



DENVER
The Mile High City

Annual Report 2011

Office of the
Independent Monitor



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Chapter 1

Executive Summary

Overview from the Independent Monitor

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

In 2004, the City of Denver created the OIM with an office staffed by six full-time professionals. After conducting a nationwide search for a Monitor and hiring staff, the OIM began monitoring Police and Sheriff internal investigations as of August 1, 2005. OIM staff includes three attorneys (the Independent Monitor, a Senior Deputy Monitor and a Deputy Monitor), a Research Analyst, an Office Manager, and a Community Relations Ombudsman. Unfortunately, 2010 budget cuts resulted in the reduction of the Ombudsman to a half-time position, which has negatively impacted the OIM's outreach to the public.

The OIM is responsible for: (1) actively monitoring and participating in investigations of sworn members of 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.

The jurisdiction of the OIM focuses on uniformed personnel: (1) against whom complaints have been brought (Police and Sheriff); (2) who are charged with felonies or certain serious misdemeanors (Police and Sheriff); (3) who are involved in incidents that result in serious bodily injury or death (Police, Sheriff, and Fire Department Arson Investigators); (4) about whom either the Citizen Oversight Board or Manager of Safety have requested the Monitor's involvement (Police and Sheriff); and (5) officer-involved shootings and in-custody deaths.

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 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 and the imposition of discipline after "sustained" findings are made. This task includes the monitoring of the deliberations and recommendations of Chief's Hearings and Pre-disciplinary hearings;
- Ensuring the citizen complaint process is accessible to the entire community and that community members are aware of how their complaints were handled and why;
- Monitoring the timeliness of the complaint handling and disciplinary processes for DPD/DSD; and,
- Issuing quarterly discipline/progress reports and an annual report to the public.

Status of Goals for 2011

At the beginning of 2011, 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 goals described below.

Goal 1

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.

Status of Goal 1

As of the end of 2011, the OIM mediation program has facilitated more than 289 mediations since its inception in December of 2005. A total of 53 mediations were conducted between community members and Denver Police officers during 2011. Unfortunately, the DSD was unable to complete any mediations in 2011. The Interim Monitor has discussed this issue with the DSD Director, and both are in agreement that increasing the number of deputy-community mediations will be an important priority in 2012. The Monitor also gave presentations and trainings on the OIM mediation program to a number of different organizations and agencies, including the Calvert County Sheriff (Maryland) and the NAACP National Conference.

Goal 2

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 2

Due to conflicting interpretations of the OIM's governing ordinance between the Monitor and DPD personnel, the OIM was unable to gain access to the records necessary to evaluate the DPD's Personnel Assessment System (PAS) system. The OIM hopes to work with the new DPD Chief to resolve the current issues and conduct an evaluation of the PAS system in 2012.

Goal 3

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.

Status of Goal 3

OIM personnel continued to participate vigorously in the DSD's Disciplinary Advisory Group (DAG) in 2011. Staff from the Monitor's Office also participated in the DSD Use-of-Force Taskforce, which is currently working to revise DSD use of force policies. In addition, the Monitor met multiple times with DSD staff to receive updates on the DSD's progress toward implementing an early intervention system (EIS). The DSD remains at the design stage in the implementation of an EIS. The OIM will report in detail on the DSD's progress toward implementing an EIS in 2012.

Goal 4

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

Status of Goal 4

The Denver Police Department made substantial improvements in the timeliness of the implementation of discipline in 2011. Chapter Two of this report maps out those timeliness gains in detail. The OIM will continue to monitor and report on the timeliness of discipline in 2012.

Goal 5

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.

Status of Goal 5

The Monitor, working with other agency heads, founded an interagency workgroup to examine the City’s policies and training relating to “Excited Delirium” type incidents. The workgroup has grown to include representatives from the Police, Sheriff and Fire Departments, the OIM, the Medical Examiners Office, Denver Health, and 911 Communications. The workgroup met throughout 2011 and has developed a draft interagency protocol, which it hopes to implement in the middle of 2012 (along with new training).

Goal 6

Assist the Manager of Safety in the creation of a Disciplinary Matrix for the Denver Fire Department.

Status of Goal 6

The Monitor and Senior Deputy Monitor took active roles in the Fire Department’s Discipline Advisory Group (DAG), and co-chaired two sub-committees (the *Rules and Regulation* and *Process Sub-Committees*).

Early on in the endeavor, the DFD DAG began to make rapid progress, but the firefighters union filed a lawsuit that forced the City to put the Fire DAG process on hold. The OIM hopes that the City, the Fire Department, and the firefighters union, will be able to resolve their legal differences in the coming year and that the different sides will be able to work together to implement a more objective, transparent, and consistent disciplinary process similar to the ones already implemented by the Denver Police and Sheriff Departments.

2012 OIM Goals

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

- Continue the use of the OIM-DPD mediation program (one of the largest of its kind in the country), increase the number of DSD mediations in the OIM-DSD mediation program, and assist other law enforcement agencies in implementing similar programs;
- Continue to work with the City’s Excited Delirium Workgroup to develop and implement an interagency protocol for improving the efficiency and effectiveness of the City’s response to Excited Delirium-type cases;
- Work with the DPD and DSD to improve processes for data collection and information management;
- Conduct a detailed evaluation of the DPD’s early intervention system (called the Personnel Assessment System or PAS) and the DSD’s progress toward the implementation of an early intervention system.
- Continue to monitor and participate in the Denver Sheriff Department’s Use-of Force Taskforce, which is currently working to evaluate and revise the DSD’s force-related policies.
- Assist the Manager of Safety in the creation of a Disciplinary Matrix for the Denver Fire Department, if the City is able to resolve the currently pending litigation.

Police Department Monitoring

The OIM is responsible for monitoring and reporting on patterns in DPD complaints, commendations, and the timeliness of the complaint handling process. In Chapter Two, we report that:

- The number of citizen and internal complaints filed against Denver Police officers dropped substantially between 2010 and 2011. In 2010, community members filed 603 complaints compared to 474 complaints in 2011 (a 21% decline). Internal complaints declined between 2010 and 2011 by roughly 18%.
- District Six displayed the largest drop in citizen-internal complaints, receiving 141 complaints in 2011, down from 209 in 2010 (-33%).
- The most common allegations filed against Denver Police officers remained fairly stable between 2010 and 2011, with discourtesy, improper procedure, and inappropriate/unnecessary force comprising the three most common allegations.
- Table 1.1 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. Overall, there was a sharp increase in the number of terminations ordered by the Manager of Safety (MOS) in 2011. Altogether, the MOS ordered that 12 officers be terminated in 2011, up from three in 2010. Moreover, the number of DPD officers receiving suspensions of greater than 10 days increased from 7 in 2010 to 17 in 2011. Note that a number of the officers that were disciplined in 2011 have appeals pending with the Civil Service Commission. As a result, these disciplinary totals may change based on the outcome of those appeals. The OIM will report on the outcomes of those appeals pending in 2012 in upcoming Quarterly Discipline Reports.
- The DPD made significant gains in the timeliness of investigations and discipline in 2011. The average number of days it took to complete an IAB investigation dropped from 106 days in 2010 to 69 days in 2011. For cases with a sustained finding, the average number of days between the date of the Division Chief’s finding and the date of the Chief’s Hearing dropped from 187 in 2010 to 60 in 2011. This drop was strongly driven by the elimination of Disciplinary Review Boards in April 2011.

Table 1.1
Substantial Discipline Imposed, DPD, 2007-2011

Year	Termination	Demotion	Resignation/ Retirement	Suspension for 10+ Days
2007 ¹	1	0	6	9
2008	1	0	7	4
2009	1	1	7	10
2010	3	0	3	7
2011	12	0	1	17

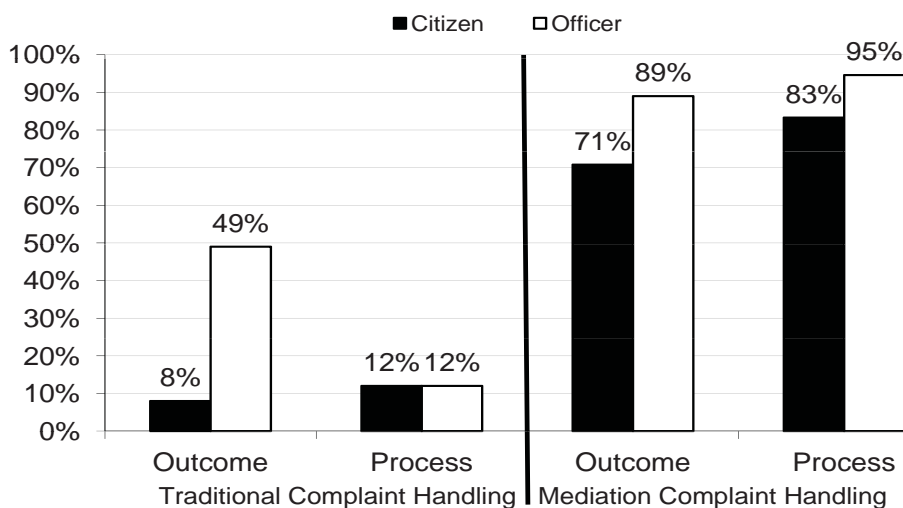
The OIM-DPD Mediation Program

The number of cases involving completed police-citizen mediations increased from 39 mediations in 2010 to 53 mediations in 2011.

Table 1.2
Mediation Rates per Officer for U.S. Municipal Police Departments
Conducting 10 or More Mediations in 2011

Department	Agency	Number of Sworn Officers	Cases Mediated	Mediation Rate per 1,000 Officers
New York City Police Department, NY	Civilian Complaint Review Board	34,500	155	4.5
San Francisco Police Department, CA	Office of Citizen Complaints	2,210	61	27.6
Denver Police Department, CO	Office of the Independent Monitor	1,415	53	37.5
Washington D.C. Metropolitan Police Department	Office of Police Complaints	3,814	32	8.4
Seattle Police Department, WA	Office of Professional Accountability	1,298	15	11.6
Aurora Police Department, CO	Community Mediation Concepts	632	11	17.4
Portland Police Bureau, OR	Independent Police Review Division	958	5	5.2
Minneapolis Police Department, MN	Civilian Police Review Authority	851	6	7.1
Kansas City Police Department, MO	Office of the Independent Monitor	1,386	5	3.6

Figure 1.1
Percent Satisfied with Outcome and Process
by Complaint Handling Type



OIM-DPD Mediation Satisfaction

Both complainant and officer satisfaction with the mediation process remained high throughout the 2011 calendar year, with 83% of community members and 95% of officers reporting satisfaction with the process.

Sheriff Department Monitoring

The OIM is responsible for monitoring and reporting on patterns in Denver Sheriff complaints, commendations, and the timeliness of the complaint handling process. In Chapter Three, we report that:

- In 2011, the Denver Sheriff Department received or initiated 374 complaints. There were strong declines between 2010 and 2011 in the number of citizen complaints (-30%) and inmate complaints (-22%), but an increase in the number of management complaints (+36%).
- The most common allegation filed in 2011 was “Improper Procedure” (52%), followed by “Lost Property” (15%).
- Table 1.3 depicts year-to-year comparisons of substantial discipline imposed by the Sheriff 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 imposition of a disciplinary decision. There was small increase in the number of terminations in 2011. The number of deputies resigning prior to the imposition of significant discipline also increased in 2011.
- The DSD made substantial improvements in the timeliness of all cases in 2011, along with the timeliness of full investigations. The average number of days it took to resolve all complaints dropped from 135 days in 2010 to 77 days in 2011. In addition, the average number of days it took to complete a full investigation dropped from 216 days in 2010 to 120 days in 2011. Moreover, the DSD Internal Affairs Bureau had no pending cases that were older than one year at the end of the 2011 (down from six cases in 2010).

Table 1.3
Substantial Discipline Imposed, DSD, 2007-2011

Year	Termination	Resignation/ Retirement	Suspension for 10+ Days
2007	0	4	9
2008	8	1	8
2009	6	2	8
2010	2	6	6
2011	4	9	9

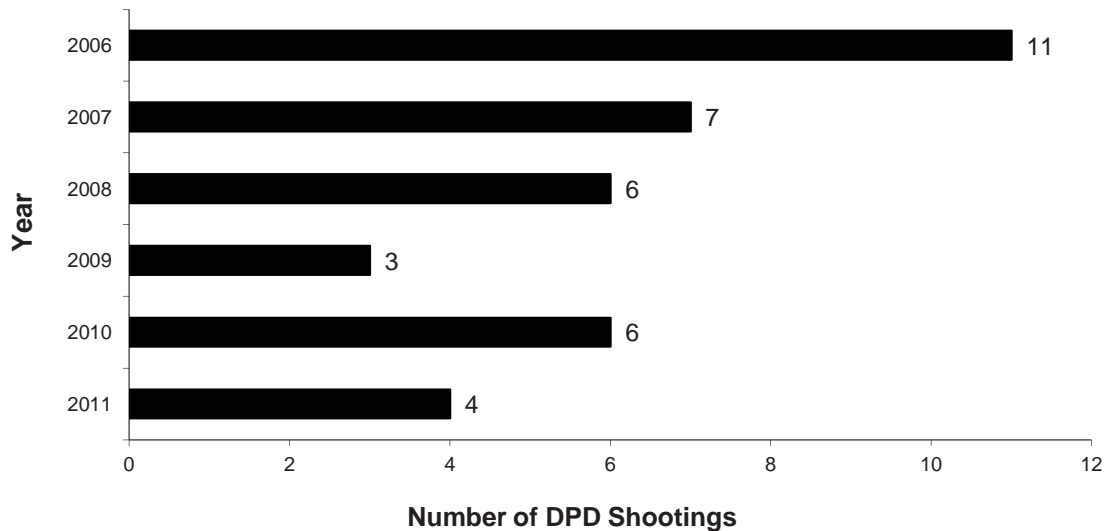
The OIM-DSD Mediation Program

There were no DSD mediations in 2011, partly due to a shrinking pool of eligible citizen and employee complaints. The OIM Deputy Monitor and Ombudsman will be working with DSD Internal Affairs staff in 2012 to develop strategies for more aggressively identifying possible mediation cases.

Critical Incident Review

In 2011, OIM personnel rolled out to eight critical incident investigations. Four of these incidents were DPD officer-involved shootings, one arrest-related death, one traffic incident, and one suicide during a DPD domestic violence investigation. The OIM also responded to one in-custody death at the Denver Detention Center.

**Figure 1.2
DPD Officer-Involved Shootings by Year**



As indicated Table 1.4, there were four custody-related deaths in 2011. There were two suicides, one death after an arrest-related struggle, and one DSD medical death.

**Table 1.4
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
2011	0	1	0	2	1	4
Total	13	12	1	4	7	37

Special Policy Initiatives

New DPD Crisis Intervention Training Scenario

In 2010, four officers shot and killed a suicidal man that pointed a pellet pistol at officers in a “suicide-by-cop” incident. The Manager of Safety found that the shooting was within-policy and the Monitor agreed. However, the Monitor did spot a potential training issue relating to how the officers communicated with the subject and recommended that the DPD add the details of this incident to their Crisis Intervention Training curriculum. As a result, the DPD included a new training scenario with details similar to this incident in their Crisis Intervention Training Recertification program.

Changes to the DPD Disciplinary Process and Elimination of Disciplinary Review Boards

Over the last few years, the Monitor repeatedly identified a number of shortcomings with the DPD’s use of Disciplinary Review Boards (DRBs), including the fact that peer officers and citizen members often failed to follow matrix rules and the process for holding DRBs often added a significant amount of time to the disciplinary process. In April 2011, then-Police Chief Whitman, with support from then-Mayor Vidal and then-Manager of Safety Garcia, elected to discontinue the use of DRBs in the disciplinary process. This decision appears to have helped the DPD improve the timeliness of the disciplinary process substantially.

Denver Police Department’s Data Collection and IAB Information Management

The Monitor’s Office has developed significant concerns regarding the DPD’s Internal Affairs database. While the technological architecture of the database is sophisticated, IAB currently has no systematic data documentation protocols governing how information is entered into the database. Without this type of documentation, it is likely that different personnel will enter information into the database using different criteria, undermining the reliability of the data and making it much more difficult to analyze patterns in complaints, allegations, and timeliness. The OIM has recommended that the DPD create a workgroup in 2012 to examine how information is captured by the Internal Affairs database and to ensure that the data are reliable enough to allow for the systematic analysis of patterns in complaints and allegations over time.

Monitor’s Recommendations Regarding Chemical Testing on DUI Cases

This past year the Monitor published a report outlining his concerns regarding whether some DPD officers were receiving preferential treatment after being stopped for suspicion of driving under the influence. As a result of that report, the Manager of Safety issued a series of policy changes specifically prohibiting Department of Safety employees from soliciting preferential treatment and allowing supervisors to compel officers to submit to chemical testing when they are suspected of engaging in unlawful conduct involving alcohol or drugs, either on or off-duty. The Monitor’s Office is encouraged by these policy changes and is hopeful that these changes will help to ameliorate the concerns addressed in last year’s report.

2011 Outreach

The OIM ensures that citizens can make police complaints and commendations via mail, fax, the internet, or email directly to the OIM or the Citizen Oversight Board. Citizens can also make police complaints and commendations in person, by phone, or by mail directly to Internal Affairs, or the various police districts. The OIM brochure, with information about the OIM and the complaint process, is placed in many locations throughout the city and is available in both English and Spanish.

Locations where OIM complaint/commendation forms can be found are listed in Appendix A of this report, which is online at www.denvergov.org/oim.

The Monitor's ability to conduct proactive community outreach was negatively impacted in 2011 due to a budget cut in 2010 that resulted in the reduction of the Community Relations Ombudsman to a half-time position. As such, community outreach is now more reactive, with the Monitor responding to requests to attend community meetings as opposed to making overtures towards community groups.

Citizen Oversight Board

The Citizen Oversight Board (COB) holds regularly scheduled meetings open to the public. Times and locations for quarterly public meetings held by the COB in 2011 can be found in Appendix B of this report, located online at www.denvergov.org/oim. For 2012 locations, see the COB website, located at www.denvergov.org/cob for information. Times and/or locations are, of course, subject to change.

The Monitor meets regularly with the Citizen Oversight Board (usually on the first and third Fridays of each month) to ensure the COB has the information it needs to adequately assess the effectiveness of the Monitors Office, as required by City Ordinance.

2011 Budget

General budget information for 2011 can be found in Appendix D of this report, online at www.denvergov.org/oim.

Chapter One Endnotes

- ¹ The original printed version of the 2011 OIM Annual Report incorrectly reported two terminations in 2007. Only one DPD sworn officer was terminated in 2007.



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Chapter 2

DPD Monitoring

Chapter Goals

The OIM is responsible for monitoring and reporting on patterns in DPD complaints, commendations, and the timeliness of the complaint handling process. In this chapter, we report on:

- The number and type of complaints filed against Denver Police officers;
- Patterns in screening decisions, findings, and discipline;
- Complainant characteristics;
- Commendations;
- Timeliness of the complaint handling process.

Chapter Methods

The data for this chapter are drawn from the Denver Police Department’s Internal Affairs records management database (CUFFS II). The OIM is not a CUFFS II administrator and has little control over data entry into the database. Moreover, the CUFFS II database has a number of significant issues that can affect the usefulness and quality of statistics relating to DPD Internal Affairs processes. These issues are described in more detail in Chapter Five: Special Initiatives and Policy Issues.

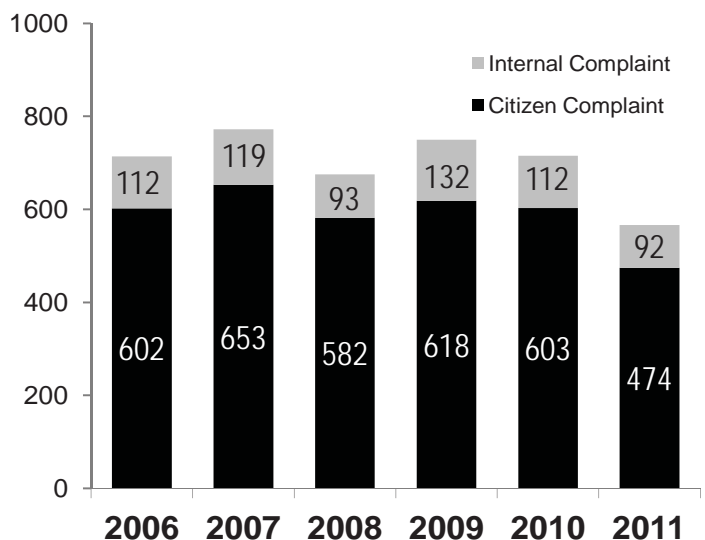
Since these data were drawn from dynamic, live databases, the reported complaint, allegation, and timeliness numbers will fluctuate slightly over time and are subject to revision until all of the cases for a particular year are investigated and closed. The figures reported in this chapter only include complaints against sworn DPD officers. Citizen and internal complaint numbers do not include “scheduled discipline” cases (e.g., when a DPD officer allegedly violates a traffic law, gets into a preventable traffic accident, or misses a court date, shooting qualification, or continuing education class). The OIM does not monitor scheduled discipline and has not reviewed the quality of data entry for these cases. Thus, scheduled discipline complaints are not included in this report.

New Internal Affairs Complaints

In 2011, the Denver Police Department Internal Affairs Bureau handled 566 citizen and internal complaints, of which 474 involved citizen complaints (Figure 2.1). Overall, the number of citizen complaints received declined by roughly 21% between 2010 and 2011.

The number of internal complaints filed against DPD officers also continued a steady decline from 112 in 2010 to 92 in 2011 (an 18% decline).

Figure 2.1
Citizen and Internal Complaints
by Year Received (DPD 2011)



Complaints

Complaints by District

Table 2.1 reports the number of *citizen* complaints by DPD district.

Police District Six accounted for the largest number of citizen complaints in 2011, followed by District Three and District Four. Almost all of the districts saw substantial declines in citizen complaints, with District Six seeing the largest proportional decline (-33%).

The “Other” category in Table 2.1 indicates cases where the complaint originated in some location outside the traditional districts. “Unknown” are complaints where DPD IAB did not enter a district into the database field.

Complaint Rates by District

It is important to note that different DPD districts have varying levels of contact with the public. Thus, districts with more contacts are likely to draw more complaints than districts with fewer contacts. To control for the impact of variable workload on complaint numbers, Table 2.2 reports the number of complaints per 1,000 calls for service for Districts 1 through 6 (“calls for service” include both citizen and officer-initiated calls for service).¹ Note that the Airport is not included because calls for service are not comparable between the Airport and other DPD Districts.

While District Six has traditionally accounted for the largest *number* of citizen complaints, it had a lower complaint *rate* than District Two in 2011. That is, District Two received roughly 1.9 complaints for every 1,000 calls for service. In comparison, District Six received 1.5 complaints per 1,000 calls for service (down from 2.1 in 2011).

District Four had the lowest complaint rate, at roughly 0.7 complaints per 1,000 calls for service.

Table 2.1
Citizen Complaints by District & Year

District	2009	2010	2011	% Change 2010-2011
1 -- Northwest	63	53	48	-9%
2 -- Northcentral	72	64	65	2%
3 -- Southeast	88	80	79	-1%
4 -- Southwest	98	94	67	-29%
5 -- Northeast	44	38	29	-24%
6 -- Downtown	200	209	141	-33%
7 -- Airport	24	32	24	-25%
Other	4	5	2	-
Unknown	25	28	19	-
Total	618	603	474	-

Table 2.2
**Citizen Complaints Per 1,000 Calls for Service
for Districts 1-6**

District	2009	2010	2011
1 -- Northwest	0.9	0.8	0.8
2 -- Northcentral	2.2	1.5	1.9
3 -- Southeast	1.0	0.9	0.8
4 -- Southwest	1.0	1.1	0.7
5 -- Northeast	1.2	1.0	0.8
6 -- Downtown	1.9	2.1	1.5

Table 2.3
Most Common Allegations for Citizen and Internal Complaints (DPD 2011)

Allegation	2006	2007	2008	2009	2010	2011
Discourtesy	302	312	264	295	285	217
column %	26%	25%	23%	21%	22%	23%
Improper Procedure - Other	296	299	249	268	237	198
column %	25%	24%	21%	19%	18%	21%
Inappropriate/Unnecessary Force	198	236	233	301	234	145
column %	17%	19%	20%	22%	18%	16%
Responsibilities To Serve Public	12	19	19	142	242	148
column %	1%	2%	2%	10%	18%	16%
Conduct Prejudicial	48	42	88	47	42	26
column %	4%	3%	8%	3%	3%	3%
Not Having an Impartial Attitude	10	53	42	38	29	14
column %	1%	4%	4%	3%	2%	2%
Failure to Make or File Reports	31	38	25	33	32	24
column %	3%	3%	2%	2%	2%	3%
Discrim./Harassment/Retaliation	24	13	21	62	28	17
column %	2%	1%	2%	5%	2%	2%
Not Giving Name and Badge Number	28	24	24	31	35	13
column %	2%	2%	2%	2%	3%	1%
Law Violation-Conduct Prohib. by Law	23	17	24	13	24	9
column %	2%	1%	2%	1%	2%	1%
Other	201	181	180	146	132	114
column %	17%	15%	15%	11%	10%	12%
Total	1173	1234	1169	1376	1320	925

Most Common Complaint Allegations

Table 2.3 reports the most common complaint topics for citizen and internal complaints received from 2006 through 2011. In reporting these types of numbers, it is important to note that each complaint can have multiple allegations.² Thus, the number of allegations in any given year will always sum to more than the total number of complaints.

As with previous years, discourtesy was the most common allegation recorded in 2011, followed by improper procedure-other, inappropriate/unnecessary force, and responsibilities to serve the public.

Complaint Assignments

Complaints are assigned by the Internal Affairs Bureau command staff as either “formals” (warranting a full formal investigation), “informals” (warranting debriefing and/or counseling between the involved officer(s) and his/her/their supervisor), “declines” (no further review or investigation warranted), or a “service complaint” (a complaint regarding a specific policy or procedure).

**Table 2.4
Case Assignment Decisions for Citizen and Internal Complaints Received in 2011**

	Decline	Formal	Informal	Service Complaint	Total
Citizen Complaint	374	36	54	10	474
row %	79%	8%	11%	2%	100%
Internal Complaint	17	61	13	1	92
row %	18%	66%	14%	1%	100%
Total	391	97	67	11	566

Table 2.4 shows that the most common assignment for citizen-initiated complaints, representing 79% of the complaints, were “declines.” The majority of internally-initiated complaint allegations were categorized as “formal” complaints (66%).

**Table 2.5
Number of Citizen and Internal Complaints Declined by Source and Reason (DPD 2011)**

Decline Reason	IAB	Monitor	Station	Total
No Misconduct	150	0	105	255
column %	59%	0%	86%	65%
Assigned for Mediation	48	6	1	55
column %	19%	38%	1%	14%
Complainant Withdrew from Mediation	13	9	0	22
column %	5%	56%	0%	6%
Complainant Withdrew-Non-Mediation	19	0	10	29
column %	8%	0%	8%	7%
No Jurisdiction	9	1	5	15
column %	4%	6%	4%	4%
Judicial/Remedy	4	0	1	5
column %	2%	0%	1%	1%
Untimely	5	0	0	5
column %	2%	0%	0%	1%
Unable to ID Officer	5	0	0	5
column %	2%	0%	0%	1%
Total	253	16	122	391

Complaint Declinations

“No misconduct” was the most frequently cited reason for declining a complaint after an intake investigation, followed by “mediation,” and “complainant withdrew.”

Complaint Findings on Formal Cases

Table 2.6 provides the *allegation* findings for citizen and internal complaints subjected to a formal investigation and closed in 2011. Note that each officer can be the subject of multiple allegations. Please see Appendix C for the definitions of the different formal investigation findings.

Approximately 69% of internal complaint allegations that were fully investigated were sustained, while 38% of citizen-initiated complaint allegations that had a full investigation were sustained.

Table 2.6
Findings on Allegations for Formal Investigations of Citizen and Internal Complaints Closed in 2011

Findings	Citizen Complaint	Internal Complaint	Total
Sustained	69	86	155
column %	38%	69%	50%
Not Sustained	69	14	83
column %	38%	11%	27%
Exonerated	12	13	25
column %	7%	10%	8%
Unfounded	12	1	13
column %	7%	1%	4%
Not Reviewed	22	11	33
column %	12%	9%	11%
Total	184	125	309

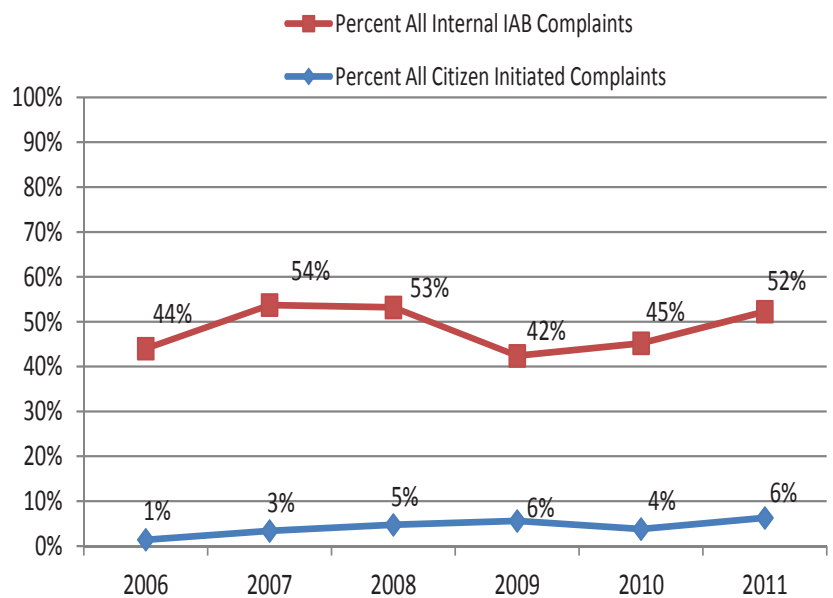
Percentage of All Complaints with a Sustained Finding

Figure 2.2 reports the percentage of citizen and internal complaints that had one or more sustained allegations in 2006 through 2011.

There has been a general upward trend over the last five years in the percentage of citizen complaints that result in one or more sustained allegations. In 2006, roughly 1% of all the closed citizen complaints had a sustained allegation. In 2010, about 6% of the closed citizen complaints had a sustained allegation.

In comparison, a much larger percentage of internal complaints resulted in one or more sustained allegations, with 52% of the internal complaints closed in 2011 having at least one sustained finding.

Figure 2.2
Percentage of Citizen-Internal Complaints That Resulted in One or More Sustained Allegations by Year Closed



Imposition of Discipline

Definitions of Disciplinary Actions Taken by the Police Department

A *reprimand* can be either oral (also known as “verbal”) or written, and is the lowest form of discipline. The Police Department maintains a record of oral and written reprimands on a permanent basis.

Fined time requires an officer to work on a day off for no additional compensation.

A *suspension* requires an officer to forfeit all police powers (including the ability to wear the police uniform) and suspends the officer’s salary and credit towards retirement for a specified number of calendar days.

A *demotion* requires an officer to be reduced in civil service rank.

Termination removes an officer from the classified service.

Discipline Statistics

Table 2.7 provides the discipline imposed on officers for sustained allegations by the police department (for reprimands) or the Manager of Safety (for any discipline greater than a reprimand) from 2007 through 2010. Note that these numbers may change as the result of appeals filed with the Civil Service Commission.

The most frequent type of discipline imposed on Denver police officers in 2011 for citizen/internal complaints was fined time (41 officers) followed by a written reprimand (36 officers) and suspension without pay (28 officers). Twelve officers were terminated by the Manager of Safety in 2011, up from three in 2010.

Table 2.7
Comparing Discipline Imposed on Officers for Citizen and Internal Complaints by Year Closed (DPD 2011)

Discipline Type	2007	2008	2009	2010	2011
Termination	1	1	1	3	12
column %	1%	1%	1%	3%	9%
Resigned/Retired Prior to Discipline	6	7	7	3	1
column %	5%	7%	6%	3%	1%
Demotion	0	0	1	0	0
column %	0%	0%	1%	0%	0%
Suspension Without Pay	11	9	16	13	28
column %	10%	10%	13%	13%	22%
Fined Time	16	15	30	30	41
column %	14%	16%	25%	31%	32%
Written Reprimand	37	40	38	36	36
column %	33%	43%	32%	37%	28%
Oral Reprimand	42	22	27	12	10
column %	37%	23%	23%	12%	8%
Total	113	94	120	97	128

Cases Involving Dismissal, Resignation, or Substantial Imposition of Discipline

Below is a description of the cases where the Manager of Safety ordered either termination, suspension for greater than 10 days, or the officer resigned prior to the issuance of a disciplinary order.

Terminations

- An officer was terminated after he failed to follow-up on a tip regarding a fatal hit and run, lied to supervisors about receiving the tip, and then lied during the course of the internal investigation into the incident. The officer appealed to the Civil Service Commission. A panel of hearing officers upheld the 16-day suspension for lying to supervisors, but overturned the termination and reinstated the DPD officer. The City is currently appealing the decision.
- Two officers were alleged to have engaged in an out-of-policy pursuit, failed to follow orders to halt the pursuit, lied to supervisors and to Internal Affairs about the incident. The Manager of Safety terminated the officers for Commission of a Deceptive Act and also suspended both officers for twenty days for Disobedience of an Order and Engaging in Improper Pursuit. The officers appealed to the Civil Service Commission and a panel of hearing officers overturned the terminations and reinstated the officers. The City is currently appealing the decision.
- An officer allegedly used inappropriate force by unnecessarily grabbing the complainant and taking her to the ground. The officer also unnecessarily escalated a conflict with the complainants and allegedly lied to Internal Affairs about the incident. In the same incident, a second officer allegedly used inappropriate force on multiple individuals; was discourteous to complainants; failed to identify himself upon a reasonable request; and subsequently lied to Internal Affairs about his use of inappropriate force. The Manager of Safety terminated both officers for Commission of a Deceptive Act and imposed various lesser discipline against both officers. The officers appealed to the Civil Service Commission. A panel of hearing officers upheld the 30 day suspension of the first officer for unnecessary force but overturned both terminations and reinstated the officers. The City is appealing the decision.
- An officer was disqualified (and dismissed) from the classified service after being the subject of a mandatory restraining order (which banned the officer from possessing or carrying a firearm) and being convicted of misdemeanor domestic violence. The officer appealed to the Civil Service Commission and a panel of hearing officers upheld the disqualification.
- An officer allegedly used inappropriate force in taking a complainant down to the ground and beating him with a sap. The officer then allegedly wrote a false statement of probable cause and lied to Internal Affairs about the incident. A second officer involved in the incident allegedly lied to Internal Affairs, attempting to justify the other officer's use of inappropriate force. In late 2010, a former Manager of Safety suspended one officer for three days and "fined" the second officer three days for writing inaccurate reports relating to the incident. That Manager issued findings of "not sustained" on all other allegations, including the allegations of Inappropriate Force and Commission of a Deceptive Act, but shortly thereafter rescinded his orders when new witnesses came forward. After further investigation, the Manager terminated both officers for Commission of a Deceptive Act. The officers appealed to the Civil Service Commission. A panel of hearing officers concluded that the initial disciplinary order could not be rescinded and ordered that both officers be reinstated. The City is currently appealing that decision.

- An officer was terminated after being convicted of driving while ability impaired and careless driving while off duty (for driving 143 mph in a 55 mph zone). The officer appealed to the Civil Service Commission. That case is still pending.
- An officer was terminated after being convicted of driving while ability impaired after striking a parked vehicle. The subject officer was in possession of a firearm at that time. The subject officer had a prior conviction for Driving Under the Influence of Alcohol and refused an order from Internal Affairs to provide a chemical sample in this incident.
- An officer was terminated for Conduct Prejudicial and a Law Violation after being found in contempt of court in a civil proceeding and being remanded into custody. The officer appealed to the Civil Service Commission, and a panel of hearing officers upheld the dismissal on one of two rule violations asserted. The Manager of Safety appealed the adverse ruling on the second rule violation to the full Civil Service Commission, which is still pending.
- An officer was terminated after using an unauthorized weapon and unauthorized ammunition during an officer-involved shooting. The officer also failed to wear a badge and vest as required by the DPD Operations Manual. The officer appealed to the Civil Service Commission, and the case is pending.

Resignation/Retirement (Serious Allegations Pending, But No Disciplinary Order Issued)

- An officer resigned prior to the imposition of discipline for accessing a criminal history database for personal reasons and then lying about it to Internal Affairs.

Substantial Suspensions Without Pay (10 or more Calendar Days)

- An officer received a 45-day suspension (with termination held in abeyance and 10-days of concurrent suspended time) for unnecessary force, lying to Internal Affairs, and failing to complete a use of force report. Shortly after issuing the disciplinary order, and while the officer's appeal was pending, the now former Manager of Safety attempted to rescind it. The Civil Service Commission ruled that the original order could not be rescinded. The suspension was reduced to 40 days as the result of a settlement.
- Two officers received 10-day suspensions for attempting to use their law enforcement status, while off duty, in support of a personal complaint.
- An officer received a 14-day suspension for being intoxicated off-duty and in possession of a firearm.
- An officer received a 90-day suspension for being intoxicated while driving a motorcycle off duty, resulting in an accident and serious bodily injury to the off-duty officer. The officer was in possession of a firearm at the time of the accident. The officer appealed to the Civil Service Commission, and the case is still pending.

- An officer received a 26-day suspension after being arrested for DUI outside of Denver, being in possession of a firearm, and being discourteous to the arresting officers. He also attempted to obtain preferential treatment from the arresting officers. The officer appealed the part of the Manager's discipline order that imposed a 10-day suspension for possession of a firearm while intoxicated. A hearing officer upheld the suspension.
- A sergeant received a 30 day suspension for using unnecessary force when apprehending a jaywalker. The officer appealed to the Civil Service Commission and the suspension was reduced to 24 days as the result of a settlement.
- An officer received a 14-day suspension after being arrested for DUI (off duty) and unnecessarily showing his police ID at the time of the traffic stop.
- An officer received a 15-day suspension for failing to accurately report a use of force.
- An officer initially received a 30-day suspension for attending a concert without authorization while on-duty and in-uniform. The officer appealed to the Civil Service Commission and the suspension was reduced to 23 days as the result of a settlement.
- A Lieutenant received a 40-day suspension for authorizing an improper investigation of the Internal Affairs Commander and the Office of the Independent Monitor. The Lieutenant appealed to the Civil Service Commission and a hearing officer reduced the discipline to a 4-day suspension.
- A Sergeant received a 30-day suspension for conducting an inappropriate investigation of the Commander of Internal Affairs and attempting to conduct an inappropriate investigation of the Independent Monitor's Office. The Sergeant appealed to the Civil Service Commission and a hearing officer reduced the discipline to two fined days.
- An officer received a 15-day suspension for an off-duty DUI arrest in Northglenn, Colorado.
- An officer received a 63-day suspension for failing to file an arrest warrant and completing inaccurate documentation during the course of a criminal investigation. The officer also had inappropriate contacts with the subject of the investigation.
- An officer was suspended for 10 days for accessing inappropriate websites on duty and while accruing overtime.
- An officer received a 42-day suspension for allowing his spouse to use his DIA security card to access free parking at the airport on multiple occasions. The officer appealed to the Civil Service Commission, and the case is still pending.
- An officer was suspended for 14 days after being convicted of Driving While Ability Impaired outside of Denver. The officer failed to provide timely notification of the arrest to a supervisor.

OIM-DPD Mediation Program

The number of completed mediations increased noticeably from 2010 to 2011. Part of this improvement is attributable to changes in administrative organization of the mediation program. Prior to the middle of 2010, the OIM’s Ombudsman had primary responsibility for managing the mediation program. Unfortunately, the Ombudsman position was cut back to a half time position in April 2010 due to the City’s fiscal crisis. This cutback resulted in a temporary drop in the number of completed mediations in 2010. In order to make up for this loss in administrative resources, the OIM’s mediation vendor, *Community Mediation Concepts (CMC)*, stepped in to assist the OIM with scheduling mediations. Overall, CMC did an outstanding job of helping the OIM effectively and efficiently move cases through the mediation program in 2011.

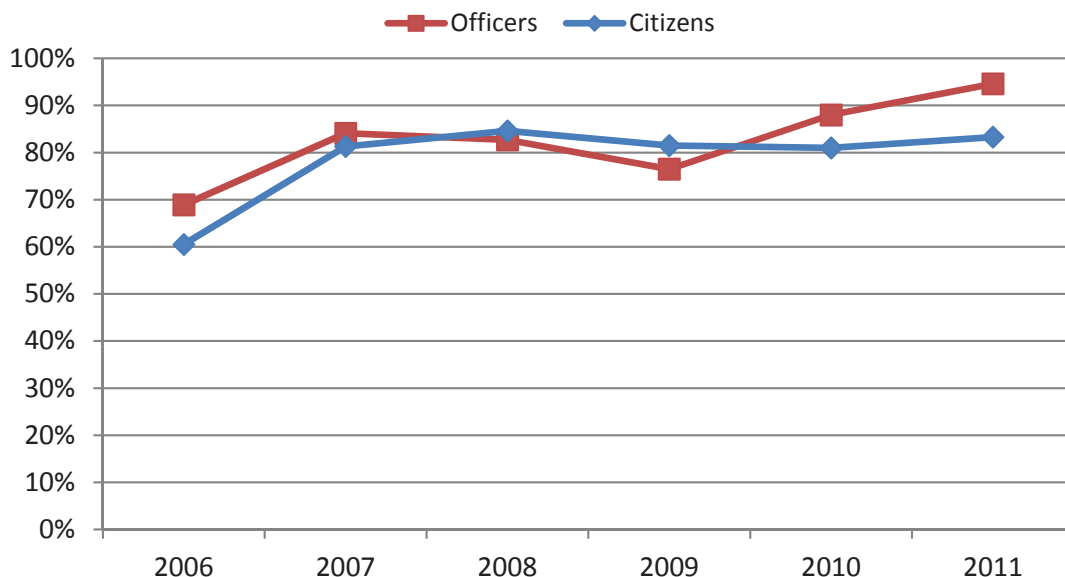
Table 2.8
Completed DPD Citizen-Police Mediations as a Percentage of Citizen Complaints Received

Year	Mediations Completed	Citizen Complaints Received	% Total
2006	40	602	6.6%
2007	54	653	8.3%
2008	43	582	7.4%
2009	55	618	8.9%
2010	39	603	6.5%
2011	53	474	11.2%

Patterns in Mediation Satisfaction

Both complainant and officer satisfaction with the mediation process remained high in 2011 (Figure 2.3). For more information on the mediation program, go to the OIM website (www.denvergov.org/oim) and click on the “Mediation” tab. This portion of the OIM website includes mediation program protocols and guidelines as well as links to articles about the OIM mediation program published by *Police Chief Magazine* and the Community Oriented Policing Section (COPS) of the United States Department of Justice.

Figure 2.3
Percentage of Mediation Participants Satisfied with the Mediation Process



Complaint Patterns

Complaints per Officer

Table 2.9 shows the number of complaints lodged against DPD officers from 2006 through 2011. This table includes all citizen and internal complaints (regardless of finding), but excludes scheduled discipline complaints and non-sworn employees.

In 2011, 66% of DPD sworn officers did not receive a citizen or internal complaint, while 23% received only one complaint.

**Table 2.9 Number of Citizen/Internal Complaints
by Officer and Year Received (DPD 2011)**

Number of Complaints	2006	2007	2008	2009	2010	2011
Zero	988 64.2%	953 61.5%	989 65.5%	847 56.5%	848 58.0%	937 66.2%
One	348 22.6%	385 24.8%	314 20.8%	394 26.3%	379 25.9%	325 23.0%
Two	119 7.7%	132 8.5%	137 9.1%	158 10.5%	148 10.1%	105 7.4%
Three	51 3.3%	48 3.1%	43 2.8%	60 4.0%	51 3.5%	27 1.9%
Four or More	33 2.1%	32 2.1%	28 1.9%	40 2.7%	36 2.5%	21 1.5%
Total Sworn Officers	1539	1550	1511	1499	1462	1415

Table 2.10
Number of DPD Sworn Officers Receiving Excessive Force Complaints
by Year Received (DPD 2011)

Number of Complaints	2006	2007	2008	2009	2010	2011
Zero	1397 91%	1366 88%	1347 89%	1267 85%	1280 88%	1297 92%
One	111 7%	153 10%	125 8%	181 12%	149 10%	99 7%
Two	25 1.6%	24 1.5%	29 1.9%	41 2.7%	27 1.8%	17 1.2%
Three or More	6 0.4%	7 0.5%	10 0.7%	10 0.7%	6 0.4%	2 0.1%
Total Sworn Officers	1539	1550	1511	1499	1462	1415

In relation to excessive force complaints, roughly 8% of DPD officers received one unnecessary/inappropriate force-related complaint in 2011, while 1.3% received two or more force complaints.

Table 2.11
Number of Officers with One or More Sustained Citizen/Internal Complaints
by Year Closed (DPD 2011)

Number of Sustained Complaints	2006	2007	2008	2009	2010	2011
Zero	1468 95%	1456 94%	1430 95%	1399 93%	1378 94%	1322 93%
One	66 4%	90 6%	79 5%	95 6%	80 5%	80 6%
Two	3 0.2%	3 0.2%	2 0.1%	5 0.3%	4 0.3%	13 0.9%
Three or More	2 0.1%	1 0.1%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
Total Sworn Officers	1539	1550	1511	1499	1462	1415

Table 2.11 reports the number of officers that had one or more sustained complaints between 2006 and 2011 (grouped by the year the complaints were closed). Overall, only a small percentage of DPD officers had one complaint sustained in 2011 (6%) and less than one percent had two sustained complaints. No officers had more than two complaints sustained in any single year between 2008 and 2011.

Citizen Complaint Patterns

As required by ordinance, the OIM reports on complaint patterns of DPD citizen complainants. The purposes of providing this information are to examine patterns in demographics and to determine whether DPD Internal Affairs resources are monopolized by repeat complainants.

Demographic characteristics of complainants who filed complaints against DPD in 2011 are presented in Table 2.12. Altogether, 544 unique complainants accounted for 474 citizen complaints (note that a single complaint can be associated with multiple complainants). Complainants that filed multiple complaints were counted only once in this table. The percent column includes percentages of the missing values while the valid percent column excludes the missing values.

One notable change between 2010 and 2011 was a large increase in the number of complaints where the complainant's race was marked as "unknown." In 2010, 18% of complainants had no race/ethnicity information recorded in the CUFFs database. In 2011, that percentage increased to 32%. While it may be difficult to explain why this increase occurred, the OIM will attempt to work with the DPD's Internal Affairs Bureau in 2012 to ensure that complainant demographic information is recorded more effectively during the complaint intake phase.

Community members who filed complaints against DPD officers in 2011 generally filed only one complaint (99.1%) while five complainants (.9%) filed two complaints. No community members filed more than two complaints in 2011.

It should be noted that the DPD IAB will often combine multiple complaints made by one individual under one case number. This is done for administrative expediency and to avoid having an officer who has become the target of a repeat complainant from having his or her complaint history appear to be more significant than is warranted.

Table 2.12
Complainant Demographic
Characteristics (DPD 2010)

Gender	Number	Percent	Valid Percent
Male	313	58%	58%
Female	226	42%	42%
Missing	5	1%	-
Total	544	100%	100%

Race/Ethnicity	Number	Percent	Valid Percent
American Indian	0	0%	0%
Asian/Pacific Islander	4	1%	1%
Black	80	15%	24%
Hispanic	63	12%	19%
White	185	34%	56%
Unknown	36	7%	-
Missing	176	32%	-
Total	544	100%	100%

Age	Number	Percent	Valid Percent
18 and Younger	14	3%	3%
19-24	57	10%	13%
25-30	79	15%	18%
31-40	111	20%	25%
41-50	91	17%	20%
51+	93	17%	21%
Missing	99	18%	-
Total	544	100%	100%

Commendations & Awards

In the interest of providing a balanced view of the Denver Police Department's service to the community, the OIM reports on commendations and awards received by DPD officers for exceptional service provided to the community and the Department. Table 2.13 provides definitions for some of the different types of commendations and awards currently used by the Denver Police Department. Table 2.14 (on the next page) provides counts of the most common commendations received.

Table 2.13 DPD Commendation Types and Description

Commendation Type	Description
Commendatory Action Report	A Commendatory Action Report is generated when the Department receives complimentary information about an officer from a member of the public; the commendable action generally does not rise to the level of an official Departmental award.
Community Service Award	Awarded to employees who, by virtue of sacrifice and expense of his/her time, fosters or contributes to a valuable and successful program in the area of community affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official police capacity.
Department Service Award	Awarded to an individual who, through personal initiative and ingenuity, develops a program or plan (for non-leadership type of actions) which contributes significantly to the Department's objectives and goals.
Distinguished Service Cross	Awarded to employees who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor.
Leadership Award	Awarded to an individual in a position of command or supervisory authority for a single or a series of incident(s)/event(s)/initiative(s) where the leadership and management actions of the individual were such that the successful outcome of the incident/event/initiative was greatly influenced by the timely, accurate, and decisive nature of the individual's actions, and which contributed significantly to the Department's mission, vision and values.
Life Saving Award	Awarded to employees who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no danger to the officer's life.
Medal of Honor	Awarded to employees who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.
Medal of Valor	Awarded to employees who distinguish themselves by extraordinary heroism not justifying the award of the Medal of Honor.
Merit Award	Awarded to employees who distinguish themselves by exceptional meritorious service who: through personal initiative, tenacity and great effort acts to solve a major crime or series of crimes, or through personal initiative and ingenuity, develops a program or plan which contributes significantly to the Department's objectives and goals.
Officer of the Month	Awarded to employees who represent the Department in all facets of law enforcement with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were sworn.
Official Commendation	Awarded employees, who by exemplary conduct and demeanor, perform their assigned functions in an unusually effective manner.
Purple Heart	Awarded to employees who are killed, seriously wounded or seriously injured in the performance of an official action.
STAR Award	Awarded to employees who, through exceptional tactics, act to successfully resolve a critical incident, thereby setting a standard for safety and professionalism to which all officers should aspire.

**Table 2.14
Commendations Received by DPD Employees in 2011³**

Commendations	2011	Percent
Commendatory Action Report	711	59%
Official Commendation	289	24%
STAR Award	78	6%
Merit Award	46	4%
Life Saving Award	22	2%
Department Service Award	19	2%
Leadership Award	12	1%
Citizens Appreciate Police Award	11	1%
Distinguished Service Cross	5	.4%
Community Service Award	4	.3%
Purple Heart	2	.2%
Medal of Honor	1	0.1%
Medal of Valor	1	0.1%
Total	1201	100%

Table 2.14 reports the number of selected commendations awarded to DPD employees in 2011. A detailed description of some of the awards granted by the DPD during the course of 2011 can be found in Appendix E of this report.

In previous years, the OIM reported on the number of citizen letters of appreciation (commendation letters) and commendatory letters received by DPD officers. Unfortunately, it has been determined that the DPD's CUFFs database does not accurately capture the number of commendation letters filed, though it is likely that several hundred citizen letters of appreciation are received per year. The DPD implemented a new data collection policy for capturing these letters in late 2011. It is hoped that the new data collection process will improve the data quality to the point where the OIM can resume reporting on commendation letters in 2012.

Timeliness

A critical priority in dealing with police complaints is the need to resolve these complaints in a timely manner. Providing recommendations on how to improve the timeliness of complaint handling has been a priority for the Office of the Independent Monitor (OIM) since its inception. As a result, the Monitor worked with IAB to establish timeliness goals in 2006 for the handling of complaints.

Figure 2.4
Performance Goal for Closing
All Citizen-Internal Complaints⁴
Goal: Complete 95% of All Complaints within 150 Days

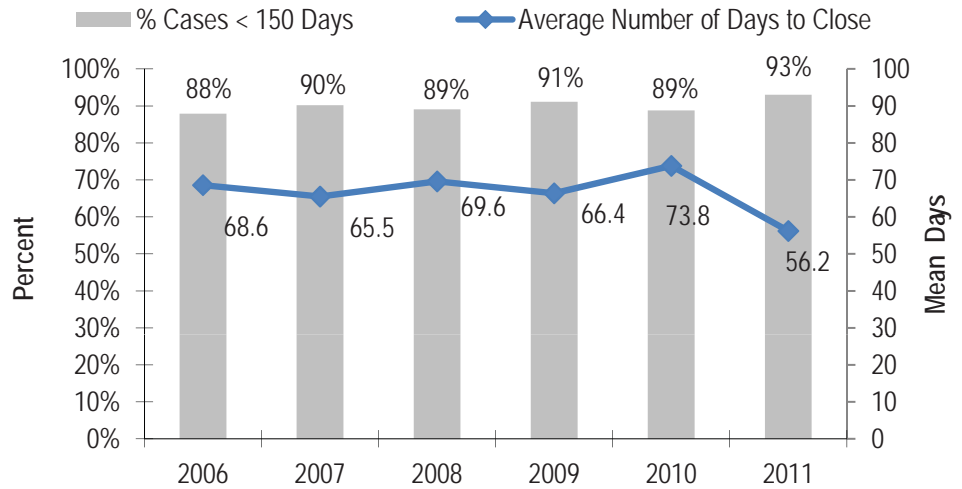


Figure 2.4 reports on the first timeliness goal, which is to close 95% of all complaints within 150 days. The bars in this figure represent the percentage of cases that were closed within 150 days of the date they were received. The line represents the average (mean) overall age of cases received in those years.

There were noticeable improvements in the timeliness in the closing of all cases. For example, the mean age of all complaints dropped from 73.8 days in 2010 to 56.2 days in 2011. The DPD was very close to meeting the goal, with 93% of 2011 cases resolved within 150 days.

Figure 2.5
Mean Overall Case Age (days)
by IAB Screening Decisions⁵

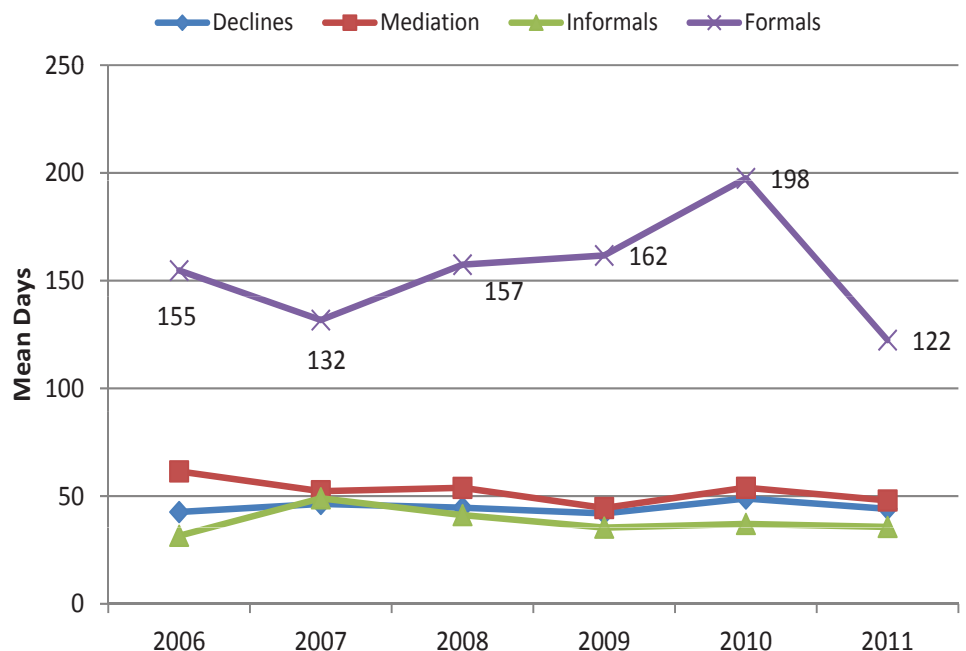
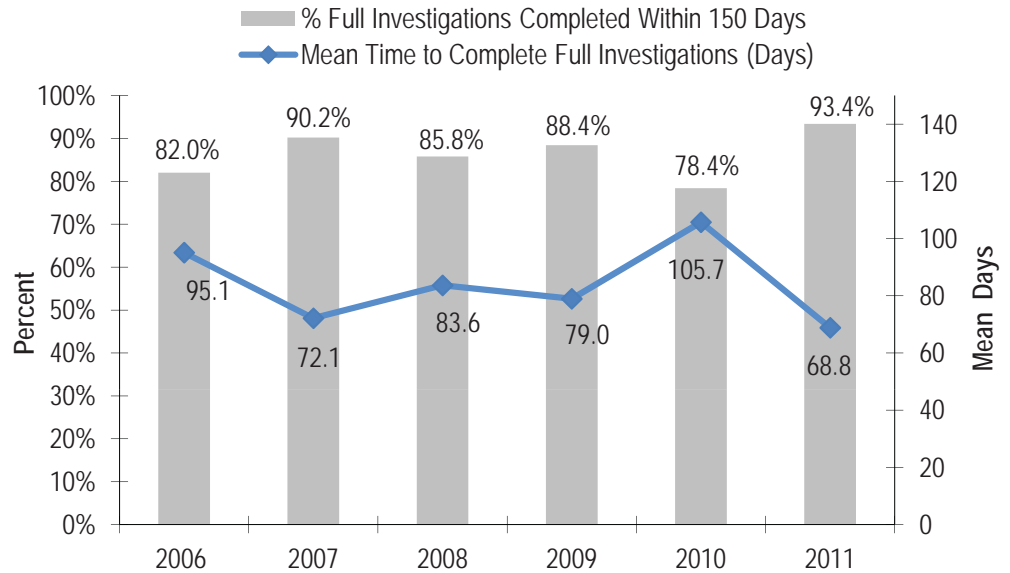


Figure 2.5 reports the average case age (in days) broken out by the case type. It is clear that the overall improvement in timeliness was driven by a strong increase in the timeliness of complaints subjected to a full formal investigation (“formals”). The mean time from open to close in 2010 for formals was 198 days, as compared to 122 days in 2011.

IAB Formal Investigations

In looking just at the timeliness of the investigations stage of the Internal Affairs process, it is clear that there were strong gains in terms of the amount of time it took to investigate cases. Table 2.6 reports the average amount of time it took DPD Internal Affairs to complete investigations (Note: this figure includes only the amount of time it took IAB to conduct the investigation and excludes command review time).

Figure 2.6
Timeliness of Internal Affairs Investigations⁶
Goal: Complete 95% of Full Investigations within 150 Days

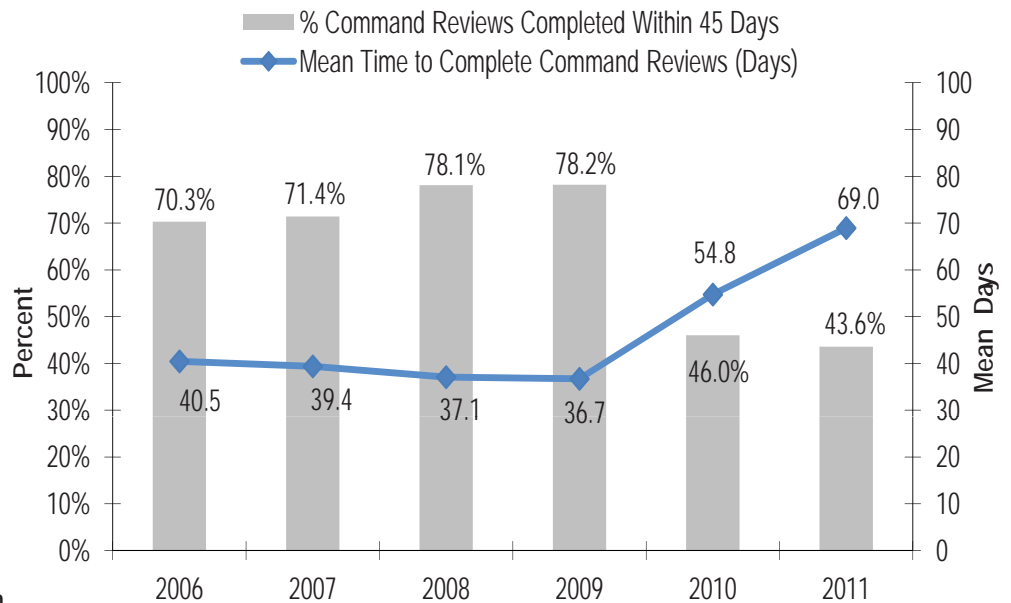


In 2010, it took IAB an average of 105.7 days to complete full formal investigations. In 2011, that figure dropped to 68.8 days. Similarly, there was a large jump between 2010 and 2011 in the proportion of investigations that were completed within 150 days. In 2010, 78.4% of IAB investigations were completed within 150 days. In 2011, that percentage increased to 93.4%.

Timeliness of Command Reviews

Over the last three years, the Monitor has identified specific timeliness problems as they related to Police Department “command reviews” (the period necessary for a DPD Commander and a Division Chief to review a formal Internal Affairs investigation and make recommendations as to whether an officer violated Department rules and, if so, the appropriate level of discipline). The timeliness of command reviews has continued to erode since 2009. In 2009, command reviews took, on average, roughly 37 days to complete. In 2011, command reviews had an average age of 69 days.

Figure 2.7
Performance Goal for Completing Command Review⁷
Goal: Complete 100% of Command Reviews within 45 Days



Timeliness of Chief's Hearings

In the last two OIM annual reports, the Monitor identified Disciplinary Review Boards (DRBs) as one of the most untimely parts of the disciplinary process. Prior to April 2011, if a Division Chief recommended that there be a sustained finding on a case with discipline greater than a written reprimand, then the subject officer could opt to have their case heard by a Disciplinary Review Board (the Chief's Office could also order that a DRB be held). The goal of the DRBs was to allow for the involvement of citizens and peer officers in the deliberative process. However, regardless of the outcome of the DRB, the officer's case would then go to a Chief's Hearing (conducted by the Chief of Police or his Deputy Chiefs, giving the subject officer an opportunity to present evidence which is intended to explain, mitigate, or excuse the conduct of the officer). Citing a need to streamline the process and the presence of other forms of citizen involvement in the disciplinary process, then-Chief Whitman chose to discontinue the use of DRBs in April 2011.

Figure 2.8 reports the mean and median number of days between the date a case is returned to IAB by a Division Chief to the date of the Chief's Hearing (note that DRBs were held in between the Division Chief's Finding and the Chief's Hearing). Overall, there was noticeable improvement in 2011, likely due to the elimination of the use of Disciplinary Review Board hearings. In 2010, it took on average 187 days for cases to go from the Division Chief to a Chief's Hearing. In 2011, that average improved to 60 days.

Figure 2.8
Mean and Median Time (Days) from the Date of the Division Chief's Decision to the Date of the Completed Chief's Hearings⁸

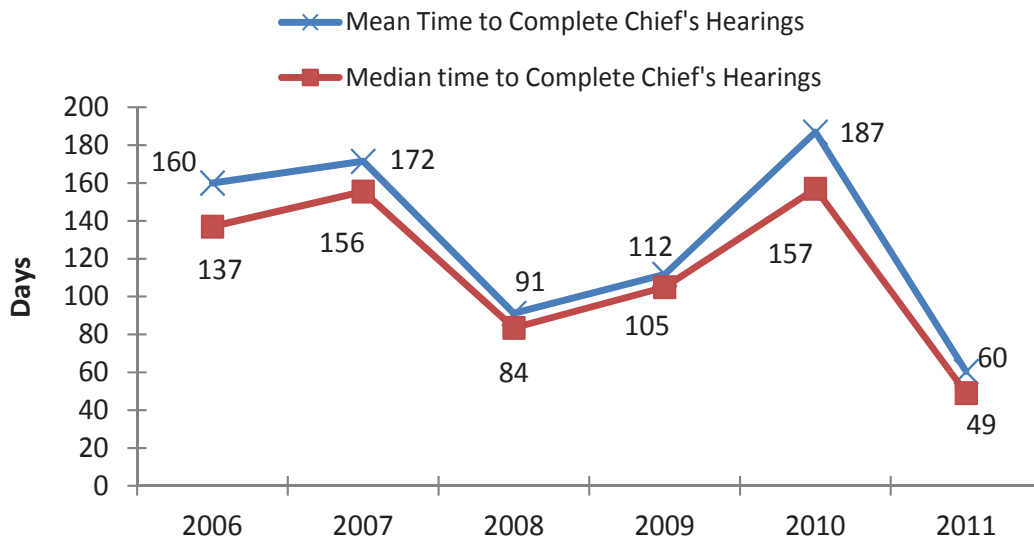


Table 2.15
Mean Time (Days) from Division Chief’s Decision to
Chief’s Hearings Before and After the Elimination of DRBs
 January 1, 2010 to December 31, 2011¹⁰

	Cases with a DRB	Cases after Elimination of DRBs	Percent Change
Mean Time from Division Chief’s Decision to a Chief’s Hearing	149.2	39.2	-74%

Since the DRB process was eliminated during 2011, the OIM examined the average number of days it took the DPD to hold Chief’s hearings both before and after the elimination of DRBs (Table 2.15). In the fourteen months prior to the elimination of the DRB process, cases that had a DRB took an average of 149 days to go from the Division Chief to a Chief’s Hearing (which included the time it took to hold DRBs). After the elimination of DRBs, the average number of days to hold a Chief’s Hearing fell to 39 days.

Chapter Two Endnotes

- ¹ The number of calls was provided by the Denver Police Department Data Analysis Unit and includes Class 1 (Citizen-Initiated) and Class 2 (Officer-Initiated) calls for service. This figure does not include duplicate calls, information calls, and 911 hang-ups where a DPD officer did not respond. In addition, this figure does not include police-citizen contacts that were not recorded by DPD officers.
- ² The Denver Police Department refers internally to complaint allegations as “specifications.”
- ³ Commendation information for 2011 was provided by the DPD’s Professional Standards Unit.
- ⁴ Figure 2.4 notes: This figure includes all open and closed citizen/internal complaints received between 2006 and 2011. For closed cases, the goal was based on the number of days between the date received and the date closed. For open cases, timeliness was calculated as the number of days between the date received and February 5, 2012. Since this figure includes open cases, reported timeliness can fluctuate slightly until all cases for a particular year have been closed. If a case was delayed due to a criminal investigation, military service, or medical leave, the number of days delayed was subtracted from the age of the case. Scheduled discipline, officer-involved shooting, and in-custody death cases were excluded. Cases are grouped by the year the complaint was received.
- ⁵ Figure 2.5 Notes: This figure was calculated in the same manner as Figure 2.3, except that the cases were broken-out by the IAB screening decision.
- ⁶ Figure 2.6 notes: This chart includes only citizen/internal cases subjected to a formal investigation, excluding time for Command Review and a Chief’s Hearing. For closed cases, this goal was calculated based on the number of days between the date received and the date the investigation was completed. For open investigations, the goal was calculated as the number of days between the date received and February 5, 2012. If a case was delayed due to a criminal investigation, military service, or medical leave, the number of days delayed was subtracted from the age of the case. Scheduled discipline, officer-involved shooting, and in-custody death cases were excluded. Cases are grouped by the year the complaint was received.
- ⁷ Figure 2.7 notes: For completed command reviews, this calculation is based on the number of days between the date the case was picked-up for command review and the date the case was sent back by the division chief. For open cases still undergoing command review at the end of 2011, this goal was calculated as the number of days between the date the case was picked up for review and February 8, 2011. Cases are grouped based on the year the case was picked up for command review.
- ⁸ Figure 2.8 notes: This calculation is based on the number of days between the date the case was returned to IAB by the Division Chief and the date of the Chief’s Hearing. Cases were grouped based on the year the case became eligible for a Chief’s hearing (i.e., date the case was returned to IAB by the Division Chief), not by the year the Chief’s Hearing was completed.
- ⁹ Table 2.16 notes: Cases were selected if the Division Chief’s findings were returned to IAB after January 1, 2011. This calculation is based on the mean days between the date the case was returned to IAB by the Division Chief and the date of the Chief’s Hearing.



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Chapter 3

DSD

Monitoring

Chapter Goals

The OIM is responsible for monitoring and reporting on patterns in Denver Sheriff Department complaints, commendations, and the timeliness of the complaint handling process. In this chapter, we report on:

- The number and type of complaints filed against Denver Sheriff Deputies;
- Patterns in screening decisions, findings, and discipline;
- Complainant characteristics;
- Commendations; and,
- Timeliness of the complaint handling process.

Chapter Methods

The data for this chapter were drawn from the Denver Sheriff Department’s Internal Affairs database. The OIM is not the database administrator and has little control over data entry into the database. Moreover, since these data were drawn from dynamic, live databases, the reported complaint, allegation, and timeliness numbers will fluctuate slightly over time and are subject to revision until all of the cases for a particular year are investigated and closed. The figures reported in this chapter only include complaints against sworn DSD officers.

Complaints

In 2011, the Denver Sheriff Department received 374 complaints, which is identical to the number received in 2010.

Even though the total number of complaints remained the same between 2010 and 2011, there were a few noticeable shifts in terms of who filed the complaints. There was a decline in the number of citizen and inmate complaints filed between 2010 and 2011. However, these declines were offset by a sharp increase in the number of DSD Management complaints filed in 2011 (though the number of 2011 DSD Management complaint numbers were still well below figures reported in 2007-2009).

Table 3.1
Number of Complaints Filed Against DSD Deputies by
Complaint Source and Year Received
(DSD 2011)¹

Complainant Type	2007	2008	2009	2010	2011
Citizen	77	84	69	83	58
column %	13%	15%	15%	22%	16%
DSD Management	267	259	246	161	219
column %	46%	47%	53%	43%	59%
Employee	18	15	11	11	7
column %	3%	3%	2%	3%	2%
Inmate	217	191	128	115	89
column %	37%	35%	28%	31%	24%
Other	1	3	7	4	1
column %	0%	1%	2%	1%	0%
Total	580	552	461	374	374

Complaint Allegations

Table 3.2 shows the complaint allegations by year. The difference in the number of complaints (as shown in Table 3.1) and the number of complaint allegations (as shown in Table 3.2) reflects the fact that one individual complaint may involve more than one allegation of misconduct.

Overall, there was little change in the number of excessive force allegations filed in 2011, as compared to 2010. Roughly 4% of all allegations related to excessive force, which is consistent with previous years. Improper procedure complaints comprised the largest category of complaint allegations, followed by service complaints and lost property complaints.

Table 3.2
Complaint Allegations by Year Received
(DSD 2011)

Allegation Type	2007	2008	2009	2010	2011
Excessive Force	25	27	22	16	15
column %	4%	4%	4%	4%	4%
Improper Conduct	252	116	48	48	41
column %	38%	18%	10%	12%	10%
Improper Procedure	151	290	244	144	215
column %	23%	46%	49%	34%	52%
Law Violation	11	12	15	23	20
column %	2%	2%	3%	6%	5%
Lost Property	95	108	88	98	61
column %	14%	17%	18%	23%	15%
Other	27	7	8	39	0
column %	4%	1%	2%	9%	0%
Service Complaint	100	69	77	51	60
column %	15%	11%	15%	12%	15%
Total	661	629	502	419	412

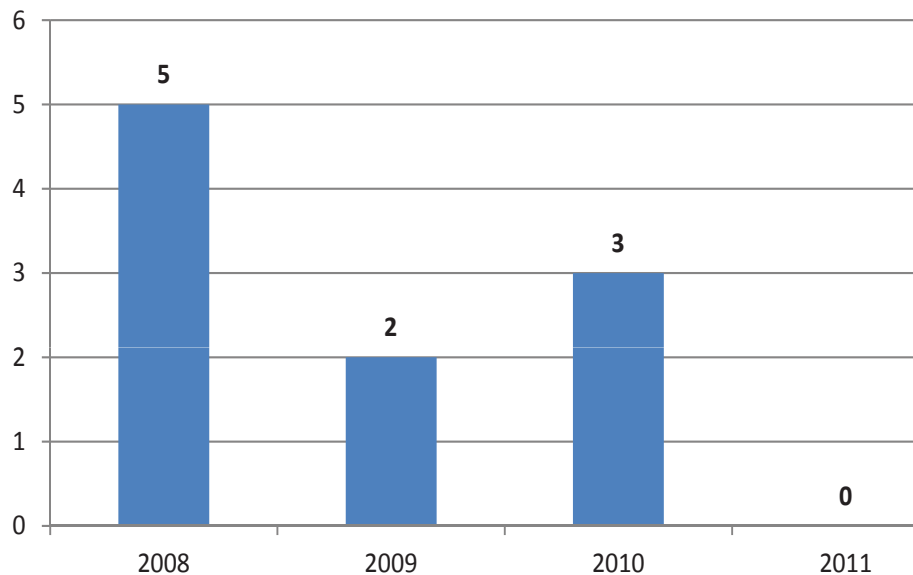
In interpreting Table 3.2, it is important to note that the DSD IAB database only allows for the classification of seven broad categories of allegations. The database does include a free text field where IAB staff can write in a description of the complainant's allegations. However, because there are no effective standards for how those narratives are written, it is not possible to reliably and effectively analyze detailed patterns of allegations across multiple years. DSD IAB staff are currently aware of this issue, and are working with Technology Services and the OIM to improve how case information (including allegation information) is tracked in their database. The OIM will report on the outcome of these efforts in 2012.

Mediations

There were no OIM-DSD mediations in 2011, partly due to a shrinking pool of eligible citizen and employee complaints. (Note: As a matter of policy, the DSD is not able to mediate deputy-inmate complaints).

The Interim Monitor discussed this issue with the DSD Director, who agreed to work with the OIM to find better ways of employing mediations to resolve DSD complaints. Specifically, the OIM Deputy Monitor and Ombudsman will be working with DSD Internal Affairs staff in 2012 to develop strategies for more aggressively identifying possible mediation cases.

**Figure 3.1
Completed Mediations by Year (DSD 2011)**



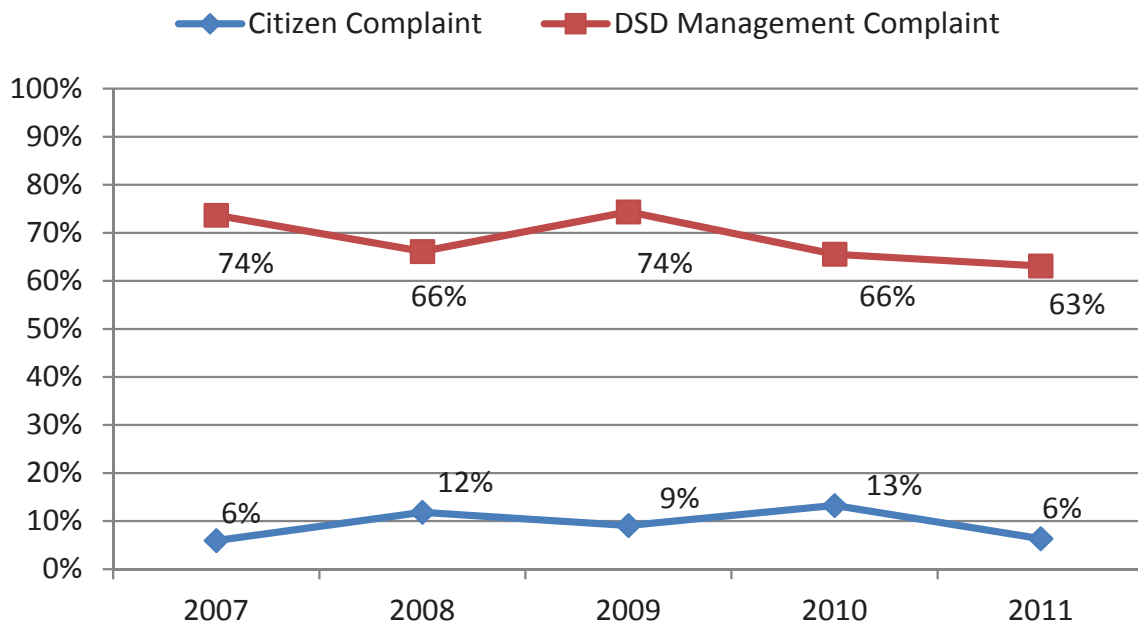
Findings

In 2011, the Denver Sheriff Department closed 427 complaint cases involving 485 allegations. Table 3.3 provides the results of the findings for all DSD complaint allegations closed in 2011. Approximately 60% of the allegations on DSD Management cases closed in 2011 resulted in a sustained finding. In comparison, roughly 6% of citizen complaint allegations closed in 2011 resulted in a sustained finding.

**Table 3.3 Findings on Complaint Cases Closed in 2011
by Complaint Source (DSD 2011)**

Finding	DSD					Total
	Citizen	Management	Employee	Inmate	Other	
Sustained	4	171	5	7	1	188
column %	6%	60%	31%	6%	33%	39%
Not Sustained/Exonerated/ Unfounded	42	46	5	76	2	171
column %	60%	16%	31%	68%	67%	35%
Informal/Resolved/Referred	14	43	3	9	0	69
column %	20%	15%	19%	8%	0%	14%
Declined	10	24	3	19	0	56
column %	14%	8%	19%	17%	0%	12%
Total	70	284	16	111	3	484

Figure 3.2
Percentage of Citizen and Management Complaints that
Resulted in One or More Sustained Allegations by Year
Closed (DSD 2011)



Percentage of All Complaints with a Sustained Finding

Figure 3.2 reports the percentage of citizen and DSD management complaints that had one or more sustained allegations in 2007 through 2011.

In general, the percentage of citizen complaints that had a sustained allegation fluctuated up and down over the last five years without demonstrating any broad trend. Roughly 6% of the citizen complaints closed in 2011 had one or more sustained allegations.

Not surprisingly, a much larger proportion of “Management” complaints are sustained than citizen complaints. In 2011, 63% of the closed Management complaints had one or more sustained allegations (compared to 6% for citizen complaints).

Imposition of Discipline²

Definitions of Disciplinary Actions Taken by the Sheriff Department

A *reprimand* can be either verbal or written and is the lowest form of discipline. The Sheriff Department maintains a record of verbal reprimands for one year and a record of written reprimands for three years.

A *suspension* requires a deputy to forfeit salary and credit towards retirement for a specified number of days.

Termination removes a deputy from employment with the Sheriff Department.

Table 3.5 reports the discipline imposed on sustained cases in from 2007 to 2011. The most common form of discipline was a verbal reprimand, followed by written reprimands, and suspensions.

Table 3.5
Disciplinary and Non-Disciplinary Outcomes
on Sustained Cases by Year Closed (DSD 2011)

Discipline	2007	2008	2009	2010	2011
Termination	0	8	6	2	4
column %	0%	5%	3%	2%	2%
Resigned/Retired Prior to Discipline	4	1	2	6	9
column %	2%	.6%	.6%	5%	6%
Suspension	19	23	27	14	21
column %	10%	13%	15%	12%	13%
Written Reprimand	47	44	91	50	46
column %	24%	25%	51%	43%	28%
Verbal Reprimand	111	86	40	41	64
column %	57%	49%	23%	35%	39%
Cautionary Letter	5	3	5	0	7
column %	3%	2%	3%	0%	4%
Counseled	5	7	6	4	12
column %	3%	4%	3%	3%	7%
Disqualification	3	2	2	0	0
column %	2%	1%	1%	0%	0%
Total	194	174	179	117	163

Cases Involving Termination, Resignation or Substantial Imposition of Discipline

In 2011, four Deputies were ordered terminated for misconduct. Another nine Deputies resigned while serious allegations against them were pending investigation or adjudication by the Department. An additional nine Deputies received suspensions of 10 working days or more.

Terminations

- A deputy was terminated for using inappropriate force against an inmate, writing a false report, and lying during the course of the investigation.
- A deputy was terminated for inappropriately assisting an inmate in obtaining bond and subsequently and repeatedly lying to Internal Affairs regarding the incident.
- A deputy was terminated for using unnecessary force against an inmate being booked into custody at the City Jail and then lying to Internal Affairs about the incident. The deputy had a prior sustained case for similar conduct. The deputy appealed to the Career Service Hearings Office and her case is still pending.
- A deputy was terminated for unnecessary force against a prisoner at a Denver Police Department District Station (causing a serious head wound to the prisoner). The deputy allegedly lied to Internal Affairs about the incident and had a prior disciplinary history. The deputy appealed to the Career Service Hearings Office and the hearing officer reduced the discipline to a 10-day suspension. The City has filed an appeal.

Resignation (Serious Allegations Pending but Prior to the Issuance of a Disciplinary Order)

- A deputy resigned after being arrested for DUI and unlawful possession of a firearm.
- A deputy resigned after an off-duty arrest for obstruction, resistance, and unlawful use of a firearm. The deputy was also alleged to have lied to Internal Affairs.
- A deputy resigned after allegedly misusing a travel card, embezzling travel funds, failing to report to work, and lying to Internal Affairs.
- A deputy resigned after allegedly introducing contraband into a custodial facility and accepting a bribe.
- A deputy resigned after allegedly engaging in insubordination, failing to respect fellow employees, texting on duty, failing to conduct appropriate rounds, and feigning illness.
- A deputy resigned after being charged criminally with domestic violence and child abuse.
- A deputy resigned after being served with a temporary restraining order relating to allegations of menacing during a domestic disturbance.

- A deputy resigned after allegedly having inappropriate contact off duty with a former inmate.
- A deputy resigned after allegedly introducing contraband into a custodial facility and allowing prisoners to fight.

Substantial Suspension (10 or more Working Days)

- A deputy received a 10-day suspension for sleeping on duty in a control center in a custodial facility.
- A deputy received a 15-day suspension for unauthorized leave after having received a prior suspension for a similar violation.
- A deputy received a 15-day suspension (with 10 days held in abeyance) for unauthorized leave after having received a prior suspension for a similar violation.
- A deputy received a 20-day suspension for unauthorized leave with significant prior discipline for unauthorized leave.
- A deputy received a 20-day suspension (with 10 days held in abeyance) for creating offensive cartoons relating to another deputy, and using Department equipment and Department insignias.
- A deputy received a 45-day suspension for taunting an inmate and lying to Internal Affairs. The 45 day suspension was reduced to an 8-day suspension as a result of a settlement.
- A deputy received a 50-day suspension for entering another County's Courthouse in uniform on personal business, falsely representing himself to Courthouse security as being on duty, and lying to Internal Affairs. The deputy appealed to the Career Service Hearings Office and a hearing officer upheld the 50 day suspension.
- A captain received a 70-day suspension for failing to follow an order to review a database to ensure rounds were being conducted and lying to Internal Affairs. The Captain initially filed an appeal but subsequently withdrew it.
- A captain received a 75-day suspension for making inappropriate sexual comments to another Sheriff Captain. The subject Captain appealed to the Career Service Hearings Office and his case is still pending.

Complaint Patterns

Table 3.6
Number of Deputies with Multiple Complaints
(DSD 2011)

Complaints per Deputy

Table 3.6 demonstrates that in 2011, roughly 72% of all uniformed DSD employees had no complaints filed against them. One hundred and forty-seven deputies received at least one complaint (20%). Less than 1% of deputies had more than four complaints.

Number of Complaints	2007	2008	2009	2010	2011
Zero	488	511	470	538	530
column %	63%	65%	67%	74%	72%
One	191	182	177	157	147
column %	25%	23%	25%	22%	20%
Two	66	67	33	17	39
column %	9%	9%	5%	2%	5%
Three	14	19	14	10	12
column %	2%	2%	2%	1%	2%
Four or More	13	7	7	2	6
column %	2%	1%	1%	0.3%	1%
Total	772	786	701	725	734

Table 3.7
Number of Deputies with Multiple Force Complaints
(DSD 2011)

Force Complaints per Deputy

Table 3.7 demonstrates that roughly 99% of deputy sheriffs received no force complaints in 2011. No deputies had more than one force complaint in 2011.

Number of Complaints	2007	2008	2009	2010	2011
Zero	753	765	686	719	725
column %	98%	97%	98%	99%	99%
One	18	19	13	4	9
column %	2%	2%	2%	1%	1%
Two	1	2	2	2	0
column %	0.1%	0.3%	0.3%	0.3%	0.0%
Total	772	786	701	725	734

**Table 3.8
Number of Deputies with Sustained Complaints
Closed in 2011 (DSD)**

Sustained Complaints per Deputy

Table 3.8 reports the number of deputies that had one or more sustained complaints in 2011. The majority of DSD deputies (82%) had no sustained complaints in 2011, while 13% had one sustained complaint. Five deputies had three or more sustained complaints in 2011.

Number of Sustained Complaints	2007	2008	2009	2010	2011
Zero	622	630	545	619	604
column %	81%	80%	78%	85%	82%
One	140	129	126	94	98
column %	18%	16%	18%	13%	13%
Two	1	22	20	11	27
column %	0.1%	2.8%	2.9%	1.5%	3.7%
Three or More	9	5	10	1	5
column %	1.2%	0.6%	1.4%	0.1%	0.7%
Total	772	786	701	725	734

**Table 3.9
Location of Complaints (DSD 2011)**

Complaint Location

Table 3.9 reports the number and location of complaints filed between 2007 and 2011. Altogether, 51% of 2011 complaints were filed at the Denver Detention Center (DDC), which is to be expected since the DDC currently houses the largest proportion of the County's custodial population. The County Jail had the second highest percentage of complaints at 24%, followed by Court Services and the Training Division.

Complaint Location	2007	2008	2009	2010	2011
Denver Detention Center	-	-	-	19	192
column %	-	-	-	5%	51%
County Jail	290	247	168	141	89
column %	50%	45%	36%	38%	24%
City Jail--PADF (Now Closed)	189	180	142	37	-
column %	33%	33%	31%	10%	-
Court Service	19	24	31	17	22
column %	3%	4%	7%	5%	6%
Denver Health Medical Center	19	10	10	2	16
column %	3%	2%	2%	1%	4%
Training	4	2	13	14	20
column %	1%	0%	3%	4%	5%
Vehicle Impound Facility	9	7	7	9	5
column %	2%	1%	2%	2%	1%
Other	50	82	90	135	30
column %	9%	15%	20%	36%	8%
Total	580	552	461	374	374

Citizen Complaint Patterns

As required by ordinance, the OIM reports on complaint patterns of DSD citizen complainants. The purposes of providing this information are to determine whether DSD Internal Affairs resources are monopolized by repeat complainants and to what extent these complaints result in the imposition of discipline.

These results include complaints from employees, inmates, and citizens. Complaints filed by management are excluded from this analysis.

Demographic characteristics of complainants who filed complaints against DSD in 2011 are presented in Table 3.10. The percent column includes missing values while the valid percent column does not.

Very few complainants filed multiple complaints in 2011. Altogether, one complainant filed two complaints in 2011. No complainant filed more than two complaints during the year.

Table 3.10
Complainant Demographic Characteristics
(DSD 2011)

Gender	Number	Percent	Valid Percent
Male	66	45%	52%
Female	62	42%	48%
Missing	19	13%	-
Total	147	100%	100%

Race/Ethnicity	Number	Percent	Valid Percent
American Indian	0	0%	0%
Asian/Pacific Islander	1	1%	1%
Black	33	22%	27%
Hispanic	37	25%	30%
White	52	35%	42%
Unknown	24	16%	-
Total	147	100%	100%

Age	Number	Percent	Valid Percent
18 and Younger	5	3%	5%
19-24	15	10%	14%
25-30	19	13%	17%
31-40	24	16%	22%
41-50	26	18%	24%
51+	21	14%	19%
Missing	37	25%	-
Total	147	100%	100%

Commendations & Awards

In the interest of providing a balanced view of the Denver Sheriff Department's service to the community, the OIM reports on commendations and awards received by DSD Deputies for exceptional service provided to the community and the Department. Definitions for some of the departmental awards are provided in Table 3.11.

Table 3.11
DSD Commendation Types and Definitions
(DSD 2011)

Award	Description
Community Service Award	Awarded to an employee who sacrifices his/her time and expense, contributes to a successful community program, or who performs an act to improve Sheriff-Community relations.
Merit Award	Awarded to an employee who, through personal initiative develops a program or plan which contributes significantly to the Department's objectives, goals, and morale.
Purple Heart	Awarded to an employee who is killed or seriously injured in the performance of his/her official duties.
Commendation	Awarded to an employee for laudable actions or outstanding performance of duties/services.
Supervisory Commendation	Awarded to an employee by a supervisor for specific actions or the performance of duties/services.
Life Saving Award	Awarded to an employee who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no immediate danger to the officer's life.

**Table 3.12
Commendations & Awards Received
by DSD Employees (2011)**

Commendation & Award Type	2007	2008	2009	2010	2011
Supervisors/Director Commendation column %	42 45%	31 24%	19 16%	29 19%	71 38%
Letters of Appreciation column %	0 0%	41 32%	27 23%	33 22%	65 34%
Community Service Award column %	22 24%	29 22%	19 16%	46 31%	4 2%
Distinguished Service Award column %	0 0%	0 0%	4 3%	0 0%	0 0%
Employee of Quarter column %	4 4%	12 9%	4 3%	4 3%	4 2%
Employee of Month column %	0 0%	0 0%	24 20%	24 16%	24 13%
#1 Academic Award column %	3 3%	2 2%	1 1%	1 1%	2 1%
#1 Defensive Tactic Award column %	3 3%	2 2%	1 1%	1 1%	2 1%
#1 Physical Fitness Award column %	3 3%	2 2%	1 1%	1 1%	2 1%
Most Improved Physical Fitness Award column %	3 3%	2 2%	1 1%	1 1%	2 1%
Top Gun Award column %	3 3%	2 2%	1 1%	1 1%	2 1%
Valedictorian column %	3 3%	2 2%	1 1%	1 1%	2 1%
Academy Medal column %	0 0%	2 2%	1 1%	0 0%	1 1%
Merit Award column %	5 5%	2 2%	8 7%	0 0%	2 1%
Life Saving Award column %	1 1%	0 0%	5 4%	5 3%	4 2%
Medal of Valor column %	1 1%	1 1%	2 2%	2 1%	0 0%
Commendation Award column %	- -	- -	- -	- -	2 1%
Total	93	130	119	149	189

The Sheriff Department presented 189 commendations and awards to DSD employees in 2011.

As indicated in Table 3.12, the most frequent awards were Supervisory/Director Commendations (38%) and letters of appreciation (35%).

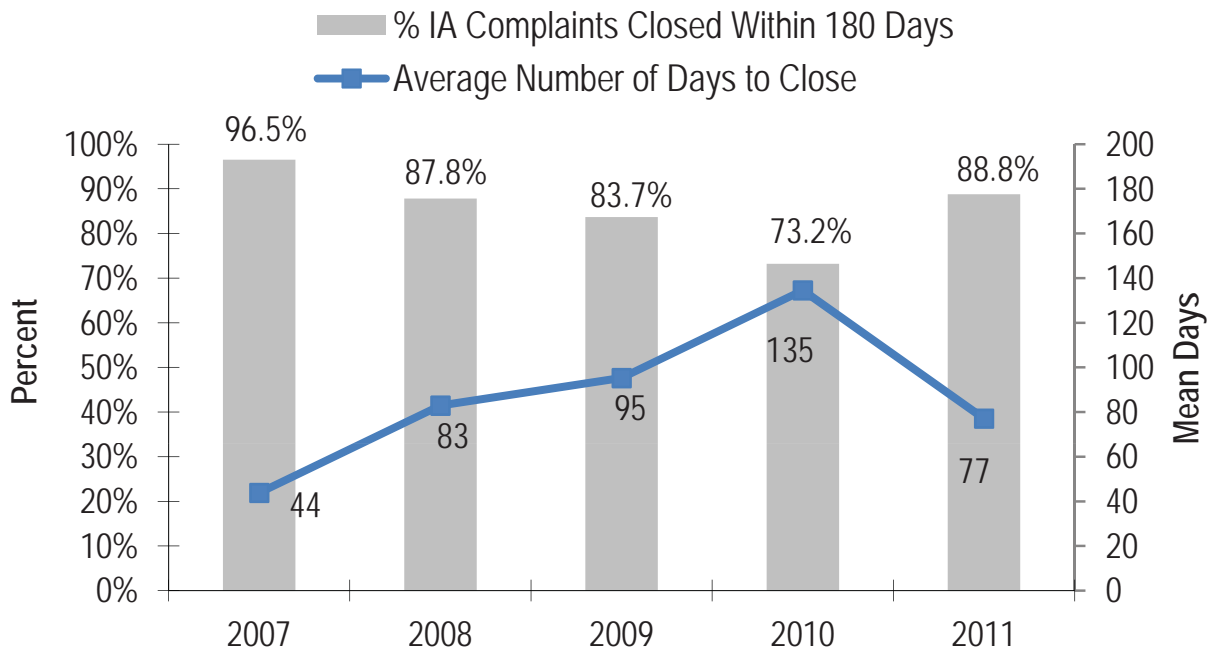
Overall Timeliness

A critical priority in dealing with complaints is the need to resolve them in a timely manner. Providing recommendations on how to improve the timeliness of complaint handling has been a priority for the Office of the Independent Monitor (OIM) since its inception. In 2011, the OIM worked collaboratively with DSD Internal Affairs (IAB) staff to revise and update their timeliness performance goals.

There was strong improvement in overall timeliness in 2011. Figure 3.3 reports on the DSD's first timeliness goal, which is to close 85% of all complaints within 180 days. The DSD exceeded this goal easily in 2011, with about 89% of all cases received in 2011 being resolved in less than 180 days.

Similarly, there was a sharp improvement in the average age of IAB affairs cases between 2010 and 2011. In 2010, the average case age was 135 days. In 2011, that average dropped to 77 days, which is a striking improvement.

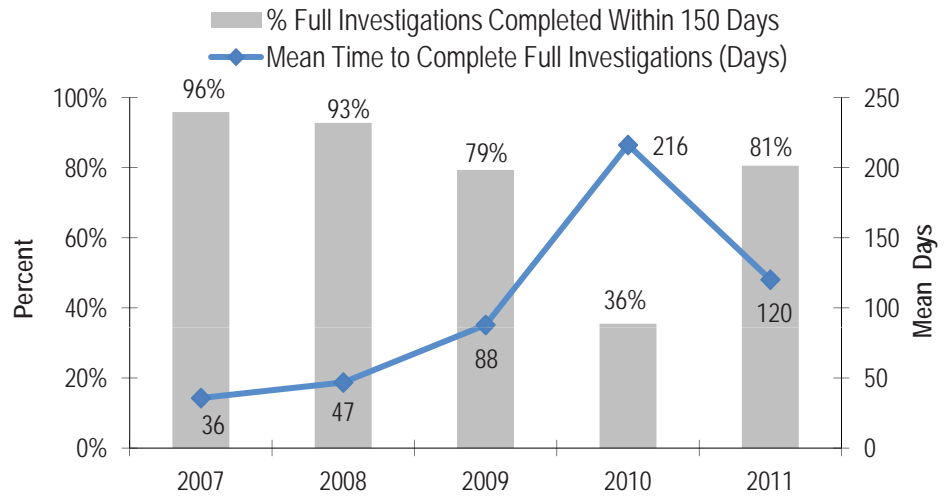
Figure 3.3
Performance Goal for Closing All Internal Affairs Complaints
Goal: Complete 85% of All IAB Complaints within 180 Days³



Timeliness Issues Regarding Internal Affairs Investigations

One of the strongest drivers of improvements in overall timeliness was a substantial increase in the efficiency of IAB investigations. In 2010, IAB investigations took an average of 216 days. By comparison, the average age of IAB investigations dropped to 120 days in 2011 (see Figure 3.4).

Figure 3.4
Performance Goal for Completing Full Investigations
Goal: Complete 85% of Full Investigations within 150 Days⁴

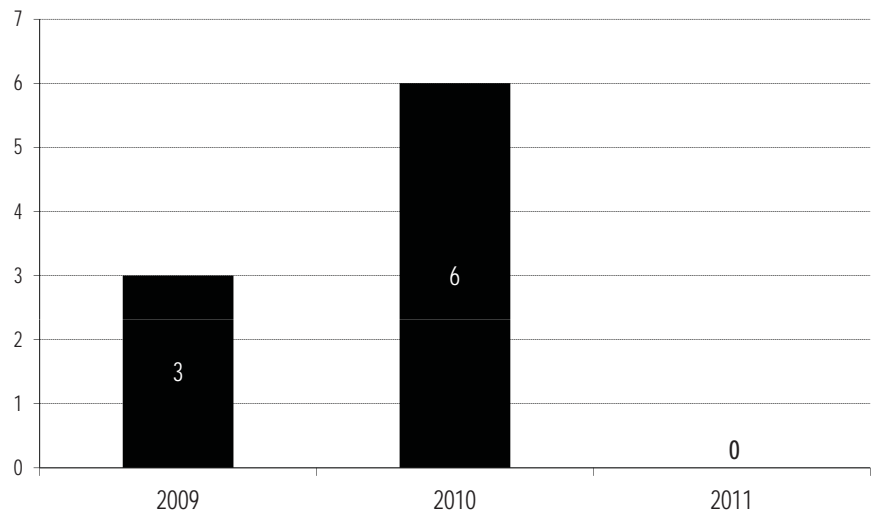


The OIM believes that a number of factors led to this improvement. First, IAB received an additional investigator position in 2011 (bringing the number of IAB investigators to five), which allowed them to clear out a substantial backlog of extremely old cases. For example, for the first time in several years, DSD IAB had no cases open at the end of 2011 that were older than 360 days (see Figure 3.5). Second, in 2011 the OIM began providing DSD IAB command staff with weekly reports that identified the age and status of all open cases, and the age of open investigations assigned to individual DSD investigators. The improved information management helped IAB focus their resources on closing their oldest investigations.

Third, DSD began treating most “unauthorized leave” cases as scheduled discipline, which does not require a full IAB investigation (instead, discipline is imposed according to a pre-determined schedule). This change reduced IAB’s overall investigative workload and allowed the investigators to devote their time to more serious cases.

Overall, the OIM strongly recommends that IAB be allowed to keep their current staffing level of five investigators. Without sufficient staffing, it is likely that the timeliness of IAB investigations will erode and return to its previous unacceptable levels.

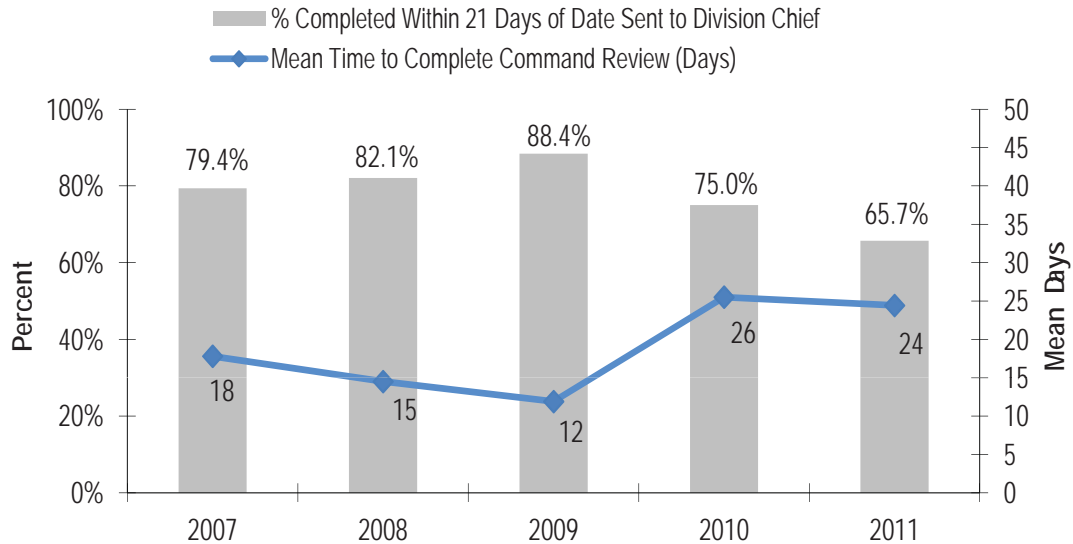
Figure 3.5
Number of DSD Complaints Open More than a Year at the End of Each Calendar Year



Timeliness of Command Reviews

Unlike investigations, there was little improvement in the timeliness of command reviews in 2011. Currently, the DSD has a goal of completing 75% of command reviews within 21 days. In 2011, roughly 66% of command reviews were completed within that timeframe, down from 75% in 2010 (as seen in Figure 3.6).

Figure 3.6
Timeliness of Command Review
Goal: 75% of Command Reviews Completed within 21 Days⁵



Timeliness of Pre-Disciplinary Hearings

Currently, the DSD IAB database does not record dates in a way that allows for the calculation of pre-disciplinary hearing timeliness (which would include the amount of time between the date that Command Review is completed and the date that the Pre-Disciplinary Hearing is held). However, IAB command staff are currently working with Technology Services to make improvements to their database, with a focus on improving how process related dates are recorded. It is anticipated that these improvements will allow the OIM to report on the timeliness of pre-disciplinary hearings in the upcoming year.

Chapter Three Endnotes

- ¹ The DSD Management complaint category includes both traditional Internal Affairs Bureau (IAB) cases and non-IAB personnel complaints. The OIM does not monitor non-IAB personnel complaints.
- ² Unlike the Denver Police Department, the Sheriff Department does not currently use “fined time.” In previous reports, the OIM recommended to the Manager of Safety’s Disciplinary Advisory Group (DAG) that the “fined time” option be added to possible disciplinary actions in order to be consistent with the Denver Police Department. Unfortunately, the union that acts as the bargaining agent for Denver Deputy Sheriffs (the Fraternal Order of Police) would not agree to support such a change in their contract with the City and the proposal was abandoned by the DAG.
- ³ This goal includes both open and closed cases and is based on the number of days between the date received and the date closed (for closed cases) or the date received and February 10, 2012 (for open cases). If a case closed in 2011 was delayed due to a criminal investigation or military leave, the number of days delayed was subtracted from the age of the case (these data were unavailable for cases closed prior to 2011). Bureau-level personnel complaints (i.e., non-IA “reprimand” cases) and non-disciplinary “fit-for-duty” cases were excluded from the analysis.
- ⁴ Cases for this goal were selected if a full investigation was conducted that resulted in a finding of sustained, not sustained, exonerated, or unfounded. Non-discipline cases were excluded. This goal was measured as the number of days between the date the case was assigned and the date the IA Captain reviewed the completed investigation. If a case was delayed due to a criminal investigation, the number of days delayed was subtracted from the age of the case. Cases are grouped by the date the case was assigned for investigation.
- ⁵ This figure includes only cases that were sent to a Division Chief for a finding. For completed command reviews, the calculation is based on the number of days between the date the case was sent to the Division Chief to the date the case was returned to Internal Affairs by the Division Chief. For on-going command reviews, the date was calculated as the difference between the date the case was sent to the Division Chief and February 8, 2012. Cases are grouped based on the year the case was sent to the Division Chief.



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Chapter 4

Critical Incident Review

The Monitor's Critical Incident Roll-Out Protocol

Denver City Ordinance requires the Independent Monitor's Office to "monitor and participate" in officer-involved shooting and in-custody death investigations. The ordinance further requires that upon completion of the District Attorney's investigation, but not later than 60 calendar days from the date of the incident, the Internal Affairs Bureau from either the Police or Sheriff Department shall open a file and initiate an administrative investigation of the incident unless the Manager of Safety, in consultation with the District Attorney (DA), determines that the administrative investigation would jeopardize the DA's investigation. *Denver Revised Municipal Code*, Chapter 2, Article XVIII, Section 2-387(b).

OIM Established Roll-Out Protocol

In 2005, the Monitor's Office established a "Roll-Out Protocol," which has guided the office in determining those cases requiring on-scene visits and active monitoring throughout the entirety of an investigation. Through this protocol, the OIM advised DPD and DSD of the need to be notified and the OIM's intent to "roll-out" to the scene of the following critical incidents:

1. Officer/Deputy involved shootings where the involved officer intentionally shoots at another human being, or accidentally shoots and hits another human being;
2. Officer/Deputy involved uses of force resulting in death or serious bodily injury;
3. In-custody deaths, including suicides and inmate-on-inmate homicides;
4. Vehicular Pursuits resulting in death or serious bodily injury; and,
5. Any traffic collision involving an officer and a civilian resulting in death or serious bodily injury where it appears likely the officer is at fault.

The DPD and DSD have been asked to notify the OIM whenever there is reason to believe that mandatory monitoring may be necessary. This includes any incident where an officer is under investigation for a felony, any offense set forth in Article 3 (Title 18) of the Colorado Revised Statutes [offenses against the person], or any incident involving a misdemeanor in which a use of force or threatened use of force is an element of the offense. Upon being notified, the Monitor would determine whether to roll out to the scene of the incident, or to respond to the Internal Affairs Bureau to actively monitor the investigation.

In 2011, OIM personnel rolled out to eight critical incident investigations. Four of these incidents were DPD officer-involved shootings, one arrest-related death, one traffic incident, and one suicide during a DPD domestic violence investigation. The OIM also responded to one in-custody death at the Denver Detention Center.

Pursuant to ordinance and protocol, the Monitor participates in and observes the investigation of the incident, reviews the case, and observes the Use-of-Force Review Board that results from the case. The Monitor also provides input to the Chief of Police, Director of Corrections, and Manager of Safety, as appropriate. The Monitor's independent determination that the use of force or deadly force was justified is based upon his involvement as noted, and his independent review of the facts of the case.

Officer-Involved Shooting and In-Custody Death Statistics

The OIM defines an “officer-involved shooting” as any discharge of a firearm by a sworn officer where the involved officer intentionally shoots at a human being or accidentally shoots and hits a human being.

Table 4.1
Officer-Involved Shooting Statistics for 2011

Types of Shooting Incidents	Number
On-Duty Intentional Officer-Involved Shooting Incidents (DPD)	4
On-Duty Intentional Officer-Involved Shooting Incidents (Sheriff)	0

Years of Service of Shooting Officers (Intentional DPD OISs)	Number
Probationers (under one year)	0
Between 1-5 years	0
Between 6-10 years	4
Between 11-15 years	1
Between 16-22 years	1

Results of Officer Shots Fired	Number
Fatalities	2
Injuries	1
Non-Hit	1

Number of Shooting Officers	Number
DPD Officers (Intentional DPD OISs)	6
DSD Deputies (Intentional DSD OISs)	0

Rank of Shooting Officers (Intentional DPD OISs)	Number
Officer	6
Corporal	0
Sergeant	0
Lieutenant	0
Captain	0

Race/Gender of Shooting Officers (Intentional DPD OISs)	Number
White Males	5
Hispanic Males	1

Assignments of Officers involved in Intentional DPD OISs	Number
District 1	0
District 2	2
District 3	1
District 4	2
District 5	0
District 6	0
Vice	1
SWAT	0
Traffic Operations	0

Race/Gender of Subjects (DPD Intentional Shootings)	Number
Black Male	0
White Male	1
Hispanic Male	3

Table 4.2
Officer-Involved Shootings by
Type and Year
(DPD 2011)

Type	2006	2007	2008	2009	2010	2011
On-Duty	11	7	6	3	6	4
Off-Duty	1	0	0	0	0	0
Total	12	7	6	3	6	4

Table 4.3
Officer-Involved Shootings by
Suspect Weapon Type and Year
(DPD 2011)

Year	Firearm	Knife	Vehicle	Other	Unarmed
2000	1	0	3	0	0
2001	2	3	1	0	0
2002	5	2	0	0	0
2003	5	3	0	2	0
2004	2	1	0	0	1
2005	1	0	2	0	0
2006	6	0	1	2	0
2007	1	2	1	2	0
2008	4	1	0	2	0
2009	1	0	1	1	0
2010	4	1	1	0	0
2011	2	0	0	1	1
Total	34	13	10	10	2

Table 4.4
Officer-Involved Shootings by
Outcome and Year
(DPD 2011)

Year	Injuries	Deaths	Total Injured/Killed
2000	3	1	4
2001	1	5	6
2002	4	3	7
2003	2	8	10
2004	1	3	4
2005	0	1	1
2006	3	3	6
2007	6	1	7
2008	4	3	7
2009	0	3	3
2010	3	3	6
2011	1	2	3
Total	28	36	64

Summary and Status of 2011 Officer-Involved Shootings, Investigations, and Review Processes

There were four officer-involved shootings in 2011.

Incident #1, Police Department

On August 6, 2011, around 8:15 a.m. police officers were dispatched to a report of a home invasion/robbery. The perpetrator, armed with a firearm, had attempted to sexually assault a female resident and took a vehicle belonging to a male resident of the home. Police officers contacted the suspect after a properly authorized car chase and were successful in stopping the Jeep. The suspect pointed his firearm at one of the officers and was shot by two other officers. The suspect was pronounced dead at the scene.

The District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a letter which can be found under the http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm.

The Manager of Safety determined that the involved officers acted in accordance with the law, the Department's policies and their training. Detailed facts are provided in the Manager of Safety's extensive report. The report may be accessed at: <http://www.denvergov.org/safety/> by clicking on the Public Statements from the Manager of Safety link.

The Monitor concurred with the Manager's assessment.

Incident #2, Police Department

On October 4, 2011, an officer shot at a domestic violence suspect at the conclusion of a foot pursuit. The suspect was not hit or injured.

No District Attorney letter was issued due to the suspect not being injured.

The Homicide Bureau investigation reports were completed and made available to the OIM by the Internal Affairs Bureau. The OIM made requests for further investigation that were still pending as of the end of the year. Administrative Review is pending as of the issuance of the 2011 Annual Report.

Incident #3, Police Department

On October 18, 2011, officers shot and killed an armed robbery suspect who pointed his firearm at an officer.

The District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a letter which can be found under the http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm.

The Homicide reports were made available by the Internal Affairs Bureau for OIM review. A public report on the Department's findings is expected to be completed on or before April 18, 2012.

Incident #4, Police Department

On December 4, 2011, an officer shot and injured an individual who appeared to be attacking the officer with a hammer.

The District Attorney reviewed the incident and declined to file charges against the involved officer. The District Attorney prepared a letter which can be found under the http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm.

Homicide reports were pending completion and submission to the OIM as of the end of the year.

2010 Officer-Involved Shootings Where Administrative Review was Pending as of Issuance of 2010 OIM Annual Report

2010 Incident #1, Police Department

On July 2, 2010, at approximately 2:00 a.m., during the out crowd from a local night club near 11th and Broadway, officers were in the area due to several disturbances. When a scuffle started near a restaurant, shots were heard nearby. The officers' attention was drawn to an individual who was reaching into a vehicle to retrieve a handgun. As the officers approached, the suspect fired the handgun into the air, then lowered it to point towards them. One officer deployed a pepper ball system at the suspect before switching to his sidearm. He then fired three shots at the suspect, but did not strike anyone.

Another officer was armed with a Smith & Wesson M&P 15 semi-automatic rifle. This officer fired five shots, none of which struck the suspect. At that same point in time, a passerby was walking to her car. As she stepped out from behind a building, she was struck in the left leg and torso by bullet fragments from a round fired by the second officer. Upon being struck, she turned to retreat behind the building, and was struck again by fragments from another round fired by the officer in the right leg and torso. The officer was not certified to use the M&P 15 semi-automatic rifle through the Police Department, nor was he using ammunition authorized by the Police Department.

The District Attorney issued a letter stating that no criminal charges would be filed against the involved officers. This letter can be accessed at: http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm.

The Homicide Bureau investigation was submitted to the Internal Affairs Bureau. Due to issues relating to tactics, training, and the use of unapproved ammunition, additional investigation was conducted by Internal Affairs. A Use-of-Force Board was convened and found the shooting to be "in policy." The Monitor agreed with that finding because the suspect was firing a gun in a sizeable crowd and the use of lethal force to stop the individual was warranted. The officer who fired the assault rifle was terminated by the former Manager of Safety. The officer appealed his termination and the case is pending review by Civil Service Commission hearing officers as of the issuance of this report.

2010 Shooting Incident #2, Police Department

On August 1, 2010, at approximately 2:46 p.m., police were dispatched on a suicidal person armed with a gun. Three officers communicated with the individual for a period of time while the suspect refused to comply with any of their requests or commands. After approximately twelve minutes, the suspect brought the gun up in a sweeping motion in the direction of the officers. Four officers simultaneously fired at the suspect and stopped when he fell to the ground. Emergency personnel were requested Code 10, and the suspect was later pronounced dead from multiple gunshot wounds. The firearm was later determined to be a Slavia, Model ZVP pellet gun.

The District Attorney issued a letter stating that no criminal charges would be filed. The letter is available at: http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm.

A Use of Force Review Board was convened on January 31, 2011. A report by the Manager of Safety was issued on February 1, 2011. This report is available on the Manager of Safety website, www.denvergov.org/safety under the Public Statements from the Manager of Safety link. The shooting was found to be “in policy.” The Monitor concurred with this decision, however, the Monitor recommended that a Crisis Intervention Training (CIT) expert review the shooting investigation to determine whether further training or debriefing would have been appropriate. Additionally, the District Command counseled a supervisor who had taken time off that day for failure to confer with the watch commander to ensure adequate supervisory staffing.

Summary and Status of In Custody Deaths (ICD), Investigations, and Review Processes

In 2011, there were four custody-related deaths. There were two suicides, one death after an arrest-related

Table 4.5
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
2011	0	1	0	2	1	4
Total	13	12	1	4	7	37

2011 ICD Incident #1, Medical Death, Sheriff Department

On May 28, 2011, at approximately 7:00 a.m., a deputy found an inmate in a cell to be unresponsive at the Denver Detention Center. The deputy called it out on his radio and DSD staff responded. Deputies and medical staff moved the inmate from his bunk onto the floor where his shirt was removed and an AED device was attached to his chest after a nurse was unable to find a pulse. Emergency resuscitation efforts were begun, but the responders had difficulty in establishing an airway. Medical personnel from the detention center and responding paramedics worked on the inmate until a doctor gave the order to cease.

Neither a District Attorney Letter nor a Manager of Safety letter were prepared due to the nature of the incident. The opinion of the medical examiner indicated that the death was the result of natural causes.

One deputy received discipline due to his possession of a pocket knife in a secure facility, which he used to remove the inmate's shirt prior to beginning CPR. This was a tangential issue which in no way contributed to the inmate's death. No other policy or procedure violations identified. The Monitor concurred with the Department's resolution of the case.

2011 ICD Incident #2, Death Following an Altercation, Police Department

On July 18, 2011, at around 3:30 to 3:45 p.m., a patron at the Denver Zoo appeared to be ill, and indicated to members of his party that he was extremely hot and not feeling well. He proceeded to a water fountain and remained there drinking and running water over his head for approximately fifteen to twenty minutes. Shortly thereafter he began to exhibit bizarre behavior, including assaulting a security guard who was trying to assist him, which led to the police being contacted. When police arrived, he aggressively resisted, causing officers to use a Taser in drive stun mode four times, which had no apparent effect. Once officers were finally able to bring him under control, he began vomiting and stopped breathing. CPR was begun, medical personnel were called, and he was later pronounced dead at the hospital. The zoo security guard, and several of the officers who tried to subdue the man were injured from being punched, kicked, and bitten.

Detailed information is provided in the Manager of Safety's extensive report. The report may be accessed at: <http://www.denvergov.org/safety/> by clicking on the Public Statements from the Manager of Safety link.

After a careful review of the incident and analysis of the case, the Manager of Safety concluded that the officers acted in accordance with the law, the Police Department's policies, and their training. The Monitor requested further investigation with which IAB generally complied. The involved officers were exonerated, and the Monitor concurred.

2011 ICD Incident #3, Suicide, Police Department

On October 24, 2011 a domestic violence suspect committed suicide while barricaded against police in his residence.

Homicide reports were submitted to the Internal Affairs Bureau for OIM review. The case was declined for further investigation or review. The Monitor concurred with this decision as there was no evidence of any misconduct on the part of the officers involved in the barricade situation.

2011 ICD Incident #4, Suicide, Police Department

On December 29, 2011, a suspect in a domestic violence investigation jumped to his death from the seventh floor of an apartment building while officers were attempting to locate him.

Due to the nature of the case, no District Attorney letter was prepared. Homicide reports were pending completion and submission to the OIM as of the end of the year.

2010 In-Custody Death Investigations Closed in 2011

2010 ICD Incident #1, Sheriff Department

On May 12, 2010, a deputy began making rounds and checked the cell where an inmate was held and found the inmate sitting on the floor with something tied around her neck. The deputy yelled to alert other DSD staff to the situation and entered the cell. A nurse, who was passing out medication at the same time, entered the cell, checked the inmate's pulse, untied the pant leg from the inmate's neck, and began to administer CPR. Another sergeant responded to assist with CPR. Another nurse arrived and administered oxygen and an AED machine, and continued to assist with CPR. Paramedics arrived and took over until an attending physician at the hospital instructed the paramedics to stop CPR. The inmate was pronounced dead at that time.

Due to the nature of the case, no District Attorney letter was prepared. The Internal Affairs investigation was completed and no policy violations were identified, the Monitor concurred with the Department's resolution of the case.

2010 ICD Incident #2, Sheriff Department

On July 8, 2010, just before 11:00 p.m., an individual was brought to the Denver Detention Center. He remained in the "pit" area (a sunken area containing seating where arrestees wait to be processed into the facility) until 1:46 a.m., (July 9) when he was called to the photo and print area. While he was at the photo and print area, deputies noted that he appeared to have been just woken up and was irritated but not uncooperative. After being photographed and finger printed, he was returned to the pit area until 3:04 a.m. At this time he was called to the medical area for the medical screening process. The nurse noted that he was angry and uncooperative. The individual returned to the pit after the medical screening process. The nurse noted that his uncooperative behavior made completing the screening process difficult. At approximately 3:34 a.m. he was called to the booking desk. The deputy at the booking desk noted he was cursing, agitated and uncooperative. When the individual refused to follow her directions, she directed him to a holding cell. He refused to go to the holding cell and attempted to return to the pit area. Soon after a deputy placed a hand on the individual's arm to guide him to the holding cell, he began resisting by flailing and swinging his arms at the deputy.

Other deputies responded and began trying to control the individual. One deputy applied a carotid restraint, while other deputies attempted to control the individual's arms and legs. Deputies applied OPN's to the individual's ankle and a Taser was used in a drive stun mode. The individual had been handcuffed, but was still resisting when the Taser was used. The individual stopped resisting after the application of the Taser. At about 3:39 a.m., he was picked up and carried into the holding cell by deputies. There are conflicting accounts of whether he was limp or rigid at this point, as well as conflicting accounts of whether or not he

was responding to commands after being placed in the holding cell. At around 3:41, a deputy noticed while walking past the cell that the individual did not appear to be breathing. This deputy called another deputy to the cell to verify his observation, and that deputy then called for a nurse and a supervisor to respond. At approximately 3:42 a.m. a nurse entered the cell and found the individual to be unresponsive with no pulse or respiration. At approximately 3:43 a.m., additional nursing staff arrived with emergency equipment, and at approximately 3:48 a.m., the Denver Fire Department arrived and took over care of the individual. He was transported to the hospital where he was pronounced dead by a doctor at 4:33 a.m.

The District Attorney issued a public report stating that criminal charges would not be filed against the involved deputies. This letter can be found at: <http://www.denverda.org> by clicking on the “News and Info” link, followed by the “News Releases” link and finally clicking on “Releases for 2010”

The Manager of Safety issued an extensive report concluding that the actions of the involved deputies were reasonable and necessary, and that the deputies were in compliance with the provisions of the Denver Sheriff Department Use of Force policy. The report may be accessed at <http://www.denvergov.org/safety/> by clicking on the Public Statements from the Manager of Safety link.

The Monitor concurred that no policy violations occurred. The Monitor further agreed to participate in a Use of Force Task Force commissioned by the Director of Corrections to conduct a comprehensive evaluation of the Sheriff Department’s current use-of-force policies and protocols.

2010 ICD Incident #3, Police Department

On August 3, 2010, at approximately 5:11 p.m., officers responded to a threats/disturbance call. They met with the complainant who related that the resident in a nearby apartment had threatened her and pushed her with a cane. The officers attempted to make contact with the suspect. They knocked, and identified themselves as police officers. The suspect yelled through the door for them to go away. They told her they needed to speak with her about the disturbance in the lobby, and to properly identify her. The suspect slid identification under the door and told them to go away again. She told them if they came in she would go out the window.

The officers located the apartment manager, who accompanied them back to the apartment and unlocked the door. The officers tried to open the door, but found it barricaded by a wheelchair and a desk. The officers were able to open the door enough to see inside, and saw the suspect standing with her back to an open window about 20 feet away. She told them not to come in or she would jump, so officers stayed in the doorway and did not go further into the apartment. The officers tried to persuade her to move away from the window, and to not jump, but while they were speaking with her, she thrust herself backwards out of the open window.

One officer immediately informed dispatch that she had jumped and requested an ambulance respond immediately. The suspect was transported to Denver Health Medical Center where she later died of her injuries. Responding officers and supervisors followed DPD Protocols used in officer-involved shootings and in-custody deaths.

The Homicide unit conducted the follow-up investigation. The Use-of-Force Review Board (UOFRB) found the officers’ actions to be “in policy.” Since no policy violations were identified, the Manager of Safety did not issue a public report. The Monitor agreed with the finding that no policy violations occurred.

2010 ICD Incident #4, Sheriff Department

On November 23, 2010, shortly after 3:00 p.m., a deputy was locking down building 22C for roll call when he observed an inmate sitting on the floor with a gray face and a bed sheet used as a ligature. The deputy alerted DSD staff by radio, and medical staff arrived within two to three minutes. Appropriate medical care was administered until 3:20 p.m., when an ambulance arrived. A Denver Fire Department Engine arrived at the same time, and paramedics took over from DSD medical staff. The inmate was transported to the hospital where the inmate was pronounced dead at 3:44 p.m.

One deputy was disciplined for carrying a personal knife, which the deputy used to cut the inmate down rather than taking additional time to obtain a 911 tool (Department approved device) to cut the ligature around the inmate's throat. This was a tangential issue that did not contribute to the inmate's death. No other policy violations were identified, and the Monitor concurred in the Department's resolution of the case.



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Chapter 5

Special Initiatives and Policy Issues

DPD New CIT Training

In 2010, there was an officer-involved shooting in which four officers shot and killed a suicidal man armed with a pellet pistol (which strongly resembled a firearm). This case had all of the hallmarks of a “suicide-by-cop” incident. Before the shooting occurred, multiple officers attempted to communicate with the man in the hopes of preventing him from harming himself or others. Tragically, the subject pointed the pellet pistol at the officers and was shot multiple times, resulting in his death. The Manager of Safety reviewed the incident and found the shooting to be within policy. The Monitor agreed with that finding. In reviewing the case, the Monitor did spot a potential training issue relating to how the officers communicated with the subject during the incident. The Monitor observed that all of the officers were simultaneously shouting commands at the subject, which in some circumstances, could possibly lead to confusion and potentially impair communication between officers and highly distressed, suicidal individuals. The Monitor discussed these concerns with DPD command staff, and they agreed to include a new training scenario with details similar to this incident in their Crisis Intervention Training Recertification program. The goal of the new training scenario is to have officers work through this type of incident and to give them an opportunity to practice communicating with a person who is armed, in a state of acute crisis, and intent on ending their life. In real world settings, rapidly developing critical incidents where a subject is armed, highly agitated, and suicidal do not always leave officers with good options for de-escalation. The new training scenario should give Denver Police officers a chance to work through these types of incidents and think through whether there are communication techniques that can increase the likelihood of better outcomes. Currently, 183 officers have completed the recertification training.

Changes to the DPD Disciplinary Process and Elimination of Disciplinary Review Boards

The Disciplinary Review Board (DRB) process was created before the existence of the OIM and the Citizen Oversight Board. It was designed, in large part, to allow for citizen and peer officer involvement in the deliberative process. Unfortunately, as the Monitor noted in multiple previous annual reports, the DRB process had a number of critical shortcomings. First, peer officers and citizen members often failed to follow matrix rules and appeared to allow emotion to affect their recommendations. Second, the deliberations of the DRB’s did not result in majority opinions and tended not to provide either the Chief of Police or Manager of Safety with any substantive guidance in making a finding or disciplinary decisions. Third, the DRB process was further complicated by the fact that the Department was given no opportunity to rebut presentations made by the subject officer and his or her union representative. Fourth, the DRB participants routinely recommended lower discipline than either the Division Chief or the final decision makers on cases (typically the Manager of Safety). Finally, the process for holding DRBs often added a significant amount of time to the disciplinary process.

In April 2011, then-Denver Police Chief Whitman, elected to discontinue the use of DRBs in the disciplinary process (with support from then-Mayor Vidal and then-Manager of Safety Garcia). In announcing the decision, the Mayor cited a need to streamline the process and the presence of other forms of citizen involvement in the disciplinary process.

The Monitor had advocated for the elimination of DRBs for several years and strongly supported the decision. It appears that this decision has had a substantial impact on the timeliness of the disciplinary process. The OIM looked at the average number of days it took the DPD to hold Chief’s Hearings both before and after the elimination of DRBs. In the fourteen months prior to the elimination of the DRB process, cases that had a DRB took an average of roughly 149 days to go from the Division Chief to a Chief’s Hearing (which included the time it took to hold DRBs). After the elimination of DRBs, the average number of days it took to hold a Chief’s Hearing fell to 39 days. We believe that this is an important development and think that the Police Department should be congratulated for improving the efficiency of this part of the disciplinary process.

“Excited Delirium” Policy Review

The OIM has noted in several previous annual reports that the City has experienced a number of in-custody deaths that were temporally associated with Denver Police officers restraining agitated individuals who appeared to be under the influence of drugs. In each of these cases, there were no policy violations on the part of the involved officers.

In general, each of these deaths had some of the characteristics associated with a category of deaths commonly referred to as “excited delirium.” While there is some disagreement in the medical community about what causes these types of deaths, such incidents are generally described as deaths that are associated with narcotic intoxication, failures to understand and/or comply with police orders, extreme physical exertion, pre-existing medical or mental health conditions, and law enforcement use of force (among other issues).

As a result of these deaths, the OIM collaborated with other agency heads to create a multiagency workgroup that has been working to review the City’s current response to excited delirium-type incidents, and to determine whether it is possible to improve the coordination, policy, and/or training among the various stakeholder agencies. To this end, the OIM sponsored a group of agency representatives to attend a national training in late 2010 on excited delirium and in-custody deaths. This group included representatives from the Police and Sheriff Departments, Denver Health, the Monitor’s Office, the City Attorney’s Office, and 911 Communications. Since that time, the workgroup has expanded to include representatives from the Medical Examiner’s Office and the Denver Fire Department.

The workgroup met throughout the course of 2011 and is currently developing a draft of an interagency protocol for excited delirium-type incidents. It is hoped that the protocol will be in place by the middle of 2012. The OIM will continue to report on the progress of the workgroup throughout the upcoming year.

Sheriff Department Ability to Track Uses of Force by its Deputies

In our 2009 and 2010 Annual Reports, the Monitor noted that there were limitations in how the Denver Sheriff Department managed information relating to use-of-force by its deputies. Moreover, during those periods, it was not possible for Sheriff Internal Affairs personnel to obtain copies of use-of-force reports by looking up specific uniformed employees nor was it possible for the DSD to effectively and efficiently identify aggregate patterns in uses-of-force by its deputies. As a result of these concerns, the Monitor’s Office recommended that the Sheriff Department create a new database to allow for more comprehensive tracking and evaluation of use-of-force incidents.

In 2011, the DSD added a use-of-force tracking module to their newly installed “Jail Management System” (JMS). All use-of-force reports are now entered directly into this JMS module. Overall, the OIM’s initial impression of the module is that it is sufficiently sophisticated, and if used effectively, should enable the DSD to conduct more proactive pattern analyses of uses-of-force by deputies. Moreover, the OIM hopes that the data collected in this module will be integrated into an early intervention system that can be used by the department to identify officers who might be using force more frequently than similarly situated peers, and who may benefit from further training or mentoring. The OIM has not conducted a detailed review of the DSD’s force module, but has plans to conduct a detailed evaluation in 2012 as part of a larger examination of the DSD’s progress toward the implementation of an early intervention system.

Denver Police Department's Data Collection and IAB Information Management

Over the last year and a half, the OIM has become increasingly concerned about how the DPD Internal Affairs unit enters case information into their case processing database. Currently, DPD Internal Affairs uses a database called CUFFS II to track key pieces of information in relation to citizen complaints, commendations, critical incidents, and scheduled discipline cases. The core pieces of information tracked include:

- Complaint and commendation incident details;
- Officer and complainant characteristics;
- Case processing information and key case milestones; and
- Complaint outcome information.

Overall, the CUFFS II database has evolved considerably over the last seven years and has a fairly sophisticated design and architecture. While the technological features of the database are advanced, the OIM is concerned with how IAB is currently using their database. As of the end of 2011, DPD IAB has no systematic data documentation protocols governing how information is entered into the database. In general, it is a fairly standard practice for organizations that use business processes databases (like CUFFS II) to create documentation that defines each field, where the data comes from, and who is responsible for entering those pieces of information. This type of documentation can serve as the basis for training new personnel and help preserve institutional knowledge about how the database is used as personnel cycle through the organization. More crucially, this type of documentation can help ensure that data are entered into the database in a uniform way over time. Without this type of documentation, it is likely that different personnel will enter information into the database using different criteria, undermining the reliability of the data. Moreover, a lack of standardization in how data are collected complicates the ability of an organization to analyze patterns in complaints, allegations, and timeliness. The OIM has discussed this issue multiple times with IAB staff, and to date, the issue remains unresolved.

In light of these issues, the OIM strongly recommends that the DPD work with the OIM to create a workgroup to evaluate the current functioning of the DPD CUFFS II database, with a goal of: (1) Developing adequate data documentation protocols and ensuring that data are being captured by the CUFFS II database in a uniform manner; and (2) Examining how information is captured by the CUFFS II database to ensure that the DPD and OIM can adequately analyze patterns in complaints and allegations over time. The Interim Monitor discussed the database problems with the new Police Chief in early 2012, and the Chief indicated that he was open to resolving these issues. We are hopeful that the OIM and DPD can work collaboratively in 2012 to fix these problems.

Fire Department Discipline Advisory Group

This past year, the Denver Fire Department (DFD) began the process of establishing a Disciplinary Advisory Group (DAG) with the goal of creating a more objective, consistent, and fair disciplinary process. The Fire Department's initial efforts mirrored the earlier steps taken by the Denver Police and Sheriff Departments over the last four years. The Monitor and Senior Deputy Monitor took active roles in the DFD DAG, and co-chaired two different sub-committees (the *Rules and Regulation* and *Process* sub-committees). Both sub-committees utilized the established rules, regulations, and processes from Denver Police Department, Denver Sheriff Department, and Los Angeles Fire Department. Early on in the endeavor, the DFD DAG began to make rapid progress in its effort. Unfortunately, the DFD Firefighters Union filed a lawsuit that forced the City to put the Fire DAG process on hold. The OIM hopes that the City, the Fire Department,

and the Firefighters Union, will be able to resolve their legal differences in the coming year, and that the different sides will be able to work together to implement a more objective, transparent, and consistent disciplinary process similar to the ones already implemented by the Denver Police and Sheriff Departments.

Monitor's Assistance to a Complainant with an Impounded Automobile

The Monitor worked extensively to help get a complainant's car released from impound during the last year. The complaint had taken her car to a local mechanic for repairs. While conducting those repairs, the mechanic, who unbeknownst to the complainant, did not have a driver's license, took her car for a drive, and was arrested after being pulled over. Pursuant to policy, the Denver Police Department impounded the car and would not release her car back to her without the complainant posting a \$2,500 bond or obtaining a waiver of the bond by the Manager of Safety's Office (MOS). The complainant could not afford the bond and did not have a waiver from the MOS.

After reviewing the complainant's situation and policy, the Monitor did not believe the policy and rules regarding the car impound should apply to someone in the complainant's situation. Both the Police Department and the Manager of Safety's Office agreed that the complainant had done nothing wrong and was a victim of a theft. However, the Manager of Safety's Office initially reported that they could not waive the complainant's bond without a completed police report. The Denver Police Department indicated that they could not write a police report because the complainant had voluntarily given her keys to the mechanic.

In order to help the complainant address the situation that was not addressed in policy, the Monitor spoke repeatedly with the MOS, DPD and City Attorney's Office regarding the complainant's dilemma. After the Monitor talked to the City Attorney's Office, they gave guidance to the MOS indicating a police report was not a requirement to waive a bond. The MOS ultimately waived the bond requirement and the complainant was able to get her car back without cost.

Monitor's Recommendations Regarding Chemical Testing on DUI cases

This past year, the Monitor published a report outlining its concerns on whether the DPD always properly enforce DUI laws when off-duty officers are stopped due to suspicion of driving under the influence. At that time, the Monitor worked with the Manager of Safety regarding a review of current policy to address the issue of preferential treatment. Ultimately, the then-Manager of Safety issued a series of policy changes specifically prohibiting the solicitation of preferential treatment by employees of the Department of Safety, including Denver Police, Sheriff, and Fire employees. This new policy allows supervisors to compel officers to submit to chemical testing when they are suspected of engaging in conduct prohibited by law involving alcohol or drugs, either on or off duty. The Monitor's Office is encouraged by these policy changes and is hopeful that these changes will help to ameliorate the concerns addressed in last year's report.

Monitor's Recommendation for Making DSD and DPD Matrices on Suspensions more Consistent

The Monitor recommended last year that the Manager of Safety fix the disparity between the DPD and DSD in how they calculate suspended time. Currently, both the DPD and DSD have very similar discipline matrices that define prohibited conduct and establish the penalties for specific types of misconduct. Moreover, both matrices allow Denver Police and Sheriff Department employees to receive "suspended

time” for specific types of rule violations, which require an officer to forfeit all police powers (including the ability to wear the police uniform) and suspends the officer’s salary and credit towards retirement for a specified number of days. However, the DPD and DSD calculate their suspended time differently, which has created a situation where Denver Sheriff deputies receive a more severe penalty than Denver Police officers for similar violations. For example, the Police Department calculates its suspension “days” as calendar days, whereas the Sheriff Department calculates its suspensions “days” as work days. Thus, if a DSD deputy commits a rule violation and receives suspended time, they will serve substantially more time than a DPD officer who has committed the same violation. The Monitor’s Office is continuing to strongly recommend that the MOS review this issue and standardize how each agency calculates suspended time to create consistency between the two departments.

Ongoing OIM Concerns with Unlawful Search and Seizure

In 2011, the OIM continued to voice concern about alleged officer entries into private residences without consent, a warrant, or exigent circumstances. This issue has been an ongoing concern of the Monitor since 2008. In some of these cases, while either the officer’s command staff or the Internal Affairs Bureau considered the officer’s actions to be reasonable, continued legal research by OIM personnel highlighted concerns that the officer’s actions may not have been Constitutionally permissible.

In one example that occurred in 2011, Denver Police officers responded to an apartment building on a noise complaint/disturbance that they were told was an ongoing issue. Upon hearing the noise emanating from the apartment, they made contact with the suspect through her door, told her she was under arrest, and ordered her to come out. When she refused, a sergeant was contacted who requested the Denver Fire Department to respond and use a master key to open the main door to the residence. Once police were inside, the resident locked herself in her bathroom, where she refused further commands to submit to arrest. A police officer then forcibly entered the bathroom, and the individual was arrested.

In another example occurring in 2011, officers responded to a home at the request of an outside jurisdiction for the purpose of assisting with serving a subpoena. Officers knocked on the doors and windows of the residence, but received no response. After hearing movement and observing a male and a female inside the residence, officers decided to make entry ostensibly to check the welfare of the female. Officers were contacted in the home by the homeowner and ordered to leave. All parties then proceeded to the back yard, where the male was served with the subpoena. No contact was made with the female.

As a result of issues raised by the OIM, the Police Department issued a “Civil Liability Bureau Newsletter” in 2008 which specifically addressed those issues relating to when officers are permitted to make a warrantless entry into a location without consent. In 2009, a training bulletin addressing when officers are Constitutionally permitted to conduct protective sweeps (to ensure there is no danger to an officer who is legally present at a residence) was completed and distributed. An additional training bulletin, dealing with consent searches was issued in early 2010. A third training bulletin, addressing entry pursuant to an arrest warrant, was issued in April, 2010. During 2011, the City Attorney’s Office provided a number of trainings for supervisors that touched on search and seizure. However, the OIM was unable to identify any trainings for officers in 2011 that focused specifically on search and seizure.

Throughout 2011, the Monitor’s Office has found it necessary to continue to intervene in some cases regarding the issue of warrantless entries into private residences. The OIM continues to work with the Police Department to address the issue. The OIM strongly recommends training specifically on-point for officers regarding warrantless entries in 2012.

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