



## EXECUTIVE SUMMARY

**DENVER**<sup>®</sup>  
THE MILE HIGH CITY

# OFFICE OF THE INDEPENDENT MONITOR

## ANNUAL REPORT 2010

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## **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 the complaint handling and disciplinary processes; 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 DPD and DSD critical incident investigations, specifically officer-involved shootings, in-custody deaths and uses of force resulting in serious bodily injury or death. This task includes the monitoring of the deliberations and recommendations of Use-of-Force Review Boards and Tactics Review Boards;
- 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 complaint handling and disciplinary processes for DPD and DSD; and,
- Issuing Quarterly Discipline and Progress Reports and an Annual Report to the public.

## **Status of Goals for 2010**

At the beginning of 2010, 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.

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### ***Goal 1***

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.

### ***Status of Goal 1***

The PARC report was published and made available to the public in June 2008. In 2010, the Department finalized changes to its use of force policies: banning the use of the “sap” as an impact weapon, finalizing changes to its use of tasers (including updated training for officers on the policy changes), and updating its Canine policy. The Monitor believes that the Department has worked in good faith to implement the changes (recommended by PARC and the Monitor) that are best suited to the Department and the needs of the City and the local community.

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### ***Goal 2***

Continue the use of the OIM community-police mediation program and assist other police agencies in implementing similar programs.

### ***Status of Goal 2***

As of the end of 2010, the OIM Mediation program has facilitated more than 230 mediations since the mediation program’s inception in December of 2005. A total of 41 community-police mediations were conducted during the 2010 calendar year (39 DPD cases and two Sheriff cases).

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### ***Goal 3***

Conduct annual evaluations of the DPD Personnel Assessment System (PAS) to ensure effective evaluations of similarly situated officers. 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 3***

The DPD finalized its new Personnel Assessment System (PAS) in early 2008. During 2010, the OIM’s new Senior Research Analyst began working with the Department’s Professional Standards Unit (PSU) to review the Department’s use of the PAS and determine whether a more sophisticated comparison of similarly situated officers is possible. That work will continue into 2011 when the OIM plans to conduct a comprehensive evaluation of the Department’s use of this system.

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### ***Goal 4***

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.

### ***Status of Goal 4***

As of January 1, 2011, the disciplinary matrix has been adopted by the Denver Sheriff Department. During the course of 2010, the Monitor chaired subcommittees for the Manager of Safety’s Disciplinary

Advisory Group and assisted in the creation of updated *Rules & Regulations*, the discipline matrix, and the new Discipline Handbook for the Sheriff Department.

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### ***Goal 5***

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

### ***Status of Goal 5***

Timeliness in the imposition of discipline for the DPD continues to be a challenge. The Monitor is recommending that the DPD create a working group to evaluate the Department's overall disciplinary process. It is hoped that a re-evaluation of the process in its entirety may lead to suggestions that could reduce the time it takes to impose discipline.

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### ***Goal 6***

Evaluate the DPD's policies, 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.

### ***Status of Goal 6***

In November of 2010, the Monitor's Office, and the DPD funded the attendance of a multi-agency team at the "2010 Sudden Death, Excited Delirium and In-Custody Death Conference," a national seminar organized by the "Institute for the Prevention of In-Custody Deaths." Representatives of the Police and Sheriff Departments, the OIM, Denver Health, and the Combined Communications Center attended the conference and will participate in a workgroup in 2011 to draft updated policies and procedures to ensure a comprehensive multi-agency response to these events.

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## **2011 Goals**

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

- Continue the use of the OIM community-police mediation program and assist other police agencies in implementing similar programs;
- Evaluate the DPD Personnel Assessment System to ensure effective evaluations of similarly situated officers;
- Monitor 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 timeliness in the imposition of discipline for the DPD in all cases where a sustained finding is made;
- Evaluate policies, 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; and,
- Assist the Manager of Safety in the creation of a disciplinary matrix for the Denver Fire Department.

## Police Department Monitoring

In 2010, the Denver Police Department received or initiated 713 complaints of which 601 were citizen-initiated. The total number of complaints in 2010 decreased slightly from the 749 complaints initiated in 2009.

It is important to note that only a small proportion of citizen-police contacts in 2010 resulted in a citizen complaint. For example, Denver Police officers responded to 465,511 calls for service in 2010. In the same time period, the DPD received 601 citizen complaints against its officers, which amounts to a conservative estimate of roughly one complaint for every 775 calls for service (or .013%).

**Table I Substantial Discipline Imposed, DPD, 2007-2010**

Year	Termination	Demotion	Resignation/ Retirement	Suspension for 10+ Days
2007	2	0	6	9
2008	1	0	7	4
2009	1	1	7	10
2010	3	0	3	7

Table I 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 continues to struggle with the task of imposing discipline in a timely fashion. The Monitor has identified a number of deficiencies in the Disciplinary Review Board (DRB) process, which adds, on average, more than two months to the time it takes for the Department to impose discipline. As such, the Monitor is recommending that the Manager of Safety and the Chief of Police re-evaluate the overall disciplinary process, including the use of the DRB, to determine how timeliness can be improved while maintaining integrity in the review process.

## Sheriff Department Monitoring

In 2010 the Denver Sheriff Department received or initiated 374 complaints. There has been a continuing decline in the number of complaints received since 2007 when 592 complaints were received. More than half of the 2010 complaints were initiated by citizens or inmates, while 45% were internally-initiated by DSD Management.

Table II 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.

As of January 1, 2011, the Department adopted a new disciplinary matrix which includes “presumptive termination” for “Commission of a Materially Deceptive Act.”

The Monitor noted concerns that, as of 2010, the Department had still not created a database that will allow managers to track uses-of-force by their Deputies. It is anticipated that such a tracking system will be adopted in the upcoming year.

**Table II Substantial Discipline Imposed  
DSD 2007-2010**

Year	Termination	Resignation/ Retirement	Suspension for 10+ Days
2007	0	4	9
2008	8	1	8
2009	6	2	8
2010	2	6	6

## Critical Incident Review

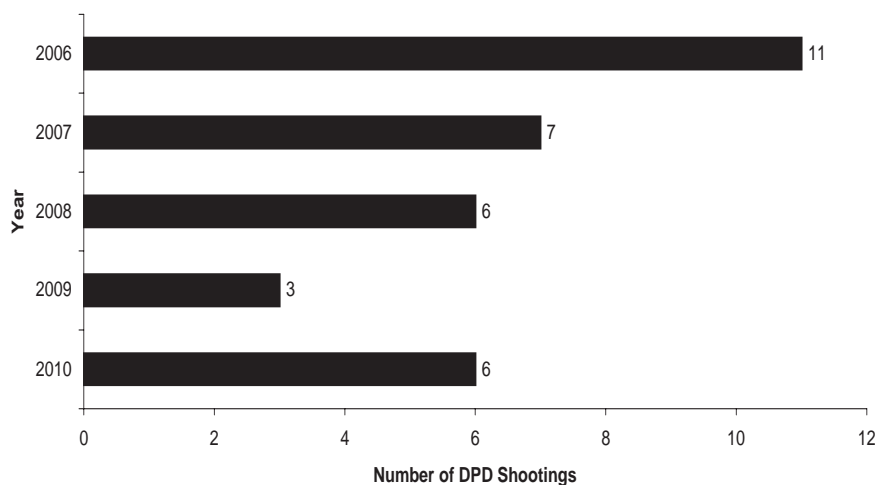
The OIM responded to 18 critical incidents in 2010. Six of these incidents involved DPD officer-involved shootings, one involved a deputy-involved shooting and six involved in-custody deaths (two involving the DPD and four involving the Sheriff Department). The remaining five roll outs involved other types of critical incidents, not resulting in the death of any person. All internal affairs investigations into these incidents were actively monitored by the OIM. There were twice the number of officer-involved shootings in 2010 than in 2009 which reversed the trend of declining shootings from prior years. It should be noted that four of the officer-involved shootings in 2010 occurred within a period of five weeks (June 28, 2010 – August 1, 2010). There were no officer-involved shootings during the last five months of 2010.

**Table III In-Custody Deaths by Department, Type and Year**

Year	Sheriff Department			Police Department		City/County
	Suicide	Medical	Other	Suicide	Other	Total
2006	2	1	0	0	1	4
2007	4	4	0	0	2	10
2008	3	1	0	0	1	5
2009	1	5	0	1	1	8
2010	3	0	1	1	1	6
<b>Total</b>	<b>13</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>6</b>	

As indicated in Table III, there were six in-custody deaths in 2010: two DPD in-custody deaths, one DSD in-custody death (after a use of force) and three DSD in-custody suicides.

**Figure I Officer Involved Shootings  
Denver Police Department 2006-2010**



## **Special Policy Initiatives**

### *Police Department Policy Update Relating to Video Evidence*

As the result of a District-level use-of-force investigation where video evidence was not initially obtained, the Monitor's Office recommended that the Department update its policy relating to District-level investigations of uses of force. The new policy will require supervisors to "make every reasonable effort to identify video and/or still photos that may contain evidence relevant to an investigation..."

### *Concerns Regarding Entries Made into Private Residences*

The Monitor continues 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 is working with District-level command staff to ensure that District supervisors are familiar with the legal requirements for such entries and that any need for Monitor intervention in this area will be reduced in future years.