



EXECUTIVE SUMMARY

2009

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" include:

- Monitoring and reviewing Police and Sheriff 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 Police and Sheriff 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 Police and Sheriff internal investigations to ensure that investigations are thorough, fair and complete.
- Managing the community-police mediation program.
- Monitoring and making recommendations on Police and Sheriff 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 the Police and Sheriff Departments.

Status of Goals for 2009

At the beginning of 2009, 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: Continue to follow up on the Police Assessment Resource Center (PARC) report to ensure recommendations regarding changes in Police Department deadly force policies and critical incident investigations and administrative reviews will be 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 was 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. In 2009, the Department finalized substantial changes in its deadly force and less-lethal policies as recommended by PARC. The Monitor believes that the Department has worked in good faith to implement those changes, recommended by PARC and the Monitor, that are best suited to the Department and the needs of the City and the local community.

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 assist other police agencies in implementing similar programs.

Status of Goal: As of the end of 2008, the OIM Mediation program has facilitated more than 200 community member-police mediations since the mediation program's inception in December of 2005. A total of fifty-five community-police mediations were conducted during the 2009 calendar year. This program continues to be one of the largest in the United States.

Goal: Continue annual evaluations of the Police Department's Personnel Assessment System (PAS), ensure an effective evaluation of officer comparisons, and evaluate the possibility of incorporating demographic data from pedestrian and traffic stops for analysis into the system. (PAS is an early intervention tool which identifies patterns in officer conduct and assists in identifying performance concerns relating to individual officers.)

Status of Goal: The DPD finalized its new Personnel Assessment System (PAS) in early 2008. At the end of each year, the OIM has been given the opportunity to audit the system. The OIM believes that the DPD's early intervention system is one of the best in the country and is operating per expectations.

Goal: Assist the Denver Sheriff Department in the creation of a disciplinary matrix and an early intervention system.

Status of Goal: In 2009, the Manager of Safety created a Disciplinary Advisory Group (DAG) for the Sheriff Department, to create a disciplinary matrix and to create conduct principles and disciplinary guidelines for the Department to use when evaluating conduct and imposing discipline. The Sheriff DAG was created to mirror the reforms previously implemented by the Police Department when its disciplinary matrix was implemented on October 1, 2008.

Goal: Improve the timeliness of imposition of discipline for the DPD in all cases where a sustained finding is made.

Status of Goal: This remains an area in need of significant improvement. The Monitor recommends that the Chief make improvements in timeliness in the imposition of discipline a high priority for 2010.

Goal: Evaluate the DPD's policies, training and practices with respect to responding to "excited delirium" type cases, specifically those resulting in in-custody deaths.

Status of Goal: The Monitor is in the process of compiling and reviewing all policies and protocols as they relate to the Police and Sheriff Departments and the Department of Safety's Combined Communications Center handling of "excited-delirium" type cases (which involve otherwise unexpected deaths, often after physical struggles with police officers.) The Monitor anticipates working with these Departments in an attempt to ensure that the City is engaging in "best practices" to reduce these in-custody deaths as much as possible and to protect the City from liability in the event that a death cannot be avoided.

2010 Goals

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

- Follow up on the implementation of Police Department policy changes to deadly force and less-lethal policies as recommended by the Police Assessment Resource Center (PARC) report and accepted by the Chief of Police;
- Continue the use of the OIM community-police mediation program, one of the largest of its kind in the country, and assist other police agencies in implementing similar programs;
- Conduct annual evaluations of the DPD Personnel Assessment System to ensure effective evaluations of similarly situated officers;
- Ensure the implementation of the Denver Sheriff Department's new disciplinary matrix, reforms to the disciplinary processes, and the creation of an early intervention system;
- Improve the timeliness of imposition of discipline for the DPD in all cases where a sustained finding is made; and,
- Evaluate the DPD's policy, training, and practices with respect to responding to "excited delirium" type cases, specifically those resulting in in-custody deaths and make recommendations for improvements as necessary.

Police Department Monitoring

In 2009, the Denver Police Department received or initiated 1,099 complaints of which 622 were citizen-initiated. The total number of complaints in 2009 increased slightly from the 1,027 complaints received in 2008.

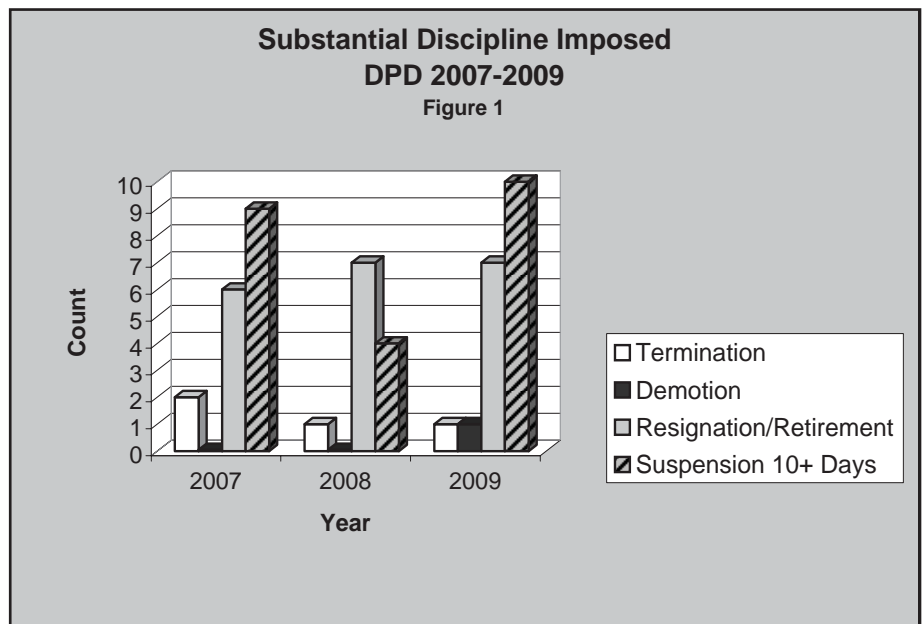
As in prior years, Discourtesy (20.6%), improper procedure (17.8%), and unnecessary and inappropriate force (21.1%) were the three most common allegations involved in citizen/internal complaints.

Figure 1 depicts year-to-year comparisons of substantial discipline imposed by the Police Department over the past three years. This chart includes counts of officers who resigned or retired while serious allegations were pending but prior to the making of a disciplinary decision.

The Police Department is currently headed in the wrong direction with regard to timeliness in the imposition of discipline.

The amount of time it takes for the Police Department to impose discipline remains too long and seems to be getting longer.

Improvements can be made in the timeliness of command reviews, DRB scheduling, Chief Hearing scheduling, and reviews conducted by the Manager of Safety.

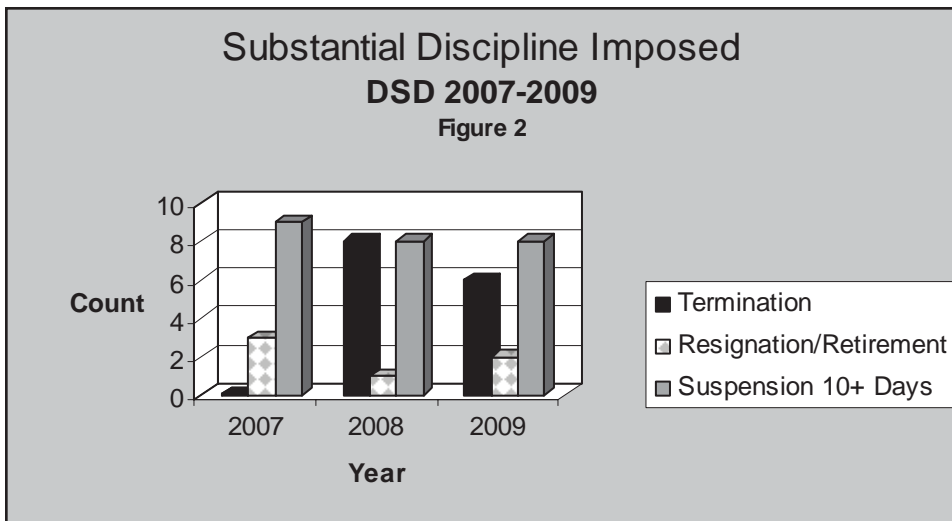


Sheriff Department Monitoring

In 2009 the Denver Sheriff's Department received or initiated 449 complaints. This was a significant decrease of from 2008 when the Department received or initiated 557 complaints. More than half of the complaints were internally-initiated by management while 40% were externally-initiated by citizens or inmates.

The most common allegations received in 2009 involved improper procedure (48.6%) and lost property (17.2%).

Figure 2 depicts year-to-year comparisons of substantial discipline imposed by the Sheriff Department over the past three years. This chart includes counts of deputies who resigned or retired while serious allegations were pending but prior to the making of a disciplinary decision.



Cases involving pre-disciplinary hearings were completed in an average of 182 days.

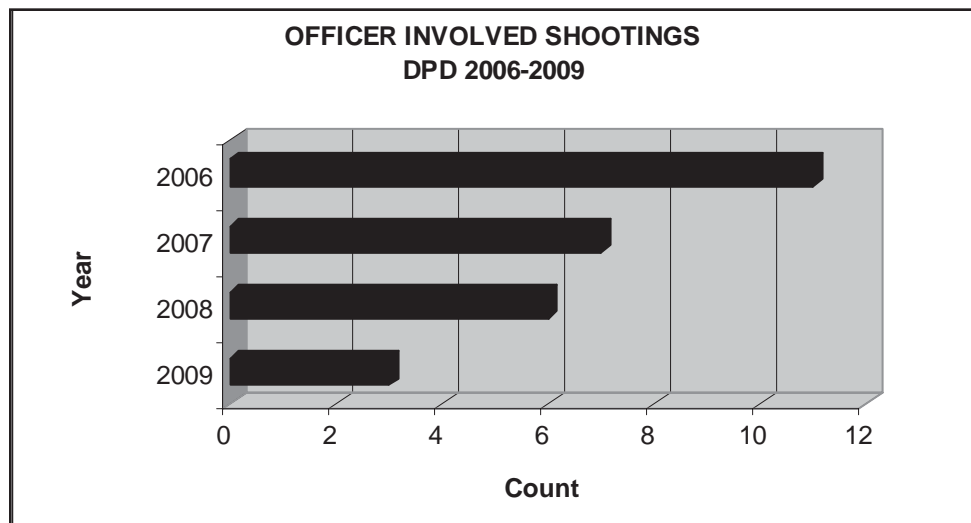
This was an increase from the average number of days in 2008 (155 days).

Critical Incident Review

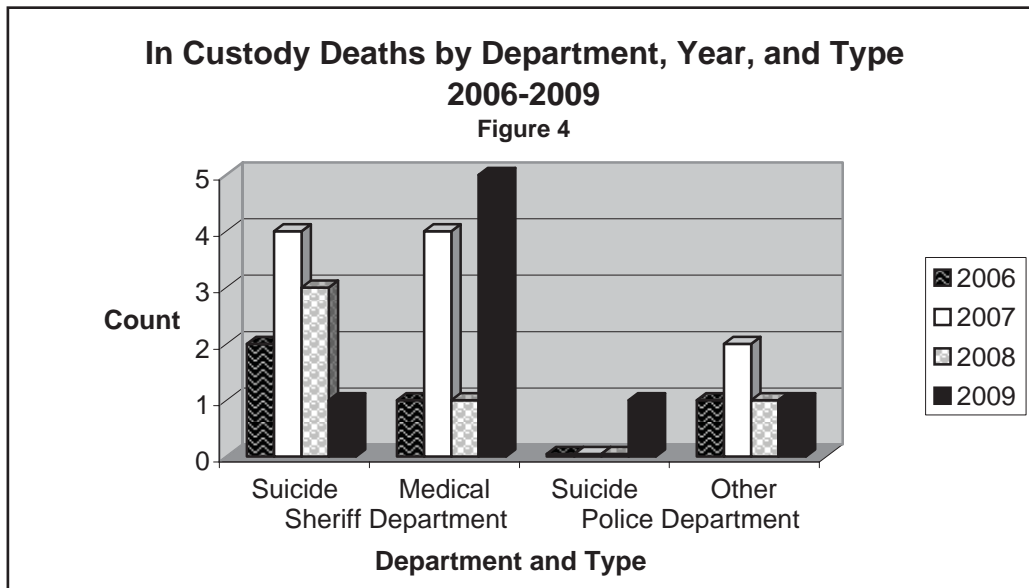
The OIM rolled out to 10 critical incidents in 2009. Specifically, the Monitor's Office responded to three DPD officer-involved shootings, and two DPD in-custody deaths in 2009. In addition, the OIM also responded to the City and County Jails for one in-custody suicide and four medical deaths that occurred during the course of the year. All internal affairs investigations into these incidents were actively monitored by the OIM.

There were three officer-involved shooting incidents in 2009.

The number of shootings continues a downward trend since 2006.



There were seven in-custody deaths in 2009, four in the Denver County Jail, one in the City Jail, and two after subjects were taken into custody by Denver Police officers. There was only one suicide committed by an inmate in the Denver County Jail in 2009 down from three in 2008.



Special Initiatives and Policy Issues

Departing From The Truth

During the course of 2009, the Monitor specifically recommended that the Manager of Safety and Director of Corrections immediately implement a policy of presumptive termination for any Sheriff Deputy who is sustained for “Commission of a Deceptive Act.” The Manager of Safety, however, has chosen to wait until the adoption of the new Sheriff matrix before making such a violation subject to the penalty of presumptive termination.

Police Department Policy Change Regarding Identifying Officers Involved In Referrals To “Denver Cares” Detox Center

At the request of the Monitor’s Office, the Police Department created a new process to assist Internal Affairs investigators in identifying officers involved in complaints from community members who were detained and sent to the Denver Cares Detoxification Center.

Police Department Limits Discretion By Vice Unit

At the request of the Monitor’s Office, the Police Department’s Vice Unit adopted policy changes to ensure officers who are identified as having been involved in unlawful vice or narcotics activities are held accountable by the Department and through the criminal justice system.

Monitor’s Continuing Concerns Regarding Entries Made Into Private Residences

The Monitor continued to pay close attention to cases involving allegations of search and seizure violations, particularly regarding police officer entries into private residences without a warrant. The Monitor asked that District command staff familiarize themselves with these issues as well.

