



Education-Based Discipline/Development (EBD)

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The OIM does not support EBD

- We do not agree with the approach or believe it is necessary:
 - Additional training that targets demonstrated deficiencies is welcome
 - Such training should be provided in addition to discipline penalties
- There is no best practice research suggesting EBD improves officer accountability or outcomes for community members:
 - EBD removes accountability from discipline
 - Without accountability there can be no trust

Background of Education Based Discipline

- General idea: Replace some discipline penalties with training that addresses the specific misconduct identified
- There is no best practice research indicating that EBD:
 - Reduces officer recidivism
 - Serves as a stronger deterrent than traditional discipline
 - Makes community members and officers safer
- EBD has not been recognized as best practice by the IACP, PERF or DOJ

Oversight Assessments of Jurisdictions Using EBD

Office of Police Complaints overseeing the
Washington D.C. Metropolitan Police Department

“EBD in lieu of discipline demonstrates to officers that complaints from community members are insignificant, and implies to the community that MPD endorses, or at least tolerates police misconduct, further driving a wedge between citizens and the police.”

- Police Complaints Board Policy Report #24-2 (2024)

Oversight Assessments of Jurisdictions Using EBD

Special Counsel to the Los Angeles Sheriff Department

“We conclude that the EBD program is well-intentioned but is, in practice, overbroad and overused [...] EBD was not able to prevent or minimize disturbing instances of apparent misconduct by deputies and supervisors[...] It adds fuel to the fire of those who allege that law enforcement is unwilling to punish and overly willing to protect its own[...] In its present form, we cannot endorse EBD.”

- 33rd Semiannual Report of Special Counsel (2013)

DPD Discipline

- Police officers hold a “position of trust” – a trust bestowed upon them by the community
- Because of the trust placed in them, officers must know that, when they engage in misconduct, they will receive fair and appropriate discipline
- An effective disciplinary system:
 - Is fairly administered, reasonably consistent and based upon Department-wide standards
 - Ensures both clarity in expectations and accountability for actions by the individual officer
 - Results in strengthened relationships and increased levels of trust with the community

DPD Discipline

- The discipline matrix was created to (among other things):
 - Make sure that disciplinary penalties are reasonably consistent
 - Eliminate any unjustifiable disparities between discipline findings
 - Hold officers accountable
- The current disciplinary system serves the public, the officers and the administration by uniformly reinforcing the acceptable standards of conduct and presenting a clear methodology for consequences related to a failure to abide by such standards

DPD Discipline

- Education and Training is a practice in support of the current DPD disciplinary system
 - In cases where an officer is under investigation for misconduct or has been found to have committed misconduct, additional training, in addition to any possible imposition of discipline, should be considered
- EBD has the potential to upend the current DPD disciplinary system by eliminating the possible imposition of discipline for certain misconduct violations

Deliberative Process Privilege (DPP)

- The DPP prevents the OIM from talking about:
 - The proposed DPD EBD policy we have seen and analyzed
 - The specific OIM recommendations to the proposed DPD EBD policy
 - Whether public presentations and statements from DPD staff about the proposed EBD program align with the DPD EBD policy we have seen and analyzed

OIM Engagement with Community Members on EBD

- During the OIM's engagement with community members they have shared their concern and frustration regarding the lack of transparency on the proposed EBD program by the DPD
- The community requested that a draft of the EBD policy be shared with community members and the City Council for their review, input and guidance
- The community requested that any implementation of EBD be delayed until the draft policy has been shared publicly and an opportunity for meaningful community feedback has been provided
- The OIM agrees with the community that substantive changes to the disciplinary process should not happen unilaterally

DPD Policies and Denver Community Engagement

- 2008: The current model of discipline was adopted with significant community input and guidance
 - The discipline matrix was designed through extensive input from representatives of the Police Department, City Management, appointed officials, legal advisors and concerned members of the public
- 2017: A draft of the proposed changes to the UOF policy was published for community input and guidance
- 2025: Although EBD has the potential to upend the current model of discipline, the DPD has not shared the draft policy for community input and guidance

EBD Program Requirements

- The OIM does not support EBD. However, if the DPD decides to move forward with an EBD program, the community should ensure that the following minimum requirements are met:
 - Prohibit the use of EBD for all cases with Conduct Category D-F specifications, including allegations of inappropriate force
 - Require the establishment and documentation of criteria for determining if a case qualifies for EBD
 - Require consensus between the CRB and the OIM when determining what path cases take
 - Ensure all EBD cases receive thorough and complete investigations certified by the OIM

EBD Program Requirements

- Require that the DOS/DPD share draft EBD Agreements with the OIM for review before finalizing, as required by DRMC 2-389(a)
- Require that EBD cases have sustained findings and are used to escalate penalties in future cases
- Prohibit EBD Agreements from requiring training that an officer has already completed and ensure EBD training is not substituted for in-service training
- Require that complainants be provided with information that the officer completed EBD training in lieu of discipline in closure letters
- Require that EBD is scientifically evaluated and shown to produce positive outcomes for the Denver community

Closing Remarks

- An EBD program has the potential to take the disciplinary model in Denver backwards
- Training is not accountability. It does not address the harm caused to the community.
- The City should not expose itself to risk based upon an experimental system of discipline
- Lack of transparency or accountability eliminates community trust, and without trust policing fails