The OIM also reviews the CRO findings. If the CRO recommends 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 DOS. A representative of the DOS may also be present at this meeting. After this meeting, the Sheriff and the Independent Monitor each make a final recommendation to the DOS, separately. The DOS then makes a final decision as to findings and discipline. If the deputy disagrees with the discipline imposed by the DOS, the deputy may file an appeal with the Career Service Board's Hearing Office.

Figure 3.3 reports the number of complaints closed between 2014 and 2017. The DSD closed 277 complaints in 2017, representing a 5% decrease from 2016, when 292 complaints were closed.⁹³

Figure 3.3: Complaints Closed by Year Closed, 2014–2017

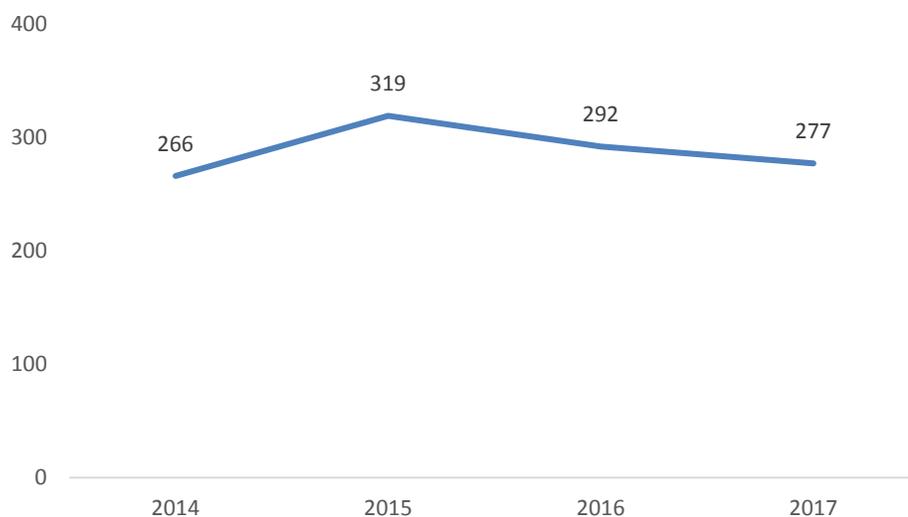


Table 3.3 reports the final disposition of complaints closed between 2014 and 2017. A larger percentage of complaints were declined for further investigation in 2017 than in 2016. This difference may be due, in part, to variation in the number of complaints closed with Unauthorized Leave specifications.⁹⁴ In 2017, the DSD closed 5 such complaints, compared to 64 in 2016. None of the complaints with Unauthorized Leave specifications closed in 2016 and 2017 were declined.

Table 3.3: Findings for Complaints Closed in 2014–2017

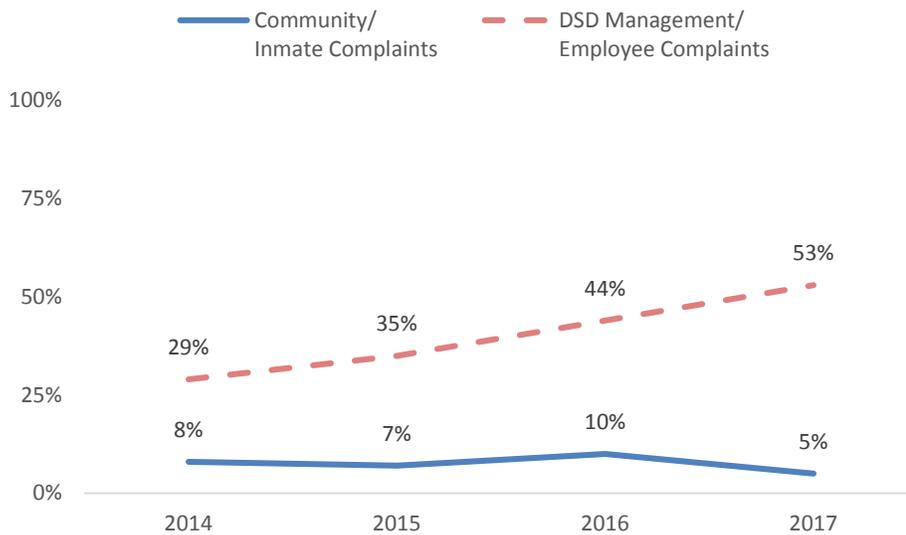
Outcome	2014	2015	2016	2017
Declined	42%	54%	37%	57%
Sustained	20%	18%	28%	24%
Not Sustained/Exonerated/Unfounded	27%	11%	20%	10%
Informal/Referred/Resolved/Information Only	11%	15%	14%	9%
Mediation	1%	1%	0%	0%

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

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inmates (see Figure 3.4). In 2017, 53% of complaints filed by DSD management or other employees had one or more sustained findings. The 2017 sustain rate for complaints filed by community members and inmates was 5%, a decrease from 2016. This decrease may be related, in part, to changes in IAB's complaint handling process, which now requires that all allegations of misconduct be recorded as complaints.⁹⁵

Figure 3.4: Complaints that Resulted in One or More Sustained Findings, 2014-2017



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 specifications from 2014 through 2017.^{96, 97} The most common forms of discipline in 2017 were suspension and written reprimands. In February 2016, Denver’s Career Service Board revised its rules to eliminate verbal reprimands as a form of discipline, and as a result, the DSD imposed no verbal reprimands in 2017.⁹⁸

Table 3.4: Discipline Imposed by Year of Case Closure, 2014-2017

Discipline	2014	2015	2016	2017
Termination	8	4	6	3
Resigned/Retired Prior to Discipline	4	7	4	9
Demotion	0	1	0	1
Suspension	21	24	33	47
Written Reprimand	14	21	25	26
Verbal Reprimand	21	19	6	0

Significant Disciplinary Cases Closed in 2017^{99, 100}

Terminations

■ On January 28, 2016, a deputy (“Deputy A”) was supervising inmates in a holding cell and engaged in an argument with an inmate regarding a blanket. Deputy A removed the inmate from the holding cell and told the inmate he was taking him to an area of the jail with no cameras in order to assault him. Deputy A then walked the inmate to an area of the jail that, in fact, does not have cameras, shoving the inmate from behind as they walked. A second deputy (“Deputy B”) attempted to intervene, but Deputy A pulled the inmate away. Deputy A then removed his glasses and handed them to Deputy B, saying, “[h]ere, hold these, I don’t want them to get broken.” Deputy A then began to struggle with the inmate, slamming him onto a counter, striking him, and grabbing him by the neck. The deputy also made deceptive statements during IAB’s investigation of the incident. The deputy was terminated. He appealed, and a Hearing Officer affirmed his termination. He has appealed to the Career Service Board.

■ On November 22, 2016, a civilian security specialist working at the DDC contacted a supervisor and requested to go home early because he was not feeling well. Two sergeants (“Sergeant A” and “Sergeant B”) subsequently interacted with the security specialist. Both sergeants were told by another supervisor that the security specialist had medical issues and was taking medication. When the sergeants made contact with the security specialist both noticed that he seemed confused and was very unstable when he walked. The sergeants escorted the security specialist into an elevator and then out of the building and into the carport and had him driven home by a deputy. Afterwards, Sergeants A and B talked to another sergeant about their concerns that the security specialist might be intoxicated. Six days later, the security specialist admitted to DSD command staff that he brought alcohol to work and drank it while on-duty on the day of the incident. In their IAB interviews, Sergeant A said he noted a “weird smell” and Sergeant B reported a “sweet smell” while they were in the elevator. Yet, despite both sergeants observing signs of possible intoxication, neither sergeant required the security specialist to submit to drug and alcohol testing, despite being required by policy to do so.¹⁰¹ Sergeants A and B made deceptive statements to IAB during its investigation of the incident. Sergeants A and B were terminated, and both sergeants have appealed.¹⁰²

Disqualifications

■ A deputy had two cases. In the first case, on April 23, 2015, the deputy was alleged to have left the Denver County Jail and failed to work her shift after allegedly having been ordered to work overtime. The deputy also allegedly made false statements during the investigation. In the second case, on June 10, 2015, the deputy was alleged to have been fraternizing with inmates. The deputy was disqualified from employment with the department for medical reasons prior to a disciplinary finding in either case.

Demotions

■ In June 2017, a division chief, a captain, and a sergeant were disciplined for allegedly affording preferential treatment to a woman who is a relative of current and former high-ranking city officials. On September 1, 2016, the division chief was contacted by a community member and informed that the woman had an outstanding arrest warrant. The division chief answered multiple questions and then disclosed to the community member information from the National Crime Information Center/Colorado Crime Information Center database. The division chief also personally guaranteed that someone would come out and meet the woman in the lobby when she came to turn herself in. The division chief then called his sister, a captain at the jail, and informed her of the warrant and the woman's familial and political ties, and that the woman would be turning herself in.

On September 8, 2016, the woman turned herself in. The former Executive Director of Safety had instructed that no preferential treatment was to be given, and that instruction was relayed to the captain. Yet, the captain met the woman in the lobby, remained with her throughout the booking process, failed to walk her through the same entrance that other inmates are brought through, did not handcuff and thoroughly search her, and directed subordinates (including a sergeant) to expedite the booking process so that the woman could be seen in court sooner. The sergeant followed the captain's orders, although he had multiple opportunities not to do so.

The division chief was demoted to captain, the captain was demoted to deputy, and the sergeant was suspended for two days. The former division chief and former captain both appealed their demotions, and the sergeant appealed his suspension. A Career Service Hearing Officer modified the former division chief's demotion to a 30-day suspension, affirmed the former captain's demotion, and affirmed the

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sergeant's suspension. The former captain and the sergeant have appealed to the Career Service Board.

Resignations and Retirements

■ A deputy had two cases. On February 20, 2017, the deputy allegedly used vulgar and inappropriate language towards female inmates. On March 6, 2017, a DSD staff member reported that the deputy was allegedly having or attempting to have a relationship with a former female inmate. The deputy resigned prior to disciplinary findings in both cases.

■ On March 28, 2016, a deputy allegedly drove 24 miles per hour over the posted speed limit resulting in a speeding citation in another jurisdiction. He then allegedly failed to report the citation to the DSD, as required. He also allegedly used his position as a deputy to attempt to continue his court date, and allegedly made deceptive statements to IAB during its investigation of the incident. The deputy resigned prior to a disciplinary finding.

■ In May 2016, IAB opened an investigation into the conduct of a deputy who allegedly used one or more controlled substances, committed a deceptive act, and had prohibited associations that he failed to report. In August 2016, the deputy entered into a settlement agreement with the DOS and resigned.¹⁰³

■ On July 14, 2016, IAB received a complaint that a deputy was living with a former DDC inmate who was on parole, which she allegedly did not report to IAB, as required. The deputy also allegedly feigned being ill while using sick leave, asked another deputy to expedite the parolee's booking into the DDC, brought an unauthorized cell phone into the jail and used it for personal calls without permission while on duty, and violated the law by providing false information to law enforcement in another jurisdiction. The deputy allegedly made deceptive statements during IAB's investigation. The deputy resigned prior to a disciplinary finding.

■ On July 25, 2017, a deputy allegedly made misleading and inaccurate statements in a worker's compensation claim for an alleged on-duty injury. The deputy also allegedly made deceptive statements to IAB during its investigation of the incident. The deputy retired prior to a disciplinary finding.

■ A deputy had two cases. In the first case, on October 21, 2016, the deputy allegedly made deceptive statements to police while they were investigating a criminal complaint. In the second case, on March 11, 2017, the deputy was charged

with Driving with License Under Restraint, Displaying Fictitious/Altered License Plates, and Failing to Present Evidence of Insurance. The deputy also allegedly made deceptive statements to police during their investigation of the traffic offenses. The deputy resigned prior to disciplinary findings in either case.

■ On November 13, 2016, a sergeant allegedly used inappropriate force on an inmate. The sergeant retired prior to a disciplinary finding.

■ On November 25, 2016, a deputy allegedly used a department computer to view pornographic material at work, which he may have previously done multiple times over a two-and-a-half-year period. The deputy also allegedly made deceptive statements to IAB during its investigation of the incident. The deputy resigned prior to a disciplinary finding.

■ On December 25, 2016, a deputy allegedly directed and focused a housing pod security camera on a television in order to watch a football game. The deputy also allegedly failed to conduct inmate roll call when required to do so. The deputy resigned prior to a disciplinary finding.

Other Significant Cases, Including Suspensions of Ten or More Days

■ On October 29, 2015, a deputy was working in a housing pod when an inmate winked at her. She responded by telling the inmate, “Wink at me again and I’ll poke your eye out.” The comment was overheard by an inmate and another deputy present in the housing pod. When questioned, the deputy made deceptive statements to IAB about the incident. Pursuant to a settlement agreement with the DOS, the deputy was suspended for 45 days.

■ On the evening of November 11, 2015, an inmate was in the custody of the DSD when he began displaying erratic behavior. Deputies isolated him in a jail sally port, and when he attempted to enter an adjacent hallway, they moved him to the floor and put him into restraints. For approximately 13 minutes, deputies used physical force on the inmate, primarily involving the application of pressure and bodyweight on his body, while he intermittently struggled on the floor. The inmate ultimately became unconscious. Two deputies (“Deputy A” and “Deputy B”) performed cardiopulmonary resuscitation for approximately 16 and 3 minutes, respectively, and paramedics transported the inmate to Denver Health Medical Center, where he was in a comatose state. Nine days later, on November 20, 2015, the inmate was taken off life support, and died.

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OIM staff responded to the use of force on the night of the incident, and actively monitored the investigation and subsequent administrative review of the incident. On January 21, 2016, the District Attorney announced his decision to decline to file charges against the involved deputies. The District Attorney prepared a detailed letter reviewing the incident, which can be found [here](#).¹⁰⁴ Throughout the subsequent administrative review, the OIM made detailed recommendations related to the investigation, the interviews, whether certain allegations of misconduct should be sustained, and the disciplinary outcomes for the involved deputies.

On April 19, 2017, the DOS disciplined Deputy A, Deputy B, and a captain for their conduct during the incident. Deputy A was suspended for 16 days for using inappropriate force, after medical personnel asked him to release pressure from the inmate. He was also required to attend remedial training on the DSD's Use of Force Policy. Deputy B was suspended for 10 days for using inappropriate force when he used Orcutt Police Nunchakus ("OPNs") as a pain compliance technique after the inmate was restrained. Deputy B was also required to attend remedial training on the DSD's Use of Force Policy. The captain was suspended for 10 days for failing to supervise when he failed to communicate and give guidance to the deputies, and instead took a passive role in managing the incident. Deputy A, Deputy B, and the captain appealed their discipline, and a Career Service Hearing Officer overturned all three decisions. The DOS has appealed these decisions to the Career Service Board.

■ In March of 2016, a captain working in the Lindsey-Flanigan Courthouse responded to an area of the courthouse where three juveniles were being held. The juveniles allegedly made offensive and disrespectful comments to the captain, and the captain responded to one of the juveniles in a lewd and unprofessional manner. The captain entered into a settlement agreement with the DOS whereby he was suspended for 14 days with 10 days held in abeyance on the condition that he have no further sustained rule violations for a period of 12 months. The agreement also held the severity of his conduct category in abeyance, meaning that if the captain has no further sustained rule violations in the 12-month period, his "disciplinary history will reflect a [less serious] violation."

■ In May of 2016, a DSD employee reported to command staff that on multiple occasions several deputies and a sergeant had left their posts prior to the end of their shifts without taking time from their leave banks. As a result, they were paid for time during which they did not work. The deputies were each suspended for 18 days, and the hours for which they were paid but did not work were deducted

from their vacation accrual. The sergeant entered into a settlement agreement with the DOS under which she was also suspended for 18 days and the hours for which she was paid but did not work were deducted from her vacation accrual.

■ On July 17, 2016, two deputies (“Deputy A” and “Deputy B”) were working at the DDC in a restrictive housing unit for inmates with severe mental health issues. The deputies were distributing meal trays to inmates through flaps on the secured cell doors. One inmate threw liquid through the door flap towards Deputy A. The inmate also stuck his arm out of the flap and refused to put it back into the cell despite orders to do so. Deputy B went to the cell and stood in front of it with Deputy A. The deputies repeated orders to the inmate to take his arm out of the door flap and again the inmate refused. Instead of walking away or seeking assistance, Deputy B took a step back and then forcefully kicked the flap with the inmate’s arm still in the slot, resulting in injury to the inmate.

The inmate also covered his cell window, and was forcibly extracted from his cell and placed in a cell with a camera. The sergeant who supervised the cell extraction failed to give adequate directions and preparation to staff prior to extracting the inmate, failed to ensure that proper safety equipment and gear were readily available during the extraction, and failed to video record the extraction, as policy required. Deputy B was suspended for 10 days. The sergeant was also suspended for 10 days. The sergeant was terminated for a separate act of misconduct on the same day that the disciplinary order was released, so his suspension was “held in abeyance to be served if [he] returns to employment with the City and County of Denver.” The sergeant has appealed this decision.

■ On August 10, 2016, an off-duty sergeant attempted to get faster service at a restaurant by displaying his badge and identifying himself as a member of law enforcement. He also went up to an officer from another jurisdiction seated at the restaurant and commented that he should have worn his uniform. The sergeant’s behavior was observed both by restaurant employees and by the member of another law enforcement agency. They characterized the sergeant’s behavior as unprofessional. The sergeant was suspended for 30 days.

■ On August 18, 2016, a deputy working an armed post at the hospital fell asleep while guarding an inmate. The deputy was suspended for 14 days. The deputy appealed, and in August 2017, a Hearing Officer affirmed her suspension. The deputy has appealed to the Career Service Board.

■ On September 5, 2016, a deputy working in the Release Unit released the wrong inmate to the custody of the Colorado State Patrol (“CSP”) after the inmate

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switched her ID bracelet with another inmate. After escaping from the CSP, the inmate was ultimately returned to DSD custody. The deputy's actions resulted in the release of an inmate who was ineligible to be released, as well as the overdeterment of a second inmate who should have been released. The deputy was suspended for 10 days, and appealed. The deputy entered into a settlement agreement with the DOS, dismissing his appeal. The agreement reduced the deputy's penalty to a seven-day suspension and required that he be compensated for three days of suspended time that he already served.

■ On October 16, 2016, two deputies (“Deputy A” and “Deputy B”) were working at the DDC in a special management unit which houses inmates who have severe mental illnesses, are in segregation, or require separation from other inmates. The deputies were serving a meal tray to an inmate through a flap in the secured cell door when the inmate put his arms through the flap and refused to pull them back into his cell. The deputies used verbal commands to try to persuade the inmate to pull his arms back into the cell, but the inmate left his arms in the flap. Instead of walking away and continuing meal service to the remainder of the unit, the deputies tried to push one of the inmate's arms back and then used two sets of (“OPNs”) to apply pressure to the inmate's arm to get him to withdraw it. The inmate sustained injuries to his hand and wrist from the use of force. Deputy A, whose penalty was mitigated due to his record with the DSD, was suspended for 18 days. Deputy B, whose penalty was increased due to his disciplinary history, was suspended for 60 days. Both deputies have appealed.

■ On November 8, 2016, deputies working on the second floor of the DDC were searching an inmate and found cash and a piece of black plastic with an unidentified substance, which may have been crystal meth, in the inmate's sock. The sergeant assigned to supervise that floor directed a deputy to flush the substance down a toilet, rather than store it in the designated location. The sergeant then verbally authorized the deputies to strip search the inmate without the required written permission, and failed to document his review of the deputies' incident reports, as required by policy. The sergeant was suspended for 14 days, and appealed. The sergeant entered into a settlement agreement with the DOS that reduced his penalty to a six-day suspension and the appeal was dismissed.

■ In December of 2016, a male deputy made numerous unwanted and sexually harassing advances towards a female deputy by asking to kiss her, asking for her phone number, and repeatedly hugging and making other physical contact with her. The deputy's discipline was increased due to his disciplinary history, and he was suspended for 30 days and required to attend sexual harassment training. The

deputy appealed this decision, and entered into a settlement agreement with the DOS, dismissing his appeal. The agreement imposed a reduced penalty of 18 suspended days and required that he be compensated for 12 of the suspended days that he had already served.

■ On April 1, 2017, a sergeant responded to speak to an inmate who was upset that he had been locked down. The sergeant knew that the inmate had an alert which required two officers to be present, yet the sergeant opened the door of the inmate's cell and went in by himself. After speaking with the sergeant for several minutes, the inmate became increasingly irate. The sergeant instructed a deputy to come in to handcuff the inmate. The inmate went to the rear of the cell, took off his shoes and socks, and got into a fighting stance. Instead of simply backing up out of the cell and closing the door, the sergeant ran at the inmate, swung at him with a closed hand, and began fighting with the inmate. Multiple deputies responded to the fight and restrained the inmate, resulting in injuries to two deputies and the sergeant.

The sergeant, whose penalty was aggravated due to his position as a supervisor and because his actions led to a use of force resulting in injuries to other deputies, was suspended for 40 days. The sergeant appealed, and entered into a settlement agreement with the DOS, dismissing his appeal. The agreement required the sergeant to submit an irrevocable retirement letter, and agreed to pay the sergeant compensation for 55 days of pay, which is 15 days greater than the 40-day suspension he had already served. The sergeant retired on January 4, 2018. At the time of his retirement, the sergeant had two pending IAB cases, one in which he allegedly violated the DSD's Use of Restraints Policy, and one in which he allegedly used inappropriate force (among other allegations) for which he was criminally charged with Assault.

■ A deputy had been granted Family Medical Leave Act ("FMLA") time to care for his father.¹⁰⁵ On April 7, 2017, the deputy called in sick and requested to use FMLA time for his absence, because he "had been drinking [and] knew [he] was going to be drinking." The same day, he went to a bar and got into a physical altercation with another patron. The DPD responded to the fight and discovered that the deputy worked for the DSD when his badge was found in his possession. The deputy was suspended for 20 days and appealed. He subsequently entered into a settlement agreement with the DOS that reduced the penalty to five days served and five days held in abeyance for one year conditioned on no additional serious misconduct.

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■ On April 27, 2017, a deputy was working in a women’s housing unit of the DDC while pretrial staff were present conducting inmate interviews for the setting of bond in court. Inmate A was menstruating and bled through her underwear and pants. Her cellmate, Inmate B, exited their cell and notified the deputy that Inmate A needed replacement underwear and pants. The deputy insisted that Inmate A come out of her cell to participate in her pretrial interview. Out of frustration, Inmate A came out of her cell without pants or underwear on. In the presence of pretrial staff and other inmates, the deputy got into an argument with Inmate A about the inmate’s lack of proper attire. The deputy did not provide the inmate clean pants, underwear, or feminine hygiene products. The deputy locked Inmate A down, who remained in her cell without clean clothes or sanitary supplies for at least the remainder of the deputy’s shift, which ended approximately four hours later. The deputy also refused a request by pretrial staff to interview Inmate A in her cell. As a result, Inmate A did not appear in court until the following day, which delayed the setting of her bond and interfered with court operations. The deputy was suspended for 10 days and appealed. The deputy later entered into a settlement agreement with the DOS that reduced the penalty to a five-day suspension and required that the deputy take an anger management course. The appeal was dismissed.

Distinguishing Inaccurate Reporting from the Making of Misleading or Inaccurate Statements

Deputies are routinely required to prepare reports about incidents in the jails.¹⁰⁶ These reports address uses of force, inmate disciplinary infractions, fights, and other significant occurrences.¹⁰⁷ They are important sources of information for supervisors, jail administrators, deputy sheriffs, and the OIM about what is occurring in the jails. They are also essential to the investigation and discipline processes, and for generating aggregate data that is provided to the public. It is thus essential that these reports are accurate.

Deputies sometimes file reports that contain inaccuracies for one reason or another. The vast majority of DSD deputies are honest and trustworthy public servants, and most of these discrepancies are inadvertent. Deputies are assigned to busy housing areas, and when an incident occurs, they may not always have sufficient uninterrupted time to prepare a thorough and error-free report before they must attend to other business in the housing pod. Generally, these inaccuracies reflect no intent to mislead.

When a deputy has inadvertently filed an inaccurate report, the Discipline Handbook requires that a specification for RR-200.3 – Accurate Reporting be charged.¹⁰⁸ This specification applies when a deputy has failed to “submit an accurate and complete written or oral report” where one was required.¹⁰⁹ The presumptive penalties for this violation range from a written reprimand through a two-day suspension, depending on the severity of the violation.¹¹⁰

Less frequently, important information is *knowingly* omitted from or misrepresented within reports. This may include inaccurate or misleading information about why deputies used force, whether an inmate resisted, or the level of force used. In that circumstance, the Discipline Handbook requires a specification for RR-200.4.1 – Misleading or Inaccurate Statements, to be charged.¹¹¹ It applies when a deputy has “*knowingly* [made] a misleading or inaccurate statement relating to their official duties”.¹¹² The primary distinction between specifications for Accurate Reporting and Misleading or Inaccurate Statements is the *knowingly* element.¹¹³ When the evidence shows that a deputy knew that his/her report was misleading at the time s/he filed it, a Misleading or Inaccurate Statements specification is to be charged.¹¹⁴ The presumptive penalties for knowingly filing a misleading or inaccurate report range from 10- through 30-day suspensions, depending on the severity of the violation.¹¹⁵

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It is important for the DOS to properly distinguish reports that are knowingly misleading from those that are inadvertently inaccurate. After all, under the Discipline Handbook, “[h]onesty must be expected of everyone, from the Director to the newest deputy, recruit or employee. The Department must reinforce the guiding principle of honesty with its actions, words, and conduct.”¹¹⁶ “If the Department fails to demand honesty, it breaks faith with the public and its own employees.”¹¹⁷ To determine whether a statement was knowingly misleading or inaccurate, the DOS must use a preponderance of evidence standard.¹¹⁸ That is, if the evidence makes it “more likely than not” that the report was knowingly misleading or inaccurate, RR-200.4.1 – Misleading or Inaccurate Statements, is to be charged, and a presumptive penalty of a 10- or 30-day suspension imposed.¹¹⁹

In 2017, there were a number of cases involving deputies who made inadvertently inaccurate reports, and in some cases, knowingly misleading reports. These cases are just a fraction of the total number of reports prepared by deputy sheriffs during the year, in which no issues of accuracy or veracity were flagged. Yet, they represent an area that we believe requires continuing attention in the ongoing reform of the DSD.

Inaccurate Reporting

Ten complaints closed in 2017 included at least one specification for RR-200.3 Accurate Reporting. In six of these complaints, the specification was sustained, and the related discipline ranged from written reprimands to a three-day suspension (the presumptive penalty of a two-day suspension was escalated due to the deputy’s discipline history).¹²⁰ Two complaints were closed as informals, resulting in counseling by supervisors. Examples of complaints with sustained specifications for inaccurate reporting include:

- On July 10, 2017, medical personnel were performing CPR on an inmate. A sergeant responded to the emergency, and because the incident was not in view of facility video cameras, he used his department-issued phone to record it. The inmate died, and the sergeant subsequently provided a written statement to the DPD Major Crimes Division that failed to mention that he had videotaped part of the incident. The sergeant later realized his omission and notified DSD IAB that he had a video. The sergeant received a written reprimand for inadvertently omitting this information from his report to the DPD.
- On January 31, 2017, an uncooperative inmate ignored several commands given by a deputy. The inmate walked out of his housing unit and entered the corridor without permission. The deputy followed the inmate, took him to the ground, and

restrained him. The deputy's written report was reviewed by his supervisor who determined that it did not provide sufficient detail about the incident. The deputy's report was also "somewhat confusing" and had "small differences" from what is seen in the video footage of the incident. A specification for Accurate Reporting (among others) was charged against the deputy, and he was counseled.

Misleading or Inaccurate Reports

Ten complaints closed in 2017 included at least one specification for RR-200.4.1 Misleading or Inaccurate Statements. In three of these complaints, the specification was sustained, and all three deputies received 10-day suspensions related to that specification:

■ A deputy had two cases. In the first case, on August 21, 2015, an inmate in a special management housing unit refused to comply with the deputy's commands to remove his hand from the door flap of his cell so that the deputy could shut and lock the flap. Instead of walking away from the cell or calling for assistance, the deputy used a Taser on the inmate. The deputy was suspended for 10 days and was required to attend remedial training on use of force and Taser policies. The deputy appealed this suspension, and in July 2017, a Hearing Officer affirmed the discipline. The deputy appealed that decision to the Career Service Board, which also affirmed the discipline.

In the second case, on September 3, 2016, the deputy attempted to remove a property bag from the hand of a handcuffed inmate, but the inmate continued to hold on. The deputy shoved the inmate face-first into a wall and slammed his forearm and elbow into the inmate's face. The deputy also made misleading and inaccurate statements about the incident in his report. Specifically, the deputy's incident report omitted that he used his forearm and elbow on the inmate's face, and indicated that the inmate was physically resisting and fighting back against deputies, neither of which was supported by video of the incident.

The deputy's discipline in the second case was enhanced due to his similar misconduct in the first case. He was suspended for 15 days (15 days for his inappropriate use of force and 10 days for making misleading or inaccurate statements, to run concurrently) and required to attend remedial use of force and report writing training. The deputy appealed this decision, and entered into a settlement agreement with the DOS, dismissing the appeal. The agreement reduced the penalty from a 15-day suspension to a 5-day suspension, and required that he be compensated for 10 days of suspended time that he had already served. The agreement also held the finding that the deputy made misleading and

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inaccurate statements about the incident in his report in abeyance for a period of six months, provided he has no further sustained rule violations.¹²¹

■ On November 1, 2015, two deputies (“Deputy A” and “Deputy B”) were working in a special management housing pod. They failed to inform medical or a supervisor when an inmate threatened to commit suicide. The inmate had previously attempted suicide, thus he was placed in a cell with a camera. He repeatedly warned the deputies that he was going to hang himself, mimed the act of hanging himself, and attempted to slit his wrist on a towel bar. The deputies also failed to notice during rounds that the inmate had obtained a bedsheet and a pencil from another inmate under the cell door. The inmate used the pencil to mime stabbing himself. He also wrote a note stating that an “Officer showed [him] how to hang [himself],” and held the note in front of the camera. The inmate ultimately attempted to hang himself by tying one end of the bedsheet to the camera mount and the other end around his neck and then covered the camera lens. Approximately a minute and a half later, deputies entered the cell and rendered aid. Deputy A made misleading statements in his report about the suicide attempt. Specifically, in his report, Deputy A misrepresented the amount of time that had passed between when the inmate told Deputy A he was going to kill himself and when Deputy A responded, to give the impression that Deputy A responded more quickly. Deputy A also omitted that the inmate had warned him of how the inmate planned to kill himself before the suicide attempt. Deputy A was suspended for 30 days (30 days for failing to protect a prisoner from physical harm and 10 days for making misleading or inaccurate statements, to run concurrently), and appealed. Deputy A’s appeal was resolved by settlement, and his penalty was reduced to a 10-day suspension. Deputy B was also suspended for 30 days. A Hearing Officer reversed Deputy B’s discipline in August 2017. The DOS has appealed that decision to the Career Service Board.

■ On November 18, 2016, three deputies (“Deputy A,” “Deputy B,” and “Deputy C”) were in an elevator surrounding a suicidal inmate who was handcuffed and facing the rear wall of the elevator. Although the inmate presented no threat and was being compliant, Deputy A grabbed a fistful of the inmate’s hair and yanked the inmate’s head forward and side to side. Although both Deputy B and Deputy C witnessed the inappropriate use of force, Deputy B intentionally omitted the use of force from her report, and Deputy C failed to write a report altogether until ordered to do so by a supervisor. Deputy A was suspended for 10 days. Deputy B was suspended for 10 days. Deputy C was suspended for two days. All three deputies appealed, and each suspension was affirmed by a Career Service Hearing Officer. All three deputies have appealed to the Career Service Board.

A Case of Concern

In another case, we believe that a clear preponderance of evidence demonstrated that a deputy filed a knowingly misleading or inaccurate report. That is, we believe it was more likely than not that he knowingly included misleading information in his report to retaliate against an inmate who had just filed a grievance against him. Notwithstanding this evidence, the DOS charged him with inaccurate reporting and imposed a reprimand, rather than the suspension that we believe is warranted in such circumstances:

On June 7, 2017, an inmate requested to borrow a pencil from a deputy so that the inmate could file a grievance against him.¹²² In the grievance, the inmate alleged that the deputy had used “foul language” and demonstrated “child like actions such as throwing papers,” and that he told the inmate to get away from his desk area.¹²³ The grievance also alleged that the deputy cursed at another inmate and told the other inmate to get “out of his face.”¹²⁴ Video shows that before the inmate filed this grievance, the deputy appeared frustrated, and threw bedding in the housing pod.¹²⁵

After the inmate finished writing his grievance, the deputy retaliated in several ways. First, he ordered the inmate to be handcuffed and had him removed from the housing pod.¹²⁶ He then wrote an Offense in Custody (“OIC”) report that claimed that the inmate “with the sudden forward motion of the arm threw a pencil toward [the deputy]” and that “the flying pencil came against [the deputy] with an impact” to either his shoulder or chest.¹²⁷ The OIC report further claimed that “finishing his attack, the inmate walked back to the table” in the common area where the inmate ignored the deputy’s orders to return to his desk.¹²⁸ On the basis of these claims, the deputy filed administrative charges against the inmate that, if sustained, could have resulted in a period of corrective segregated housing from the jail’s general population.¹²⁹

A sergeant reviewed the OIC report, watched video of the incident, and concluded that he had “concerns with this OIC due to the fact that video does not support the [OIC] charges.”¹³⁰ In fact, video shows the inmate walking to the deputy’s desk and returning the pencil by placing it gently on a ledge in front of the desk.¹³¹ The pencil is never thrown, it never strikes the deputy, and there was no “attack.” An IAB case was initiated, and during the deputy’s IAB interview, he maintained that that he was “attack[ed]” and that he believed the pencil struck him in the chest or shoulder.¹³² The deputy was unable to demonstrate how the inmate allegedly threw the pencil at him.¹³³ Months later, when summoned for a contemplation of

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discipline meeting, the deputy said that at the time, he perceived that he was attacked but that he now recognized that his perceptions had not been entirely accurate.¹³⁴

The OIM made recommendations to the DOS during the disciplinary review of this matter. We believe that a clear preponderance of the evidence made it “more likely than not” that the deputy knowingly misrepresented the inmate’s behavior, falsely accusing the inmate of an attack in retaliation for the inmate’s grievance against him. The DOS did not charge or sustain a specification for Misleading and Inaccurate Statements (for the misleading OIC report), or Commission of a Deceptive Act (for the deceptive IAB interview).¹³⁵ Had they been sustained, these specifications would have resulted in presumptive penalties of 10-30 day suspension, and dismissal, respectively.¹³⁶ Instead, the DOS applied a less serious specification, Accurate Reporting, and the deputy was issued a written reprimand. The deputy was also ordered to receive additional training on inmate and pod management and report writing. He was also required to meet with an external police psychologist for “concerns about anger management,” despite the fact that there was no finding that he retaliated against the inmate by knowingly filing a misleading report.¹³⁷

Appeals of Significant Discipline Imposed Prior to January 1, 2018, and Filed With and/or Decided by the Career Service Board in 2017¹³⁸

■ In November 2011, a male captain received a 75-day suspension for making inappropriate sexual gestures to a female captain. The male captain appealed, and in August 2012, a Hearing Officer modified the discipline to a 30-day suspension. The male captain and the DOS appealed the Hearing Officer's decision, which was affirmed by the Career Service Board in January 2013. The DOS then appealed to the District Court, and the male captain and the DOS ultimately appealed to the Colorado Court of Appeals, which remanded the case back to the Hearing Officer. In May 2017, the Hearing Officer again determined that only a 30-day suspension was warranted.¹³⁹ The male captain has again appealed to the Career Service Board.

■ 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 and escorted him into an elevator along with additional deputies, 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. The deputies took the inmate down to the ground 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. The deputies then adjusted their hold on the inmate to an appropriate carrying technique. Once the deputies got the inmate to the new housing unit, Deputy A placed his knee and body weight 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 appealed, and in March 2017, a Hearing Officer reversed both deputies' suspensions.

■ On September 26, 2013 at approximately 9:56 a.m., a deputy ("Deputy A") discovered an unresponsive inmate at the DDC. 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.

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A second deputy (“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 along with records from the Jail Management System 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 10 days.

Deputy B appealed her suspension, and a Hearing Officer affirmed the suspension in March 2017. Deputy B appealed the Hearing Officer’s decision to the Career Service Board, which affirmed her discipline in July 2017. The deputy has appealed to the Denver District Court.

■ On February 19, 2014, a deputy permitted an inmate (“Inmate A”) who was supposed to be separated from other inmates (“sep all”) to remain outside his cell with two other inmates (“Inmate B” and “Inmate C”) present.¹⁴⁰ A fourth inmate (“Inmate D”) was also “sep all,” and his cell door was open. This allowed the “sep all” inmates to have contact with each other and with the inmate workers. While the deputy was distracted, Inmate A entered the cell of Inmate D and physically attacked him, causing injury. The deputy was suspended for 16 days. He appealed this decision, and, in June of 2017, a Hearing Officer modified his discipline to a four-day suspension.

■ 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 Hearing Officer modified his termination to a six-day suspension. The DOS appealed this decision to the Career Service Board, which affirmed the Hearing Officer’s decision in April 2017.

■ 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 10 days. The deputy appealed that decision, and the suspension was upheld by a Hearing Officer in December 2016. The deputy appealed this decision

to the Career Service Board, which affirmed the Hearing Officer's decision in May 2017. The deputy has appealed to the Denver District Court.

■ 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 sally port and not talk to anybody, and told other inmates not to talk to the inmate. The inmate allegedly disobeyed the order by failing to stay seated and talking to inmates outside of the sally port. The deputy then moved him to another sally port, 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 10-day suspension. Both the deputy and the DOS appealed that decision to the Career Service Board. In July 2017, the Hearing Officer's decision was affirmed by the Career Service Board. The deputy has appealed to the Denver District Court.

■ On May 5, 2015, a deputy used inappropriate force by pulling the hair of an intoxicated, possibly suicidal, and naked inmate when no force was required. The deputy was suspended for 10 days. The deputy appealed that decision, and the suspension was upheld by a Hearing Officer in September 2016. The deputy appealed this decision to the Career Service Board, which affirmed the Hearing Officer's decision in February 2017.

■ On July 31, 2015, a deputy and tier clerks were collecting food trays from inmates when an inmate threw coffee at the deputy and a tier clerk and then 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 appealed this decision to the Career Service Board, which affirmed the Hearing Officer's decision in February 2017.

■ 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 10 days. The deputy appealed the decision, and it was reversed by a Hearing Officer in December 2016. The DOS appealed that decision to the Career Service Board, which reversed the

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Hearing Officer's decision and remanded the case back to the Hearing Officer to determine the appropriateness of the penalty imposed by the DOS.

■ 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 appealed that decision to the Career Service Board, which also upheld his termination. The deputy has appealed to the Denver District Court.

■ On April 8, 2016, a 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 that 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. The deputy was terminated, and appealed this decision. In May 2017, a Hearing Officer upheld the deputy's termination. The deputy appealed this decision to the Career Service Board, which affirmed the Hearing Officer's decision in November 2017. The deputy has appealed to the Denver District Court.

■ 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 10 days and ordered to complete remedial rounds training, and appealed this decision. The deputy's appeal was resolved with a settlement agreement that reduced her penalty to an eight-day suspension and required her to take remedial training on conducting and logging rounds.

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 through 2017.¹⁴¹ These figures exclude the number of days required for the OIM to review investigations and discipline. The DSD saw substantial improvements in processing times in 2017. Average processing times decreased by 9% between 2016 and 2017. IAB cases recorded in 2016 were closed within an average of 87 days, compared to 79 days for cases recorded in 2017. Complaints still open at the time the OIM extracted data for this report had an average age of 103 days.

Table 3.5: Mean Processing Days, by Case Type, 2015-2017

Case Type	2015	2016	2017
All IAB Cases	153	87	79
Declined/Informal/Referred/Resolved/ Mediation	85	67	55
Full Formal Investigations	102	113	115

Complainant Demographics and Complaint Filing

Table 3.6 presents the demographic characteristics for the 212 unique inmate and community complainants whose complaints were recorded in 2017.¹⁴² 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 2017. Most complainants filed only a single complaint (90%).¹⁴³

Table 3.6: Complainant Demographic Characteristics

Gender	Count	Percentage
Male	133	63%
Female	64	30%
Transgender	1	< 1%
Unknown	14	7%
Total	212	100%
Race	Count	Percentage
Black	74	35%
White	66	31%
Hispanic	37	17%
American Indian	1	< 1%
Asian/Pacific Islander	1	< 1%
Unknown	33	16%
Total	212	100%
Age	Count	Percentage
0 - 18	2	1%
19 - 24	17	8%
25 - 30	48	23%
31 - 40	65	31%
41 - 50	23	11%
51+	18	8%
Unknown	39	18%
Total	212	100%
Number of Complaints Filed	Count	Percentage
One Complaint	190	90%
Two or More	22	10%
Total	212	100%

Deputies Receiving Multiple Complaints

Complaints per Deputy

Approximately 62% of DSD deputies had no complaints recorded against them in 2017 (this excludes a number of complaints in which IAB did not identify the subject deputy or the subject deputy was unknown). Twenty-three percent of DSD deputies received one complaint and approximately 15% of deputies had two or more complaints.

Table 3.7: Number of Complaints Recorded Against Deputies by Year Received, 2014-2017

Number of Complaints	2014	2015	2016	2017
0	62%	73%	75%	62%
1	24%	20%	20%	23%
2	9%	5%	4%	9%
3	3%	1%	1%	3%
4 or More	2%	1%	< 1%	3%
Total Sworn Officers	722	690	775	808

Force Complaints per Deputy

Eight percent of DSD deputies received one complaint that included an inappropriate force allegation in 2017 (see Table 3.8). Fewer than 2% of deputies received more than one complaint with an inappropriate force allegation.

Table 3.8: Deputies Receiving Inappropriate Force Complaints by Year Received, 2014-2017

Number of Complaints	2014	2015	2016	2017
0	88%	93%	94%	91%
1	10%	7%	5%	8%
2	1%	1%	< 1%	1%
3 or More	< 1%	0%	< 1%	< 1%
Total Sworn Officers	722	690	775	808

Sustained Complaints per Deputy

The majority of DSD deputies (91%) had no sustained complaints in 2017, while 8% had one sustained complaint. Fewer than 2% had more than one sustained complaint in 2017 (see Table 3.9).

Table 3.9: DSD Deputies with Sustained Complaints by Year Closed, 2014–2017

Number of Complaints	2014	2015	2016	2017
0	93%	90%	90%	91%
1	7%	9%	8%	8%
2	< 1%	1%	1%	1%
3 or More	0%	< 1%	< 1%	< 1%
Total Sworn Officers	722	690	775	808

Commendations and Awards

Every year, there are noteworthy examples of deputies engaging in actions that reflect the DSD mission to provide safe and secure custody for those placed in its care. Table 3.10 presents the number and type of commendations awarded to DSD personnel in 2017.¹⁴⁴

Table 3.10 Commendations Awarded to DSD Deputies in 2017

Commendation	Count	Percentage
PRIDE Award	33	49%
Employee of the Month	21	31%
Division Chief Commendation	9	13%
DSD Employee of the Quarter	2	3%
Citizen Letter of Commendation	1	1%
Peer Commendation	1	1%
Total	67	100%

Highlighted Commendations

■ While working the scout car, a deputy and his partner witnessed a vehicle accident involving injury. The deputy provided assistance by activating his vehicle’s emergency lights, notifying Denver 911 of the accident, and informing them of the injuries involved.

■ A deputy regularly provides tours of the Denver County Jail for the students of a local high school’s classes. These tours provide the students with insight into the world of corrections. The deputy spends considerable personal time selecting inmates for the presentations and Q&A sessions with the students.

■ A deputy assigned to the scout car witnessed a serious vehicle accident. The deputy observed an unresponsive male driver bleeding profusely from a large laceration on his head. The deputy found a towel and applied pressure to the wound to stop the bleeding until the emergency medical technicians arrived on scene.

■ A deputy heard a DPD officer call for assistance at Civic Center Park. Upon arriving, the deputy observed a male running through the park engulfed in flames. The deputy immediately retrieved a fire extinguisher from his vehicle and extinguished the flames, preventing further injury to this individual.

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- While returning from a state prisoner transport, a deputy assisted with a very serious accident involving an overturned truck. The deputy was made aware by another witness that there was someone inside of the truck. He saw fluid leaking from the vehicle and immediately approached to assist the driver in safely exiting the overturned truck. The situation was precarious as the truck was apparently blown over by strong winds and the deputy did not know what fluid was leaking from the truck. Despite the danger involved, he acted with courage and bravery in assisting in this incident.
- In July 2017, an inmate sent a letter commending several DSD sworn staff members. According to the inmate, these individuals provided material to the inmate as he prepared for a court hearing regarding his child. As a result, the inmate was able to maintain the ability to have telephone conversations with his child during his incarceration. The inmate expressed appreciation on behalf of himself and his child.
- In August 2017, an inmate submitted a commendation through the OIM's Complaint and Commendation Form for a DSD deputy. According to the inmate, the deputy helped the inmate obtain medication, went out of his way to provide the inmate with a book to read while the inmate was in "the hole," and generally helps all inmates with their needs. The inmate suggested that the DSD should be glad to have a deputy of his caliber on its team.
- In November 2017, a community member submitted a commendation through the OIM's website for a deputy who evicted the community member's client. According to the community member, the client suffered from mental health issues, tended to escalate quickly, and was at a high risk of hurting himself or someone else. The deputy was able to keep everyone safe by exercising compassion and skillful communication during the eviction. The community member expressed her gratitude to the deputy and the DSD.

4

Critical Incidents

Introduction and Overview

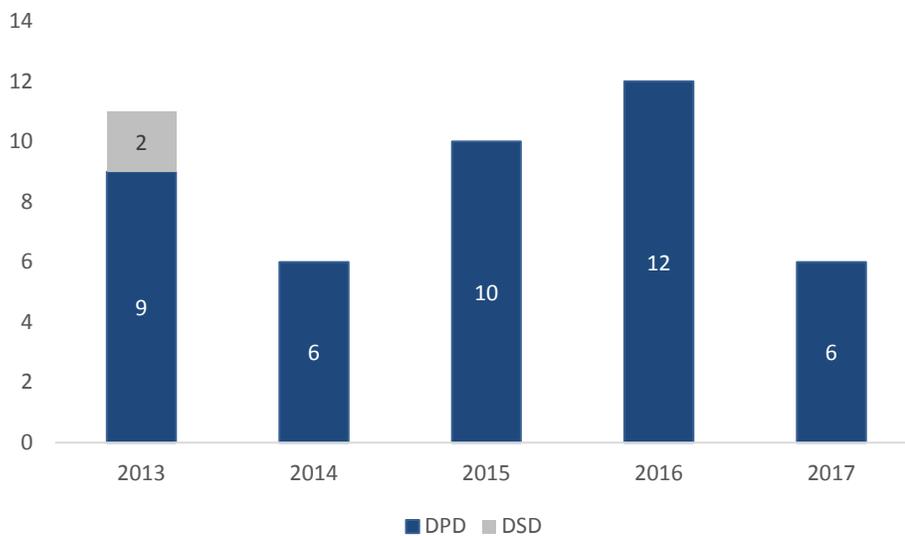
Officer-involved shootings (“OISs”) and deaths in custody (collectively “critical incidents”) can have a profound impact on the lives of both community members and officers, and on the overall relationship between law enforcement and the community.¹⁴⁵ All investigations into critical incidents should 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. For OISs, a representative from the Aurora Police Department responds as well.¹⁴⁶ The OIM also may respond 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 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 78-88 of this chapter, we summarize every shooting that either occurred in 2017 or which the DPD’s Use of Force Review Board evaluated in 2017 for adherence to Departmental policy. Prior to describing each shooting, we examine patterns in the number of OISs of citizens by the DPD and DSD annually, as well as key characteristics of shootings that occurred in 2017.

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



In 2017, there was a decrease in the number of OISs among DPD officers compared to the previous two years (see Figure 4.1). There were six shootings involving DPD officers, and no shootings involving DSD deputies. The DPD completed its administrative review of 1 OIS from 2015, 7 OISs from 2016, and 1 OISs from 2017, and all were found to be within policy. Table 4.1 (on the next page) presents outcomes and characteristics of officers involved in the intentional shootings that occurred in 2017, and Table 4.2 contains outcomes, locations, and characteristics of community members involved in those shootings.

The most common assignments of officers involved in OISs tends to vary from year-to-year. In 2017, six out of seven officers (86%) involved in OISs were assigned to DPD District 4 or 5 at the time of the shooting, with three officers assigned to each district. Among 2016 OISs, the most common assignment was

District 1 (39%), and among 2015 OISs, the most common assignment was Metro/SWAT (27%).

Table 4.1: 2017 Officer-Involved Shooting Characteristics: DPD Officers

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

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Table 4.2: 2017 Officer-Involved Shooting Characteristics: Outcomes, Locations, and Community Members

Intentional Shootings (OISs)	
Total Officer-Involved Shooting Incidents	6
Community Members Involved	6
Results of Shots Fired	
Community Member Fatalities	1
Community Member Non-fatal Injuries	3
No Injury	1
Unknown	1
Location of Shooting Incidents	
District 1	0
District 2	0
District 3	0
District 4	3
District 5	1
District 6	1
Outside of Denver	1
Race/Gender of Community Members	
White male	1
Black male	2
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 a critical 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 in order to evaluate potential violations of Department policy. Once all relevant evidence is gathered, the case is submitted to the DPD's Use of Force Review Board (which includes a representative from the Aurora Police Department) 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 DOS may make 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 DOS 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 DOS, who makes the final decision regarding critical incidents.

DPD Officer-Involved Shootings (OISs) in 2017

Incident #1

On February 19, 2017, two officers (“Officer A” and “Officer B”) responded to a notification by the Shot Spotter gunshot recognition system to a target address. When Officer A arrived, he found an unoccupied vehicle with the engine running in front of the target address. A spent shotgun shell was near the vehicle. Officer A noticed a disturbance at a residence at the target address and called for assistance. A suspect appeared in the doorway of the residence holding a shotgun. Officer B yelled “Denver Police!” and then fired one round at the suspect, but missed. The suspect stepped inside the residence, and officers arrested him shortly thereafter. The DPD’s Use of Force Review Board met on September 6, 2017, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy.¹⁴⁷ The OIM had concerns about the tactics used during the incident, but deferred to the in-policy decision. The incident was not referred to the Tactics Review Board.

Incident #2

On May 20, 2017, officers responded to a call of a suicidal male who had been drinking alcohol, had reportedly cut himself, and possibly planned to commit “suicide by cop.” A sergeant (“Sergeant A”) began speaking with and made multiple requests of the male, who was in his garage with the door open, to come out and show his hands. The male did not comply with Sergeant A’s commands. A second sergeant (“Sergeant B”) and an officer took positions outside the garage, while Sergeant A continued to communicate with the male. The male finally exited the garage and quickly turned the corner, coming face-to-face with the officer. The officer deployed his Taser and, nearly simultaneously, the male shot the officer. Sergeant B then fired five shots at the male, who was struck five times. Both the officer and the male sustained serious bodily injuries from gunshot wounds but survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁴⁸ The DPD’s Use of Force Review Board has not yet met to review the incident.

Incident #3

On June 18, 2017, officers were dispatched on a call of felony menacing. When the officers arrived, the suspect fled in a vehicle. Several officers responded and

pursued the suspect, and the chase entered another jurisdiction. Two DPD officers (“Officer A” and “Officer B”) and a corporal pursued the suspect closely in their police vehicles and attempted to contact him. The suspect showed an assault rifle and a handgun out the window of his car during the pursuit, at times pointing the handgun at the pursuing officers. The suspect turned sharply into a parking lot and Officer B forcefully collided with the suspect’s car, pinning it into a pickup truck, ending the pursuit. Officer B exited his police vehicle, and he and the corporal yelled commands to the suspect. Officer B heard three muffled sounds which he thought were gunshots, and fired 16 rounds at the suspect. The corporal, who believed that he and Officer B were being shot at, fired as many as 12 rounds at the suspect, who was struck multiple times but suffered only minor wounds and survived.¹⁴⁹

The District Attorney for the 18th Judicial District (where the OIS occurred) reviewed the incident and declined to press charges against the involved officers. He prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁵⁰ The case is currently under administrative review.

Incident #4

On September 8, 2017, a witness attempted to stop a suspected theft of a car in the parking lot of his workplace. The witness knocked on the driver’s-side window and a male in the driver’s seat lifted his shirt and took hold of a pistol tucked in his pants. The witness backed away and called police.

One officer responded to the call, with the knowledge that an auto theft was in progress and that the suspect had pulled a gun on the reporting party. When the officer arrived, he saw the suspect moving the car back and forth but unable to properly operate the car. The officer exited his police vehicle, drew his handgun, and gave the suspect multiple commands to stop the car and show his hands, but the suspect did not comply. The suspect put the car into reverse, ran over two parking blocks, and may have hit a nearby fence. The suspect then drove his car back and forth in an attempt to free it from the parking blocks and get away.

The officer saw the suspect, who was still in the car, reach down and appear to retrieve something. He then saw that the suspect had a handgun in his right hand and was moving the gun in the officer’s direction. Fearing that the suspect would fire at him, the officer fired his weapon at the suspect once through the driver’s side window, striking him in the left cheek. After being shot, the suspect continued to pull the car forward a short distance. He then stopped and put his hands out of the broken window. The suspect survived.

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The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁵¹ The case is currently under administrative review.

Incident #5

On November 10, 2017, an officer responded to a bank robbery that had just occurred. The officer confronted the suspect and fired his weapon. The suspect did not survive. The case is under review by the Denver District Attorney's Office.

Incident #6

On November 25, 2017, two officers attempted to make a traffic stop. The driver attempted to elude the officers, ultimately crashing his car into a parked vehicle. The driver remained at the scene of the crash and the passenger fled on foot. One officer pursued the passenger, and the passenger pulled a handgun from his waistband and fired multiple shots. The officer returned fire, shooting 14 rounds at the passenger. The passenger escaped the area and was found two days later in another jurisdiction. He had gunshot wounds in his arm, thigh, and foot, but survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁵² The case is currently under administrative review.

DPD Accidental Shootings in 2017

On December 15, 2017, an officer accidentally discharged his weapon while chasing a suspect. The incident is currently under administrative review.

DPD In-Custody Deaths in 2017

Incident #1

On June 21, 2017, officers responded to a call of a suicidal party inside a home. When officers approached the front door, they heard a single gunshot from inside the home. When they entered, they observed a male with an apparent self-inflicted gunshot wound to the head. The case is currently under administrative review.

Incident #2

On August 25, 2017, officers conducted a traffic stop on a vehicle whose driver was wanted on a felony warrant. Shortly after the stop, the driver produced a semi-automatic handgun. The officers retreated and began giving verbal commands for the driver to drop the weapon. When the officers approached the vehicle, they discovered the driver had sustained a possible self-inflicted gunshot wound to the head. The driver died. The case is currently under administrative investigation.

DPD Critical Incidents Closed in 2017¹⁵³

Closed Incident #1

On December 2, 2015, officers were attempting to arrest a suspect on a warrant for the attempted murder of his ex-girlfriend who he had kidnapped and shot. A detective located the suspect at his father's apartment complex and radioed for assistance. As additional officers, including Metro/SWAT, began to arrive at the apartment complex, the suspect, his father, and a woman left the apartment complex and got into a car. Officers observed that the suspect was wearing a gun in a holster on his hip. Metro/SWAT officers arrived and pulled in front of the vehicle to attempt to prevent it from leaving, but the suspect turned the car around, and drove at a high rate of speed toward another police vehicle. The suspect attempted to turn into an alley, and the second Metro/SWAT vehicle rammed the front passenger side of the suspect's car, which spun the car. The suspect put the car into reverse and pulled away down the alley. As the suspect's car crossed the next intersection, he lost control and crashed. Four Metro/SWAT vehicles immediately pinned in the car, which began a standoff that lasted almost 20 minutes.

The suspect's father and the female exited the car shortly after the crash, and were taken away from the scene by police. The suspect revved his car's engine, ignored orders to get out, and screamed that he was going to shoot himself. Officers

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reported that they could not see into the car because of the heavily tinted windows and because the side airbags had deployed. Officers deployed less lethal 40mm rounds into the vehicle to attempt to break the windows and noise flash diversionary devices (“NFDDs”) in an attempt to distract the suspect. Officers also threw bricks and paving stones in attempts to break windows. Officers noticed the smell of natural gas that may have been caused by the crash, and stopped using NFDDs.

The suspect’s car caught fire, and the suspect exited the passenger side door. He was lying between the car and the garage with a gun in his hand, holding it to his own head. A Metro/SWAT officer shot the suspect’s hand with a less lethal 40mm round, knocking the gun out of the suspect’s grip momentarily. The gun landed near the suspect, and he was able to grab it. The suspect put the gun into his own mouth.

Another Metro/SWAT officer realized that the suspect could escape if he climbed over a nearby fence and ran through the backyard of a house. The Metro/SWAT officer therefore positioned himself in the backyard. After a few seconds, the suspect got up, climbed the fence, jumped over, and began running through the backyard. The Metro/SWAT officer yelled for the suspect to stop. According to the officer, the suspect seemed to stop and then pushed the pistol away from his body. One Metro/SWAT officer fired five rounds from a semi-automatic rifle at the suspect. Another Metro/SWAT officer fired two rounds from a pistol at the suspect. The suspect died at the scene. A third Metro/SWAT officer, who was behind the suspect at the time, was shot in the leg. The positions of the two Metro/SWAT officers that fired at the suspect, in addition to forensic evidence, suggested that one of the rifle rounds perforated the suspect’s body and then struck the third Metro/SWAT officer in the leg. The officer survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁵⁴ The DPD’s Use of Force Review Board met on September 28, 2016, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy.¹⁵⁵ The OIM had tactical concerns about the incident, but did not consider the Use of Force Review Board’s finding unreasonable. The incident was referred to the Tactics Review Board.

Closed Incident #2

On April 12, 2016, officers assigned to the DPD's Fugitive Unit located a suspect wanted for armed robbery who was driving a car 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 car. Metro/SWAT officers converged on the vehicle to make the arrest.

One officer positioned his police vehicle in front of the suspect's car. That officer exited his vehicle 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 that the suspect did not comply, and instead shook his head "no." At one point, the officer believed that 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 stated that he saw a handgun in the suspect's right hand and that the handgun was being directed 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 car or in his possession.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁵⁶ The DPD's Use of Force Review Board met on February 22, 2017, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy. The OIM had significant concerns about the tactics used during the incident, including the decision to apprehend the suspect in a very crowded area downtown during the lunch hour, and the officer's position in front of the car during the incident. The OIM also had concerns about the DPD policy, at the time, of not equipping Metro/SWAT officers with body worn cameras.¹⁵⁷ That decision is inconsistent with the OIM's previous recommendation that officers in specialized units, including Metro/SWAT, be equipped with body worn cameras due to the relatively high likelihood, compared to patrol officers, of their involvement in officer-involved shootings.¹⁵⁸ The Use of Force Review Board ultimately referred the case to the Tactics Review Board. Notwithstanding its concerns, the OIM did not consider the Use of Force Review Board's decision that the shooting was in-policy unreasonable.

Closed Incident #3

On July 10, 2016, two males got into a verbal altercation outside of a residential building in downtown Denver. The altercation turned into a physical fight. A nearby civilian security guard attempted to break up the fight by deploying pepper

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spray. While the security guard attempted to interrupt the fight, one of the involved males ran down the street, where he stopped at a vehicle and opened the trunk. Moments later, he returned toward the fight holding a handgun. The security guard caught the attention of a detective working off-duty at a nearby bar. The detective then 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. 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 near the gunman at the time of the shooting, were shot and wounded.

The Denver District Attorney reviewed the incident and declined to file charges against the officer and the security guard involved in the shooting. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁵⁹ The DPD's Use of Force Review Board met on April 26, 2017, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy. The OIM concurred.

Closed Incident #4

On August 16, 2016, a sergeant radioed for other officers 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 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 District Attorney 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](#).¹⁶⁰ The DPD's Use of Force Review Board met on September 6, 2017, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy. The OIM concurred. The shooting was referred to the Tactics Review Board.

Closed Incident #5

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. A few minutes after 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 an officer (“Officer A”) drew his handgun and a second officer (“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 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 District Attorney reviewed the incident and declined to file charges against the officer. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁶¹ The DPD’s Use of Force Review Board met on April 26, 2017, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy. The OIM concurred.

Closed Incident #6

On August 31, 2016, officers were dispatched to a house after receiving the 911 call that a wanted suspect was inside, who had a stolen truck, and was likely to try to run from police. When the officers arrived, one of the occupants indicated that the suspect was in a bedroom. Three officers (“Officer A,” “Officer B,” and “Officer C”) went inside the house while other officers took positions outside of the house. Officers A and B opened the bedroom door and observed that the suspect had fled out a bedroom window. The three officers ran out of the house to chase the suspect. Officer B followed the suspect over a fence but then lost sight of him, and ran back to the front of the house.

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Officer A and Officer C ran back to their police vehicles, which were in front of the house, along with the stolen truck. Officer A observed the suspect attempting to get inside the stolen truck. Officer A blocked the driver's side of the truck with his patrol car, and the suspect attempted to get into Officer B's vehicle. Officer A jumped out of his vehicle and grabbed the suspect, pulling him to the ground. The suspect was laying on his back while Officer A straddled him and held him down with his body weight. Officer C and another officer who had since arrived at the scene ("Officer D") attempted to assist Officer A. Officer A felt a tugging on his gun belt, looked down, and realized the suspect got his hands on Officer A's gun while it was still in the holster. Officer A yelled, "He's got my gun!" Officer A then struck the suspect in the face and ordered the suspect to let go of the gun. Officer B, who had made his way to the struggle, drew his weapon in response. The suspect caused Officer A's gun to discharge. Officer B heard the gunshot and, believing that Officer A had been shot, fired at the suspect, shooting him in the face. Officer B then thought he saw the suspect move his arm in another attempt to shoot Officer A. Officer B then fired a second round into the back of the suspect's head. The suspect died of gunshot wounds to the head. No officers were struck. Firearms examiners later determined that Officer A's gun was fired from inside his holster.

The Denver District Attorney 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](#).¹⁶² The DPD's Use of Force Review Board met on January 10, 2018 and determined the shooting to be in-policy. The OIM believed that the evidence reflected that the first shot by Officer B was within DPD policy. However, the OIM believed that the investigation had not satisfactorily explored specifics about what Officer B observed after he fired the first shot into the suspect's head that caused him to believe that the suspect could shoot Officer A. Without this information, the OIM was unable to assess whether the second shot was within DPD policy.

Closed Incident #7

On September 5, 2016, detectives received information about a suspect who was wanted for several bank robberies. Officers located the suspect and attempted to contact him, but he fled on foot. A detective ("Detective A") stopped and began to exit his police vehicle as the suspect pulled out a gun and shot at least one time. Another detective ("Detective B") observed the suspect's actions, and fired four rounds at him. The suspect was not hit, but he fell to the ground. Detective B ran toward the suspect to close the distance between them and saw the gun was still in his hand and was pointed in his direction. He fired a fifth shot at the suspect,

which also missed. The suspect tossed the gun aside and was taken into custody. No one was hit by any gunfire.

The DPD's Use of Force Review Board met on April 26, 2017, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy. The OIM concurred with the Use of Force Review Board's decision.

Closed Incident #8

On November 8, 2016, Aurora Police Department ("APD") officers responded to a call of a shooting (that became a homicide when the victim later died) that had just occurred. The suspect was no longer on scene, but witnesses provided the vehicle's license plate number and the suspect's physical description to APD. After determining that the suspect lived in Denver, APD contacted DPD. When APD and DPD arrived at the suspect's house a short time later, the suspect's vehicle was parked outside the residence. Officers saw the suspect walk out of the residence and place a child seat and bags into the vehicle, potentially preparing to flee. APD and DPD officers approached the suspect. The suspect looked up, pulled up his shirt, reached into his waistband, and pulled out a handgun. He fired six rounds at the APD police car. One of the rounds penetrated the windshield, striking an APD officer in the face. Two APD officers and one DPD officer returned fire, 28 rounds in total, killing the suspect. The handgun recovered near the suspect was determined to be the one used in the homicide earlier that day. The APD officer survived.

The Denver District Attorney reviewed the incident and declined to file charges against the APD and DPD officers. The District Attorney prepared a detailed letter reviewing the shooting, which can be found [here](#).¹⁶³ The DPD's Use of Force Review Board met on January 10, 2018 to review the incident, and the OIM provided advice and recommendations to the Board, which determined the shooting to be in-policy. The OIM had significant tactical concerns about the shooting, including the possibility of crossfire in the direction of APD officers, and the decision to shoot at the inside of the suspect's vehicle without acquiring a target when there was a baby inside of it. The shooting was referred to the Tactics Review Board. Otherwise, the OIM concurred with the Board's decision to rule the shooting in-policy.

DPD Accidental Shootings Closed in 2017

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 Use of Force Review Board met on April 26, 2017 to review the incident, and determined the accidental shooting to be out-of-policy. The officer was suspended for four days for carelessly handling his firearm.

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 deputy, and obtain video and documentary evidence. The OIM monitors 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 an 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 Department policy. If, after reviewing the investigation, the Conduct Review Office ("CRO") 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 CRO's findings and makes recommendations to the Sheriff and the DOS.

If the CRO 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 DOS for consideration. The DOS 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 2017

In-Custody Death #1

On July 10, 2017, a fight occurred between two inmates at the DDC. A deputy responded, and one of the inmates died immediately after the fight. There is no indication that a weapon was used, and the Denver District Attorney declined to file charges against the surviving inmate. The case was declined for further investigation.

DSD Accidental Shootings Closed in 2017

Accidental Shooting #1

On August 18, 2016, a sergeant was at a clearing barrel after qualification testing at the firing range and had an accidental discharge while clearing his weapon. No one was injured. The sergeant was suspended for two days for carelessly handling his firearm.

DSD Critical Incidents Closed in 2017

Closed Incident #1

On November 11, 2015, an inmate at the DDC was exhibiting erratic and aggressive behavior. Deputies used force to control the inmate, which resulted in a medical emergency and the inmate's eventual death nine days later. On January 21, 2016, the Denver District Attorney announced his decision to decline to file charges against the involved deputies. On April 19, 2017, the DOS announced that two deputies and a captain would be suspended for their roles in the incident (for 16, 10, and 10 days, respectively).

Endnotes

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

² DPD Operations Manual Section (“OMS”) 105.00 (Draft) (Dec. 29, 2016), https://www.denvergov.org/content/dam/denvergov/Portals/720/documents/OperationsManual/DPD_UOF_Draft_Policy_12-29-16.pdf.

³ See Letter from Independent Monitor Nicholas E. Mitchell to DPD Chief Robert White (Jan. 25, 2017) (on file with author), <https://www.denvergov.org/content/dam/denvergov/Portals/374/documents/NEM%20Letter%20to%20Chief%20White%201-25-17.pdf>.

⁴ Letter from Independent Monitor Nicholas E. Mitchell to DPD Chief Robert White, at 1 (Jan. 25, 2017) (on file with author), <https://www.denvergov.org/content/dam/denvergov/Portals/374/documents/NEM%20Letter%20to%20Chief%20White%201-25-17.pdf>.

⁵ Letter from DPD Chief Robert White to Independent Monitor Nicholas E. Mitchell (Apr. 4, 2017) (on file with author).

⁶ DPD’s Use of Force Policy Advisory Committee, *Submission of a Revised Use of Force Policy to the Denver Police Department* (Oct. 30, 2017).

⁷ Noelle Phillips, *Proposed Policy Seeks Tougher Limits on how Denver Cops Can Use Force*, The Denver Post (Oct. 31, 2017).

⁸ DSD Department Order 1.00.1017 § D(2) (effective Dec 27, 2017) (stating that “[c]ontact visits may, from time to time be approved based on special needs and according to each division’s established procedures.”); see also DDC and County Jail Visit Schedules (stating that “ALL VISITS ARE VIDEO VISITS ONLY (no contact visits)”).

⁹ Michael Sakas, *Denver Jails Reconsider In-Person Visitation After Watchdog Says Video-Only is Inhumane*, Colorado Public Radio News (Dec. 7, 2017).

¹⁰ OIM, *2017 Semiannual Report*, at 18.

¹¹ American Bar Association, *ABA Criminal Justice Standards on the Treatment of Prisoners* § 23-8.5 (2010).

¹² John Wooldredge, *Inmate Experiences and Psychological Well-Being*, 26 *Criminal Justice and Behavior*, at 235 (1999).

¹³ Danielle J. Murdoch, Laura L. King, and Caitlin O’Very, *Boise State University-Ada County Sheriff’s Officer Inmate Video Visitation Program Evaluation*, at 137 (2016).

¹⁴ William D. Bales and Daniel Mears, *Inmate Social Ties and Transition to Society: Does Visitation Reduce Recidivism?* 45 *Journal of Research in Crime and Delinquency*, at 304 (2008); E-mail from Florida State University Professor Daniel Mears to OIM Policy Director Jennifer Fratello (Oct. 10, 2017) (on file with author); Grant Duwe and Valerie Clark, *Blessed Be the Social Tie That Binds: The Effects of Prison Visitation on Offender Recidivism*, 24 *Criminal Justice Policy Review*, at 289.

¹⁵ Danika Worthington, *Denver Sheriff Department to Consider Bringing Back In-Person Visits with Working Committee Next Week*, The Denver Post (Nov. 29, 2017).

Endnotes

¹⁶ This project was supported by Grant #2014-DJ-BX-0792, #2015-MU-BX-0390, and #2016-DJ-16-013928-03-3 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.

¹⁷ See the OIM's 2016 Semiannual Report for more information about the development and implementation of the YOP.

¹⁸ From August 2015 through December 2017, at total of 928 youth and 64 DPD officers participated in 26 YOP forums.

¹⁹ From May 2016 through December 2017, a total of 264 officers have been trained on adolescent brain development and de-escalation techniques with youth.

²⁰ From January 2016 through December 2017, a total of 128 community members have been equipped to serve as YOP forum facilitators.

²¹ 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.

²² LGBTQIA refers to lesbian, gay, bisexual, transgender, queer, intersex, and/or asexual individuals.

²³ Co-sponsors included: the ACLU of Colorado, Colorado Latino Forum, Denver Justice Project, DPD, Denver District Attorney's Office, DSD, Greater Metro Denver Ministerial Alliance, One Colorado, National Civic League, Servicios De La Raza, University of Colorado Denver School of Public Affairs, Denver Department of Safety, and the Denver City Attorney's Office.

²⁴ Denver Revised Municipal Code Art. XVIII § 2-388.

²⁵ The OIM also reviewed 68 DPD IAB investigations into complaints about DSD deputies.

²⁶ One of the eight officers who resigned or retired prior to a discipline finding was on probationary status.

²⁷ Data on DSD commendations were provided by the DSD Data Science Unit and may include commendations awarded to non-sworn personnel.

²⁸ Denver Revised Municipal Code Art. XVIII § 2-373 (a).

²⁹ 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.

³⁰ 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.

³¹ Community member and officer satisfaction rates are calculated by OIM analysts based on surveys administered by Community Mediation Concepts and provided to the OIM, on file with author.

³² Denver Revised Municipal Code Art. XVIII §§ 2-371 (b), 2-386.

³³ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 8 (effective Sept. 6, 2012).

³⁴ The data reported in this chapter were extracted from the DPD'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, 2018.

³⁵ 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.

³⁶ 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* DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 12.4 (effective Sept. 6, 2012).

³⁷ *See* DPD OMS 119.04(12) (The policy provides scheduled discipline for the first three violations, in a 12-month period, of the body worn camera recording requirements. The first violation requires a review of the BWC policy, an oral reprimand, and a journal entry, the second violation a written reprimand, and the third violation one fined day.).

³⁸ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix G at 17 (effective Sept. 6, 2012); DPD OMS 119.04(12); DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix G at 13 (effective Sept. 6, 2012).

³⁹ 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, 92 specifications associated with complaints recorded in 2017 were unassigned.

⁴⁰ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix G at 9 (effective Sept. 6, 2012).

⁴¹ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix G at 6 (effective Sept. 6, 2012).

⁴² *See* DPD OMS 119.04(3).

Endnotes

⁴³ The DPD stated that it has conducted numerous additional trainings on BWC activation including a video training (on March 7, 2017) that was required for all sworn officers. *See* E-mail from Chief Robert C. White to Independent Monitor Nicholas E. Mitchell (Sept. 26, 2017) (on file with author).

⁴⁴ 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.

⁴⁵ The DPD closed at least 12 of these community complaints alleging violations of the DPD’s BWC Policy without giving the OIM an opportunity to make recommendations regarding findings or potential discipline regarding that specification.

⁴⁶ A Chief’s meeting may also be held in certain other cases where no discipline is recommended.

⁴⁷ 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.

⁴⁸ *See* DPD OMS 111.11(9) (finalized Sept. 1, 2015).

⁴⁹ *See* DPD OMS 119.04(12) (revised June 29, 2017).

⁵⁰ The updated penalty also includes a journal entry, which is a narrative personnel record of an incident, including minor misconduct. *See* DPD OMS 119.04(12) (revised June 29, 2017); DPD OMS 503.03(2)(b) (revised Jan. 26, 2018).

⁵¹ 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.

⁵² Complaints with significant discipline closed in 2017 may not be included in this section if they were summarized in the OIM’s [2016 Annual Report](#).

⁵³ Disciplinary Conduct Categories are assigned by the DOS and range from Category A (least serious) to Category F (most serious).

⁵⁴ *See* OIM, *2016 Annual Report*, at 23-24.

⁵⁵ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 35 (effective Sept. 6, 2012).

⁵⁶ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 31.10 (effective Sept. 6, 2012).

⁵⁷ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines §§ 11.3.2, 11.3.5 (effective Sept. 6, 2012).

⁵⁸ *See, e.g.*, U.S. Dep’t of Justice, Investigation of the Ferguson Police Department, at 85 (Mar. 4, 2015).

⁵⁹ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines §§ 11.3.2, 11.3.5, 35.2, 35.3 (effective Sept. 6, 2012).

⁶⁰ DPD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 35.1 (effective Sept. 6, 2012).

⁶¹ Negotiated Stipulation and Settlement between Subject Officer and the DOS §§ 1(b), 2(a) (Aug. 11, 2016) (on file with author).

⁶² Negotiated Stipulation and Settlement between Subject Officer and the DOS § 2(a) (Aug. 11, 2016) (on file with author).

⁶³ DOS Department Order of Disciplinary Action for Subject Officer in IC2017-0034 (Sept. 28, 2017) (on file with author).

⁶⁴ DOS Department Order of Disciplinary Action for Subject Officer in IC2016-0020 (Aug. 11, 2016) (on file with author).

⁶⁵ Summary data on appeals filed by DPD officers or by the DOS regarding DPD officers were provided to the OIM by the Civil Service Commission on January 24, 2018.

⁶⁶ Data on completed mediations come from Community Mediation Concepts, the organization that conducts DPD/community member mediations.

⁶⁷ 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.

⁶⁸ Regarding the “unknown” data category in Table 2.4, it should be noted that complainants can choose not to provide their demographic information when filing complaints.

⁶⁹ 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.

⁷⁰ Denver Revised Municipal Code Art. XVIII §§ 2-371 (b), 2-375(a).

⁷¹ DSD Internal Affairs and Civil Liabilities Bureau Procedures §§ 101, 200(3), 302(5) (effective Aug. 28, 2017).

⁷² See, e.g., U.S. Dep't of Justice, Office of Community Oriented Policing Services, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, at 17; Commission on Accreditation for Law Enforcement Agencies Standard 52.1.2 (requiring “a written directive [that] requires the agency to maintain a record of all complaints”); International Association of Chiefs of Police National Law Enforcement Policy Center, *Investigation of Employee Misconduct*, at 11 (2007) (“In addition to its conduct of, or participation in, investigations of misconduct, [investigating agencies] should . . . maintain a central file of complaints received.”).

⁷³ Unless otherwise noted, the data for this chapter were obtained from the DSD'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

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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, 2018.

⁷⁴ 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.

⁷⁵ DSD Internal Affairs and Civil Liabilities Bureau Procedures §§ 101, 200(3), 302(3)(a) (effective Aug. 28, 2017).

⁷⁶ In 8 of the 335 complaints recorded in 2017, 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.

⁷⁷ OIM, *2015 Annual Report*, at 59; OIM, *2016 Annual Report*, at 41.

⁷⁸ E-mail from Independent Monitor Nicholas E. Mitchell to Sheriff Patrick Firman and then-Executive Director of Safety Stephanie O'Malley (Oct. 27, 2016) (on file with author); E-mail from Major Jodi Blair to Independent Monitor Nicholas E. Mitchell (Nov. 29, 2016) (on file with author).

⁷⁹ See, e.g., U.S. Dep't of Justice, Office of Community Oriented Policing Services, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, at 17; Commission on Accreditation for Law Enforcement Agencies Standard 52.1.2 (requiring “a written directive [that] requires the agency to maintain a record of all complaints”); International Association of Chiefs of Police National Law Enforcement Policy Center, *Investigation of Employee Misconduct*, at 11 (2007) (“In addition to its conduct of, or participation in, investigations of misconduct, [investigating agencies] should . . . maintain a central file of complaints received.”).

⁸⁰ E-mail from Independent Monitor Nicholas E. Mitchell to Sheriff Patrick Firman, et al. (Mar. 15, 2017) (on file with author).

⁸¹ DSD Internal Affairs and Civil Liabilities Bureau Procedures §§ 101, 200(3), 302(3)(a) (effective Aug. 28, 2017).

⁸² 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 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.

⁸³ The fact that the DSD finalizes specifications during the discipline review phase also explains why the total number of specifications from prior years and some of the associated percentages reported here differ from those presented in the OIM’s *2016 Annual Report*.

⁸⁴ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 16 (effective Nov. 12, 2013) (RR-300.22, which prohibits “inappropriate force”). Prior annual reports from the OIM used the phrase “excessive force” to refer to such specifications.

- ⁸⁵ DSD 2017 Jail Population Summary, <https://www.denvergov.org/content/denvergov/en/sheriff-department/data/jail-population.html> (last accessed Feb. 16, 2018).
- ⁸⁶ Hillard Heintze, *New Vision, Brighter Future: The Denver Sheriff Department*, at 22 (2015).
- ⁸⁷ Denver Office of the Auditor, *Assessment Report, Denver Sheriff Department: Classification, Intake, and Safety Assessment: Implementation of Reform Recommendations*, at 3 (Jan. 2018).
- ⁸⁸ Denver Office of the Auditor, *Assessment Report, Denver Sheriff Department: Classification, Intake, and Safety Assessment: Implementation of Reform Recommendations*, at 4 (Jan. 2018); DSD, *2016 Annual Report*, at 14.
- ⁸⁹ Denver Office of the Auditor, *Assessment Report, Denver Sheriff Department: Classification, Intake, and Safety Assessment: Implementation of Reform Recommendations*, at 4 (Jan. 2018).
- ⁹⁰ DSD Data, available at <https://www.denvergov.org/content/denvergov/en/sheriff-department/data.html>.
- ⁹¹ If the OIM disagrees with a screening decision, the DSD IAB Captain or 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 DOS.
- ⁹² 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.
- ⁹³ The total number of closed complaints includes all complaints involving deputies that were closed by IAB with a 2017 completion date; not all cases are reviewed by the OIM.
- ⁹⁴ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 8 (effective Sept. 12, 2013).
- ⁹⁵ DSD Internal Affairs and Civil Liabilities Bureau Procedures §§ 101, 200(3), 302(3)(a) (effective Aug. 28, 2017).
- ⁹⁶ 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.
- ⁹⁷ The 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.
- ⁹⁸ Memorandum from the Career Service Board to the Holders of Career Service Rule Books (Feb. 12, 2016).
- ⁹⁹ 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.

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¹⁰⁰ Complaints with significant discipline closed in 2017 may not be included in this section if they were summarized in the OIM's [2016 Annual Report](#).

¹⁰¹ Executive Order No. 94, City and County of Denver Employee's Alcohol and Drug Policy, which requires supervisors to consult with Human Resources, their department's Safety Officer, or the City Attorney's office if they suspect an employee is under the influence of alcohol or impaired by legal drugs (e.g., prescription medication). If immediate consultation is not possible, the supervisor is required to initiate drug or alcohol testing of the employee.

¹⁰² The security specialist was ultimately disqualified from his position. The OIM did not monitor the handling of his conduct because he is a civilian employee.

¹⁰³ Though the settlement agreement was signed in August 2016, this incident is included in this report rather than a previous report because it was not marked as completed in IAPro until February 16, 2017.

¹⁰⁴ Decision Statement from Denver District Attorney Mitchell R. Morrissey (Jan. 21, 2016), <https://www.denverda.org/wp-content/uploads/news-release/2016/MarshallDecisionStatement.pdf> (regarding the investigation of the in-custody death of Mr. Michael Marshall).

¹⁰⁵ The DSD provides eligible employees with up to twelve weeks of job-protected FMLA leave to care for their own health conditions or health conditions of family, or for other reasons authorized by the FMLA. *See* Denver Career Service Rule 12-21.

¹⁰⁶ DSD Department Order 1.00.11004 § 5(B) (effective Dec. 7, 2017).

¹⁰⁷ DSD Department Order 1.00.11004 § 5(B) (effective Dec. 7, 2017).

¹⁰⁸ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Nov. 12, 2013).

¹⁰⁹ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Nov. 12, 2013)

¹¹⁰ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix E, Appendix F at 9 (effective Nov. 12, 2013).

¹¹¹ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Nov. 12, 2013).

¹¹² DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Nov. 12, 2013) (emphasis added).

¹¹³ The DSD Discipline Handbook states that "Deputy sheriffs and employees shall not knowingly make a misleading or inaccurate statement relating to their official duties." DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Sept. 12, 2013).

¹¹⁴ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Nov. 12, 2013).

¹¹⁵ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix C (effective Nov. 12, 2013).

¹¹⁶ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix B (effective Nov. 12, 2013).

- ¹¹⁷ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix B (effective Nov. 12, 2013).
- ¹¹⁸ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 10 (effective Nov. 12, 2013).
- ¹¹⁹ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, § 10.9, Appendix E, Appendix F at 9 (effective Nov. 12, 2013). Also note that, in October 2017, the presumptive penalty for RR-200.4.1 was revised to include dismissal. DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 3 (effective Oct. 15, 2017).
- ¹²⁰ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix E (effective Oct. 15, 2017).
- ¹²¹ According to the DSD Discipline Handbook, the DOS can “hold penalties or portions of penalties in abeyance” “[t]o avoid unfair impact on the subject deputy or to otherwise further the interests of fairness and reasonableness.” *See* DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines § 32.9 (effective Sept. 12, 2013). The DSD Discipline Handbook does not explicitly address the holding of findings in abeyance, which was done in the settlement agreement in this case. The OIM is concerned about holding a deputy’s finding in abeyance, which may impact the reliability of data about deputy misconduct and discipline over time.
- ¹²² DSD Written Reprimand for Subject Deputy in S2017-0057, at 3 (Nov. 30, 2017).
- ¹²³ DSD Inmate Grievance 17 09593 (June 7, 2017) (on file with author).
- ¹²⁴ DSD Inmate Grievance 17 09593 (June 7, 2017) (on file with author).
- ¹²⁵ DSD Written Reprimand for Subject Deputy in S2017-0057, at 11 (Nov. 30, 2017).
- ¹²⁶ DSD Written Reprimand for Subject Deputy in S2017-0057, at 3, 9 (Nov. 30, 2017).
- ¹²⁷ DSD Written Reprimand for Subject Deputy in S2017-0057, at 10 (Nov. 30, 2017).
- ¹²⁸ DSD Written Reprimand for Subject Deputy in S2017-0057, at 10 (Nov. 30, 2017).
- ¹²⁹ Sergeant Interview Transcript, lines 249-250; DSD Inmate Handbook, at 11-50 (Which provides four classifications of acts prohibited by inmates and associated punishments. Each class of violations “could result in separation from the jail population” for a period of at least 7-10 days from the inmate’s conduct hearing.).
- ¹³⁰ Letter from DSD Sergeant to DSD Major (June 8, 2017) (on file with author).
- ¹³¹ 14:24:11 of “4_4E_Dayroom” video.
- ¹³² DSD Written Reprimand for Subject Deputy in S2017-0057, at 3 (Nov. 30, 2017).
- ¹³³ DSD Written Reprimand for Subject Deputy in S2017-0057, at 3 (Nov. 30, 2017).
- ¹³⁴ DSD Written Reprimand for Subject Deputy in S2017-0057, at 18 (Nov. 30, 2017).
- ¹³⁵ Commission of a Deceptive Act is a specification that applies when “In connection with any investigation or any judicial or administrative proceeding, deputy sheriffs and employees shall not willfully, intentionally, or knowingly commit a materially deceptive act, including but not limited to departing from the truth verbally, making a false report, or intentionally omitting information.” The presumptive penalty is termination. *See* DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Sept. 12, 2013).

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¹³⁶ DSD Discipline Handbook: Conduct Principles and Disciplinary Guidelines, Appendix F at 9 (effective Sept. 12, 2013).

¹³⁷ DSD Written Reprimand for Subject Deputy in S2017-0057, at 19 (Nov. 30, 2017).

¹³⁸ Summary data on appeals filed by DSD deputies or by the DOS regarding DSD deputies were provided to the OIM by the Career Service Hearing Office on January 31, 2018.

¹³⁹ The Colorado Court of Appeals remanded the case to the Denver District Court to further remand back to the Career Service Board to determine the appropriateness of the DOS's original discipline decision. The Career Service Board then remanded the case to the Hearing Officer to make that determination.

¹⁴⁰ DSD Post Order 5.21.1054 §10 (effective Jan. 18, 2018).

¹⁴¹ 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.

¹⁴² 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.

¹⁴³ 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.

¹⁴⁴ Data on DSD commendations were provided by the DSD Data Science Unit and may include commendations awarded to non-sworn personnel.

¹⁴⁵ When community members die in the custody of the DPD or DSD of natural causes, the OIM has not historically reported on those deaths.

¹⁴⁶ Denver District Attorney Beth McCann, *Officer-Involved Shooting Protocol 2017*, at 1.

¹⁴⁷ While the Denver District Attorney'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. See Denver District Attorney Beth McCann, *Officer-Involved Shooting Protocol 2017*. The District Attorney did not issue a public letter on the investigation of the shooting, likely because the suspect was not killed or wounded.

¹⁴⁸ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Sept. 29, 2017), <https://www.denverda.org/wp-content/uploads/decision-letter/2017/Decision-Letter-re-Officer-Involved-Shooting--May-20--2017.pdf> (regarding the investigation of the shooting of regarding the investigation of the shooting of Mr. Brandon Gerwing).

¹⁴⁹ Evidence at the scene indicates that at least 27, and possibly 28, rounds were fired. Only 27 cartridge cases were recovered. The DA concluded that "[Corporal C] fired as many as 12 rounds." Decision Letter from 18th Judicial District Attorney George Brauchler to Denver Police Chief Robert White and Aurora Police Chief Nicholas Metz, at 6 (Sept. 26, 2017).

¹⁵⁰ Decision Letter from 18th Judicial District Attorney George Brauchler to Denver Police Chief Robert White and Aurora Police Chief Nicholas Metz (Sept. 26, 2017), <http://www.da18.org/2017/09/report-on-june-18-2017-shooting-in-aurora/> (regarding the investigation of the shooting of Mr. Keith Alfonso Roberts).

¹⁵¹ Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Nov. 9, 2017), <https://www.denverda.org/wp-content/uploads/decision-letter/2017/Decision-letter-re-Officer-Involved-Shooting--September-8--2017.pdf> (regarding the investigation of the shooting of Mr. Sergio Casimiro-Mejia).

¹⁵² Decision Letter from Denver District Attorney Beth McCann to Denver Police Chief Robert White (Feb. 14, 2018), <https://www.denverda.org/wp-content/uploads/decision-letter/2018/Decision-letter-re-Officer-Involved-Shooting-of-Mauricio-Venzor-Gonzalez-Nov-25-2017.pdf> (regarding the investigation of the shooting of Mr. Mauricio Venzor-Gonzalez).

¹⁵³ Critical incidents closed in the first half of 2017 may not be included in this section if they were summarized in the OIM's [2016 Annual Report](#).

¹⁵⁴ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (May 5, 2016), <https://www.denverda.org/wp-content/uploads/decision-letter/2015/2015letterBradleyTitus.pdf> (regarding the investigation of the shooting death of Mr. Phillip Munoz).

¹⁵⁵ This incident is included in this report because the DPD's administrative review of the shooting was completed on January 19, 2017.

¹⁵⁶ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (Aug. 11, 2016), <https://www.denverda.org/wp-content/uploads/decision-letter/2016/Decision-letter-April-12-2016----DPD-Technician-Jeffrey-Motz-.pdf> (regarding the investigation of the shooting death of Mr. Dion Damon).

¹⁵⁷ Four months later, in June 2017, the DPD revised its Body Worn Camera Policy to require Metro/SWAT officers to activate their body worn cameras according to policy only when performing the duties of a patrol officer. The revised policy does not require Metro/SWAT officers to activate body worn cameras while executing planned tactical operations, unless ordered to do so by a commander or above. *See* DPD OMS 119 (3)(b)(10).

¹⁵⁸ OIM, *2014 Annual Report*, at 25.

¹⁵⁹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (Sept. 19, 2016), <https://www.denverda.org/wp-content/uploads/decision-letter/2016/2016-14th-&-Curtis.pdf> (regarding the investigation of the shooting and wounding of Mr. Kevin Lee Jones and Mr. Robert Jones).

¹⁶⁰ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (Nov. 22, 2016), <https://www.denverda.org/wp-content/uploads/decision-letter/2016/2016letterHeinis.pdf> (regarding the investigation of the shooting and wounding of Mr. LAJ, a juvenile).

¹⁶¹ Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (Dec. 12, 2016), <https://www.denverda.org/wp-content/uploads/decision->

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[letter/2016/2016letterGutierrezMcKain.pdf](#) (regarding the investigation of the shooting death of Mr. Terry Lee Salazar).

¹⁶² Decision Letter from Denver District Attorney Mitchell R. Morrissey to Denver Police Chief Robert White (Jan. 9, 2017), <https://www.denverda.org/wp-content/uploads/decision-letter/2016/2016-West-Bates.pdf> (regarding the investigation of the shooting death of Mr. Michael Ferguson).

¹⁶³ Decision Letter from Denver District Attorney Beth McCann to Aurora Police Chief Nicholas Metz and Denver Police Chief Robert White (May 9, 2017), <https://www.denverda.org/wp-content/uploads/decision-letter/2016/Decision-letter-re-Officer-Involved-Shooting--May-9--2017.pdf> (regarding the investigation of the shooting death of Mr. Juan Ramos).

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 Locations¹

¹ The number of brochure location sites presented in this appendix may differ from the number reported in the Citizen Oversight Board's 2017 Annual Report due to differences in when the reports were finalized.

City Council Offices

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

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

Other Locations:

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

Government Agencies

- Blair-Caldwell African American Research Library, Denver Public Library –2401 Welton Street
- Denver Central Library, Denver Public Library – 10 W. 14th Avenue Parkway
- Rodolfo "Corky" Gonzales Branch Library, Denver Public Library – 1498 N. Irving Street
- Athmar Park Branch Library, Denver Public Library – 1055 South Tejon Street
- Ross-Barnum Branch Library, Denver Public Library – 3570 West 1st Avenue
- Department of Safety, City and County of Denver – 1331 Cherokee Street Room 302
- Human Rights & Community Partnerships, City and County of Denver – Wellington E. Webb Building, 201 W. Colfax Avenue, 2nd Floor
- Office of the Independent Monitor, City and County of Denver – Denver Post Building, 101 W. Colfax Avenue, Suite 100
- Parks and Recreation, City and County of Denver – Wellington E. Webb Building, 201 W. Colfax Avenue, 6th Floor

Community-Based Locations

- Barnum Recreation Center – 360 Hooker Street
- Centro Humanitario – 2260 California Street
- Colorado Progressive Coalition – 700 Kalamath Street
- Denver Indian Center – 4407 Morrison Road
- Gang Rescue and Support Project (GRASP) – 3532 Franklin Street Unit #1
- Greater Park Hill Community, Inc. – 2823 Fairfax Street
- Inner City Parish – 1212 Mariposa Street
- Mi Casa Resource Center – 360 Acoma Street
- Meyer Law Firm, PC – 901 W. 10th Avenue Suite 2A
- NEWSED Community Development Corporation – 2120 W. 7th Avenue
- Project VOYCE – 3455 Ringsby Court #131
- Servicios de la Raza – 3131 W. 14th Avenue
- SouthWest Improvement Council (SWIC) – 1000 S. Lowell Boulevard
- Su Teatro – 721 Santa Fe Drive
- The Bridge Project – 1265 Mariposa Street
- True Light Baptist Church – 14333 Bolling Drive
- YESS Institute – 1385 S. Colorado Boulevard A-610
- Padres y Jovenes Unidos – 3025 W. 37th Avenue
- Shorter Community AME Church – 3100 Richard Allen Court
- Youth on Record – 1301 W. 10th Avenue
- Steps to Success – 4725 Paris Street Suite 300
- Mile High Youth Corps – 1801 Federal Boulevard
- Harm Reduction Action Center – 231 E. Colfax Avenue
- Montbello Recreation Center – 15555 E. 53rd Avenue
- Coffee at The Point – 710 E. 26th Avenue
- Whittier Café – 1710 E. 25th Avenue
- Hiawatha Davis Jr. Recreation Center – 3334 Holly Street

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, Room 302

Schools

- Bruce Randolph School – 3955 Steele Street
- Denver Center for 21st Century Learning – 1690 Williams Street
- East High School – 1600 City Park Esplanade
- Manual High School – 1700 E. 28th Avenue
- South High School – 1700 E. Louisiana Avenue
- Swansea Elementary School – 4650 Columbine Street
- West High School – 951 Elati Street
- La Academia at Denver Inner City Parish– 910 Galapago Street
- Collegiate Prep Academy – 5290 Kittredge 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 2300, Van Cise-Simonet Detention Center – 490 W. Colfax Avenue
- Denver District Court – Criminal, 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 OIM 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.

2017 COB Members

- Katina Banks, Chair, was appointed to the COB in 2016. She is Senior Corporate Counsel at HCL Technologies Limited. She spent ten years practicing intellectual property law with the firm of Dorsey and Whitney, LLP. A proud Denver native, she has been civically engaged throughout her professional career. She served eight years on the Colorado Civil Rights Commission, helping enforce the state’s anti-discrimination laws. Katina was a member of the Colorado Lawyers Trust Account Foundation (COLTAF), which helps provide legal services statewide to underserved members of the community. She 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, Vice Chair, 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 enforcements officers, licensing personnel and veterinarian staff. In addition to those duties, he also conducts firearms and arrest control technique training.
- Nikki Braziel, Secretary, is the co-founder of Octa, a Denver-based product design and manufacturing company that is focused on mounting solutions for mobile technology. She previously worked at the Space Science Institute in Boulder, where she assisted in the development and distribution of museum exhibits and displays. Before leaving her native Chicago, she worked in both legal marketing and professional development at Jenner & Block LLP. In her free time, she writes historical fiction.
- Pastor Paul Burleson is the founder of Denver’s Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He is past president of the Greater Metro Denver Ministerial Alliance. 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. He served with the US Air Force in Korea. He has been on the COB since its 2005 beginning.
- Dr. Mary Davis is President/CEO of McGlothin Davis, Inc, an organization effectiveness firm that has provided consulting services to public, not-for-profit and private sector firms throughout the nation since 1995. For decades, she has been

actively involved in civic and community improvement activities in Denver. She has served on five nonprofit boards, having been elected Board Chair for two of these organizations. She joined the COB in February 2009.

- Francisco “Cisco” Gallardo joined and helped create what has been one of the largest gangs in Denver's north side in his teen years. Since that time, he has dedicated his life to undoing the damage he helped cause. Over the past 26 years, he has worked in the community to redefine respect, power and pride; he has helped countless young people to reclaim their own lives. He joined the COB in 2012.
- Molly Gallegos, a Colorado native, has been working in the community for most of her life doing everything from translating safety information for migrant workers to participating in community theater with Su Teatro. She began her career as a community organizer in West Denver cultivating community leaders and advocating for the needs of Denver's working families. More recently she has found her calling working with Denver's high school students, providing them the support and encouragement they need to access their post high school goals. Molly holds a Bachelor's degree in Ethnic Studies from Colorado State University and a Master's of Social Sciences/Women and Gender Studies from CU Denver.

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.

2017 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 2017 public forums were held on the following dates and in the following locations:

1. June 1, 2017 – District 5 – Dr. Martin Luther King, Jr. Early College, 19535 E. 46th Avenue
2. September 21, 2017 – District 4 – Godsman Elementary School, 2120 West Arkansas Avenue
3. December 14, 2017 – District 6 – Morey Middle School, 840 East 14th Avenue

Proposed 2018 Public Forums

1. March 22, 2018
2. June 14, 2018
3. September 13, 2018
4. November 29, 2018



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