



# EXECUTIVE SUMMARY

2008

**DENVER**  
THE MILE HIGH CITY



## ***Mission***

The mission of the Office of the Independent Monitor (OIM) is to monitor the Denver Police (DPD) and Sheriff (DSD) Departments, provide for fair and objective oversight of the uniformed personnel of these departments, and ensure public confidence in the ability of these departments to police themselves.

The OIM is responsible for: (1) actively monitoring and participating in investigations of uniformed personnel in the City and County of Denver's Police and Sheriff Departments; (2) making recommendations to the Chief of Police, the Director of Corrections and the Manager of Safety (who are responsible for discipline within the Police and Sheriff Departments) regarding administrative actions, including possible discipline; and (3) making recommendations regarding broader policy and training issues.

## ***Core Functions of the Monitor's Office***

The Monitor's Office "core functions" for 2008 included:

Monitoring and reviewing DPD and DSD critical incident investigations, specifically officer-involved shootings, in-custody deaths and uses of force resulting in great bodily injury or death. (This task includes the monitoring of Use-of-Force Review Board and Tactics Review Board deliberations and recommendations).

Monitoring the DPD and DSD internal affairs decision-making processes to ensure fairness and consistency in the assignment and handling of citizen and internally-initiated complaints and investigations.

Monitoring and making recommendations regarding formal DPD and DSD internal investigations to ensure that investigations are thorough, fair and complete.

Managing the citizen-police mediation program.

Monitoring and making recommendations on DPD and DSD findings after investigations and the imposition of discipline after sustained findings are made. (This task includes the monitoring of the deliberations and recommendations of Disciplinary Review Boards and Pre-disciplinary hearings).

Ensuring the citizen complaint process is accessible to the entire community and ensuring community members are aware of how their complaints were handled and why.

Monitoring the timeliness of the entire complaint handling and disciplinary processes for DPD and DSD.

## ***Status of Goals for 2008***

At the beginning of 2008, the OIM set certain goals for the year. In general, the OIM was able to achieve or make significant progress towards the implementation of the aforementioned goals.

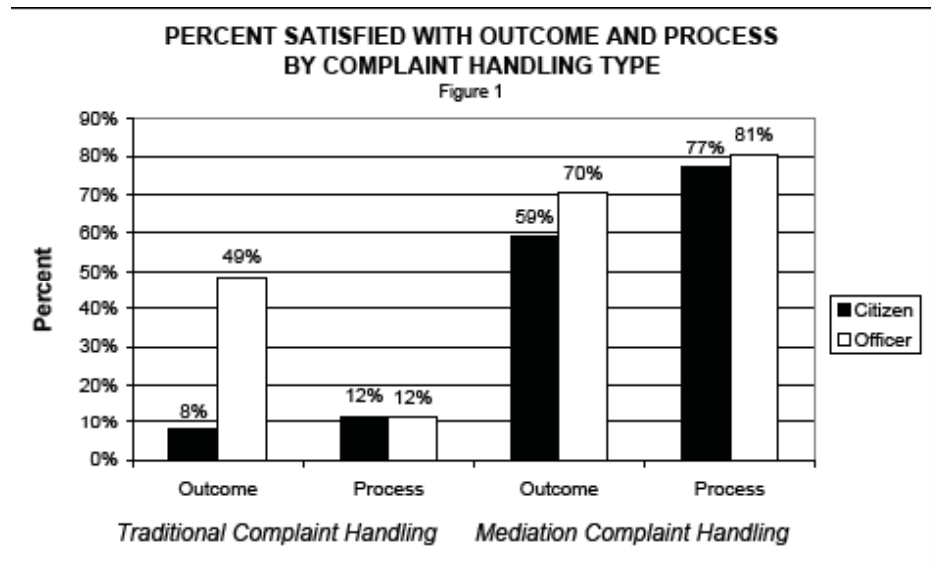
Goal: Follow up on the Police Assessment Resource Center (PARC) report to ensure recommendations regarding changes in DPD deadly force policies and critical incident investigations and administrative reviews are considered for implementation.

**Status of Goal:** The PARC report was published and made available to the public in June of 2008. The PARC report found that the Denver Police Department is currently a leader in the handling of deadly force incidents. The PARC report did, however, make 69 recommendations to further improve deadly force policies and investigations and reviews of critical incidents. The Chief of Police provided a comprehensive response to the report, agreeing in whole or in part, with 57 of PARC’s 69 recommendations. The status of the Department’s acceptance or rejection of these recommendations is outlined in detail in the “Special Initiatives & Policy Issues” chapter of this report.

**Goal:** Continue the use of the OIM community-police mediation program, while maintaining the program as the largest of its kind in the country and assisting other police agencies in implementing similar programs.

**Status of Goal:** As of the end of 2008, the OIM Mediation program has facilitated more than 150 community member-police mediations since the mediation program’s inception in December of 2005. A total of fifty mediations were conducted during the 2008 calendar year. This program continues to be one of the largest in the United States.

Both complainant and officer satisfaction with the mediation process and subsequent outcomes remained high throughout the 2008 calendar year. Also, both complainant and officer satisfaction remain exceptionally higher than satisfaction with the traditional Internal Affairs processes and subsequent outcomes as indicated in Figure 1.



**Goal:** Evaluate the implementation of the DPD Personnel Assessment System (an early intervention tool which identifies patterns in officer conduct and assists in identifying performance concerns) as well as assisting the Sheriff’s Department in the implementation of its own system.

**Status of Goal:** The DPD finalized its new Personnel Assessment System (PAS) in early 2008. At the end of 2008, the OIM was given the opportunity to audit the new system. While the program appears to be working very well, the OIM has recommended that the Department move away from strict numerical triggers and use statistical analysis to allow for a more sophisticated comparison of similarly situated officers. (For more information on the PAS and the OIM’s audit results, see Chapter 5 “Special Initiatives & Policy Issues” chapter of this report.) In addition, the OIM is discussing with the DPD whether demographic data from traffic and pedestrian stops can be incorporated into the PAS in the future.

**Goal:** Evaluate the new Disciplinary Matrix (created to make disciplinary decisions more objective and fair) and assist the DSD in the creation of a similar matrix.

Status of Goal: The DPD’s new Disciplinary matrix was implemented as of October 1, 2008. Consequently, it is too early to formally evaluate the policy. The Monitor, however, worked closely with the Department in the creation of the new policy and continues to believe that it is a best practice when compared to other disciplinary processes nationwide.

Goal: Increase the timeliness of disciplinary review boards and Chief’s Hearings within the DPD.

Status of Goal: The DPD made substantial improvements in the timeliness of disciplinary review boards (DRB’s) and Chief’s Hearings during the 2008 calendar year. In all cases, DRB’s and Chief’s Hearings were conducted as soon as possible when individual cases were ready for review. (For more information, see the Timeliness Section of Chapter 2 (“DPD Monitoring”) of this report).

## 2009 Goals

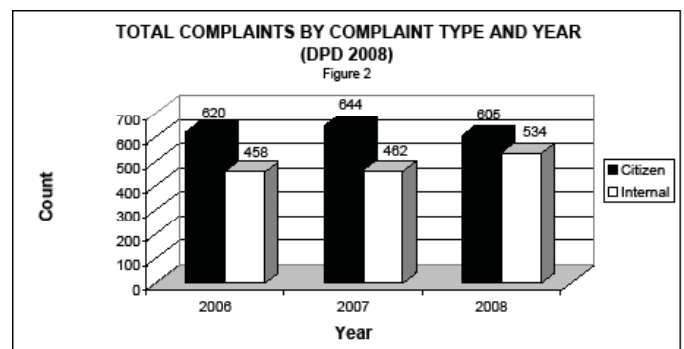
The OIM has set the following goals for the upcoming year:

1. Continue to follow-up on the Police Assessment Resource Center (PARC) report to ensure recommendations regarding changes in DPD deadly force policies and critical incident investigations and administrative reviews will be considered for implementation.
2. Continue the use of the OIM community-police mediation program, while maintaining the program as one of the largest of its kind in the country and assist other police agencies in implementing similar programs.
3. Conduct annual evaluations of the DPD Personnel Assessment System and ensure an effective evaluation of officer comparisons and evaluate the possibility of incorporating demographic data from pedestrian and traffic stop for analysis into the system.
4. Assist the Denver Sheriff’s Department in the creation of a disciplinary matrix and an early intervention system.
5. Improve the timeliness of imposition of discipline for the DPD in all cases where a sustained finding is made.
6. Evaluate the DPD’s policy, training and practices with respect to responding to “excited delirium” type cases, specifically those resulting in in-custody deaths. (See “Critical Incident Review,” Chapter 4 for more information).

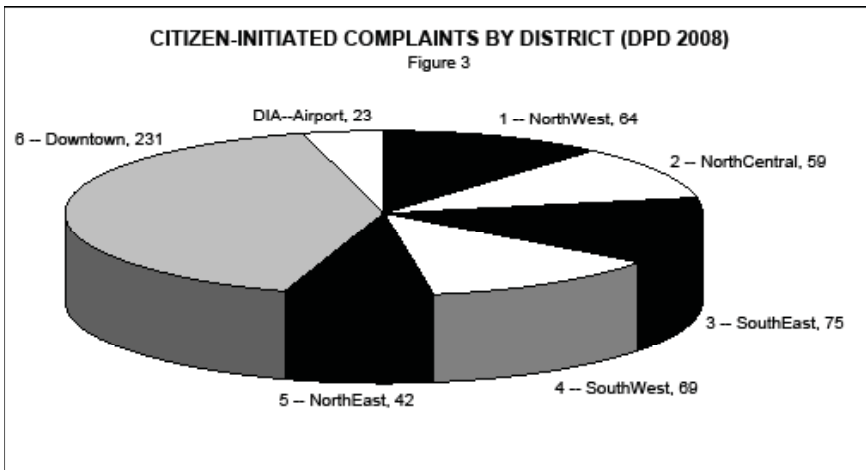
## DPD Monitoring

In 2008, the Denver Police Department received or initiated 1,139 complaints of which 605 were citizen-initiated. The total number of complaints in 2008 decreased by 6.1% compared to 2007.

Discourtesy (21.6%), improper procedure (18.7%), and unnecessary force (18.5%) were the three most common allegations involved in citizen/internal complaints.



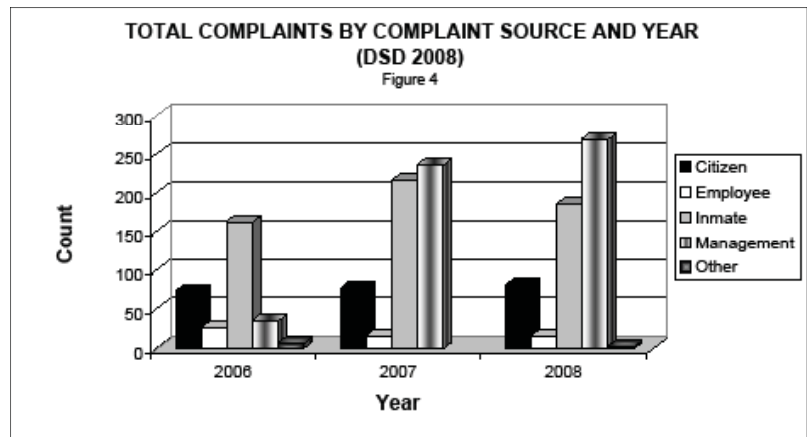
Police District Six accounted for 38.3% of the total citizen-initiated complaints which translates into a complaint rate of 4.04 per 1,000 residents. The lowest complaint rate 0.43% was found in District Three. District Five accounted for the fewest number of complaints with 7% of the total; however, because of the District's comparatively low population, the District had the second highest rate at 1.10 per 1,000 residents.



In 2008, DPD officers received 683 departmental awards; a significant increase from the 538 received in 2007. Official Commendations were the most frequent type of commendation received accounting for 24.6% of the total. Other frequent commendations included Commendatory Action Reports (23.1%) and Letters of Appreciation (14.3%).

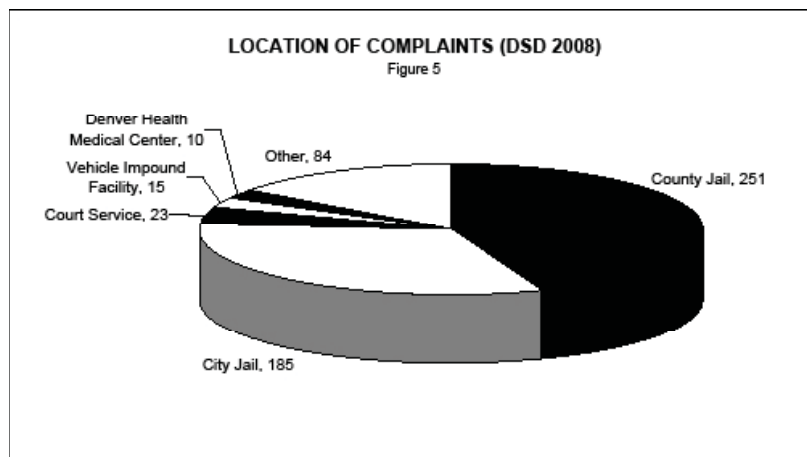
### DSD Monitoring

In 2008 the Denver Sheriff's Department received or initiated 570 complaints. This was a slight decrease of 2.5% from 2007. Nearly half of the complaints were internally-initiated by management while only 14% were externally-initiated by citizens.



The most common allegations received in 2008 involved improper procedure (44.7%) and improper conduct (19.8%).

The majority of complaints originated at the county jail (44%) followed by the city jail and court services.



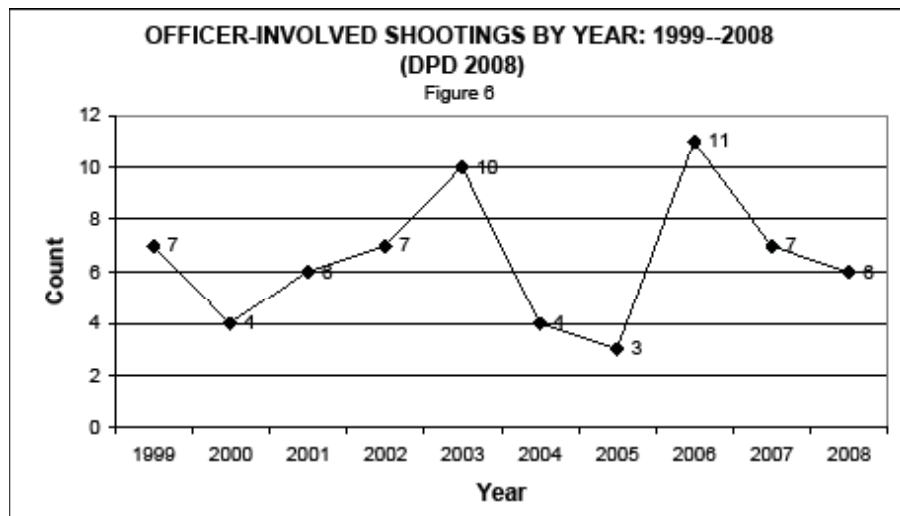
In 2008, Denver Sheriff’s Deputies received 89 awards, down from 102 in 2007. The most common awards received were letters of appreciation (46.1%), community service award (32.6%), and supervisory commendation (30.3%).

Pre-disciplinary hearings were completed in an average of 155 days which was a significant improvement over 2007 at 166 days and 2006 at 198 days.

### ***Critical Incident Review***

The OIM rolled out to 11 incidents in 2008. Specifically, the Monitor’s Office rolled out to six DPD officer-involved shootings and one DPD in-custody death in 2008. In addition, the OIM also rolled out to the County Jail for the three suicides and one medical death that occurred during the course of the year. All internal affairs investigations into these incidents were actively monitored by the OIM.

There were six officer-involved shooting incidents in 2008. The number of shootings continues a downward trend from 11 in 2006 and 7 in 2007.



### ***Special Initiatives And Policy Issues***

#### The Democratic National Convention

During the course of 2008, both the Denver Police and Sheriffs Departments were required to prepare for the largest law enforcement-related event in the history of the City & County of Denver, the Democratic National Convention (DNC). The Monitor’s Office chose to treat the DNC as a “critical incident” warranting the active monitoring of police actions as they took place.

The OIM actively monitored all internal affairs cases that were initiated as a result of the DNC. Overall, there was only a small number of DNC-related complaints compared to the number of police contacts and the number of officers assigned to the event. Those cases wherein officers were “sustained” for failing to follow police policy or procedure were mostly minor in nature and none involved injuries to members of the community.

## ***Departing From The Truth***

In past Annual Reports, the Monitor has expressed concern regarding a history of the Police and Sheriff Departments' failure to terminate employees who had been "sustained" for lying during the course of Internal Affairs investigations. Since then, as of October 1, 2008, the Police Department has initiated a new "Disciplinary Matrix" which calls for presumptive termination for an officer who has intentionally and deliberately "departed from the truth" during the course of a judicial hearing or a criminal or administrative investigation. The Sheriff's Department is expected to adopt a similar disciplinary matrix next year.

## ***Community Concerns Regarding Biased Policing***

Over the last year, the OIM has become aware of community concerns regarding the "Broken Windows" approach to policing (saturating areas where patterns of crime are taking place with additional officers) and whether that practice has resulted in an increase in biased policing with a negative effect on communities of color.

In 2008, the Monitor worked with Internal Affairs command staff to ensure that biased policing complaints were being appropriately categorized so as to be better able to track patterns in such complaints, in general and as to specific officers.

The OIM is currently working with the Department to determine if it is possible for the "Personnel Assessment System" to identify, through data analysis, any problematic racially biased policing activities on the part of specific patrol officers.

The OIM is also evaluating whether customer satisfaction surveys should be conducted after traffic and pedestrian stops.

Finally, the Citizen Oversight Board has asked the Monitor's Office to research to what extent cameras can be placed in patrol cars (or on officers' persons). Audio and video evidence of police traffic stops and contacts could be used to prove or disprove allegations of misconduct. As per the COB's request, the Monitor's Office will be researching this issue in the upcoming year.

## ***Personnel Assessment System – PAS***

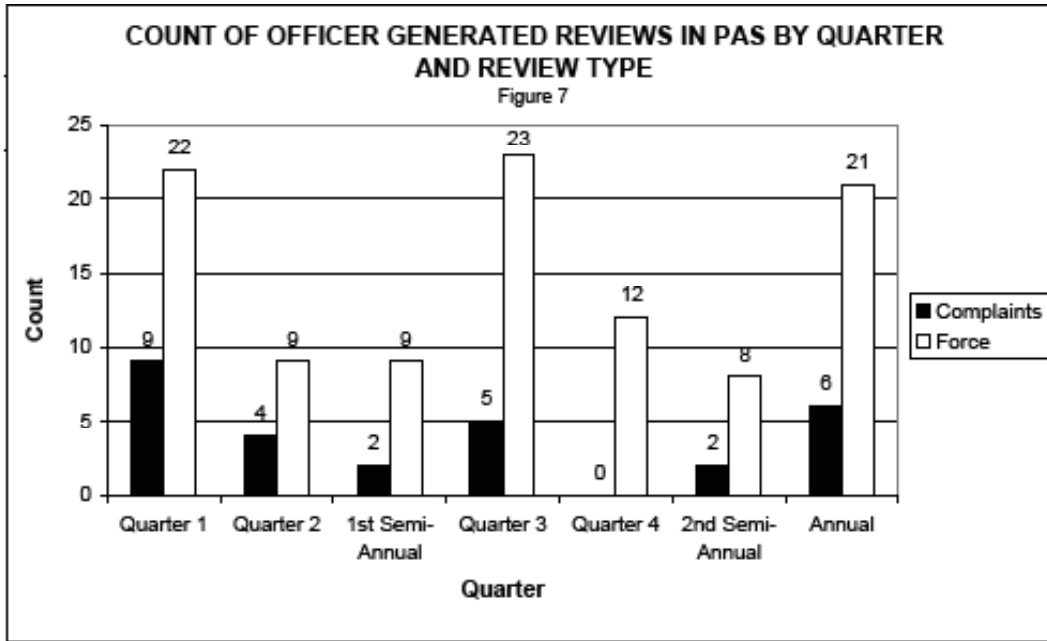
PAS is the police department's early identification and intervention system. The system is designed to manage officers' activities and provide intervention plans to assist officers that may be having work-related issues.

PAS includes a review process by the PAS board which consists of every rank from patrol officer through command staff as well a union representative and employee assistance professionals. The board's responsibility is to evaluate officer conduct and then report to command staff on any corrective actions that may need to be taken.

Since 2008, the OIM has been providing technical assistance to the staff of the Professional Standards Unit to assist in identifying officers needing further review.



An analysis of the PAS system in 2008 revealed that it was operating according to policy. Figure 7 shows the number of reviews generated by review type—force or complaints.



### *Police Department Smoking Policy*

In 2008 the OIM received a number of complaints from community members about DPD officers who were observed smoking cigarettes or cigars while on duty, directing traffic or otherwise being in public view, while in uniform and acting in an official capacity.

The Denver Police Department’s smoking policy only prohibits officers from smoking in city buildings and vehicles.

The OIM reviewed policies from eleven policing agencies in the Denver metro area, including, six local police departments and five local Sheriff Departments with patrol functions. The policy review revealed that all agencies with the exception of one have more restrictive policies regarding the use of tobacco on duty than the Denver Police Department.

The Monitor agrees that officers’ smoking on duty and while otherwise serving members of the public does not reflect well on the DPD as an organization and believes that the Denver Police Department should re-evaluate its policies regarding smoking while on-duty.