



**DENVER**  
OFFICE OF THE  
INDEPENDENT MONITOR

---

# 2013 Annual Report

---

Nicholas E. Mitchell  
Independent Monitor



# The Office of the Independent Monitor

---

The Office of the Independent Monitor (“OIM”) is charged with working to ensure accountability, effectiveness, and transparency in the Denver Police and Sheriff disciplinary processes. The OIM is responsible for:

- ◆ Ensuring that the complaint and commendation processes are accessible to all community members;
- ◆ Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- ◆ Making recommendations on findings and discipline;
- ◆ Publicly reporting information regarding patterns of complaints, findings, and discipline;
- ◆ Making recommendations for improving Police and Sheriff policy, practices, and training;
- ◆ Conducting outreach to the Denver community and stakeholders in the disciplinary process; and
- ◆ Promoting alternative and innovative means for resolving complaints, such as mediation.



## Project Staff:

Dr. Joseph De Angelis, Policy Director

Abdul Sesay, Senior Research Analyst

Gregg Crittenden, Senior Deputy Monitor

Nate Fehrmann, Deputy Monitor

Deborah Klein, Deputy Monitor

Gerylann Castellano, Office Manager

Gianina Irlando, Community Relations Ombudsman

# Contents

---

<b>1</b>	<i>Overview</i>	<i>1</i>
<hr/>		
<b>2</b>	<i>Denver Police Department (DPD) Monitoring</i>	<i>7</i>
	Introduction . . . . .	7
	Complaints Filed in 2013 . . . . .	9
	Most Common Complaint Specifications . . . . .	10
	Patterns in Outcomes on Community Complaints . . . . .	13
	Significant Disciplinary Cases Closed in 2013 . . . . .	16
	Mediation . . . . .	21
	Timeliness . . . . .	22
	Complainant Demographics and Complaint Filing Patterns . . . . .	23
	Commendations and Awards . . . . .	26
<hr/>		
<b>3</b>	<i>Denver Sheriff Department (DSD) Monitoring</i>	<i>31</i>
	Introduction . . . . .	31
	Complaints Filed in 2013 . . . . .	33
	Disciplinary Process and Findings . . . . .	36
	Significant Disciplinary Cases Closed in 2013 . . . . .	39
	Timeliness . . . . .	44
	Complainant Demographics and Complaint Filing Patterns . . . . .	45
	Commendations and Awards . . . . .	48

*Critical Incidents* . . . . . 51  
Two-Stage Investigative Process . . . . . 51  
Patterns in Officer-Involved Shootings . . . . . 52  
2013 DPD Officer-Involved Shootings (OIS) . . . . . 56  
2013 DSD Officer-Involved Shootings (OIS) . . . . . 62  
2013 DPD & DSD Accidental Shootings . . . . . 63  
2012 Officer-Involved Shootings Closed in 2013 . . . . . 65  
2013 In-Custody Deaths . . . . . 66  
2012 In-Custody Deaths Closed in 2013. . . . . 67

# 1 Overview

The OIM is charged with monitoring the disciplinary systems in the Denver Police and Denver Sheriff Departments (“DPD” and “DSD,” respectively), making policy recommendations to those departments, and conducting outreach to communities throughout Denver. By ordinance, the OIM is to report to the public by March 15th of every year on the work of the OIM during the preceding year, as well as information about complaints, investigations, and discipline of sworn police and sheriff personnel during the prior year.

Chapter 1 of this annual report provides an overview of certain key information related to OIM operations in 2013. Chapters 2 and 3 discuss our monitoring of the DPD and the DSD, respectively, and examine statistical patterns related to complaint and disciplinary trends in each. Finally, Chapter 4 contains information about the officer-involved shootings and deaths-in-custody that occurred in 2013.

In the OIM’s last annual report, we outlined six key focus areas for 2013:

- ◆ Promote engagement through outreach to the community and officers;
- ◆ Conduct data-driven systems analyses of potential policy issues in the DPD and DSD;
- ◆ Work to ensure that DPD and DSD IAB investigations are thorough and complete;

- ◆ Work to ensure fair and consistent disciplinary outcomes;
- ◆ Monitor officer-involved shootings and in-custody deaths;
- ◆ Cultivate DPD officer/community member dialogue through the use of mediation.

In 2013, we had meaningful achievements in each of these focus areas.

## Community and Officer Engagement

In 2013, the OIM significantly expanded its outreach to communities throughout Denver, and to officers. We held or attended 64 presentations or events in the community. This included meetings with neighborhood associations, advocacy groups, and community organizations. We also attended 29 law enforcement outreach events, which included presentations at roll calls, ride alongs, and meetings with police and sheriff unions and fraternal organizations, where we met with officers in both the DPD and the DSD.

### Selected Examples of OIM Outreach Events

- ◆ Presenting to neighborhood organizations throughout Denver on the ways that community members can file commendations and complaints regarding officers;
- ◆ Meeting with advocacy groups to discuss their concerns about police/community contacts;
- ◆ Listening to police and sheriff fraternal organizations discuss their concerns about officer morale;
- ◆ Meeting with councils of inmates in both DSD jails to learn about inmate concerns.

The OIM also established a Facebook page to allow us to interact with the community via social media. You can visit and like the OIM's Facebook page at: [www.facebook.com/DenverOIM](http://www.facebook.com/DenverOIM). The OIM website was also updated to make it more usable by the general public.

To ensure that the OIM is accessible to community members who are in jail, we were added to the free phone list in the DSD. Going forward, any inmate who wishes to file a commendation or complaint regarding an officer can contact the OIM, free



of charge from inside any Denver jail, by telephone. In addition, laminated signs alerting inmates to the ways in which they can contact the OIM have been posted in every inmate housing pod in both the DDC and the County Jail. A copy of the sign is attached as Appendix A.

OIM staff members were also sought for their experience in law enforcement oversight. Through “WorldDenver,” the United States Department of State coordinated meetings between Mr. Mitchell, the Independent Monitor, and legislative delegations from the Middle East and South America to learn about OIM oversight of law enforcement for possible implementation abroad.

## Policy Review and Systems Analysis

2013 brought considerable expansion of the OIM’s policy analyses in the DPD and DSD. As discussed in the OIM’s 2013 Semiannual Report, we initiated a data-driven review of the DSD’s inmate grievance process to determine whether inmate complaints were being handled according to DSD policy. As a result of that review, we made four core findings about deficiencies in the inmate grievance process, and offered eleven actionable recommendations intended to ensure that inmate complaints are handled appropriately in the future. The full report is available on the OIM’s website: <http://www.denvergov.org/oim>.

### DSD Inmate Processing Fees

OIM policy recommendations can come from data-driven analyses, as in our grievance project, or from our review of individual complaints. In a recent case, a man was arrested and booked into DSD custody with \$200. Upon his release shortly thereafter, his money was not returned, prompting him to complain.

The DSD charges a \$30 processing fee to every inmate. This practice is authorized by Denver ordinance, which permits the collection of the fee from each inmate “at the time of commitment.” Through review of the man’s complaint, IAB determined that his \$200 had been taken to satisfy unpaid debts from previous arrests during which the man had been unable to pay the \$30 fee.

The OIM examined the legal framework that authorizes this fee, and we found that it does not authorize the collection of accrued processing fees after the “time of commitment.” We made Sheriff Wilson aware of this issue and, after consulting with the City Attorney’s Office, Sheriff Wilson suspended the practice of retroactively charging inmates for past unpaid processing fees. Going forward, inmates will no longer accrue debts to the DSD for unpaid processing fees.

As a result of this report, Sheriff Gary Wilson convened a task force to review those

recommendations and implement changes to the grievance process. Sheriff Wilson also directed that 47 serious inmate complaints of misconduct identified through our review be investigated by DSD IAB. We believe that Sheriff Wilson's grievance task force will make marked improvements to the grievance process, and we look forward to working with the DSD and further reporting on those changes in the future.

## **Internal Affairs/Disciplinary Oversight**

A core OIM function is reviewing IAB investigations to ensure that they are thorough, complete and fair to both community members and officers. In 2013, the OIM reviewed 521 IAB investigations in the DPD and approximately 126 IAB investigations in the DSD. This included the examination of all relevant evidence obtained, including recorded interviews, police reports and medical records, if available. When we agreed that the investigations were thorough and complete, we approved the cases to move forward in the disciplinary process. When we identified a need for further investigation, we returned the cases to IAB with recommendations for additional investigation. We also reviewed 130 cases going through the discipline process, making recommendations on the appropriate outcome under the departmental disciplinary matrices. In 2013, one DPD officer was terminated, nine resigned prior to the imposition of discipline, and 19 were suspended. In the DSD, five officers were terminated, four officers resigned prior to the imposition of discipline, and 26 were suspended.

As discussed more fully in Chapters 2 and 3, in 2013, DPD officers received 637 commendations and DSD deputies received 365 commendations.

## **Officer-Involved Shooting and Death-in-Custody Investigations**

Pursuant to Denver Ordinance, the OIM responds to every officer-involved shooting and monitors each shooting investigation. In 2013, there were eleven officer-involved shootings in Denver, with nine involving the DPD and two involving the DSD. This is an increase from 2011, in which there were four officer-involved shootings, and 2012, which had eight such shootings.

In Chapter Four, we provide information about each of the shootings and its current status in the administrative review process. At the outset of the report, however, we note a concerning possible pattern. In six of the 2013 shootings, the

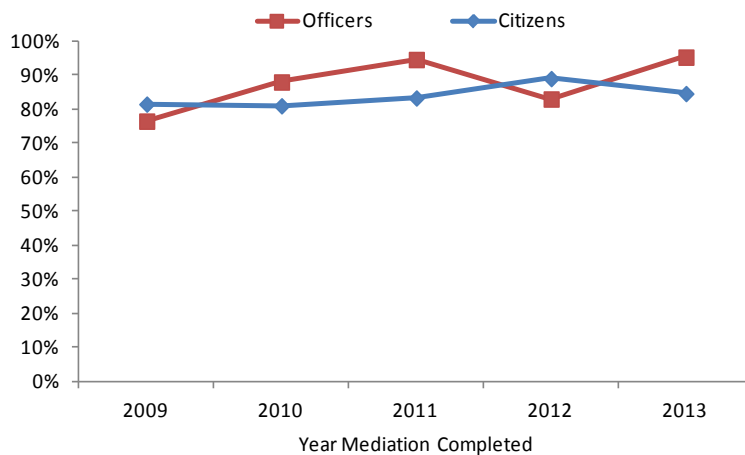
community members were displaying behavior that suggests the possibility that they were mentally ill during the police contact that led to the shootings. We base this observation on their behavior, and in some cases the reports of those around them, rather than on official diagnoses.

Each shooting has been or will be examined individually to determine whether it accorded with Departmental policy. Yet, we believe that the shootings should also be evaluated as a group to determine what, if anything, may be driving a possible pattern of deadly force encounters involving mentally ill community members, and whether other measures may help the Department to address it. We have discussed these concerns with Chief Robert White, who has agreed to engage in analysis of this matter through his office. We will continue to monitor this issue and further report to the public, if appropriate.

## Mediation

Mediation continued to be an important focus area for the OIM in 2013. Since its inception in 2006, the OIM has facilitated 365 successful mediations between community members and DPD officers. That trend continued in 2013, with 40 complaints successfully mediated during the year. Of those completed mediations, 85% of the community member participants and 95% of the officer participants reported feeling satisfied with the mediation process.

*Figure 1.1: Community Member and DPD Officer Satisfaction with Mediation Process*





# 2

## Denver Police Department (DPD) Monitoring

### **Introduction**

Having an accessible complaint process is critical for several reasons. First, complaints provide the Denver Police Department (“DPD”) with information it can use to hold officers accountable when they fail to live up to Department and community standards of conduct. Second, complaints may provide “customer feedback” that can be used to improve police services through the refinement of policies, procedures, and training. Third, complaints can identify points of friction between officers and the community, which can support the development of outreach and community education initiatives. Finally, an open complaint process tends to foster community confidence in the police, which enables officers to more effectively fulfill their important public safety function.

In this chapter, we review statistical and workload patterns relating to the DPD’s 2013 complaints, investigations, findings, and discipline.

## Highlights

- ◆ In 2013, 550 community complaints were recorded, compared to 522 complaints in 2012. These counts remain noticeably lower than the number of complaints received in 2009 and 2010.
- ◆ The number of inappropriate force specifications recorded against DPD officers declined over the last year, from 134 in 2012 to 128 in 2013. This continues a trend in which force complaints have declined in each of the past five years.
- ◆ The percentage of complaints with one or more sustained allegations remained stable between 2012 and 2013. In 2013, 47% of internal complaints and 6% of community complaints had one or more sustained allegations.
- ◆ One DPD officer was terminated in 2013 while nine officers resigned or retired while an investigation or discipline was pending. This is consistent with many previous years.

## Receiving Complaints

Complaints against Denver police officers fall into three categories: community complaints, internal complaints, and scheduled discipline complaints.

## Community Complaints/Commendations

Community complaints are allegations of misconduct by a sworn member of the DPD that are filed by community members. Community members can file complaints by filling out the OIM's online complaint form, mailing the OIM a completed postage-paid complaint/commendation form, emailing or faxing a complaint to the OIM, or by visiting the office of the OIM. See Appendix B for detailed information on how to file a complaint or a commendation.

## Internal Complaints

Internal complaints are those that are filed by an officer, supervisor, command staff, or Internal Affairs. Internal complaints are more likely to be purely procedural than community complaints, and often allege a failure to follow DPD procedures. Not all internal complaints are minor, however, as complaints of criminal behavior by officers are sometimes generated internally.

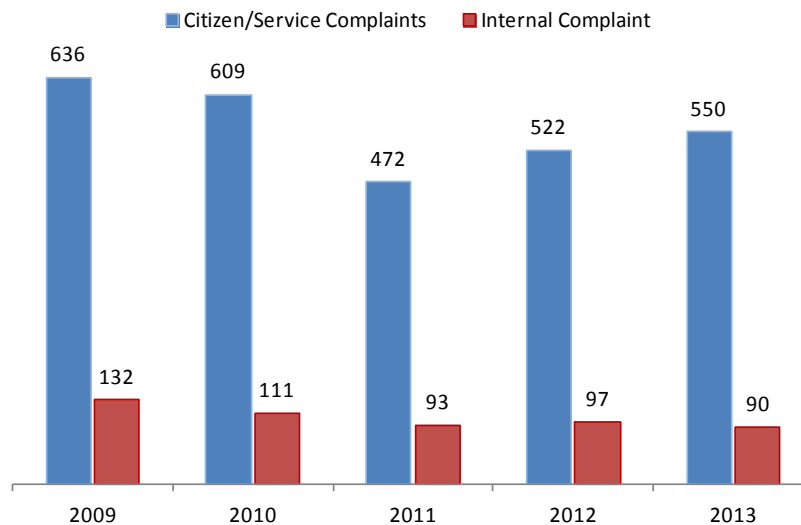
## Scheduled Discipline Complaints

Scheduled discipline complaints are generally minor, such as when a DPD officer gets into a traffic accident that does not cause injury, or misses a court date, shooting qualification, or continuing education class. Discipline for these types of routine offenses is imposed according to a specific, escalating schedule. Historically, the OIM has opted to not monitor or report on these types of cases. As a result, this chapter does not address patterns in scheduled discipline.

## Complaints Filed in 2013

In 2013, 550 community/service complaints and 90 internal complaints were recorded against Denver Police officers.<sup>1</sup> The total number of recorded community, service, and internal complaints increased slightly between 2012 and 2013, but remained noticeably lower than for 2009 and 2010.

*Figure 2.1: Complaints Recorded by Year*



## Most Common Complaint Specifications

The most common specification<sup>2</sup> recorded by IAB in 2013 was “responsibilities to serve the public.” This specification covers a wide range of alleged misconduct and has been increasingly charged by IAB over the last five years. For example, in 2009, 11% of the specifications recorded by IAB fell into this category. By 2013, that percentage had more than doubled to 26% of all specifications. This shift is likely the result of changes in IAB data collection and classification practices, rather than underlying changes in officer behavior or community concerns about police conduct.

In 2013, as in the previous four years, the number of recorded inappropriate force specifications declined. In 2009, roughly 22% of all specifications related to inappropriate force. By 2013, roughly 10% of specifications related to inappropriate force. It is not clear whether this pattern is driven by changes in officer conduct, shifts in community member reporting patterns, changes in complaint classification practices, or a combination of those or other factors.

*Table 2.1: Most Common Specifications*

Specification	2009	2010	2011	2012	2013
Responsibilities to Serve the Public	11%	18%	16%	18%	26%
Discourtesy	22%	22%	23%	23%	21%
Inappropriate Procedure	20%	19%	22%	15%	20%
Inappropriate Force	22%	18%	15%	12%	10%
Failure to Make or File Reports	2%	2%	3%	3%	3%
Giving Name and Badge Number	2%	3%	1%	5%	3%
Impartial Attitude	3%	2%	1%	5%	3%
Discrimination, Harrasment and Retaliation	4%	2%	2%	1%	2%
Conduct Prejudicial	3%	3%	3%	2%	2%
Law Violation-Conduct Prohibited by Law	4%	3%	2%	3%	1%
All Other Specifications	7%	8%	11%	14%	10%
Total Number of Specifications	1,395	1,338	936	1,123	1,247



## Intake Investigations and Screening Decisions

After a complaint is received, a preliminary review is conducted to determine its level of seriousness, and whether it states an allegation of misconduct or a policy and procedural concern. This may be thought of as “triage” to determine the level of resources to devote to the investigation of each complaint. IAB conducts this preliminary review (sometimes known as an “intake investigation” or “screening investigation”). The preliminary review may include a recorded telephonic or in-person interview with the complainant and witnesses, a review of police records and dispatch information, and interviews of involved officers. Following the preliminary review, IAB supervisors determine what policies and procedures have allegedly been violated, and make a screening or classification decision that determines how the complaint will be handled. There are five common screening decisions:

In May 2013, Ron Thomas was appointed acting commander of IAB. Commander Thomas has been an effective supervisor of IAB, and has achieved significant improvements in both the quality and efficiency of case handling within the unit. We congratulate Commander Thomas on his recent promotion to Commander, and look forward to continuing to work with him in the future.

### Decline

The complaint either does not state an allegation of misconduct under DPD policy, or the preliminary review revealed that the facts alleged in the complaint did not occur. No further investigation will be conducted. An OIM monitor reviews every declined case prior to it being closed. The OIM also communicates the case outcome by mailing a letter to the complainant, along with a findings letter from IAB.

### Informal

The complaint states an allegation of a minor procedural violation not rising to the level of official misconduct. As such, the complaint will be investigated by the subject officer’s supervisor, rather than by IAB. The OIM reviews the completed investigation, and may recommend additional investigation, if warranted. If the allegation is proven, the supervisor is to debrief or counsel the subject officer and document this action.

### Service Complaint

The complaint states a general concern with police policy or services, rather than an allegation of misconduct against a specific officer. The OIM also reviews service complaints prior to case closure.

## Mediation

The complaint states a less serious allegation of misconduct, such as discourtesy, and the complainant and officer might benefit from the opportunity to discuss their interaction. The complaint will not be further investigated, but the OIM will work to schedule a facilitated discussion with a neutral, professional mediator.

## Formal

The complaint alleges misconduct under DPD policy and requires a full investigation and disciplinary review. Cases that are selected for full formal investigations are investigated by sergeants in IAB. On some serious cases, the OIM will actively monitor the investigations. When the OIM actively monitors a case, an OIM monitor will observe interviews, consult with the investigators and their supervisors on what direction the investigation should take, and review evidence as it is collected. Since active monitoring is resource-intensive, the OIM only actively monitors the most serious cases. Regardless of whether the OIM actively monitors a case, an OIM monitor reviews and comments on the IAB investigation once it is complete. If the OIM certifies the investigation as thorough and complete, the case is given to the Conduct Review Office (“CRO”) for disciplinary findings.

## Findings and Discipline

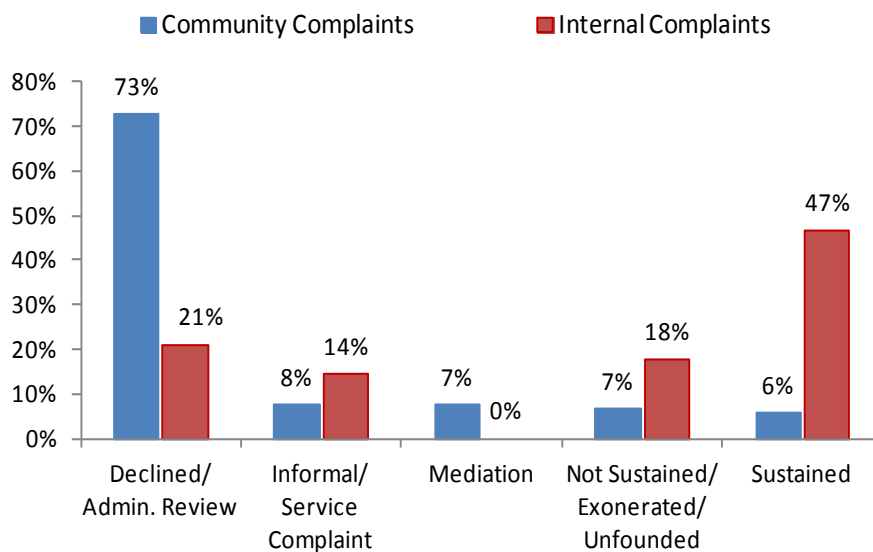
After a case is investigated by IAB and reviewed by the OIM, the case is sent to the CRO. The CRO is bound to apply the DPD disciplinary matrix, as are all individuals and entities with authority to make disciplinary recommendations. In reviewing a case, the CRO examines the evidence, evaluates the appropriateness of the specifications assigned by IAB, and makes findings on each specification. There are generally four findings on formal investigations:

- ◆ Sustained - The evidence indicates that the officer’s actions were in violation of a DPD policy, procedure, rule, regulation, or directive.
- ◆ Not Sustained - There was insufficient evidence to either prove or disprove that the alleged misconduct occurred as described in the complaint.
- ◆ Unfounded - The evidence indicates that the misconduct alleged did not occur.
- ◆ Exonerated - The evidence indicates that the officer’s actions were permissible under DPD policies, rules, regulations, and directives.

## Patterns in Outcomes on Community Complaints

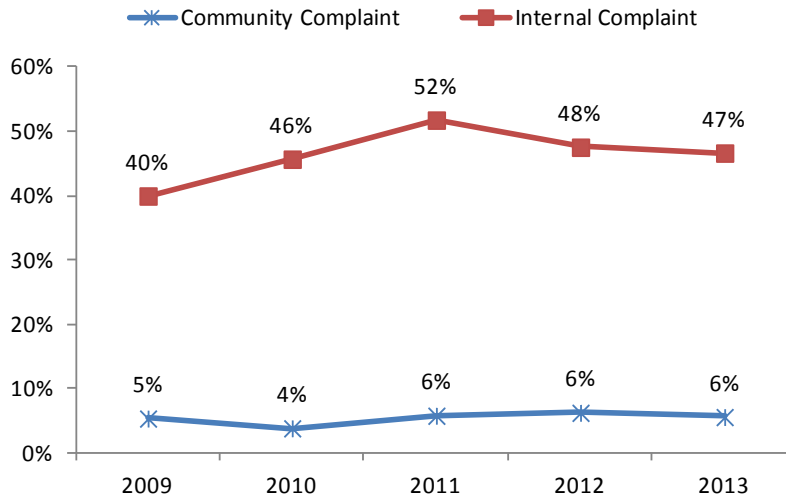
There were clear differences in outcome patterns between complaints filed by community members and internal complaints filed by supervisors or command staff. The majority of community complaints closed in 2013 were declined after an initial intake investigation (73%), while only a small percentage of internal complaints were closed as declines (21%). In contrast, internal complaints were much more likely to result in a sustained finding than community complaints. For example, 6% of community complaints closed in 2013 resulted in at least one sustained finding, while 47% of internally-generated complaints resulted in a sustained finding. These patterns are consistent with previous years.

*Figure 2.2: Outcomes on Complaints Closed in 2013*



As Figure 2.3 demonstrates, since 2009, between four and six percent of closed community complaints had at least one allegation that was sustained. In comparison, between 40% and 52% of the internal complaints closed between 2009 and 2013 had one or more sustained allegations.

*Figure 2.3: Community/Internal Complaints that Resulted in One or More Sustained Specifications*



## Discipline on Sustained Cases

If the CRO recommends that discipline be imposed, a Chief's Meeting will be held. At this meeting, the Chief of Police, the Independent Monitor or his representative, several DPD commanders, a Deputy Chief and a Deputy Director of Safety discuss the case and provide input to the Chief to assist him in finalizing his disciplinary recommendation, if any, to the Executive Director of Safety.<sup>3</sup> If the Chief recommends discipline greater than a written reprimand, the Executive Director of Safety has 15 days from receipt of the Chief's disciplinary recommendation to approve, modify, or disapprove the Chief's recommendation. Once the Executive Director of Safety makes a final decision, the subject officer may appeal to the Civil Service Commission if s/he is dissatisfied with the decision.

Table 2.2 reports the discipline imposed on officers for sustained allegations by the Police Chief (for reprimands) or the Executive Director of Safety (for any discipline greater than a reprimand) from 2009 through 2013. These numbers may change as a result of appeals filed with the Civil Service Commission. The most frequent type of discipline imposed in 2013 was a written reprimand (37 officers), followed by fined time (19 officers) and suspension without pay (19 officers). One officer was terminated by the Manager of Safety in 2013.

*Table 2.2: Discipline Imposed by Year of Case Closure<sup>4</sup>*

Discipline	2009	2010	2011	2012	2013
Terminated	1	5	10	0	1
Resigned/Retired Prior to Discipline	7	3	1	4	9
Suspended Time (Days)	16	14	27	20	19
Fined Time (Hours)	29	31	37	32	19
Written Reprimand	37	33	40	31	37
Oral Reprimand	21	11	9	9	4

## Significant Disciplinary Cases Closed in 2013

### Terminations

- An officer was terminated after it was determined that he detained a female community member and coerced her into performing a sexual act in exchange for her release. The officer was also criminally charged and convicted in Denver District Court of Second Degree Kidnapping, Sexual Assault, and False Reporting to Authorities, and sentenced to eight years in prison.

### Resignations

- Two male officers responded to a 911 call where a female community member reported being the victim of domestic violence. The officers transported the victim to a police district station. One of those officers took photographs of her injuries while she was partially disrobed. In addition, that officer engaged in on-going unprofessional conduct by giving the victim his personal phone number, making inappropriate sexual comments about her physical appearance, and exchanging inappropriate texts and phone messages with her. That officer resigned prior to the imposition of discipline.
- An officer allegedly had sexual encounters with a community member while on duty. The officer also allegedly brought the community member on unauthorized ride-alongs, shared confidential information with the community member, and feigned illness to avoid work. The officer resigned during the IAB investigation.
- A complainant alleged that her boyfriend, a DPD officer, had inappropriate sexual material on his computer. The officer resigned while the investigation was pending.
- An officer was alleged to have used illegal controlled substances and conducted unlawful criminal history searches on behalf of the individuals selling those controlled substances. The officer resigned during the IAB investigation.

- On three separate occasions, an officer allegedly took possession of suspected controlled substances, but failed to deliver them into evidence. The officer stated that s/he flushed the suspected drugs down a toilet in violation of department policy. It was also alleged that s/he admitted to another officer that s/he used cocaine on other occasions. It was further alleged that the officer was seen with his/her nose inches from suspected cocaine smelling it during a drug bust. Most recently, the officer tested positive for cocaine metabolites. During the investigation, the officer denied using cocaine, but could not provide a plausible explanation for the positive drug test. The officer resigned prior to the imposition of discipline.
  
- An off-duty officer was involved in a two car accident. Upon contact with officers called to the scene, the officer appeared to be under the influence of alcohol. The officer submitted to a test and his/her BAC was found to be over the legal limit at .249. The officer resigned prior to the imposition of discipline.
  
- An off-duty officer was arrested for driving under the influence (DUI) in a county outside of Denver and had a firearm in his/her vehicle at the time of the arrest. This was the officer's second arrest for DUI. The officer resigned while discipline was pending.
  
- An officer failed to appear for court and allegedly lied to IAB about being on vacation when the officer was actually working. The officer also allegedly attempted to alter vacation days in an electronic scheduling database to show the officer on vacation on days actually worked. The officer resigned prior to the imposition of discipline.
  
- An officer was injured in a work-related accident and allegedly made misleading and inaccurate statements about his/her condition and ability to return to work. The officer also allegedly engaged in unauthorized secondary work while on limited duty. The officer resigned before discipline could be imposed.

## Other Significant Cases, Including Suspensions for Ten or More Days

- An officer refused to comply with courthouse security and passed through a secure courthouse entry without being screened or showing his Department ID. The officer was then rude and uncooperative with a DSD Major investigating the security breach. As a result, the officer was escorted out. It was discovered that the officer did not have his Department ID on him. The officer's supervisor then gave him an order to return to the courthouse security checkpoint and provide alternative documents to resolve the issue. The officer returned, but failed to follow his supervisor's order. The officer initially received a 63-day suspension. The Manager of Safety's Office later entered into a settlement agreement with the officer reducing the discipline to a 10-day suspension, 10 fined days, and an additional 10 suspended days held in abeyance for 12 months.
  
- An officer on limited-duty failed to follow procedures and seek approval for working non-police related secondary employment numerous times. The officer's prior misconduct escalated the discipline imposed. The officer received a 30-day suspension in a settlement agreement with the Manager of Safety's Office.
  
- A sergeant was responsible for completing an interview with an arrestee as part of a use of force investigation. The arrestee was detained in a police holding cell with both hands handcuffed to a bench. At the conclusion of the interview, the sergeant failed to take action to remove or alter the arrestee's restraints so that the arrestee could access the cell toilet. As a result, the arrestee urinated on himself and the floor. The sergeant also allegedly made misleading and inaccurate statements in his use of force report. The Manager of Safety's Office imposed a three-day suspension for the mistreatment of prisoners and an additional 10-day suspension for misleading and inaccurate statements. The officer appealed the decision to the Civil Service Commission ("CSC"), and a CSC hearing officer reversed the discipline. The Manager of Safety has appealed that decision to the full commission.
  
- An officer struck a handcuffed suspect who was seated in the backseat of a patrol car twice in the face after the suspect attempted to "push kick" the



officer. The Manager of Safety's Office imposed a 10-day suspension for this use of force. The officer appealed and a Civil Service Commission hearing officer reversed the disciplinary decision. The Manager of Safety has appealed that decision to the full commission.

■ Two officers responded to a call regarding a loud party, which resulted in the arrest of the tenant and several community members. The tenant and community members alleged that inappropriate force was used and that a number of cell phones were destroyed by one of the officers. While there were no sustained findings related to the alleged inappropriate force or evidence handling procedures, both officers received 10-day suspensions for making inaccurate statements in their police reports. The officers' supervising sergeant was also disciplined and received two fined days for conducting an inadequate use of force investigation in this incident.

■ An officer left a loaded, department-approved AR-15 rifle in the locked trunk of a personal vehicle. The officer's spouse then left the car in the parking lot of a high school so the officer's teenage child would have a car to drive home at the end of the school day. Because the subject officer had prior discipline, a 10-day suspension was imposed for the improper storage of a firearm.

■ An officer received a 10-day suspension for failing to investigate, complete and close out numerous cases assigned to him, resulting in thousands of dollars of impound fees going uncollected and cases remaining open that should have been closed.

■ A detective was assigned to investigate a series of assaults and robberies that occurred in 2009. In connection with the investigation, the detective provided inaccurate information about a robbery victim's injury in several sworn statements, and was alleged to have done so intentionally. The detective also provided inaccurate information that incorrectly implicated one of the defendants in one of the robberies. The OIM had serious concerns about the quality of the internal affairs investigation into this incident. None of the officers involved in conducting the investigation are presently assigned to IAB. The OIM also had serious concerns about the subject detective's honesty in the case. The Manager of Safety's Office ultimately suspended the detective

for 30 days for failing to comply with proper case filing procedures and failing to properly prepare for court hearings, but concluded that a specification for knowingly deceptive conduct would not be sustained. The detective also received a written reprimand for discourtesy.

■ A civilian initially refused to go through required security screening to enter a secured area of a DPD building. An officer failed to use good judgment and discretion by deciding to arrest the civilian after the civilian began to comply with security screening procedures. The officer was suspended for 10 days. The officer's prior misconduct escalated the discipline imposed.

■ An on-duty officer inappropriately sent "flirtatious," sexually suggestive text messages using a department phone to a woman who indicated to him that she was a domestic violence victim and was not interested. The officer received a 90-day suspension.

■ While off-duty, a detective was charged with DUI by the Lakewood Police Department. His blood alcohol level registered at .092. He later pled guilty to Driving While Ability Impaired. The detective received a 10-day suspension.

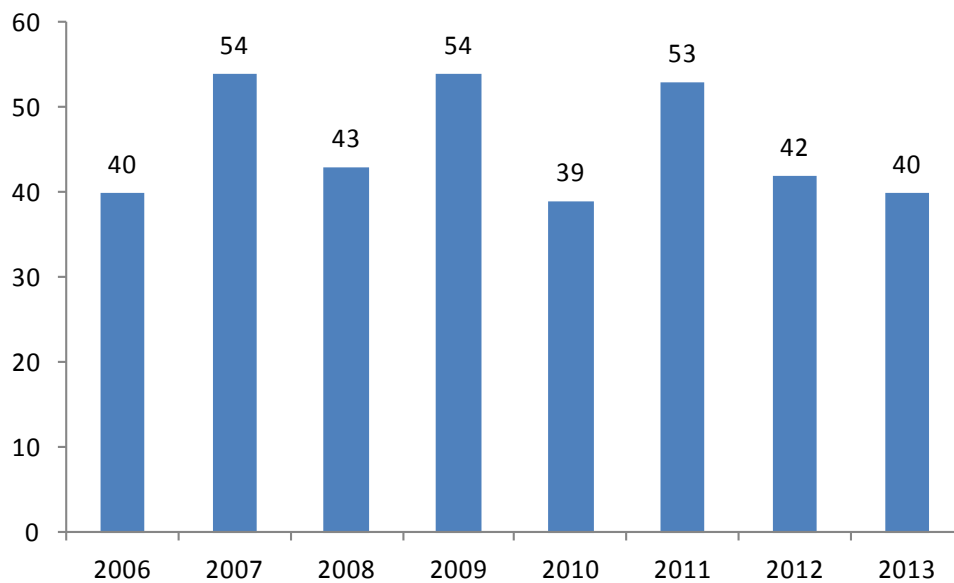
■ Two officers were called to an apartment in response to a 911 hang up call, and decided to take an intoxicated female into protective custody for detoxification. After the woman was handcuffed, she attempted to step towards and yell at her boyfriend multiple times. One of the officers twice maneuvered the woman head-first towards walls in a manner that risked serious injury. The woman did, in fact, receive a laceration to her head that required multiple sutures to close. When taking individuals into protective custody, officers have an affirmative obligation to "make every reasonable effort to protect the detainee's health and safety."<sup>5</sup> The OIM recommended that the officer be disciplined for using inappropriate force and failing to protect a detainee who was handcuffed and otherwise vulnerable, but the Manager of Safety's Office did not accept our recommendation. The Chief of Police ultimately reprimanded the officer for failing to maintain certification on the use of police nunchucks, and no further disciplinary action was taken.

## Mediation

The complaints handled by IAB and the OIM range from allegations of criminal conduct to less serious misunderstandings between community members and police officers, including alleged rudeness. Although allegations of inappropriate force or serious Constitutional violations require the investment of significant investigative resources, discourtesy complaints can often be resolved more effectively through mediation. Mediation is a voluntary program.

In 2013, the OIM/DPD mediation program resulted in 40 completed officer-community member mediations.

*Figure 2.4: Completed Community-Police Mediations*



Denver continues to have one of the most successful complaint mediation programs in the country (Table 2.3). New York City's Civilian Complaint Review Board completed the largest number of mediations in 2013 (132). Relative to the size of each police agency, Denver had one of the highest mediation rates in the country, with approximately 28.8 completed mediations per 1,000 officers in 2013.

*Table 2.3: Mediation Rates per Officer for Agencies Conducting Three or More Officer-Community Member Mediations in 2013*

City	Agency	Sworn Officers	Mediations Completed	Mediation Per 1,000 Officers
New York	Civilian Complaint Review Board	34,500	132	3.8
San Francisco	Office of Citizen Complaints	2,200	59	26.8
Denver	Office of the Independent Monitor	1,391	40	28.8
Washington, D.C.	Office of Police Complaints	3,888	29	7.5
Aurora	Community Mediation Concepts	650	10	15.4
Kansas City	Office of the Independent Monitor	1,367	10	7.3
Portland	Independent Police Review Division	986	6	6.1
Minneapolis	Civilian Police Review Authority	700	5	7.1

Notes: Washington D.C. Office of Police Complaint's mediation counts are for the fiscal year July 1, 2012 to June 30, 2013. All other figures are based on the 2013 calendar year. Kansas City, MO also completed 33 conciliations.

## Timeliness

The Denver Police Department implemented a new IAB case processing database (IAPro) in early 2013. Because there were significant changes in the recording of case processing dates between the old and the new databases, it is not possible for us to effectively compare timeliness between 2013 and earlier years. As a result, Table 2.4 reports only the mean and median cases processing time for complaints that were recorded in the new IAPro database in 2013 (i.e., cases received between February 22, 2013 and December 31, 2013). These figures exclude the number of days required for the OIM to review investigations and discipline.

*Table 2.4: Mean and Median Case Age for Community and Internal Complaints received between February 22, 2013 and December 31, 2013.*

Case Type	Mean Days	Median Days
All IAB Cases	46.1	36
Open Cases	71.3	46
Declines, Service Complaints, Informals, and Mediations	41.6	32
Full Formal Investigations	62.6	55

## Complainant Demographics and Complaint Filing Patterns

The demographic characteristics of 632 complainants who filed complaints against DPD officers in 2013 are presented in Table 2.5 (note that a single complaint can be associated with multiple complainants). Ninety-seven percent of complainants filed only a single complaint, while 3% filed two or more complaints.<sup>6</sup>

*Table 2.5: Complainant Demographics and Filing Patterns*

Gender	2013	Percent
Female	262	41%
Male	351	56%
Missing	19	3%
Total	632	100%
Race	2013	Percent
White	245	39%
Black	122	19%
Hispanic	99	16%
Asian/Pacific Islander	8	1%
American Indian	3	1%
Missing	155	25%
Total	632	100%
Age	2013	Percent
0 - 18	14	2%
19 - 24	62	10%
25 - 30	81	13%
31 - 40	117	19%
41 - 50	77	12%
51+	94	15%
Missing	187	30%
Total	632	100%
Filing Two or More Complaints	2013	Percent
One Complaint	612	97%
Two or More Complaints	20	3%
Total	632	100%

## Officer Complaint Patterns

### Complaints per Officer

Table 2.6 shows the number of complaints lodged against DPD officers from 2009 through 2013. This table includes citizen and internal complaints (regardless of finding), but excludes scheduled discipline complaints and complaints against non-sworn employees. In 2013, 61% of DPD sworn officers did not receive any complaints, while 24% received only one complaint.

*Table 2.6: Percent of Community/Internal Complaints Recorded Against DPD Sworn Officers by Year*

Number of Complaints	2009	2010	2011	2012	2013
0	56.6%	57.9%	66.1%	62.0%	61.3%
1	26.3%	25.9%	23.2%	24.5%	24.2%
2	10.1%	10.1%	7.3%	8.7%	9.4%
3	4.2%	3.6%	2.0%	3.1%	3.2%
4	1.3%	1.4%	0.8%	1.2%	0.9%
5	1.0%	0.4%	0.1%	0.2%	0.6%
6	0.3%	0.5%	0.3%	0.0%	0.2%
7 or More	0.3%	0.3%	0.2%	0.2%	0.2%
Total Sworn Officers*	1,507	1,463	1,418	1,383	1,391

\*Note: Counts of sworn officers provided by the DPD Data Analysis Unit

### Inappropriate Force Complaints per Officer

Regarding inappropriate force complaints, roughly 7% of DPD officers received one inappropriate force complaint in 2013, while slightly less than 1% received two or more force complaints (see Table 2.7)

*Table 2.7: Percent of Officers Receiving Inappropriate Force Complaints by Year*

Number of Complaints	2009	2010	2011	2012	2013
0	84.6%	87.5%	91.7%	91.8%	92.0%
1	12.0%	10.3%	7.1%	7.4%	7.1%
2	2.7%	1.8%	1.1%	0.7%	0.6%
3	0.5%	0.3%	0.1%	0.1%	0.2%
4 or More	0.1%	0.1%	0.0%	0.0%	0.0%
Total Sworn Officers*	1,507	1,463	1,418	1,383	1,391

\*Note: Counts of sworn officers provided by the DPD Data Analysis Unit

## Sustained Complaints per Officer

Table 2.8 reports the number of officers that had one or more sustained complaints between 2009 and 2013 (grouped by the year the complaints were closed). Six percent of officers had one complaint sustained in 2013 (6%) and less than one percent had two sustained complaints.

*Table 2.8: Percent of Officers with One or More Sustained Community/Internal Complaints by Year of Case Closure*

Number of Complaints	2009	2010	2011	2012	2013
0	93.3%	93.3%	93.1%	93.7%	93.4%
1	6.3%	6.4%	6.1%	5.5%	6.0%
2	0.4%	0.3%	0.8%	0.7%	0.6%
3	0.0%	0.0%	0.0%	0.1%	0.0%
Total Sworn Officers*	1,507	1,463	1,418	1,383	1,391

\*Note: Counts of sworn officers provided by DPD Data Analysis Unit

## Commendations and Awards

Every year, there are noteworthy examples of officers engaging in actions that reflect Departmental values of honor, courage, and commitment to community service. Below is a list of commendations awarded to DPD officers in 2013, followed by a list of definitions for each type of commendation.

*Table 2.9 Commendations Awarded to DPD Officers in 2013*

Commendations	Number	Percent
Commendatory Action Report	221	34.7%
Citizen Letter	142	22.3%
Official Commendation	90	14.1%
Commendatory Letter	38	6.0%
STAR award	26	4.1%
Distinguished Service Cross	21	3.3%
Unspecified	19	3.0%
Community Service Award	18	2.8%
Letter of Appreciation	15	2.4%
Medal of Valor	13	2.0%
Life Saving Award	11	1.7%
Unit Commendation	6	0.9%
Department Service Award	4	0.6%
Merit Award	3	0.5%
Other than DPD Commendation	3	0.5%
Citizens Appreciate Police	2	0.3%
Purple Heart	2	0.3%
Leadership Award	1	0.2%
Medal of Honor	1	0.2%
Military Service Award	1	0.2%
<b>Total</b>	<b>637</b>	<b>100.0%</b>



Table 2.10: Commendation Types and Descriptions

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 an employee who, by virtue of sacrifice and expense of 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 act to solve a major crime or series of crimes, or through personal initiative and ingenuity, develop 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 to 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.

## Highlighted Commendations

### COMMUNITY SERVICE AWARD

An officer involved with the Denver Police Athletic League (P.A.L) as a football coach for children ages 7-12 years old, was recognized for organizing, designing, and implementing a playbook, practices, games, and fundraising events for the team. For optimistic and competent leadership, resulting in the officer's elevation as leader of all sports for the season, and for setting an example as a positive influence on the children, the officer was awarded the Community Service award.

### LIFESAVING AWARD

Three DPD officers responded to an accident scene in which a vehicle was upside-down in the Platte River. A victim was trapped inside, with his torso hanging out the passenger side window, and his head barely above water. The officers immediately called for an ambulance and waded through the water in full uniform to reach the victim, who was then extricated and moved to the riverbank where paramedics were waiting. The quick response and immediate action of the officers saved the victim's life. For this, the officers were awarded the DPD Lifesaving Award.

### STAR AWARD

Three officers were commended for their courage and use of sound police tactics in apprehending a dangerous and armed criminal. An officer made a traffic stop on I-25, during which the driver got out and charged at the officer, while the passenger got out and shot at the officer before escaping in the vehicle. The officer took the driver into custody and guided cover officers into the area. Unbeknownst to the officers, the fleeing passenger had abandoned the vehicle and threatened a motorist at gunpoint in an effort to steal the motorist's car. The officers searched the area, then found and took the fleeing suspect into custody.

## UNIT COMMENDATION

The leadership and personnel of the DPD Property Bureau achieved accreditation from the International Organization for Standardization (ISO) under the ISO 17020 standard. The process involved rewriting the Standard Operation Procedures (SOP), developing a Quality Assurance Manual, Training SOP and Training Manual that served as a guide for ISO accreditation, and resulted in the DPD being the first police evidence section in the United States to achieve such accreditation. For exceptional teamwork, dedication and desire to excel in customer service and efficiency, the Property Bureau was awarded the Chief's Unit Citation.

## MEDAL OF VALOR

Twelve DPD officers received the Medal of Valor for exceptional teamwork that led to the freeing of a hostage and the peaceful surrender of robbery suspects. The officers were dispatched to a robbery in progress, which quickly developed into a hostage situation. The officers were fired upon while advancing in order to stop an active shooter, putting their lives in danger for the lives of the hostages. Officers negotiated with the robbery suspects for several hours until the suspects surrendered without further incident.



# 3

## Denver Sheriff Department (DSD) Monitoring

### Introduction

The OIM is responsible for monitoring and reporting on patterns in DSD complaints and commendations. In this chapter, we review statistical and workload patterns relating to the DSD's 2013 complaints, investigations, findings, and discipline.<sup>7</sup>

### Highlights

- ◆ Between 2012 and 2013, there was a noticeable decline in the number of community complaints recorded against DSD officers. In 2013, 132 community and inmate complaints were recorded, compared to 174 complaints in 2012.
- ◆ The most common complaints recorded in 2013 related to improper procedure (28%), lost/missing property (18%), improper conduct (16%), and excessive force (9%).
- ◆ The percentage of management complaints with one or more sustained allegations declined to 57%, which continues a multi-year downward trend (from 74% in 2009). In contrast, the percentage of sustained community complaints rose to 16% in 2013, up from 9% in 2012. There was a similar rise in sustained inmate complaints between 2012 and 2013, from 3% to 22%.
- ◆ Five DSD deputies were terminated in 2013 while four deputies resigned/retired while an investigation or discipline was pending.

## Receiving Complaints against DSD Deputies

Complaints against sworn members of the Denver Sheriff Department generally fall into five categories: community complaints, inmate complaints, management complaints, reprimand complaints, and employee complaints.

### Community Complaints

Community complaints are allegations of misconduct by sworn members of the DSD that are filed by community members or inmates. See Appendix B for a description of how complaints and commendations can be filed.

### Inmate Complaints

Complaint/Commendation forms are available to inmates housed at DSD correctional facilities. These forms can be completed and mailed to the OIM at no charge to the inmate. As of December 2013, inmates may also file complaints by contacting the OIM by telephone, without charge, from inside any DSD jail.

### Management Complaints

DSD management complaints are complaints filed by a supervisor, command officer, or IAB (as opposed to a community member or inmate).

### Employee Complaints

Employee complaints are filed by civilian or non-supervisory sworn employees of the DSD against deputies.

#### New Video Cameras at the County Jail Will Help Protect Both Staff and Inmates

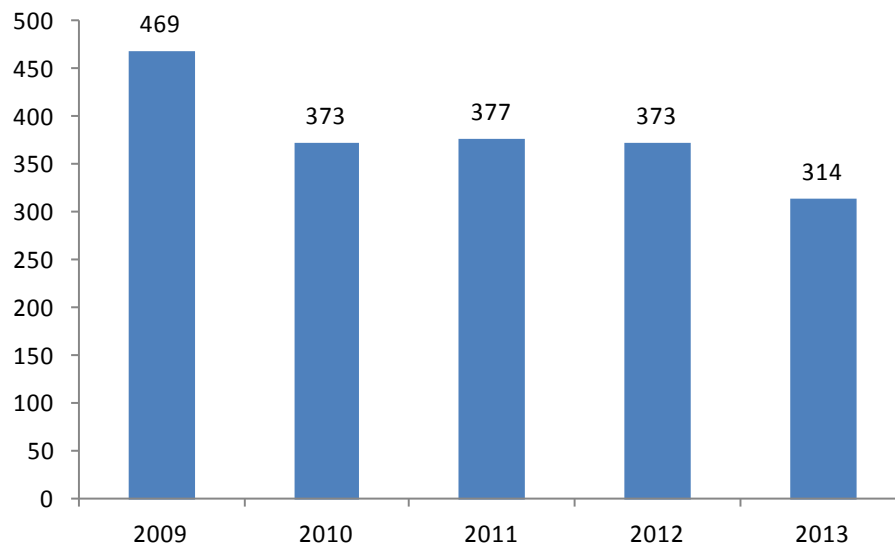
Video coverage of public areas in a jail may be effective at reducing the risk of assaults on both inmates and officers. DSD Inmates are generally held at the Downtown Detention Center (“DDC”) or the County Jail. The DDC is a new facility that includes video camera coverage of many public jail areas. The County Jail, on the other hand, has been in operation since 1956, and has minimal video coverage.

The DSD has initiated a project to expand camera coverage inside the County Jail by installing over 180 new cameras. We have been told that the plan is to provide camera coverage for all County Jail buildings (except Building 20, which is not presently used to house inmates). The cameras will be used to monitor potential security risks, and to investigate complaints filed from inside the Jail. The DSD plans to issue a Request for Proposal for the installation of these cameras by the end of March 2014, with a goal of having installation completed by Fall 2014. We commend the DSD for taking this proactive step to protect both officers and inmates alike.

## Complaints Filed in 2013

In 2013, the DSD recorded 314 complaints against sworn deputies. This continues a multi-year downward trend in the number of IAB complaints and reprimand cases recorded against DSD deputies.

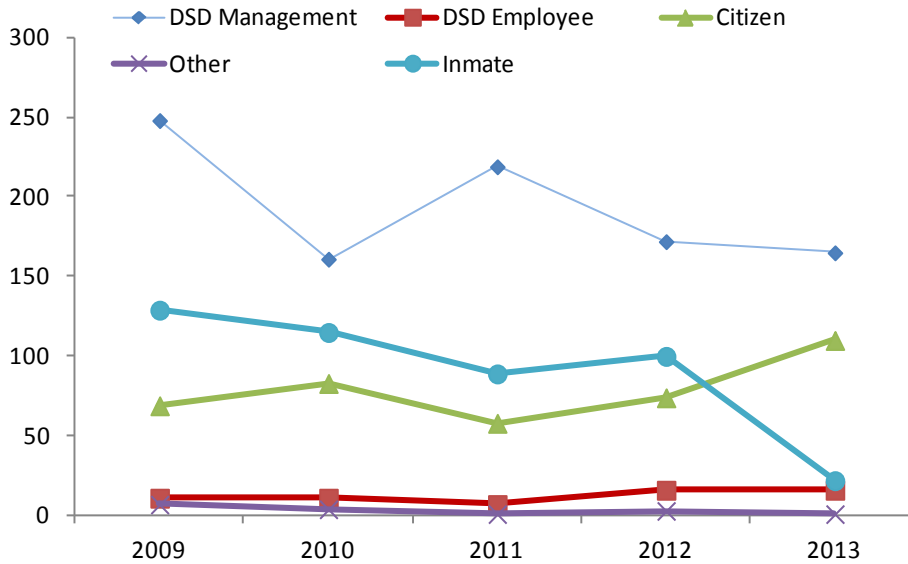
*Figure 3.1: Total DSD Complaints Recorded by Year*



As we have noted in previous reports, it is very difficult to explain fluctuations in the number of complaints filed over time. Patterns in complaints can change as the result of improvements to organizational policy, practice, or training. Complaint numbers can also increase or decrease in response to a range of other factors, including media coverage or changes in the process for recording complaints.

On December 4, 2013, in response to the OIM Semiannual Report on the DSD's handling of inmate complaints, Sheriff Wilson sent a memo to all DSD staff directing that all inmate grievances alleging serious officer misconduct must be sent to DSD IAB in the future. This memo prompted a short-term rise in the number of inmate complaints recorded after December 2013, and may impact the pattern of declining inmate complaints in the future.

Figure 3.2: Complaints Recorded by Year and Case Type



## Most Common Complaint Allegations

Table 3.1 reports the most common allegations recorded against DSD deputies.

Table 3.1: Complaint Allegations by Year Recorded

Specification	2009	2010	2011	2012	2013
Improper Procedure	36%	13%	14%	31%	28%
Lost/Missing Property	17%	24%	14%	15%	18%
Improper Conduct	11%	9%	11%	10%	16%
Excessive Force	5%	6%	6%	5%	9%
Service Complaint	12%	8%	7%	8%	6%
Unassigned	1%	0%	0%	1%	6%
Failure to Shoot	5%	7%	4%	2%	5%
Discourtesy	0%	3%	5%	4%	2%
Inmate Complaint	5%	7%	5%	4%	1%
Obedience to Traffic	1%	2%	3%	2%	1%
Law Violation	1%	3%	3%	1%	0%
Other	2%	8%	1%	2%	1%



## Complaint Location

Table 3.2 reports the location of the incidents about which complaints were recorded between 2009 and 2013. The largest percentage of complaints (53%) related to incidents occurring at the Downtown Detention Center (“DDC”). This is not unexpected since the DDC currently houses the greatest number of inmates in DSD custody. The County Jail had the second highest percentage of recorded complaints at 22%.

*Table 3.2: Location of Complaint by Year Received*

Location	2009	2010	2011	2012	2013
DDC (Opened May 2010)	0%	5%	51%	50%	53%
County Jail	36%	37%	24%	26%	22%
Vehicle Impound Facility	1%	2%	2%	2%	4%
Training	3%	4%	5%	1%	4%
Court Service	7%	5%	6%	3%	3%
Denver Health Medical Center	2%	1%	4%	2%	2%
Technology and Special Projects	0%	0%	0%	1%	2%
City Jail - PADF (Now Closed)	30%	10%	0%	0%	0%
Other	20%	36%	7%	14%	11%

## Intake Investigations and Screening Decisions

The role of the OIM within the DSD complaint intake process is limited to collecting the complainant’s contact information and the general nature of the complaint. The complaint is then forwarded to DSD IAB for their review and screening decision, which can include any of the following:

1. **Formal:** The complaint states an allegation of misconduct under DSD policy and requires a full investigation and disciplinary review.
2. **Decline:** The complaint does not state an allegation of misconduct, or the intake review reveals that the facts alleged did not occur as described by the complainant. No further action will be taken.
3. **Informal:** If founded, the complaint results in a debriefing with the subject

officer. This outcome does not necessarily indicate that the deputy engaged in misconduct.

4. Resolved: DSD IAB or a DSD supervisor was able to resolve the issue to the complainant's satisfaction. No further action was deemed necessary.
5. Referred: The complaint is referred to another agency or division for review and handling.
6. Mediation: The complaint states a relatively "minor" allegation of misconduct, such as discourtesy, and the community member and deputy might benefit from the opportunity to discuss their interaction. Due to security concerns, the DSD does not mediate complaints filed by inmates.

The OIM monitors DSD IAB case screening decisions.<sup>8</sup> If the DSD resolves, declines, or treats the complaint as an informal, the OIM reviews the completed case and makes recommendations, if necessary. If the OIM agrees that the case handling was thorough and complete, the DSD IAB writes a letter to the complainant that explains the outcome. The OIM then forwards IAB's letter to the complainant along with a letter from the OIM.

If a case is referred for a formal investigation, it is assigned to an IAB sergeant.<sup>9</sup> In some serious cases, the OIM may actively monitor and participate in the investigation. In the majority of cases, the OIM will review the formal investigation once IAB has completed its work.

## **Disciplinary Process and Findings**

After the completion of the DSD IAB investigation, the case is reviewed by the DSD CRO. The CRO makes an initial finding regarding policy or procedural violations. The OIM reviews CRO findings and separately makes a recommendation to Sheriff Wilson.

If a deputy is found to have committed a policy or procedural violation and discipline is recommended, the deputy is entitled to attend a "pre-disciplinary meeting" (unless the only discipline recommended is a reprimand). At this meeting, the deputy can present his or her side of the story and any mitigating evidence to explain the misconduct. After this meeting, the Sheriff makes a disciplinary recommendation to the Executive Director of Safety. The Executive Director of Safety will then

make a final decision as to findings and discipline. If the deputy disagrees with the discipline imposed by the Executive Director of Safety, the deputy may file an appeal with the Career Service Authority.

### Findings on Complaints

A complaint may contain one or more allegations, and each allegation results in a distinct finding. Table 3.3 reports the outcomes on 329 allegations closed in 2013. 37% of those allegations resulted in sustained findings, which is consistent with historical patterns.

#### New Discipline Process in the DSD

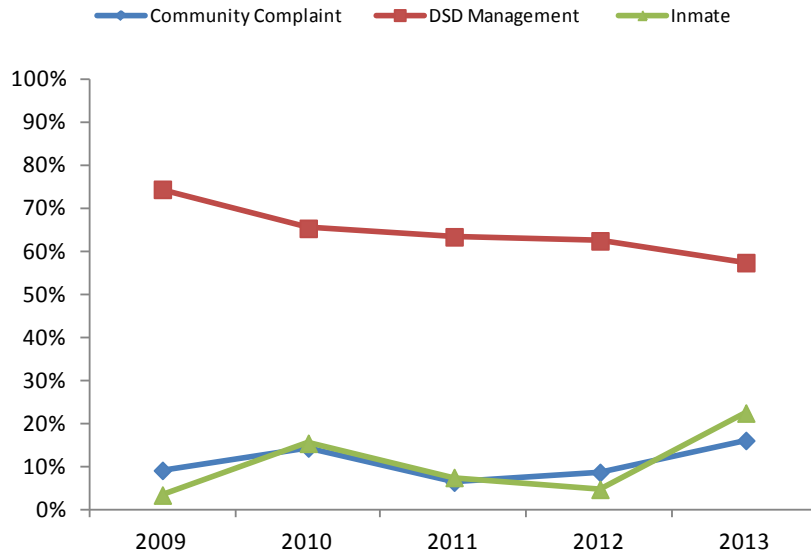
In 2013, the DSD created a new office to review internal affairs investigations on behalf of Sheriff Wilson and make recommendations to the Executive Director of Safety. The Conduct Review Office (“DSD CRO”) is modeled on the CRO that was created in the DPD. It is currently staffed by Major Michael Horner and civilian employees. The goals are to improve the timeliness and consistency of disciplinary review by eliminating the review of the individual division chiefs. We look forward to working with Major Horner and other DSD CRO staff in the year to come.

*Table 3.3: Findings for Formal Complaint Investigations Closed in 2013*

Outcome	2009	2010	2011	2012	2013
Sustained	42%	36%	41%	34%	37%
Not Sustained	35%	28%	33%	34%	29%
Declined	9%	9%	11%	15%	25%
Informal/Referred/Resolved	14%	26%	15%	16%	9%
Mediation	0%	1%	0%	1%	0%
Total Percent	100%	100%	100%	100%	100%

Patterns in sustain rates vary considerably across different case types. Complaints that are initiated by DSD management tend to result in sustained findings at much higher rates than complaints initiated by community members or inmates (see Figure 3.3). For example, 57% of DSD management complaints closed in 2013 had one or more sustained findings, while 16% of community complaints and 22% of inmate complaints had one or more sustained findings during the same period.

Figure 3.3: Complaints that Resulted in One or More Sustained Allegations



## Patterns in Discipline

Table 3.4 reports the discipline imposed in sustained cases from 2009 to 2013. The most common form of discipline in 2013 was verbal reprimands, followed by suspensions and written reprimands.

Table 3.4: Discipline Imposed on Deputies for Sustained Cases by Year of Case Closure

Discipline	2009	2010	2011	2012	2013
Termination	6	2	4	2	5
Resignation	2	6	9	8	4
Suspension	27	14	21	35	26
Written Reprimand	91	50	46	22	15
Verbal Reprimand	40	41	64	23	39

## Significant Disciplinary Cases Closed in 2013

### Terminations

- An off duty deputy in uniform was involved in an out-of-policy shooting and was terminated. See pages 62-63 of this report for a detailed summary of this critical incident. The decision has been appealed.
  
- A deputy was terminated for using excessive force on an inmate, failing to report that use of force, and making misleading and deceptive comments about the incident during the IAB investigation and disciplinary process. The decision has been appealed. The hearing officer upheld the termination, and the deputy has appealed to the Career Service Board.
  
- A sergeant was terminated after pleading no contest and entering into a deferred judgment and sentence for charges relating to misdemeanor child abuse. The decision was appealed, and the hearing officer modified the discipline to 90 days suspension.
  
- A deputy was terminated for allowing two inmates to harass, dump dirty water on, spray chemicals on, and hose down a third inmate who was in a locked shower cell. The incident lasted for an extended period of time.
  
- A deputy was disciplined following two complaints arising from incidents that occurred during the deputy's probationary period. In the first case, the deputy was found to have spent an inordinate amount of time on the internet and failed to conduct required rounds. The deputy was demoted to a security specialist. In the second case, the employee failed to prevent three inmates from assaulting a fourth inmate in an unlocked cleaning closet. The second case resulted in termination. The termination decision was appealed, and the hearing officer modified the termination to 30 days suspension. The Manager of Safety has appealed that decision to the Career Service Board.

## Resignations

- A sergeant was disciplined as the result of four IAB cases. In the first case, the sergeant was given a direct order to not discuss allegations being brought against him that were going to be investigated by IAB. The sergeant disobeyed that order, spoke with others about it, and then lied to IAB about being given a direct order. In the second case, the sergeant failed to follow DSD security procedures while participating in the extradition of an inmate. The sergeant then lied during an IAB interview. In the third case, the sergeant used inappropriate force and failed to complete a use of force report when he pushed an inmate and slammed him on a bench for “mouthing off.” The inmate was not resistive or physically threatening at the time. The sergeant lied about the conduct during an IAB interview. In the fourth case, the sergeant identified himself as a DSD employee in an email asking a DPD employee for a favor in helping vacate a warrant for one of the sergeant’s friends. On another occasion, the sergeant bonded another person out of Arapahoe County jail without notifying and getting approval from the DSD. The Manager of Safety’s Office ordered that the sergeant be terminated on the first three cases and imposed a 90-day suspension on the fourth case. The sergeant appealed and was allowed to resign in settlement of each appeal.
  
- A deputy was alleged to have released confidential information to a news reporter. The deputy resigned during the IAB investigation.
  
- A deputy was initially terminated after it was determined that the deputy knowingly made inaccurate and deceptive statements about an inmate’s actions in a use of force report and during an IAB interview. The deputy appealed and was allowed to resign in settlement of the appeal.
  
- A deputy resigned after conspiring with an inmate and helping him illegally escape from a DSD facility. The deputy was criminally charged and pled guilty to attempting to influence a public servant, a class-four felony. The former deputy was sentenced to six years in prison.

## Other Significant Cases, Including Suspensions for Ten or More Days

- Two officers assigned to posts at the Denver Health Medical Center were in a closed room near the Emergency Room and were looking at an officer's handgun. One deputy pointed the gun at the floor. Thinking the gun unloaded, the deputy pulled the trigger, discharging the weapon. No one was injured by the discharge. On July 19, 2013, the Manager of Safety's Office suspended the deputy for ten days. On September 19, 2013, the Manager of Safety's Office entered into a settlement agreement with the deputy, reducing the penalty to seven suspended days and agreeing to reimburse the deputy for three days of pay.
- On September 11, 2012, a deputy grabbed a restrained inmate in court and swung him, slamming him against a wall. A judge was talking to the restrained inmate and the inmate posed no credible threat to anyone at that time. The impact from the wall caused the inmate to drop to his knees, and the inmate sustained several injuries. The deputy was suspended for thirty days and has appealed the decision.
- On January 15, 2013, a deputy refused to obey a direct order by a sergeant in IAB to provide a thumb drive that contained department information. The deputy indicated that he would rather delete the information than provide it to IAB. The deputy received a 10 day suspension, and has appealed the decision.
- On several occasions, a deputy made inappropriate and sexually explicit remarks in the workplace that offended and embarrassed a civilian employee. The conduct fostered an unsatisfactory working relationship between the employee and the deputy. The deputy was suspended for 14 days, and has appealed the decision. The deputy's disciplinary history impacted the discipline imposed.
- On August 26, 2012, despite knowing and being given safety policy instructions, a deputy disregarded safety rules regarding dangerous inmates at the Correctional Care Medical Facility. He escorted a dangerous inmate

without a second deputy present or placing leg restraints on the inmate. He entered designated “two deputy” rooms alone, when a dangerous inmate was present in the room. The deputy also allowed an unauthorized person access to a departmental weapon, by providing a nurse with his DSD issued Orcutt Police Nunchuku (OPNs). The deputy was also openly defiant in the presence of others, making statements about rules not applying to him, that he couldn’t be fired, and stating that he was in charge. The deputy was suspended for 23 days, and has appealed the decision. The deputy’s discipline history impacted the discipline imposed.

■ A deputy went to the parking magistrate’s office on two separate occasions to contest a parking ticket. When he was asked on both occasions to provide his driver’s license and residential address, he provided his official DSD photo and badge and gave the address of a DSD facility. When his ticket was not completely dismissed, he displayed unbecoming and inappropriate behavior towards a number of people in the parking magistrate’s office by calling them names and making veiled threats that they “better not end up in his jail.” The deputy was suspended for 34 days and retired.

■ On October, 29, 2012, while on duty, a deputy spent hours using his work computer for personal purposes. While the deputy was distracted, he allowed an inmate to be erroneously released from the jail, instead of properly verifying the inmate’s release information and putting the inmate in a holding cell. The deputy then used his personal vehicle, without permission, to look for the inmate. The deputy disobeyed an order to go to the inmate’s residence, and instead did a street check on Colfax Avenue, which resulted in the deputy picking up the wrong person and bringing him back to the jail. The deputy was suspended for 28 days, and has appealed the decision.

■ A sergeant received a 10-day suspension after it was found that the sergeant logged on to a work computer and then left that computer unattended for an extended period of time. An unprofessional and inappropriate entry was made into a DSD database under the sergeant’s computer profile. It was unclear who made the entry. The sergeant was initially suspended for ten days, which was increased due to the sergeant’s previous disciplinary history. The decision was appealed and the City negotiated a settlement, decreasing the discipline to a 3-day suspension.



- A deputy conducted a “welfare check” and entered the home of a community member without a warrant or legal authorization in order to serve court documents. The deputy was suspended for 10 days in a negotiated settlement agreement.
  
- Two sergeants were disciplined for failing to follow protocol to initiate drug and alcohol testing for a potentially intoxicated civilian employee who was at work at the jail. The two sergeants then failed to prevent the employee from driving away from work in his personal vehicle. The sergeants also did not record any pertinent details about the employee’s vehicle, the direction in which the employee drove, nor did they notify the Denver Police Department. The first sergeant, who did not accept responsibility for the incident, received a 10-day suspension. The second sergeant allegedly accepted responsibility and received a four-day suspension. Both decisions have since been appealed.

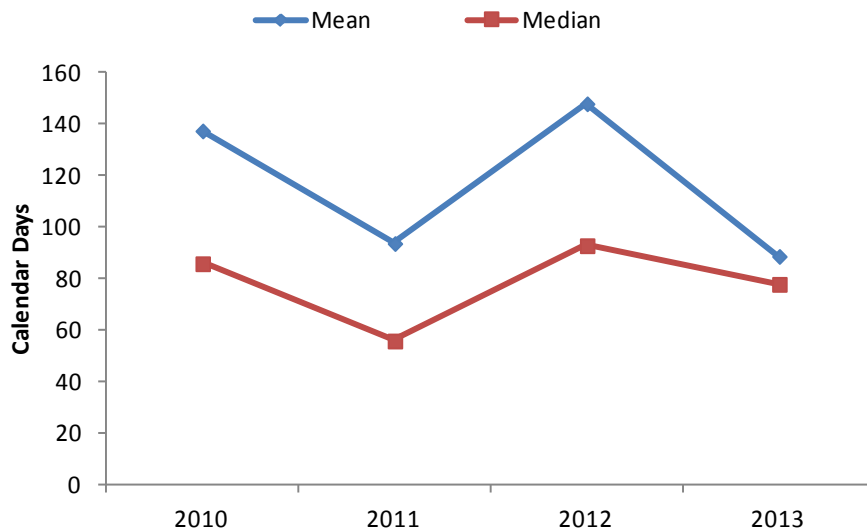
## Timeliness

Timeliness in the investigation and disciplinary review of misconduct complaints is critical for ensuring public confidence in the ability of a department to police itself. Allowing administrative investigations to languish may prevent a department from acting to quickly correct or deter deputy misconduct, may lower morale, and tends to undermine public and department trust in the complaint process.

There were notable improvements in the timeliness of the DSD complaint handling process in the last year. The median case processing time for cases received in 2012 was 93 days. In 2013, median case processing time dropped to 78 days.

We are also happy to report that DSD IAB recently received authorization for two additional investigator positions, which we anticipate will help to increase the efficiency of DSD IAB in 2014.

*Figure 3.4: Mean and Median Number of Days to Process Complaints<sup>10</sup>*



## Complainant Demographics and Complaint Filing

Table 3.5 presents the demographic characteristics for the 134 unique inmate and community complainants who filed complaints against sworn members of the DSD. Complainants who filed multiple complaints were counted only once in this table. Table 3.5 also reports the number of community members who filed multiple complaints against DSD deputies in 2013. Most complainants filed only a single complaint (98%) while three complainants filed two or more complaints.

*Table 3.5: Complainant Demographic Characteristics*

Gender	2013	Percent
Male	81	60%
Female	51	38%
Missing	2	1%
<b>Total</b>	<b>134</b>	<b>100%</b>
Race	2013	Percent
Black	37	28%
White	37	28%
Hispanic	26	19%
Asian	1	1%
Am Indian	0	0%
Missing	33	25%
<b>Total</b>	<b>134</b>	<b>100%</b>
Age - Range	2013	Percent
0 - 18	2	1%
19 - 24	10	7%
25 - 30	12	9%
31 - 40	21	16%
41 - 50	22	16%
51+	19	14%
Missing	48	36%
<b>Total</b>	<b>134</b>	<b>100%</b>
Filing Two or More Complaints	2013	Percent
One Complaint	131	98%
Two or More Complaints	3	2%
<b>Total</b>	<b>134</b>	<b>100%</b>

## Deputies Receiving Multiple Complaints

### Complaints per Deputy

Approximately 77% of sworn DSD employees had no complaints recorded against them in 2013. Approximately 20% of DSD deputies received one complaint. Less than 1% of deputies had three or more complaints.

*Table 3.6: Percent of Complaints Recorded Against DSD Uniformed Staff by Year*

Number of Complaints	2009	2010	2011	2012	2013
0	67.0%	73.8%	72.3%	71.8%	76.5%
1	25.4%	22.5%	20.3%	21.8%	19.5%
2	4.7%	2.6%	5.3%	4.6%	3.3%
3	1.9%	1.1%	1.5%	1.5%	0.6%
4 or More	1.0%	0.0%	0.5%	0.3%	0.1%
Total Sworn Officers*	701	725	734	721	707

\*Counts of sworn officers provided by the DSD administration

### Force Complaints per Deputy

Only a relatively small percentage of DSD deputies received an inappropriate force complaint in 2013 (see Table 3.7). Approximately three percent of DSD deputies had one or more force complaints in 2013.

*Table 3.7: Percent of DSD Uniformed Staff Receiving Multiple Excessive Force Complaints*

Number of Complaints	2009	2010	2011	2012	2013
0	97.9%	98.2%	98.0%	97.8%	97.3%
1	1.7%	1.5%	1.9%	2.1%	2.3%
2	0.3%	0.3%	0.1%	0.1%	0.4%
3	0.1%	0.0%	0.0%	0.0%	0.0%
4 or More	0.0%	0.0%	0.0%	0.0%	0.0%
Total Sworn Officers*	701	725	734	721	707

\*Counts of sworn officers provided by the DSD administration

## Sustained Complaints per Deputy

The majority of DSD deputies (86%) had no sustained complaints in 2013, while 12% had one sustained complaint. Just over 1% had more than one sustained complaints in 2013 (see Table 3.8).

*Table 3.8: Percent of DSD Uniformed Staff with Sustained Complaints by Year Closed*

Number of Complaints	2009	2010	2011	2012	2013
0	77.6%	84.8%	82.3%	88.5%	86.1%
1	18.0%	13.4%	13.1%	10.0%	12.4%
2	2.9%	1.7%	4.0%	1.2%	1.3%
3	1.6%	0.1%	0.7%	0.3%	0.1%
Total Sworn Officers*	701	725	734	721	707

\*Counts of sworn officers provided by the DSD administration

## Commendations and Awards

*Table 3.9: Commendations Awarded to DSD Officers in 2013*

Commendations	Number	Percent
Letters of Appreciation (from Supervisors/Director)	147	40.3%
P.R.I.D.E. Award (Personal Responsibility in Delivering Excellence)	131	35.9%
Commendations (from Supervisors/Director)	24	6.6%
Employee of the Month (COJL)	12	3.3%
Employee of the Month (Downtown)	12	3.3%
Merit Award	8	2.2%
Community Service Award	7	1.9%
Unit Citations (Director's office)	5	1.4%
Employee of the Quarter (DSD)	4	1.1%
Distinguished Service Award	3	0.8%
#1 Defensive Tactic Award	2	0.5%
#1 Physical Fitness Award	2	0.5%
Commendation Award	2	0.5%
Most Improved Physical Fitness	2	0.5%
Top Gun	2	0.5%
#1 Academic Award	1	0.3%
Valedictorian	1	0.3%
Academy Medal	0	0.0%
Life Saving Award	0	0.0%
Medal of Valor	0	0.0%
Purple Heart	0	0.0%
<b>Total</b>	<b>365</b>	<b>100.0%</b>

*Table 3.10: Selected DSD Commendation Types and Descriptions*

Commendation Type	Description
Community Service Award	Awarded to an employee who sacrifices his/her time and expense, contributes a successful program to the community, 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 specific actions or the 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 employees who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person (without danger to the officer's life).

## Highlighted Commendations

### LETTER OF APPRECIATION

Nineteen DSD officers received Letters of Appreciation for their participation in the 2013 Long Blue Line event, which attracts over 200 law enforcement and military personnel from the state of Colorado.

### LETTER OF APPRECIATION

A captain received a Letter of Appreciation for attending the 2013 Revival Fest (HOPE) community event, which demonstrated the DSD's active involvement in the community.

### LETTER OF COMMENDATION

A deputy sheriff found a wallet containing approximately \$300, and turned it in to security. The community member who lost the wallet was extremely relieved and wanted to extend thanks to the deputy, stating in his letter that he was in a desperate situation financially and the loss of the money would have made his situation even worse.

### LETTER OF COMMENDATION

The DSD Team Rock It was commended for representing the Department in the "Thrive Across America Challenge." Team Rock It placed second out of 86 teams, demonstrating levels of physical performance that may serve as a model for other employees to achieve wellness on and off the job.



# 4

## Critical Incidents

### **Two-Stage Investigative Process**

The investigation of any shooting by a sworn DPD officer or DSD deputy, or any death that occurs in DPD or DSD custody (collectively, “Critical Incidents”), generally has two phases. First, the District Attorney’s Office (“DA”) works with DPD Homicide investigators to determine whether any person should be held criminally liable for the incident. In order to bring criminal charges, the DA must find that there is a reasonable likelihood that all of the elements of a crime can be proven beyond a reasonable doubt, unanimously, to a jury at trial (after considering reasonable defenses). This is a very high standard.

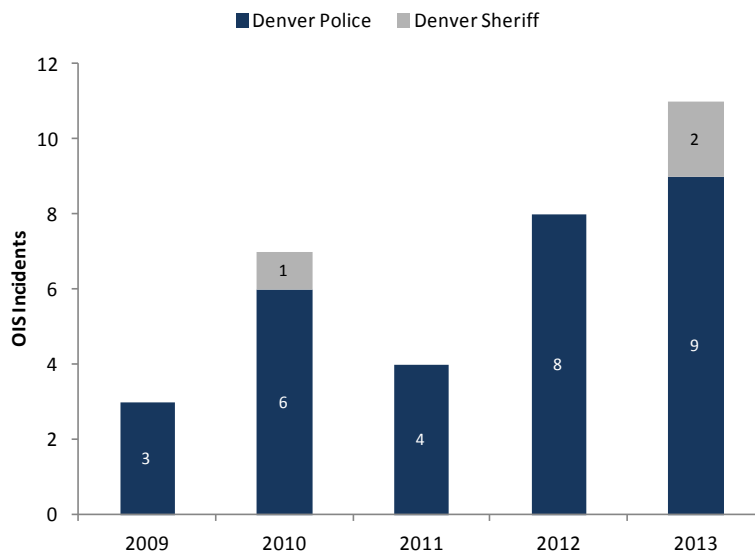
If the DA finds that there was no provable criminal conduct, the criminal inquiry ends and the administrative review process begins. Pursuant to ordinance, the OIM responds to the scene of officer-involved shootings, observes and evaluates the resulting investigations, and makes recommendations to the DPD’s Use-of-Force Review Board, Chief of Police, Sheriff, and Executive Director of Safety regarding the shootings. The OIM also reports annually to the public on the number and type of critical incidents that occurred during the preceding year. Under the ordinance that created the OIM, the OIM is to report on trends and patterns occurring during the prior year in each annual report.

## Patterns in Officer-Involved Shootings

On pages 56–64 of this chapter, we examine every 2013 shooting for adherence to Department policy. Yet, prior to describing each individual shooting, we believe that there are two potential patterns that should be noted.

First, there was a rise in the number of officer-involved shootings<sup>11</sup> in 2013, with nine involving the DPD and two involving the DSD.

*Figure 4.1: DPD and DSD Officer-Involved Shootings by Year*



Many variables can influence fluctuations in the number of officer-involved shootings, including environmental, organizational, and situational factors.<sup>12</sup> Although we will not speculate about what may have driven this 2013 increase, we believe that each of the intentional shootings in 2013—except one shooting by a DSD deputy, discussed below—fell within DPD or DSD policy. Many of them occurred after officers or community members were placed in danger by individuals either engaged in the apparent commission of serious crimes, possessing actual or simulated deadly weapons, or otherwise threatening officers or the public with serious potential injury. In these circumstances, the involved officers acted according to department policy by overcoming the threat through the use of deadly force. This is not to say

that we did not have questions about the tactical decisions in several of the shootings—we did. We believe that several of the shootings may have presented additional opportunities for de-escalation, and we commend the DPD for referring one shooting to the DPD’s Tactics Review Board for additional examination.<sup>13</sup>

Second, we are concerned about a possible pattern of deadly force encounters involving individuals who appeared to be in mental health crisis. By our estimation, five of the nine DPD shootings and one of the two DSD shootings in 2013 involved individuals engaged in erratic behavior that suggested that mental illness may have played a role in their encounter with police.<sup>14</sup> These are not official diagnoses; they are observations based upon the behavior of these individuals and, in some case, reports from those around them.

The role that mental illness plays in community-police encounters and the possible danger that such encounters may pose for both officers and the community has been discussed elsewhere.<sup>15</sup> Due to the relatively high percentage of 2013 shootings that may have involved mental illness, we believe that additional examination of these shootings as a group is warranted to determine whether additional training, tactics, or tools would assist the DPD. In partnership with a member of the Citizen Oversight Board, we met with DPD Chief Robert White to discuss this matter. Chief White indicated that he intends to evaluate the 2013 shootings that may have involved mental illness as a group to determine whether other measures could help the Department address the issues they present. We will continue to monitor this issue and work with the DPD to address it.

#### A Pattern in Accidental Shootings and a Commendable DPD Response

As our summary on pages 63–64 reflects below, there were three accidental shootings by DPD officers in 2013. Two of those accidental shootings were linked by a common fact: the officers were attempting to activate a specific type of handgun-mounted tactical flashlight when they accidentally discharged their weapons. Each of these shootings presented risks of serious injury, though thankfully, no one was hit. In response to these incidents, the DPD consulted with its range instructors, then made a change in policy. As of October 2, 2013, the type of tactical flashlights that were involved in these incidents were prohibited for use by DPD officers. We commend the DPD and its range instructors for recognizing and responding to this pattern. A copy of the new DPD policy banning this type of tactical flashlights is attached as Appendix C.

### A Protocol on Excited Delirium

In several previous annual reports, the OIM noted that Denver had a number of in-custody deaths associated with officers restraining agitated individuals who exhibited characteristics associated with “excited delirium.” Excited delirium has been described as a potentially fatal medical emergency that can be associated with extreme agitation, high pain tolerance, an inability to understand or comply with police orders, paranoia, aggressiveness/combativeness, hyperthermia, disrobing, and unusual strength.<sup>16</sup>

In 2010, the OIM recommended to the DPD and DSD that an interagency workgroup be created to examine the city’s response to excited delirium deaths. As a first step, the Citizen Oversight Board provided funds that allowed representatives from the DPD, DSD, Denver Health, the OIM, the City Attorney’s Office, and 911 Emergency Communications Center, to attend a national training in late 2010 on excited delirium and in-custody deaths. The OIM then organized inter-agency workgroup meetings throughout 2011 and 2012 (which also included the Office of the Medical Examiner and the Denver Fire Department), and the workgroup developed a draft interagency protocol to coordinate the response of Denver’s safety agencies to excited delirium-type incidents.

We are happy to report that the DPD recently formally implemented a slightly revised version of the workgroup’s protocol. We commend Denver’s safety agencies for taking steps to ensure that the city has a strong framework in place to respond to these types of incidents. The implemented excited delirium protocol can be viewed in Appendix D of this report.

Table 4.1: Officer-Involved Shooting Characteristics

<b>Types of Shooting Incidents</b>		
Intentional Officer-Involved Shooting Incidents	DPD	DSD
	9	2
Accidental Shooting Incidents	3	1
<b>Results of Shots Fired (Intentional OISs)</b>		
Fatalities	DPD	DSD
	4	1
Injuries	5	0
Non-Hit	1	0
Unknown	0	1
<b>Rank of Shooting Officers (Intentional OISs)</b>		
DPD Officers	DPD	DSD
Officer	6	-
Technician	1	-
Corporal	2	-
Sergeant	4	-
Lieutenant	1	-
DSD Officers		
Deputy	-	2
<b>Race/Ethnicity/Gender of Shooting Officers (Intentional OISs)</b>		
White Male	DPD	DSD
	11	1
Hispanic Male	2	0
African American Male	1	1
<b>Years of Service of Shooting Officers (Intentional OISs)</b>		
1-5 years	DPD	DSD
	1	0
6-10 years	2	0
11-15 years	5	1
16-20 years	3	1
21-25 years	2	0
25+	1	0
<b>Assignments of Officers (Intentional OISs)</b>		
DPD Officers	DPD	DSD
District 1	5	-
District 3	1	-
District 4	2	-
District 6	1	-
Gang Section	1	-
Drugs/Vice Section	1	-
Traffic	1	-
Metro/SWAT	1	-
Off-Duty Security	1	-
DSD Officers		
Warrant Detail	-	1
Off-Duty	-	1
<b>Race/Gender of Subjects (Intentional OISs)</b>		
Black Male	DPD	DSD
	1	0
Black Female	0	1
White Male	6	0
Hispanic Male	3	0
Unknown	0	1

## 2013 DPD Officer-Involved Shootings (OIS)

### 2013 OIS #1, DPD

On January 17, 2013, Denver's Combined Communications dispatch center received information from another county that armed suspects, who may have been involved in a shooting in Aurora, might be driving into Denver in a stolen red pick-up truck. Approximately two hours later, two DPD officers spotted the suspects in Northwest Denver and initiated a pursuit, which went on for an extended period of time and came to involve a large number of DPD officers. During the pursuit, the suspects allegedly drove at a high rate of speed, drove onto a sidewalk in an attempt to run a police officer over, and allegedly fired a large number of rounds at pursuing officers. One DPD officer was shot in the shoulder during the chase. The pursuit ended when the suspects crashed into a tree. After the crash, one male suspect was wounded by DPD officers after he appeared to reach into the cab of the truck, possibly for a weapon. A second male suspect was shot and killed after he allegedly pointed a black handgun at officers. Two other male suspects were taken into custody. A fifth occupant of the truck, a female witness, was transported to the hospital, treated, and released. Multiple handguns and many spent shell casings were found in and around the truck.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board reviewed the case and concluded that the shooting was justified and within policy. The OIM agreed with this assessment.

### 2013 OIS #2, DPD

On March 18, 2013, two officers responded to a 911 call that a juvenile male was "out of control," "stabbing at people" and "stabbing a door" with butcher knives. According to a witness, the young man was walking down the street with two butcher knives. He was shoeless, and "looked a little disturbed," when he began to stab at the door. Upon arriving at the scene, the officers observed the juvenile standing on a porch with a knife in each hand. They also heard people "screaming and yelling" from behind the closed front door of the house. Since they did not

know whether any of the individuals inside the house had been injured, the officers were concerned that the juvenile was blocking the front door and preventing them from potentially helping the individuals inside. During the short stand-off, the officers repeatedly asked the juvenile to drop the knives, however, he refused and told officers they would have to shoot him. He raised a knife as if to throw it at the officers, yet they held their fire. After a brief time, the juvenile turned from the officers and began to open the door to the house. Fearing for the safety of the occupants in the house, both officers fired their handguns at the juvenile, who was hit and injured, but not killed.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board met on July 24, 2013, and concluded that the shooting was justified and within policy. The OIM concurred with this assessment.

### **2013 OIS #3, DPD**

On April 29, 2013, an employee at a Veteran's Administration residential facility made a call to 911. She reported that one of the residents was in his room holding a "giant pair of scissors," and threatening to kill himself. She further reported that he suffered from "schizo-affective, PD, PTSD, schizophrenia." An officer responded and found the male in his room in an agitated state, holding large scissors. The officer asked the subject to put the scissors down multiple times. The suspect allegedly refused and began to take steps toward the officer while opening and closing the scissors. The officer shot the subject in the ribcage with a 40mm less-lethal round. The strike had no apparent effect on the subject, who allegedly threw the spent 40mm projectile back at the officer. The officer continued to order the subject not to come any closer. However, the subject continued to step toward the officer while holding the scissors. The officer switched to his handgun and shot the subject several times. The subject was hit but survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board met on November 22, 2013, concluded that the shooting was within policy, but referred

the shooting to the DPD's Tactics Review Board. The OIM concurred with this assessment.

## **2013 OIS #4, DPD**

On May 14, 2013, a woman called 911 to report that she was concerned about her ex-boyfriend, who had “mental health issues,” including bi-polar disorder and depression. She also reported that her ex-boyfriend had threatened to commit suicide, and had taken a large quantity of prescription medication. The Denver Fire Department (“DFD”) responded to the call. When DFD personnel approached the subject at his house, he displayed a gun and indicated that he would shoot himself if the police were called. The firefighters retreated and a number of DPD officers responded to the scene. The officers took up positions around the subject’s house and began trying to communicate with him by loudspeaker. After a few minutes, the subject exited his house with a handgun to his head, stood in his yard, and yelled “shoot me” several times at the officers. During this time, an officer repeatedly urged the suspect to put the gun down. A short time later, the subject cycled the slide of the gun, walked into the street, waved the gun in the direction of officers, and continued to yell “shoot me.” One officer shot the subject once in the torso with a round from a less-lethal 40mm weapon. The round did not appear to have an effect on the subject, who picked up the projectile, threw it back at one of the other officers and yelled “Shoot me again. Shoot me again.” After the subject continued to walk in the street, a DPD officer shot the subject again in the torso with a second less-lethal round, which also had no apparent effect. While officers continued to yell commands to drop the gun, the subject turned and began to jog toward a residence with civilian occupants. Concerned that the bystanders would be harmed or that the subject would attempt to take hostages, a DPD officer shot the subject once in the back with a shotgun, killing him. It was later determined that the subject’s gun was not loaded and did not contain a firing pin.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board met on November 22, 2013 and concluded that the shooting was justified and within policy. The OIM concurred with this assessment.



## **2013 OIS #5, DPD**

On August 13, 2013, officers responded to a 911 call of a mentally ill man threatening people and passing cars with a knife. Upon contact, officers confirmed that the male was armed with a knife. Officers immediately started commanding the man to drop the knife and get on the ground. The man refused to comply and instead started to approach the officers. One of the officers fired a pepper ball gun at the man, but it had no apparent effect. Officers attempted to take cover behind patrol cars as the man continued to advance on them, prompting an officer to shoot him with a Taser several times. The man moved towards another officer who yelled at the man to drop the knife. Although the officer was retreating, the man closed the distance on the officer and continued threatening with the knife. The officer fired his handgun multiple times at the man, until he passed the officer and fell on the ground, dying from the gunshot wounds.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board met on February 4, 2014, and concluded that the shooting was justified and within policy. The OIM concurred with this assessment.

## **2013 OIS #6, DPD**

On August 16, 2013, officers responded to a call that a woman had been shot by her husband, who had just left the house armed with a shotgun, which he was shooting again. Upon arrival, officers observed the suspect armed with a rifle, as well as propane tanks set in the middle of the road. Dispatch informed officers that a family member reported that the suspect wanted to have a shoot-out with officers. While the officers established a perimeter and attempted to get the suspect to surrender, they witnessed the suspect shoot one of the propane tanks, which started leaking gas. They also observed an unresponsive female on a nearby porch. For minutes, officers attempted to give commands to the suspect to surrender and put down his weapon. He refused and a stand-off ensued. The suspect reported having hostages during the stand-off, though none were seen in his immediate vicinity. Officers were authorized by Command to take a shot, if they could safely do so. A sergeant armed with a rifle got into position and attempted to get the individual to surrender. The suspect did not and when the suspect turned towards

the officer, the officer fired, and the suspect went down. The suspect was injured by the shot and taken into custody. The District Attorney's Office later charged the suspect with shooting and injuring his wife as well as the murder of their neighbor. The suspect was also charged with the Use of Explosives or Incendiary Devices and Child Abuse.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board has not yet met to consider this case.

### **2013 OIS #7, DPD**

On September 21, 2013, a male wearing sunglasses, a hood pulled over his head, and a band-aid on each cheek, entered a bank and handed a teller a demand note stating, "don't do anything funny, don't give me any funny money, don't give me any dye packs." An off-duty officer in full uniform was providing security for the bank, and noticed the suspect's unusual dress when he entered the bank. The officer was already suspicious due to a recent report of a robbery at a nearby liquor store. Concerned that parties might be attempting to divert police resources away from the bank, the officer walked up behind the suspect as he approached the teller and saw the suspect hand the teller a note and open the bag that he was carrying. He saw the teller place large sums of money into the bag. After the suspect started to walk away, the officer confirmed with a nod from the teller that a robbery had just taken place. The officer followed the suspect outside, as he did not want to contact him in a bank where others could get hurt. When the suspect was outside the bank, the officer grabbed his shoulder and said, "Police! Do Not Move!" The officer reported that the suspect pulled out a gray handgun and started to turn very fast towards him. In response, the officer rapidly fired three rounds at the suspect, killing him. It was later determined that the suspect's handgun was a toy.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board has not yet met to consider this case.

## 2013 OIS #8, DPD

On November 27, 2013, a sergeant attempted to contact a suspicious male in downtown Denver. When the sergeant asked for identification, the male fled on foot and the sergeant chased him to a parking lot. The male got into a vehicle, started to drive away, then allegedly turned the vehicle towards the sergeant. The sergeant shot at the driver four times rapidly as the vehicle approached him. The vehicle turned, left the area, and was later found abandoned. The male suspect was also found later. No one was hit by any shots fired during the incident. The DPD Use of Force Review Board has not yet met to consider this case.

## 2013 OIS #9, DPD

On November 8, 2013, a man called 911 to report that he had violated probation, had been “shooting meth” for days, and was armed with a butcher knife. He ended the call with a request that police come and kill him or he would “stab them in the goddamn eyeball.” When police arrived, they could see him inside armed with a large butcher knife. Officers spoke to him and asked him to come out of the apartment so he could be helped. They asked him to drop the knife. He refused and told the officers that, “I want you to shoot me. I don’t want to come out. You are going to have to shoot me.” Ultimately, officers entered his apartment two times in attempts to prevent him from harming himself. During the first entry, an officer observed the male advance towards him in a “deliberate” manner while holding the knife by his side. As the male closed the distance on the officer, the officer fired a less-lethal round at him. The round hit the male, but it did not cause him to drop the knife. The officer was able to retreat out of the house. Later, officers entered the apartment a second time and the male advanced on the lead officer with the knife raised. Seeing the male lunge with the knife at an officer, another officer fired his handgun twice, striking the male once in the chest. The male survived.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). The DPD Use of Force Review Board has not yet met to consider this case.

## 2013 DSD Officer-Involved Shootings (OIS)

### 2013 OIS #1, DSD

On January 30, 2013, two DSD deputies assigned to the DSD Warrant Detail arrived at an apartment complex in an attempt to apprehend a female with an outstanding arrest warrant. The deputies made contact with the female by telephone, but she refused to leave her apartment. One of the deputies observed her step out of the back door of her apartment and onto her patio with two children. This deputy approached the subject, identified himself, told her she was under arrest, and placed a hand on her shoulder. The subject, who was not facing the deputy, turned suddenly and fired one round from a pistol, causing the deputy to drop to the ground. After hearing the gunshot and seeing his partner drop, the second deputy advanced on the patio and began to return fire, killing the female. The fallen deputy suffered a gunshot wound to the hand, which was later determined to have been fired from his partner's gun. The two children were uninjured. During the investigation of this shooting, several individuals indicated that the female was known for erratic behavior, which included "terrorizing" apartment building staff, and a belief in a significant conspiracy against a member of her family.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officers. The DA prepared a detailed letter reviewing the shooting, which can be found here: [www.denverda.org/News\\_Release/Officer-involved\\_shooting\\_investigations.htm](http://www.denverda.org/News_Release/Officer-involved_shooting_investigations.htm). Command staff from the Denver Sheriff Department reviewed the incident and concluded that the shooting was justified and within policy. The OIM concurred with this assessment.

### 2013 OIS #2, DSD

On March 27, 2013, a DSD deputy was driving to work on I-25 in the early morning when he began to exchange words and hand gestures with the driver of another vehicle. Both drivers exited at an off-ramp. The deputy, who was in uniform but off-duty, indicated that he exited his car, went to the other vehicle, and saw the driver reaching for an unidentified object. The deputy grabbed the driver's arm and delivered a palm heel strike to the driver's face. The driver began to drive away, then stopped and allegedly began to back up towards the deputy. The deputy drew his firearm and fired multiple times at the other vehicle, which then drove away.

Neither the other vehicle nor its driver were ever identified or located.

No criminal charges were filed against the deputy. The case was reviewed by DSD command staff, the OIM, and the Manager of Safety's Office. The deputy's conduct violated several DSD rules and policies, including the DSD's use of force policy. The deputy was ultimately terminated by the Manager of Safety's Office, and the OIM concurred with this decision. The deputy has appealed this decision.

## **2013 DPD & DSD Accidental Shootings**

### **2013 Accidental Shooting #1, DPD**

On January 21, 2013, officers responded to a homeless camp to arrest an armed suspect. The officers started searching the area, opening tents, and looking inside. One of the officers opened a tent flap and attempted to use the tactical flashlight attached to his handgun. The light is activated by applying pressure, usually with the middle finger, to a switch just below the trigger guard on the pistol grip. When the officer went to look inside the tent, he accidentally pulled the trigger on his weapon instead of activating the flashlight switch. The weapon fired one time through the tent floor into the ground. The tent was empty at the time and no one was injured by the accidental discharge. The DPD's Use of Force Review Board met on July 24, 2013 and found the shooting to be out of policy. The OIM concurred with this decision.

### **2013 Accidental Shooting #2, DPD**

On March 15, 2013, a detective was sitting in his car at an intersection when he witnessed a car strike another vehicle. A male and female ran from the car and the detective gave chase. A witness contacted the detective and informed him that the male who was running had thrown a gun over a fence. The detective searched the location and found a 9mm handgun on the ground between a chain link fence and a seven-foot wood fence. The detective asked for rubber gloves, but none were available, so he was given a large clear plastic bag to pick up the gun. The hammer on the gun was cocked. The detective held the gun with the plastic bag and pointed it at the ground while he attempted to clear it. As he attempted to release the magazine, the gun discharged into the ground. No one was struck or injured as a result of the accidental discharge. The DPD's Use of Force Review Board met on

July 24, 2013 and found the shooting to be out of policy. The OIM concurred with this decision.

### **2013 Accidental Shooting #3, DPD**

On August 19, 2013, at night, an officer was investigating a stolen motor vehicle report when he observed a vehicle possibly matching the description parked along the side of the road. The officer attempted to make contact with the person inside the possibly stolen vehicle. The officer had his gun drawn and was utilizing the tactical light on his gun to see inside the car. The officer grabbed the car door handle to open it. The driver quickly sped off, and the officer lost his balance and stumbled backwards. The gun accidentally discharged in an upward direction. The officer believed this might have happened when his finger slipped off the tactical light switch on the gun when he stumbled. The stolen vehicle was later found abandoned with a bullet entry hole through the driver's side window and an exit bullet hole through the windshield. There was a small amount of blood on the driver's seat and center console. The suspect driving the vehicle was not found.

The Denver District Attorney reviewed the incident and declined to file charges against the involved officer. The DPD Use of Force Review Board met on February 4, 2014 and concluded that the shooting was out of policy. The case was also sent to a Tactics Review Board for a review of the tactics used in this situation. The OIM concurred with this assessment.

### **2013 Accidental Shooting #4, DSD**

On September 8, 2013, during weapons training at the DPD Range, a DSD recruit bent down to retrieve her handgun, which had been placed on the ground. While picking up the gun, the recruit lost control of it, and as she attempted to regain control of it, she accidentally pulled the trigger. The weapon discharged one round into the concrete floor down range. Three recruits standing nearby were struck with fragments dislodged from the floor where the bullet struck, and they were all treated for superficial wounds. On January 28, 2014, the Executive Director of Safety found that the shooting was out of policy. The OIM concurred with this assessment.

## 2012 Officer-Involved Shootings Closed in 2013

### 2012 DPD OIS Incident #1

On November 6, 2012, two officers initiated a traffic stop at night. The officers approached the stopped vehicle, with one officer on the driver's side and one on the passenger's side. The suspect reached out the window and fired at the officer approaching on the driver's side. The officer on the passenger's side returned fire. The suspect sped away and, notwithstanding an extensive search that night, escaped. Neither the suspect nor the officers were injured in the shooting.

On April 17, 2013, the DPD Use of Force Review Board concluded that the shooting was justified and within policy. The OIM concurred with this assessment.

### 2012 DPD OIS Incident #2

On November 9, 2012, DPD officers became involved in a highway pursuit of a person believed to be a suspect in two separate firearm discharges at officers during traffic stops. The pursuit ended in Aurora, Colorado, when officers utilized a vehicle immobilization technique on the suspect's car. The car crashed along with two police vehicles, and a DPD officer fired multiple shots at the suspect, hitting him twice. The suspect was arrested after a physical struggle. The suspect survived. No weapon was recovered from the suspect. Because the incident occurred in Aurora, the Arapahoe County District Attorney's Office and the Aurora Police Department handled the criminal investigation into the officer-involved shooting. The Arapahoe County District Attorney's Office determined that it would not file criminal charges against any involved officer.

The OIM reviewed the criminal investigation, and requested that the DPD conduct a more comprehensive administrative investigation to determine whether there were any violations of DPD policy. The DPD and Manager of Safety's Office declined to conduct the requested investigation. We were thus unable to certify that the administrative investigation was thorough or complete or complied with national standards on officer-involved shooting investigations. On April 17, 2013, the DPD Use of Force Review Board concluded that the shooting was within policy. The OIM was unable to make a recommendation to the Use of Force Review Board due to insufficient information about this case. Charges are currently pending in Denver against the suspect involved in this incident.

## 2013 In-Custody Deaths<sup>17</sup>

*Table 4.4: Summary and Status of In-Custody Deaths, Investigations, and Review Processes*

Year	Sheriff Department				Police Department			
	Suicide	Medical	Other	Pending	Suicide	Other	Pending	Total
2006	2	1	0	0	0	1	0	4
2007	4	4	0	0	0	2	0	10
2008	3	1	0	0	0	1	0	5
2009	1	5	0	0	1	1	0	8
2010	3	0	1	0	1	1	0	6
2011	0	1	0	0	2	1	0	4
2012	0	2	0	0	1	2	0	5
2013	0	0	0	3	0	1	0	4
Total	13	14	1	3	5	10	0	46

### 2013 ICD Incident # 1, DPD

On January 5, 2013, a subject died from natural causes while being transported in a Denver Cares van after being contacted by a DPD officer. The Denver Police Department reviewed the case and determined that there were no policy violations. The OIM concurred with this assessment.

### 2013 ICD Incident #1, DSD

On May 10, 2013, a deputy discovered an unresponsive inmate while conducting rounds at the DDC. The inmate was transported to the Denver Health Medical Center, where the inmate later died. The case is currently under review.

### 2013 ICD Incident #2, DSD

On September 26, 2013, a deputy found an unresponsive inmate while conducting rounds in a DDC housing unit. Medical personnel responded and were unable to revive the inmate. The Office of the Medical Examiner determined that the death resulted from natural causes. This case is currently under review.



### **2013 ICD Incident #3, DSD**

On November 29, 2013, an inmate became unresponsive in the back of a DSD scout van while being transported from a DPD district station to the DDC. The DSD deputies transported the inmate to the Denver Health Medical Center, where he later died. The case is currently under review.

### **2012 In-Custody Deaths Closed in 2013**

#### **2012 DPD ICD Incident #1**

On November 9, 2012, officers responded to an individual acting strangely and causing a disturbance at a barber shop. The individual was contacted and handcuffed. He then became unconscious and unresponsive. He was transported to a local hospital, where he died days later. The DPD Use of Force Review Board concluded that there were no policy violations. The OIM concurred with this assessment.

#### **2012 DSD ICD Incident #1**

On September 29, 2012, an inmate discovered that a fellow inmate was not breathing and had died. The Medical Examiner's report reflects that the death resulted from natural causes. DSD command staff reviewed the incident and found no policy violations. The OIM concurred with their assessment.



# Endnotes

1. The data for this chapter were obtained from the Denver Police Department's Internal Affairs records management database (IAPro). The OIM is not an IAPro administrator and has little control over data entry into the database. IAPro is a new case management database that replaced IAB's previous database (CUFF II) in February 2013. The OIM was barred by the Manager of Safety's Office from participating in the workgroup that implemented the new database. As a result, we cannot certify that DPD IAB's data were competently migrated from their old database (CUFF II) to their new database (IAPro). In addition, since the data reported in this chapter were drawn from a live database, 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.
2. DPD does not systematically track the detailed allegations made by complainants in its IAB database. Allegations are assertions, in a complainant's own words, of particular kinds of purported misconduct by an officer. Instead, it tracks "specifications." Specifications are rule violation categories that are based upon the departmental rules and disciplinary policies implicated by a complaint. Thus, a specification captures the rule under which an officer might be punished, rather than the precise allegations communicated in the complaint.
3. In December 2013, the Manager of Safety's title was changed to Executive Director of Safety. In this report, all 2013 references will be to the Manager of Safety, while 2014 references will be to the Executive Director of Safety.
4. Note that several termination cases are under review with the Civil Service Commission, as well as the courts. As a result, these totals are subject to revision until all case-related appeals are exhausted.
5. O.M.S. § 104.48(3); see also O.M.S. § 105.01(2)(b)(requiring officers to use "only the force necessary" for any situation); DPD Discipline Handbook (Appendix D at 11).
6. It should be noted that the DPD IAB will sometimes combine multiple complaints made by one individual under a single case number, particularly if the complainant's issue stems from issues of mental health or if the complainant has a significant history of filing numerous false/trivial complaints.
7. The data for this chapter were obtained from the Denver Sheriff Department's Internal Affairs records management database (IAPro). The OIM is not an IAPro administrator and has little control over data entry into the database. IAPro is a new case management database that replaced IAB's previous database in April 2013. The OIM was barred by the Manager of Safety's Office from participating in the workgroup that implemented the new database.

## Endnotes

As a result, we cannot certify that DSD IAB's data were competently migrated from their old database to their new database (IAPro). In addition, since the data reported in this chapter were drawn from a live database, 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.

8. If the OIM disagrees with a screening decision, the DSD IAB Captain is notified. If the OIM and DSD IAB cannot agree on a screening decision, the OIM will discuss the conflict with the Sheriff and then, if necessary, with the Office of the Manager of Safety.
9. If a case involves allegations of criminal conduct, the investigation is conducted by the DPD's Internal Affairs Bureau (DPD IAB). The DPD IAB will investigate the case and present it to the District Attorney's Office for a charging decision. If the District Attorney decides to file charges, the case will be retained by DPD IAB until the conclusion of any criminal proceedings. Once the criminal proceedings are concluded, or if the District Attorney decides not to file charges, the case will be turned over to the DSD for completion of the administrative investigation to determine if any internal procedures or policies were violated.
10. This chart contains 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 27, 2014 (for open cases). Bureau-level personnel complaints (i.e., non-IA "reprimand" cases) and non-disciplinary "fit-for-duty" cases were excluded from the analysis.
11. This chapter discusses both intentional and accidental officer-involved shootings. All references to "officer-involved shootings" should refer to intentional shootings. Accidental officer-involved shootings will be specifically named as such.
12. See Michael White, Identifying Situational Predictors of Police Shootings Using Multivariate Analysis, 25 Policing: An International Journal of Police Strategies & Management, 726-751 (2002).
13. As discussed below, some of the shootings are still under investigation or review.
14. We are not clinicians, and we claim no expertise in diagnosing mental illness. These are our lay observations about the behavior of the suspects involved in these shootings, rather than diagnoses of their actual conditions, if any.
15. See Gary Cordner, People with Mental Illness: Problem-Oriented Guides for Police. Office of Community Oriented Policing, U.S. Department of Justice, 2006, pg. 5.
16. For a more detailed discussion, see ACEP Excited Delirium Task Force, White Paper Report on Excited Delirium Syndrome, American College of Emergency Physicians, September 10, 2009.
17. The OIM reports on deaths that begin or occur while the inmate is in the custody of any DSD jail. When inmates die in custodial facilities at Denver Health, under a doctor's care (such as cancer deaths occurring in hospice), the OIM has not historically reported on these deaths.

# Appendix A



## Office of the Independent Monitor

In an effort to improve accountability, the City and County of Denver established the Office of the Independent Monitor (OIM) as an independent, unbiased office with the City government.

Below you will find information on how to file a Complaint or Commendation:

**Complaints:** Can be filed with the Denver Sheriff Department or the Office of the Independent Monitor (OIM). Complaint/commendation forms are available at the City and County Jail, at the OIM office, and the number is also available on the Inmate Free Phone List.

**Commendation:** When a commendation is received, it will be forwarded to the Denver Sheriff Department, where it will be made available to the appropriate supervisor.

To file a complaint or commendation, you can:

- Mail the form to: Office of the Independent Monitor  
Webb Municipal Office Building  
201 W. Colfax Ave, Dept. 1201  
Denver, Colorado 80202
- Call: Office of the Independent Monitor  
(720)913-3306

You can now contact the Office of the Independent Monitor free of charge. The phone number has been added to the Free Phone List. A new phone list (January 2014) will be available in each housing unit.





# **Appendix B**



## How to File a DPD Complaint/Commendation

- ◆ **Postage-paid Complaint/Commendation Forms:** The OIM distributes complaint/commendation forms at government offices, libraries, and police facilities throughout Denver, and they can be mailed to the OIM at no charge.
- ◆ **OIM Online Complaint/Commendation Form:** Complaints and commendations may also be filed through online forms on the OIM, COB, DPD and DSD websites. See [www.denvergov.org/oim](http://www.denvergov.org/oim).
- ◆ **Email and FAX:** The OIM and COB also accept complaints and commendations through email at [OIM@denvergov.org](mailto:OIM@denvergov.org) and by FAX at 720-913-3305.
- ◆ **Walk-ins and Telephone:** Community members can drop off complaint/commendation forms during normal business hours on the 12th floor of the Webb Municipal building at 201 W. Colfax Avenue. In addition, every District police station in Denver is required to accept walk-in and telephone complaints. IAB also accepts complaints by telephone (720-913-6019) and walk-in (1331 Cherokee Street), during normal business hours.
- ◆ **Tort and Civil Rights Claims:** Investigations may also be initiated when a community member alleges officer misconduct in a claim or lawsuit filed against the City.

## How to File a DPD Complaint/Commendation

- ◆ **Postage-paid Complaint/Commendation Forms:** The OIM distributes complaint/commendation forms at government offices, libraries, and police facilities throughout Denver, and they can be mailed to the OIM at no charge.
- ◆ **OIM Online Complaint/Commendation Form:** Complaints and commendations may also be filed through an online form on the OIM, COB, and DSD websites. See [www.denvergov.org/oim](http://www.denvergov.org/oim).
- ◆ **Email and FAX:** The OIM and COB also accept complaints and commendations through email and fax at [OIM@denvergov.org](mailto:OIM@denvergov.org) and 720-913-3305.
- ◆ **Walk-ins and Telephone:** The DSD also accepts complaints and commendations by telephone (720-865-3888).
- ◆ **Tort and Civil Rights Claims:** Investigations may also be initiated as a result of allegations of deputy misconduct in a claim or lawsuit filed against the City.



# Appendix C



## DENVER POLICE DEPARTMENT DEPARTMENT DIRECTIVE

**TO:** All DPD Sworn Personnel

**FROM:** Robert C. White, Chief of Police

**DATE:** October 2, 2013

**NUMBER:** 13-05

**SUBJECT:** Authorized Weapon Mounted Flashlight Systems

Effective immediately; only standard weapon mounted lights which are activated with a paddle or rocker-style switch IN FRONT of the trigger guard are authorized for use. Any weapon mounted flashlights that are activated by a FRONT STRAP PRESSURE SWITCH are UNAUTHORIZED and shall be removed immediately. Officers that fail to comply with this directive will be in violation of Denver Police Operations Manual Section 111.01(1), Requirements – Uniform and Equipment.

Acceptable weapon mounted lights include, but are not limited to the below brands/products:

- Insight Technologies
- Streamlight TLR (without “contour remote” switch)
- Surefire (without front strap switch)

Unauthorized weapon mounted lights include, but are not limited to the below brands/products:

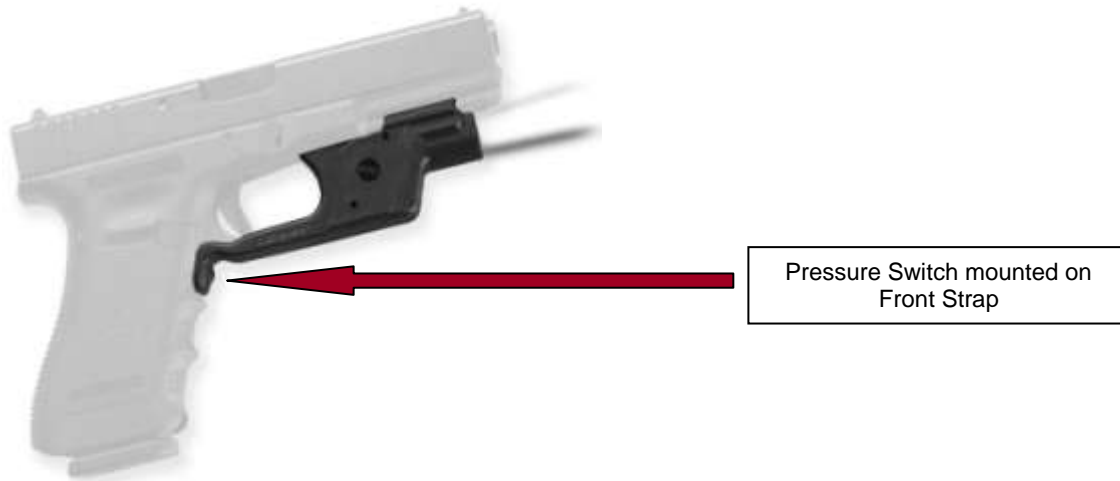
- Crimson Trace Lightguard
- Streamlight TLR series with “contour remote” switch
- Surefire with “DG” front strap switch

Examples of unauthorized weapon mounted light systems illustrated on following page.

Any questionable weapon light or switch system will be brought to the Firearms Section for inspection. Final approval will be made by the Commander of Operations Support Division or their designee.

## Department Directive 13-05

### Examples of Unauthorized Weapon Mounted Flashlight Systems





# Appendix D





# Training Bulletin

**ROBERT C. WHITE, CHIEF OF POLICE**

**Date of issue: February 14, 2014**

**Source:**

Chief of Police Robert C. White, Deputy Chief David Quinones  
Dr. Kevin McVaney, Medical Director, Denver Paramedics and Denver Fire  
Assistant Chief Paramedic James Robinson, DHMC  
Managers Shelly Lesnansky and Ernest Franssen, Denver 911 Communications Center

Page 1 of 3

## **Multi-Agency Excited Delirium Incident Protocol**

The Purpose of this protocol is to create consistent, citywide procedures for responding to incidents involving actual or potential excited delirium. This information will help Emergency Communication Operators, Police, Fire and Paramedic dispatchers, each front-line Denver Police Officer, Denver Sheriff Deputy, Denver Firefighter, and all Denver Health EMTs and Paramedics recognize the physiological and behavioral indicators associated with excited delirium. The goal is to protect the safety of patients and responders in cases of excited delirium by acting quickly to ensure an appropriate response from Denver Police, Denver Health EMS, and Denver Fire agencies, whenever possible.

### **I. DEFINITION**

Excited delirium is a medical emergency in which a person develops extreme agitation, aggressiveness, overheating and exceptional strength that cannot be managed by routine physical or medical techniques. Excited delirium patients lose their mental capacity to stop resisting and are truly out of control. This type of extreme exertion may result in sudden death.

#### **Excited Delirium Indicators**

Subjects can demonstrate some or all of the indicators:

- High level of physical and psychological agitation or excitation
- Violent/combatative/belligerent/assaultive behavior
- No response to verbal commands
- Psychosis, including delusional, paranoid, or fearful behavior
- Disrobing, nudity, or inappropriate clothing choices
- Significant resistance to verbal and physical restraint
- Appearance of “superhuman” strength and appearance to imperviousness to pain
- Continued struggle despite restraint

### **II. PROTOCOL FOR FIRST RESPONDERS**

1. The Emergency Communication Operator (ECO) will attempt to identify the physiological and behavioral indicators associated with excited delirium when applicable to the nature of the call being received. To assist the Operator, an information sheet describing the common elements associated with excited delirium will be available at the workstation. If during the course of the interview, the Operator recognizes one or more elements that are commonly associated with excited delirium, s/he will attempt to ask appropriate questions that may help clarify whether the situation possibly involves excited delirium. At the discretion of the Operator, and based on the contingencies of the 911 call, those questions may focus on the subject’s history

## Multi-Agency Excited Delirium Protocol

Date of issue: February 14, 2014

### Source:

Chief of Police Robert C. White, Deputy Chief David Quinones

Dr. Kevin McVaney, Medical Director, Denver Paramedics and Denver Fire

Assistant Chief Paramedic James Robinson, DHMC

Managers Shelly Lesnansky and Ernest Franssen, Denver 911 Communications Center

Page 2 of 3

of mental illness, drug/alcohol use, and/or current physical/mental state, etc. The great majority of excited delirium cases are not identifiable by phone.

2. If an ECO identifies a possible excited delirium incident, s/he will enter those key indicators into the incident notes and specify that the incident may involve excited delirium. EMS should be dispatched at the same time as DPD or added to the incident when a possible excited delirium situation is identified. Ideally, everyone should get to the scene at the same time and develop a plan to restrain the subject.
3. The first arriving DPD officer, Fire crew, or EMS personnel arriving at a call and recognizing that a subject is exhibiting excited delirium-type indicators, will then broadcast that information to their respective dispatchers so appropriate personnel can be dispatched to the incident.
4. Once an incident is identified as a possible excited delirium case by any of the response agencies, agency communications personnel will ensure that all agencies (DPD, EMS and DFD) are co-responding. The police dispatcher will ensure that a minimum of two DPD officers and a DPD supervisor are dispatched to the incident. They will also ensure that EMS/Fire is added to the incident. The police dispatcher will inform the responding officers, supervisor, and EMS/Fire of those key indicators and notify them over the air that the incident may have excited delirium-type characteristics.
5. Communication relating to the incident will remain on the district channel. The police dispatcher will monitor the incident, update units, and fulfill requests. EMS and DFD may monitor on the appropriate DPD district channel
6. Once an incident is identified as a possible excited delirium case, Police/EMS/Fire may respond with lights and siren as needed to get to the location as quickly and safely as possible. Once they are close to the location, the rotating lights and sirens may be turned off as they approach the scene to mitigate escalation of the incident. The first arriving personnel, upon having eyes-on, should notify co-responding agencies of the most appropriate area to which other arriving personnel should respond. Responding EMS/Fire units will monitor the DPD district channel for these instructions.
7. If Fire or EMS are the first on-scene and the first to recognize that a subject is exhibiting excited delirium-type indicators, then the Fire/EMS personnel may attempt to keep the patient calm and on-scene while waiting for DPD to arrive. Fire/EMS crews should be aware that the subject may be unresponsive to language and logic and unable to process or comply with their commands. If physical contact with the subject cannot be reasonably avoided and the subject must be restrained prior to DPD arrival, the Fire/EMS personnel should attempt to limit the subject's exertion while acting to ensure their own safety.
8. In instances where DPD officers arrive on scene and the subject is not restrained, then the DPD officers should attempt to minimize the subject's exertion and contain the subject to an area where they are less likely to harm themselves or others, while waiting for EMS to arrive. Officers/supervisors should, if practical, attempt CIT to get the subject to comply with requests to go with the EMS personnel willingly. When attempting CIT, one officer should make verbal contact with the subject. Slow, calming, and reassuring statements should be made and repeated often. (Examples include, *"I am here to help you," "It is going to be okay."*) Officers should be aware that the subject may be unresponsive to language and logic and unable to process or comply with an officer's commands.

## **Multi-Agency Excited Delirium Protocol**

**Date of issue: February 14, 2014**

### **Source:**

Chief of Police Robert C. White, Deputy Chief David Quinones  
Dr. Kevin McVaney, Medical Director, Denver Paramedics and Denver Fire  
Assistant Chief Paramedic James Robinson, DHMC  
Managers Shelly Lesnansky and Ernest Franssen, Denver 911 Communications Center

Page 3 of 3

9. The decision about whether DPD officers should contain the subject and wait for EMS, or to immediately take the subject into custody, will be determined by the demeanor of the subject and other contingencies related to the incident (e.g., the safety of bystanders, the subject, officers, and presence of EMS/Fire personnel). If the subject cannot be contained or calmed down and the decision to take the subject into custody is made, the DPD Incident Commander will, if practical, form a plan on how the takedown and restraint process will take place. Physical force needs to be fast and overwhelming. The struggle needs to end as soon as possible. The longer the struggle lasts, the more intensely the subject will fight back and the worse his medical risk will become. OC spray will not be effective; the use of a Taser may be appropriate. When possible, EMS/Paramedics should be a part of the plan formulation so they can make a decision as to whether sedation is necessary. The decision on whether to sedate the subject is based on the incident circumstances and is made solely at the discretion of medical personnel.
10. Once under control, the subject will be transferred to medical personnel. DPD officers should also complete DPD Form 150, Sick & Injured Report to indicate whether there is a hold on the subject. At least one officer will accompany the ambulance to the emergency room to relay any pertinent information to the medical staff.
11. If the subject involved in the incident dies, the DPD Incident Commander shall follow the procedures outlined in DPD Operations Manual 301.14(8), In-Custody Death Investigations regarding notification of the Denver Homicide Unit.
12. Officers will document the event and the amount of force used to contain, capture, control, restrain, and transport the subject as outlined in DPD Operations Manual section 105.00 (Use of Force Reporting Procedures). "Excited Delirium" will be noted in the narrative of the use of force report along with the observed behaviors of the subject.
13. A separate copy of the DPD Use Of Force Report will be forwarded to the Less Lethal Coordinator, Training Bureau Firearms Section, for data collection and review. In cases where excited delirium is initially suspected, the Less Lethal Coordinator will request from 911 Communications a copy of the 911 call, dispatch audio, and how the call was dispatched and add this information to the use of force case file.
14. Any of the agencies participating in this protocol may call for a review or amendment of the protocol *ad hoc* by convening a meeting of the agency representatives.

### **III. PROTOCOL FOR MEDICAL EXAMINER**

1. If a subject dies after being involved in a critical incident where excited delirium-type indicators are present, then the DPD Homicide Unit will immediately contact the Office of the Medical Examiner (OME) so that an OME investigator can respond to take custody of the body. A rectal temperature may be requested to be taken by ER personnel. This should ONLY be done under the direction of OME personnel.
2. Samples for toxicology will be obtained at autopsy. Any blood drawn in the ER/hospital shall be set aside for OME personnel to take custody of. No samples are to be obtained after death by ER/hospital staff.



# Appendix E





# Complaint/Commendation Form Locations

1. Office of the Independent Monitor  
Wellington E. Webb Building, 201 W. Colfax Ave., 12th floor
2. Police Headquarters  
1331 Cherokee St., Denver, CO 80204
3. District 1 Police Station  
1311 W. 46th Ave., Denver, CO 80211
4. District 2 Police Station  
3921 Holly St., Denver, CO 80207
5. District 3 Police Station  
1625 S. University Blvd. Denver, CO 80210
6. District 4 Police Station  
2100 S. Clay St., Denver, CO 80219
7. District 5 Police Station  
4585 Peoria St., Denver, CO 80239
8. District 6 Police Station  
1566 Washington St., Denver, CO 80203
9. Denver District Court-Criminal, Civil & Domestic  
1437 Bannock Street, Room 256, Denver, CO 80202
10. Denver Municipal Court-Traffic Division  
1437 Bannock Street, Room 135, Denver, CO 80202
11. Lindsay-Flanigan Courthouse  
520 W. Colfax Avenue, Denver, CO 80204
12. Denver Municipal Court-General Sessions  
1437 Bannock Street, Room 160, Denver, CO 80202
13. Denver County Jail  
10500 E. Smith Rd.
14. Denver Detention Center  
490 W. Colfax Avenue, Denver, CO 80204
15. City Councilwoman Susan Shepherd – District 1  
City and County Building, 1437 Bannock, Room 459, Denver, CO 80202
16. City Councilwoman Jeanne Faatz – District 2  
3100 S. Sheridan Blvd., Unit D, Denver, CO 80227

17. City Councilman Paul Lopez – District 3  
4200 Morrison Rd., Unit 7, Denver, CO 80219
18. City Councilwoman Peggy Lehmann – District 4  
3540 S. Poplar St., Suite 102, Denver, CO 80237
19. City Councilwoman Mary Beth Susman – District 5  
City and County Building, 1437 Bannock, Room 463, Denver, CO 80202
20. City Councilman Charlie Brown – District 6  
2324 E. Exposition Ave., Denver, CO 80209
21. City Councilman Chris Nevitt – District 7  
City and County Building, 1437 Bannock, Room 494, CO 80202
22. City Councilman Albus Brooks – District 8  
3815 Steele St., Denver, CO 80205
23. City Councilwoman Judy Montero – District 9  
3457 Ringsby Ct., Suite 215, Denver, CO
24. City Councilwoman Jeanne Robb – District 10  
City and County Building, 1437 Bannock, Room 493, Denver, CO 80202
25. City Councilman Christopher Herndon, - District 11  
4685 Peoria Street, Denver, CO 80239
26. City Councilwoman At-Large Robin Kniech  
City and County Building, 1437 Bannock, Room 432, Denver CO 80202
27. City Councilwoman At-Large Deborah Ortega  
City and County Building, 1437 Bannock, Room 492, Denver, CO 80202
28. Safe City Kids Office  
303 W. Colfax Ave., 10th Floor, Denver, CO 80202
29. Human Rights & Community Partnerships  
201 W. Colfax, 2nd Floor
30. Parks and Recreation  
201 W. Colfax, 6th floor
31. Colorado State Public Defender  
1560 Broadway, Suite 300
32. Denver Public Library – Central Branch  
10 W. 14th Avenue
33. Barnum Recreation Center  
360 Hooker Street, Denver, CO 80219

34. Colorado Heights University  
3001 S. Federal Blvd., Denver, CO 80236
35. Department of Safety, City and County of Denver  
1331 Cherokee Street, Room 302, Denver, CO 80204
36. Escuela Tlatelolco  
2949 Federal Blvd, Denver, CO 80211
37. Centro Humanitario  
2260 California St, Denver, CO 80205
38. Colorado Progressive Coalition  
1029 Santa Fe Drive, Denver, CO 80204
39. Servicios de la Raza  
4055 Tejon St, Denver, CO 80211
40. Southwest Improvement Council  
1000 S. Lowell Blvd., Denver, CO 80219
41. Denver Indian Center  
4407 Morrison Rd, Denver, CO 80219



# Appendix F



## Citizen Oversight Board (COB)

The COB will assess the effectiveness of the Monitor's Office; make policy level recommendations regarding discipline, use of force, and other policies; rules; hiring; training; community relations; and the complaint process; address any other issues of concern to the community; members of the board, the monitor, the Manager of Safety, the Chief of Police, the Undersheriff, or the Fire Chief.

### 2013 COB Members:

- ◆ **Dr. Mary Davis** is the Chair of the COB. She has been actively involved in civic and community-improvement activities since arriving in Denver more than 30 years ago. Dr. Davis was the Director of Administration at the Regional Transportation District for 10 years prior to launching McGlothlin Davis, Inc., an organizational effectiveness consulting firm in 1995. She has served on numerous nonprofit boards including the Denver Chapter of the American Cancer Society, The Denver Hospice, The Learning Source, and Goodwill Industries of Denver, serving as board chairperson of the latter two organizations. Other community-based activities include serving on school accountability committees, nonprofit scholarship committees, higher education advisory committees, and as director of Children's Church at two churches.
- ◆ **Francisco "Cisco" Gallardo** is the Vice Chair of the COB. In his teen years, he joined what has been one of the largest gangs in Denver's north side. Since that time, after facing a possible 48 years in prison, he has dedicated his life to undoing the damage he helped cause. By redefining respect, power and pride, and making a commitment to help the youth heal, he has helped countless young people over the past 20 years to redefine their own lives through his work in the community.
- ◆ **Cathy Reynolds** is Secretary of the COB. She served on the Denver City Council as an at large member for a record 28 years and 21 days, as well as Chairing the Urban Drainage and Flood Control District for more than 20 years. She held the position of City Council President five times during her tenure. Ms. Reynolds spent 25 years on the board of the Colorado Municipal League, serving as president twice and is Past President of the National League of Cities.
- ◆ **Nita Gonzales** is the President/CEO of Escuela Tlatelolco Centro de Estudios. She received her Bachelor's of Science in Accounting and Master's in Education from Antioch University, in Yellow Springs, Ohio. Her work includes being one of the founders and organizers of the Chicano/Chicano/Mexicano Education Coalition comprised of 23 community organizations and groups. She has also provided essential leadership in the All Nations Alliance (ANA), a coalition of over 80 social justice organizations from Denver-Boulder. Ms. Gonzales is the recipient of many awards and honors for her work in educational and community empowerment, and continues to work as a

community-builder, visionary, and mentor across color boundaries, across cultures, and across age groups.

- ◆ **Pastor Paul Burleson** founded Denver's Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He spent 28 years as an engineer with U.S. West Communication and four years in the U.S. Air Force. Pastor Burleson is a former dean of the United Theological Seminary's Denver Extension, and is experienced in the prevention, identification, and counseling of individuals and families with substance abuse and other at-risk behaviors.
- ◆ **Rabbi Steven E. Foster** took his first position as an ordained rabbi at Temple Emanuel in 1970 and became the Senior Rabbi in 1981. He brought to his rabbinate a deep commitment to social justice, Jewish education and Jewish continuity. His work in founding the Temple Emanuel Preschool and Kindergarten, Herzl Day School, Stepping Stones to a Jewish Me (an outreach program for interfaith families) in addition to his far reaching community work such as serving on the boards of Planned Parenthood of the Rocky Mountains, United Way, and Allied Jewish Federation to name a few, demonstrate his commitment to the Jewish and secular community alike. Rabbi Foster retired as Senior Rabbi in June, 2010, and now serves as Rabbi Emeritus of Temple Emanuel as well as chaplain for The Denver Hospice.
- ◆ **Mark Brown** has been involved in the area of law enforcement and management for 25 years. He is a Criminal Investigator Supervisor for the Colorado Department of Revenue, Division of Racing events, where he manages firearms training, armory maintenance, work scheduling, and vehicle maintenance. He is also currently involved in legislative bill development, budget analysis, and racing rules and regulation development. Mark Brown received a Bachelor of Arts Degree in Economics from the University of Colorado and is an active member of the Kappa Alpha Psi Fraternity Incorporated. He holds a Colorado Real Estate Broker license.



## Regular COB Meetings

The COB holds its regularly scheduled meetings on the first and third Fridays of each month at 10:00 a.m. in the Webb Building on the 12th floor. The meetings are open meetings with the possibility that certain matters will involve an executive session.

## 2013 Public Forums

COB public forums are usually held in the evenings from 7-9 p.m. at various locations in the City. In 2013 public forums were held on the following dates and locations.

1. Mar. 21st – 6:30-8:00 p.m. - District 6 – La Alma Lincoln Park Rec Center (11th & Mariposa)
2. June 27th - 7:00 PM - District 3. – Temple Emanuel (51 Grape Street)
3. September 19 – 7:00 PM - District 2 – Bruce Randolph School (3955 Steele St)
4. December 12 – 7:00 PM - District 1 – (canceled due to weather)

### **Proposed 2014 Public Forums – Locations to be determined.**

- ◆ March 27th - 6:30 PM - District 4 - Kepner Middle School (911 S. Hazel Ct.)
- ◆ June 19th
- ◆ September 18th
- ◆ December 11th







---

Office of the Independent Monitor  
201 W. Colfax Ave., Dept 1201  
Denver, CO 80202  
720 913 3306  
[www.denvergov.org/OIM](http://www.denvergov.org/OIM) | [oim@denvergov.org](mailto:oim@denvergov.org)  
[facebook.com/officeoftheindependentmonitordenver](https://facebook.com/officeoftheindependentmonitordenver)