



DENVER

THE MILE HIGH CITY

*OFFICE OF THE INDEPENDENT
MONITOR*

ANNUAL REPORT 2005

RICHARD ROSENTHAL
INDEPENDENT MONITOR

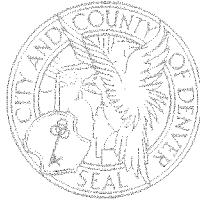


DENVER
THE MILE HIGH CITY

MESSAGE FROM THE MAYOR

MAYOR JOHN W.
HICKENLOOPER

John W. Hickenlooper
MAYOR



City and County of Denver

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On December 16, 2003, we announced that we were creating a broad-based Task Force to investigate various ways to improve the police oversight system. The Task Force provided a number of recommendations regarding the model that should be used.

After lengthy analysis, we came to believe that the "monitor" model of oversight was the correct one for Denver. The monitor model allows oversight personnel to actively monitor internal investigations and critical incident investigations from the very beginning of the investigation and to continue that involvement throughout the entire investigative and disciplinary processes – "real time" day-to-day involvement in the process. Due to his daily involvement in these investigations, the Monitor knows exactly how the investigation is progressing and can take actions to cure any deficiencies before the investigation is completed.

In addition, the Monitor can "bring the light of day" to a previously closed process.

When we presented the Monitor concept to the City Council, they provided their unanimous support and the People of Denver followed by approving the Charter changes necessary to create the office and allow it access to all investigative and disciplinary information.

We are pleased to see the Monitor present to the City of Denver a comprehensive report on his first six months in office which also makes the internal affairs and disciplinary processes much more transparent than in the past.

We hope that the community will recognize that they are being well served by this new process and look forward to more reports on how well the Police and Sheriff Departments are doing with the essential task of policing themselves.

Sincerely,

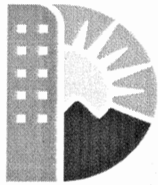

John Hickenlooper
Mayor



DENVER
THE MILE HIGH CITY

**MESSAGE FROM
THE INDEPENDENT
MONITOR**

RICHARD
ROSENTHAL



DENVER
THE MILE HIGH CITY

JOHN W. HICKENLOOPER
Mayor

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A Message from the Independent Monitor

This is the first annual report for the Office of the Independent Monitor (OIM) for the City and County of Denver. I was hired as the first Independent Monitor and began work on July 11, 2005.

By August 1, 2005, the Monitor's Office opened its doors to the public. Complaint/Commendation forms were prepared and distributed throughout the community and made available for electronic filing via the internet. As such, the complaint system was quickly made for more accessible for members of the community with either complaints or good words for members of the Police and Sheriff's Departments.

I immediately got to work trying to improve the complaint handling and disciplinary processes with the dual goals of improving timeliness in the handling of complaint investigations and imposition of discipline and improving the satisfaction with the complaint-handling process for both community members and police officers. Less than four months after opening our office, the OIM sent out surveys to all Denver Police Department (DPD) officers and more than 1,000 citizen complainants to obtain an objective gauge of how well the process had worked during the tenure of the OIM's predecessor agency, the Public Safety Review Commission (PSRC), and to obtain information how the process could be improved. The community member and officer surveys will be continued on an indefinite basis to provide the OIM with the information needed to improve these important processes in the long-term.

By November of 2005, the first community member- police officer mediation in the history of Colorado was conducted and resulted in high marks from both participants.

By the end of the year, the DPD worked to finalize new policies imbedding the Monitor's Office in the Internal Affairs and disciplinary processes and improving the handling of citizen complaints for community members and officers alike.

In addition to rolling out to its first critical incident on Veteran's Day, shortly thereafter, the OIM finalized a contract with the Police Assessment Resource Center to evaluate the last six years of officer-involved shootings from a policy, training and tactics viewpoint.

It has been a quick start for this program. In addition to the initiatives mentioned above, the Monitor's Office has been actively monitoring internal and criminal investigations to ensure they are objective, thorough, fair and timely.

I am hopeful that this report, and future progress reports (to be prepared on a quarterly basis), will provide a level of transparency to the Internal Affairs and disciplinary processes that has been previously unknown in this part of the country. I have been blessed with the opportunity to start up a second big-city civilian oversight operation, hopefully taking my successes from Portland, Oregon to the Mile High City and leaving any failures behind.

My thanks to our Civilian Oversight Board for their advice and consult, OIM staff members for their dedication and hard work, the Sheriff and Police command staff and union leadership for their willingness to adapt to fast-moving changes, the members of the community who have come out in support of the concept of objective and "real-time" civilian oversight and finally to Mayor Hickenlooper and the City Council for their willingness to bring professional oversight to the City of Denver.

Responses to this report from the Chief of Police and the Director of Corrections can be found in the appendix to this report.

I welcome any comments or suggestions about the OIM program. You will find this report and other information concerning our program by accessing our website at:
www.denvergov.org/OIM.

Sincerely,

A handwritten signature in black ink that reads "Richard Rosenthal". The signature is written in a cursive, flowing style.

Richard Rosenthal
Independent Monitor



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TABLE OF CONTENTS

	PAGE
Executive Summary	I
Mission	II
First Year Progress	II
Complaint Handling and Investigations	III
Findings and Imposition of Discipline	IV
Early Intervention, Managing Use of Force & Patterns in Complaints	V
Critical Incident Review	V
Mediation	VI
Commendations and Awards	VI
Outreach	VI
Timeliness	VII
Citizen and Officer Satisfaction	VII
 Chapter 1: Overview from the Independent Monitor	
Introduction	1-2
Mission of OIM	1-2
2005 Goals	1-3
Status of Goals	1-4
Activities	1-5
Creation of the Community-Police Mediation Program	1-5
Creation of Monitor's "Case Monitoring Guidelines"	1-5
Changes in Police Policies Regarding the Handling of Citizen Complaints and the Disciplinary Review Process	1-5
<i>New Policies Regarding the Handling of Citizen Complaints (Complaint "Filtering")</i>	1-5
<i>New Policies Imbedding the OIM in the Investigation and Disciplinary Process</i>	1-6
Changes in Sheriff Policies Regarding the Handling of Citizen Complaints and Disciplinary Review Process	1-7
Tort Claim Review: An Example of the Police Department's Willingness to Accept Change	1-7
Timeliness	1-8
Investigations	1-8
Office-Involved Shooting Investigations	1-8
Fairness and Thoroughness of IAB Review Process	1-9
Investigations	1-9
Findings	1-9
Disposition Letters	1-9
Ongoing Progress Reports	1-10
2005 Outreach	1-11
Outreach to the Public and Community Groups	1-11
Outreach to the Denver Police and Sheriff Departments	1-11
Outreach to the National Civilian Oversight Community	1-11

	PAGE
2005 Training	1-12
2006 Goals	1-12
2006 Benchmarks	1-13
Chapter 2: The Complaint Handling & Investigatory Processes	
Stage I: Complaint Intake	2-2
Internal Complaint Definitions	2-3
IAB Complaint Intake & Assignment	2-4
IAB Dismissals	2-5
Stage II: IAB Investigation and Review	2-7
Stage III: OIM Review and Recommendations	2-8
Police and Sheriff IAB Investigations in 2005	2-9
Different Rules Apply to Police and Deputy Sheriffs	
Charged With Felony Crimes	2-11
Stage IV: Findings and Imposition of Discipline	2-14
Public Safety Review Cases & Transition Issues	2-19
Chapter 3: Imposition of Discipline and the EIIS	
Sheriff Department	3-2
Findings	3-2
Discipline	3-3
Police Department	3-4
Findings	3-4
Discipline	3-6
Methodology	3-7
Imposition of Discipline by Denver Police and Sheriff Departments	3-8
Denver Police Department	3-8
Denver Sheriff's Department	3-10
Ranks of Officers Receiving Discipline in 2005	3-12
The Manager of Safety's "Discipline System Advisory Group"	3-13
Relationship Between Disciplinary Review Board Recommendations	
and Final Imposition of Discipline by the Manager of Safety	3-14
Monitor Recommendation for Better Information Sharing Between	
the Manager of Safety and Members of the Disciplinary Review Board	3-14
Chapter 4: The Police Department's Early Identification and Intervention System (EIIS), Managing Force and Patterns in Complaints	
Managing Use of Force	4-3
Patterns of Complaints	4-4
Complaints per Officer	4-4
Complaints per Citizen	4-7

	PAGE
Chapter 5: Critical Incident Review	
Implementation of the Program	5-2
District Attorney’s “Intergovernmental Agreement Letter”	5-2
Process for Officer-Involved Shooting Cases	5-3
Change in District Attorney’s “Officer-Involved Shooting” Protocol	5-3
OIM Established Roll-Out Protocol	5-4
Deadly Force Audit	5-4
Denver Police Department Critical Incident Review	5-6
Investigations Bureau – OIM Protocol	5-12
A Conflict Between the Use-Of-Force Review Board and the Tactics Review Board	5-12
Police Chief Accepts OIM Recommendation Regarding Additional Advisory Member of Use-Of-Force Review Board	5-13
Denver Police Department Firearms Discharges (Animal Shootings)	5-13
Denver Sheriff Department Critical Incident Review	5-15
Chapter 6: Mediation	
What is Mediation	6-1
Historical Context	6-2
The Denver Community/Police Mediation Program	6-2
Historical Obstacles to Mediation	6-3
How Cases Are Selected	6-4
The Mediation Process	6-5
What Happens During Mediation	6-7
Cases Assigned for Mediation Thus Far	6-7
Goals for the New Program	6-9
Mediation Satisfaction Rates	6-9
Comments from Mediation Participants	6-10
Mediation Guidelines and Protocols	6-11
Chapter 7: Commendations & Awards	
Police Department	7-2
Sample of Police Department Commendations Received by OIM	7-5
Sample of Awards Given to Officers by the Denver Police Department in 2005	7-6
Sheriff Department	7-9
Sample of Awards Given to Deputies by the Denver Sheriff’s Department in 2005	7-6
Chapter 8: Outreach	
OIM Ombudsman Position	8-2
Creation of OIM Listerv	8-3
Community Outreach Meetings (2005)	8-4
List of Police/Sheriff Department Related Outreach Meetings (2005)	8-6

	PAGE
Chapter 9: Timeliness	
Sheriff Department	9-2
Police Department	9-3
Timeliness Issues of Investigations and Findings	9-5
Description of Denver Sheriff Cases Over One Year Old as of December 31, 2005	9-6
Description of Denver Police Cases Over One Year Old as of December 31, 2005	9-6
Oldest Case Review	9-6
Timeliness of Police Department Command Reviews	9-7
Sheriff Department	9-10
Finding Solutions to the Untimely Imposition of Discipline	9-10
Performance Measures	9-12
Performance Goal for Closing All Complaints	9-12
Performance Goal for Intake Investigation	9-14
Performance Goal for Declines	9-16
Performance Goal for Completion of Informal Investigations/Service Complaints	9-16
Performance Goal for Completion of Full Investigations	9-17
Performance Goal for Command Review Process	9-19
Performance Goal for Disciplinary Review Boards and Chief's Hearings	9-20
Data Quality Issues	9-21
Chapter 10: Complainant & Officer Satisfaction Survey Findings	
Citizen and Officer Satisfaction Surveys	10-2
Survey Instruments	10-2
Samples	10-3
Procedures	10-3
Analysis	10-3
 Appendix A: Complaint and Commendation Form Distribution Sites	
 Appendix B: Budget	
 Appendix C: Citizen and Police Officer Satisfaction Surveys	
 Appendix D: Mediation Satisfaction Surveys	
 Appendix E: Responses from Chief of Police and Director of Corrections	
 Appendix F: Chief Whitman's Letter Regarding Tasers	
 Appendix G: Citizen Oversight Board and Meetings	



LIST OF TABLES AND FIGURES

DENVER
THE MILE HIGH CITY

LIST OF TABLES AND FIGURES

TABLES	PAGE
CHAPTER 2	
2.1 Total Complaints in 2005 by Case Type and Complainant (DPD)	2-2
2.2 Complaint Types (DPD)	2-3
2.3 Total DSD Complaints in 2005 by Complainant	2-4
2.4 Complaint Types (DSD)	2-4
2.5 Number of DPD Complaint Dismissals by Agency and Reason	2-6
2.6 Public Safety Review Commission-DPD Complaints by Case Year	2-20
2.7 Public Safety Review Commission-DSD Complaints by Case Year	2-21
CHAPTER 3	
3.1 Findings for Complaint Allegations (DSD)	3-2
3.2 Findings by Allegations for Cases Closed in 2005 (DSD)	3-2
3.3 Discipline for Sustained Cases (DSD)	3-3
3.4 Discipline by Allegation for Sustained Cases (DSD)	3-3
3.5 Findings for Complaint Allegations (DPD)	3-4
3.6 Findings by Complaint for All Allegations (DPD)	3-4
3.7 Findings for Citizen-Initiated Allegations (DPD)	3-5
3.8 Findings by Allegations for Citizen-Initiated Complaints Only (DPD)	3-5
3.9 Discipline for Sustained Allegations (DPD)	3-6
3.10 Discipline by Complainant for Sustained Cases (DPD)	3-6
3.11 Discipline for Citizen-Initiated Complaints (DPD)	3-7
3.12 Discipline by Rank (DSD)	3-12

TABLES	PAGE
3.13 Discipline by Rank for Sustained Cases (DPD)	3-13
CHAPTER 4	
4.1 Number of Complaints per Officer (DSD)	4-4
4.2 Number of Force Complaints per Officer (DSD)	4-5
4.3 Number of Complaints per Officer (DPD)	4-5
4.4 Number of Force Complaints per Officer (DPD)	4-6
4.5 Number of Complaints per Complainant (DSD)	4-7
4.6 Findings for Multiple Complainants' Complaints (DSD)	4-7
4.7 Number of Complaints per Complainant (DPD)	4-8
4.8 Findings for Multiple Complainants' Complaints (DPD)	4-8
CHAPTER 6	
6.1 Satisfaction with Mediation Outcome	6-9
6.2 Satisfaction with Mediation Process	6-9
6.3 Likelihood of Recommending Mediation	6-10
CHAPTER 7	
7.1 Number and Type of Commendations Received by DPD Employees	7-2
7.2 DPD Commendation Types and Definitions	7-3
7.3 Number of Commendations per DPD Employee	7-3
7.4 Number of Commendations Received via the Comment Hotline	7-4
7.5 Type of Commendations Received by Comment Hotline	7-4
7.6 Number and Type of Commendations Received by DSD Employees	7-9

TABLES	PAGE
7.7 DSD Commendation Types and Definitions	7-10
CHAPTER 9	
9.1 Number of Days to Close Complaint by Complainant Type (DSD)	9-2
9.2 End of Year Case Status (DSD)	9-2
9.3 End of Year Case Status by Complainant (DSD)	9-3
9.4 Number of Days to Close Complaint by Complainant Type (DPD)	9-4
9.5 Number of Days to Close Citizen/Internal Complaints (DPD)	9-5
9.6 End of Year Case Status by Complainant (DPD)	9-4
9.7 End of Year Case Status by Citizen/Internal Complaints (DPD)	9-5
9.8 Open Cases by Days Overdue and Department (DPD)	9-7

FIGURES	PAGE
CHAPTER 4	
4.1 Number of Complaints per Officer (DSD)	4-4
4.2 Number of Complaints per Officer (DPD)	4-6
CHAPTER 7	
7.1 Number of Commendations per DPD Employee	7-3
CHAPTER 9	
9.1 Case Age for Citizen Complaints Initiated Prior to 8/1/05 (DPD)	9-8
9.2 Case Age for Internal Complaints Initiated Prior to 8/1/05 (DPD)	9-9
9.3 Case Age for “Other” Complaints Initiated Prior to 8/1/05 (DPD)	9-9
9.4 Case Age for All DSD Complaints Initiated Prior to 8/1/05 (DSD)	9-10
9.5 Number of Days to Close Complaint Case (DSD)	9-12
9.6 Number of Days to Close Complaint Case (DPD)	9-13
9.7 Number of Days to Complete Intake Investigation (DSD)	9-14
9.8 Number of Days to Complete Intake Investigation (DPD)	9-15
9.9 Number of Days to Complete Full Investigation (DSD)	9-17
9.10 Number of Days to Complete Full Investigation (DPD)	9-18
9.11 Days to Complete Command Review Process (DPD)	9-19
9.12 Number of Days to Complete DRB and Chief’s Hearings (DPD)	9-20



LIST OF ABBREVIATIONS

D E N V E R
THE MILE HIGH CITY

List of Abbreviations:

CAP	CrimesAgainst Persons (Bureau)
CEP	Continuing Education Program
CID	Criminal Investigations Division
CIT	Crisis Intervention Training
MC	Community Mediation Concepts
COB	Citizen Oversight Board
CSA	Career Service Authority
CUFFS II	Complaint and Use of Force Filing System (2 nd Version)
DFD	Denver Fire Department
DPD	Denver Police Department
DRB	Disciplinary Review Board
DSD	Denver Sheriff Department
EIIS	Early Identification and Intervention System
IAB	Internal Affairs Bureau
IAD	Internal Affairs Division
IPR	Independent Police Review Division (Portland, OR)
MOS	Manager of Safety
NACOLE	National Association for Civilian Oversight of Law Enforcement
OIM	Office of the Independent Monitor
OIR	Office of Independent Review (Los Angeles County)
PARC	Police Assessment Resource Center
PERF	Police Executive Research Forum
PIO	Public Information Officer
PPA	Police Protective Association
PSRC	Public Safety Review Commission
PSU	Professional Standards Unit
SPSS	Statistical Package for the Social Sciences
SR	Supervisor Situation Record
SUV	Sports Utility Vehicle
SWAT	Special Weapons and Tactics



DENVER
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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

MISSION

The mission of the Office of the Independent Monitor is to provide fair and objective oversight of internal investigations of possible misconduct and serious uses of force by uniformed personnel of the Denver Police, Sheriff and Fire Department arson investigators. These uniformed personnel hold positions that are among the most demanding in the City and County of Denver in terms of impacting the public trust. The Monitor's mission is directed at transparency and accountability which will ensure public confidence in Denver's uniformed personnel and the policies which govern them.

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

FIRST YEAR PROGRESS

In 2005, OIM achieved the following goals:

- OIM entered into a contract with the Los Angeles-based Police Assessment Resource Center (PARC) to conduct a review of Police Department deadly force policies and to review officer-involved shooting investigations from 1999 through 2004 (that are not pending possible litigation) to evaluate the quality of the investigation and review process and the quality of deadly force training and tactics. This report is expected to be published in the last quarter of 2006;
- The OIM worked with the Police and Sheriff Departments to enact new policies regarding complaint handling. Written complaint monitoring criteria were created and adopted by OIM after consultation with the Citizen Oversight Board (COB) as of August 1, 2005;
- The OIM created a new community-police mediation program to which 13 complaints were referred;
- The OIM reviewed and made recommendations regarding the administrative review of two DPD officer-involved shootings, one DPD use-of-force resulting in hospitalization, three DPD animal shootings and three DSD in-custody deaths that occurred between May 2, 2005 and December 31, 2005;
- The OIM reviewed the handling of all Internal Affairs complaints made after August 1, 2005 and made recommendations regarding the handling of investigations into those complaints;
- A survey of citizen complainants for the last three years and all DPD sworn personnel was distributed during the week of November 7, 2005.
- As of September 26, 2005, the OIM received access to the DSD's administrative investigation database. On October 18, 2005, the OIM received access to the DPD's administrative investigation database;

- As of December 1, 2005, the DPD and the Monitor's Office created a process by which tort claims alleging police misconduct receive managerial review by the OIM and the IAB Commander. The OIM verified that the DSD has appropriate processes in place to ensure similar managerial review of tort claims.

COMPLAINT HANDLING AND INVESTIGATIONS

The OIM created a new complaint/commendation brochure, which was distributed throughout the community and which allows community members to file a complaint or commendation directly with the OIM by dropping a postage paid form in the U.S. mail. The OIM also created a process by which community members can file complaints or commendations on the websites of the OIM, the Citizen Oversight Board (COB), or the Police and Sheriff Departments.

In 2005, the Denver Police Department investigated 997 complaints. Of the total complaints, 689 or 69% were categorized as formal complaints compared to 308 (31%) informal complaints. Citizen-initiated complaints accounted for 50% of the total complaints received. The other 50% of complaints were Department-initiated.

General improper procedure allegations were the most common type of complaint received. The second most common type of complaint involved allegations of discourtesy (22.6%).

TOP 10 COMPLAINT TYPES (DPD 2005)		
Complaint Type	Count	Percent
Improper Procedure--Other	325	30.3%
Discourtesy	242	22.6%
Improper Procedure--Failure to Attend Court	179	16.7%
Improper Procedure--Preventable Accident	122	11.4%
Unnecessary Force	92	8.6%
Law Violation--Other	24	2.2%
Improper Procedure--Failure to Shoot	22	2.1%
Obedience to Traffic Regulations	13	1.2%
Conduct Prejudicial	10	0.9%
All Other Complaint Types	43	0.7%
TOTAL	1072	100.0%

The Denver Sheriff's Department received 348 complaints in 2005. Inmates accounted for the largest percentage of complainants comprising 31% of the total, followed by management (21%), citizens (15%) and employees (10%).

The most common type of complaint against DSD in 2005 was improper conduct (41%) followed by lost property (24%) and improper procedure (15%).

TOTAL DSD COMPLAINTS IN 2005 BY COMPLAINANT (DSD, 2005)		
COMPLAINANT	Count	Percent
Citizen	53	15.2%
Employee	34	9.8%
Inmate	108	31.0%
Management	72	20.7%
Other	2	0.6%
Unknown	79	22.7%
TOTAL COUNT	348	100.0%

The OIM actively monitored all internal affairs investigations that were initiated after August 1, 2005. The OIM was given the opportunity to review and make recommendations with respect to all case assignment decisions, formal internal affairs investigations and findings resulting from such investigations.

FINDINGS AND IMPOSITION OF DISCIPLINE

In 2005, DPD closed 780 total complaint cases. This includes cases that were received in 2005 and in earlier years.

Approximately, 38.9% of the total allegations were sustained. The most likely complaints to be sustained included Department-initiated complaints regarding officer-involved traffic accidents (100%) and the failure to appear in court as a witness (88%). With respect to citizen/internal complaints, the most common finding was not sustained (28%) followed by unfounded (24%). Eighteen percent of the 593 citizen/internal allegations were “sustained” in 2005.

FINDINGS FOR COMPLAINT ALLEGATIONS (DPD CLOSED CASES, 2005)		
Finding	Count	Percent
Sustained	345	38.9%
Unfounded	163	18.4%
Exonerated	152	17.2%
Not Sustained	170	19.2%
Not Reviewed	7	0.8%
Information Only	49	5.5%
TOTAL	886	100.0%

The most common type of discipline imposed on Denver Police Officers included written (22.2%) and oral (60.7%) reprimands which accounted for 80% of the total penalties imposed. The least common forms of discipline included dismissal (1.9%), fined time (2.5%), and suspended time (3.6%).

In 2005, the Denver Sheriff’s Department closed 286 complaint cases. Approximately one-third (32.6%), of the allegations resulted in a sustained finding.

FINDINGS FOR COMPLAINT ALLEGATIONS (DSD CLOSED CASES, 2005)		
Finding	Count	Percent
Sustained	110	32.6%
Unfounded	46	13.6%
Exonerated	50	14.8%
Not Sustained	89	26.4%
Resolved	22	6.5%
Referred	18	5.3%
Declined	2	0.6%
TOTAL	337	100%

Approximately, 43% of improper conduct allegations received sustained findings compared to 51% for improper procedure and 64% for law violations.

The most common types of discipline for sustained cases were cautionary letters (27%) and written reprimands (25%). Eleven percent of sustained cases resulted in the cessation of employment through resignation (8%) or termination (3%).

EARLY INTERVENTION, MANAGING USE OF FORCE & PATTERNS IN COMPLAINTS

The OIM will be involved in 2006 in evaluating the effectiveness of the Police Department's Early Identification and Intervention System (EIIS). Evidence suggests that the disciplinary process, by itself, is not an effective tool for managing officers' use of force. An effective and credible EIIS is essential to assist the Department in managing officer actions in this area.

The majority of police officers that received a use-of-force complaint received only one such complaint. However, 4% of the officers received 3-4 force complaints during the year.

NUMBER OF FORCE COMPLAINTS PER OFFICER (DSD 2005)			
Number of Complaints	Number of Officers	Percent	Cumulative Percent
1	41	95.3%	95.3%
2	2	4.7%	100.0%
TOTAL	43	100.0%	

NUMBER OF FORCE COMPLAINTS PER OFFICER (DPD 2005)			
Number of Complaints	Number of Officers	Percent	Cumulative Percent
1	110	82.7%	0.0%
2	18	13.5%	96.2%
3	3	2.3%	98.5%
4	2	1.5%	100.0%
TOTAL	133	100%	

There were 45 total force complaints in 2005 involving 43 Sheriff Department Deputies. The vast majority of deputies (95%) received only one force complaint while 2 officers received 2 force complaints each. No deputy received more than 2 force complaints.

CRITICAL INCIDENT REVIEW

The Monitor's Office is required by the ordinance to "monitor and participate" in officer-involved shooting and in-custody death investigations. Based on the ordinance's stated intent of increasing the timeliness of review of officer-involved shootings and other critical incidents, the Monitor's Office worked with DPD Internal Affairs to complete an administrative investigation of an officer-involved shooting within a 6 month period. There was only one officer-involved shooting in 2005 which resulted in an injury or death. It occurred on May 25, 2005 and was closed out administratively by the DPD on November 16, 2005 as being "in-policy." The Monitor recommended that one shooting, that did not result in an injury, be found "out-of-policy."

The OIM monitored three in-custody death investigations relating to Sheriff custodial facilities. One investigation was completed as of the end of 2005 and as a result of the Department's evaluation of that incident, improvements in the administrative processes of the jail were made.

MEDIATION

The OIM introduced community-police mediation to Denver in 2005. Mediation is viable alternative to the normal complaint handling process whereby community members and police officers can talk out their issues in a neutral, non-confrontational and confidential environment with the aid of a professional mediator. Mediation allows each party to gain a better understanding of the other's perspective by serving as a safe learning opportunity.

Four mediations were conducted in 2005. All officers involved in these mediations indicated that they were either satisfied or very satisfied with the mediation process. Three out of four community member participants indicated that they were either satisfied or very satisfied with the mediation process. The limited number of mediations conducted does not permit an objective evaluation of these survey results. By the end of 2006, it is expected that enough mediations will have been conducted to allow for an objective evaluation of satisfaction rates in the 2006 annual report.

As of the end of 2005, 9 additional complaints had been referred to the mediation program, but mediations had not yet been conducted.

SATISFACTION WITH THE MEDIATION PROCESS				
How satisfied were you with the mediation process in general?	Very Satisfied	Satisfied	Neither Satisfied/Dissatisfied	TOTAL COUNT
Community Members	2	1	1	4
Row %	50%	25%	25%	100%
Officers	1	5		6
Row %	17%	83%		100%
				10

COMMENDATIONS AND AWARDS

In 2005, DPD recorded 658 commendations regarding sworn officers.

Commendatory Action Reports were the most common type of commendation (222) followed by Official Commendation (121), and Commendatory Letter (106).

There were 110 awards given out by the Denver Sheriff Department in 2005. The largest number of awards were for Supervisory Commendations (24.5%) followed by Commendations (19.1%), and Community Service (15.5%).

OUTREACH

As part of the Monitor's full-time staff, a position of Community Relations Ombudsman was created. The Ombudsman meets with organizations and communities throughout the City and County of Denver to discuss police issues and concerns as well as explain what the OIM does, the changes that have been made to DPD and DSD, and the significance of those changes. Community groups contacted include non-profit staff and boards, neighborhood associations, religious congregations, and activist organizations.

In addition, the Monitor conducted outreach with members of the Denver Police and Sheriff Departments by making roll call presentations at every District station, as well as at various Police Department Bureaus. The Monitor also met with numerous police officer organizations in order to introduce the OIM program to officers and learn more about officers' issues and concerns.

TIMELINESS

Due to incomplete data, it was impossible for the OIM to determine how timely complaint investigations and command reviews were for DPD cases initiated before July 27, 2005. The OIM anticipates being able to report on DPD timeliness in complaint handling in 2006.

As of the end of 2005, DPD had six complaint investigations still open one year after they were initiated. Five complaint investigations had been completed, with findings made, but IAB had not yet notified the complainants of the findings. The one pending complaint investigation is awaiting the resolution of a pending criminal case against the involved officer. One case

NUMBER OF DAYS TO CLOSE COMPLAINT CASE BY COMPLAINANT TYPE (DPD 2005)				
COMPLAINANT	Mean	Standard Deviation	Median	TOTAL COUNT
Citizen/Internal	37.8	33.5	31	142
Traffic Accidents	33.3	17.3	30	25
Failure to Appear--Court	41	13.5	36	48
Failure to Qualify-Firearms	58	26.5	56	7
Failure to Complete-Education	56.3	33.7	52.5	30
				252

became untimely as the result of a misplaced investigative file by a Bureau Commander. The other four cases became untimely as the result of delays in the making of findings by District/Bureau Commanders. The OIM will work with the DPD in 2006 to ensure that Bureau/District Commanders work towards a performance goal of 30 calendar days for completing findings in all cases submitted for review.

The Denver Sheriff's Department closed 287 cases and took, on average, 43.5 days to close the complaint cases.

As of the end of 2005, DSD had two complaint investigations still open one year after they were initiated. Both of these cases involved unresolved criminal prosecutions that need to be completed before the internal affairs investigation can be concluded.

OIM in consultation with DPD and DSD has developed several performance measures to evaluate the Department's timeliness in complaint handling in 2006 and beyond.

CITIZEN AND OFFICER SATISFACTION

In 2005, OIM conducted satisfaction surveys with community members who filed complaints against the Denver Police Department, as well as Denver Police Officers. The survey process will continue throughout the years and be used as an objective means of evaluating the credibility of the complaint handling and disciplinary processes. Results for the surveys were not available at the time of this report. A separate report will be produced as soon as the survey results have been received.



DENVER
THE MILE HIGH CITY

CHAPTER 1

OVERVIEW

OIM MISSION

"The mission of the OIM is to provide fair and objective oversight of internal investigations of possible misconduct and serious uses of force by sworn personnel of the Denver Police, Sheriff and, in certain positions, Fire Departments."

Overview from the Monitor

Introduction

As of October 5, 2004, Mayor John Hickenlooper, with the unanimous support of the Denver City Council, established the Office of the Independent Monitor (OIM). The Mayor's plan called for the creation of an Independent Monitor to oversee investigations of critical incidents and investigations of allegations of police misconduct in the Police and Sheriff departments. The OIM program added civilian eyes and voices into the investigatory and disciplinary proceedings of Denver's public safety departments and created deadlines to avoid untimely investigations and the untimely imposition of discipline. The Monitor program provided for early intervention into these investigative and disciplinary processes and accountability to a Citizen Oversight Board (COB), the Mayor, City Council and the public through regular reports.

The newly enacted City Ordinance provided that the Monitor program would replace the prior civilian oversight program provided by the Public Safety Review Commission (PSRC) as of May 2, 2005.

An extensive selection process was initiated to select members of the COB, the Independent Monitor and Monitor staff:

Six members of the COB were nominated by the Mayor and confirmed by the City Council as of January 4, 2005 (Pastor Paul Burleson, Mr. Hank Knoche, Former City Council President Cathy Reynolds, Professor Joe Sandoval, Rabbi Steven Foster and Mr. David Montez). An additional member was confirmed as of February 24, 2005 (Ms. Tawanna Mullins).

The Independent Monitor was identified by a selection committee, required by Ordinance to consist of the Chairperson of the COB, a member of the City Council selected by the City Council President, a current or retired judge as selected by the Mayor, the Director of the Career Service Authority, and an outside expert. The Monitor was subsequently selected by the Mayor and confirmed by the City Council. The new Monitor selected and hired staff and began work on July 11, 2005. As of August 1, 2005, the OIM opened to the public and began receiving citizen complaints on behalf of the Police and Sheriff Departments.

Mission Statement

The mission of the OIM is to provide fair and objective oversight of internal investigations of possible misconduct and serious uses of force by sworn personnel of the Denver Police, Sheriff and, Fire Department Arson Investigators. These personnel hold positions that are among the most demanding in the City and County of Denver in terms of impacting the public trust. The Monitor's mission is directed at transparency and accountability which will ensure public confidence in Denver's sworn personnel and the policies which govern them.

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

The jurisdiction of the OIM is focused on uniformed personnel: (1) who are involved in duty-related incidents which result in serious-bodily injury or death (Police, Sheriff & Fire); (2) who are charged with felonies or certain other crimes (Police & Sheriff); (3) against whom various citizen complaints are brought (Police & Sheriff); and (4) about whom the Citizen Oversight Board or Manager of Safety has requested the Monitor's involvement (Police, Sheriff & Fire).

2005 Goals

The Monitor's primary goals for the year 2005 were to:

- Enter into a contract with the Police Assessment Resource Center (PARC) to conduct a review of Denver Police Department (DPD) deadly force policies and to review the quality of DPD shooting investigations, administrative reviews and deadly force training over the past six years.
- Work with the Denver Police Department to change its policies regarding the handling of complaint investigations to permit a "filtering" process to allow the DPD to explore alternatives to the traditional methods of investigating citizen complaints.
 - Create "Case Monitoring Guidelines" to ensure consistency and objectivity in the handling of citizen-initiated complaints.
 - Make the complaint and commendation process more accessible to the community by creating a complaint/commendation form to be distributed at appropriate locations throughout the city and by allowing complaints and commendations to be filed via the internet.
 - Create a community-police mediation program as an alternative to the traditional complaint handling process;
 - Create a process to ensure that closing letters to complainants contain the detail necessary to demonstrate that both the investigative and decision-making processes are objective and reasonable.
- Obtain access to the Police and Sheriff internal databases regarding the handling of internal affairs complaint investigations to permit "live" monitoring of investigations and to increase the transparency of the internal affairs and disciplinary processes by reporting data in annual and ongoing quarterly reports.
- Monitor critical incident investigations (officer involved shootings, in-custody deaths and uses of force resulting in serious bodily injury) to ensure they are thorough, objective and timely.
- Monitor Internal Affairs case assignment decisions and investigations to ensure they are fair, appropriate and timely.
- Initiate a survey of citizen complainants and police officers to determine baseline data for satisfaction with the complaint handling and disciplinary processes.
- Ensure that tort claims (allegations of misconduct contained in notifications of an intent to sue) and law suits alleging police misconduct receive appropriate managerial review and administrative investigation as necessary.
- Create Standards of Professional Conduct for OIM staff as required by City Ordinance.

Status of Goals

In general, the OIM was able to achieve the aforementioned goals or make significant progress towards the implementation of these goals.

- OIM and PARC entered into a contract to conduct a review of deadly force policies and investigations that is expected to be published in the last quarter of 2006.
- The DPD initiated new policies permitting citizen complaints to be handled in alternative ways;
 - As of October 21, 2005, community members were offered the alternative of handling their complaints through the mediation process;
- On October 18, 2005, the OIM received access to the DPD's administrative investigation database. As of September 26, 2005, the OIM received access to the DSD's administrative investigation database.
- New policies regarding complaint handling were adopted by both the DPD and DSD as of January 1, 2006; written complaint handling criteria were created and adopted by OIM after consultation with the Citizen Oversight Board (COB) as of August 1, 2005.
 - For complaints received after August 1, 2005, the DPD agreed to include more detail in their letters describing formal investigations and findings. As of August 1, 2005, the DSD began including greater detail in their disposition letters.
- The OIM reviewed and made recommendations regarding the administrative review of two DPD officer-involved shootings, one DPD use-of-force resulting in hospitalization, three DPD animal shootings and three DSD in-custody deaths that occurred between May 2, 2005 and December 31, 2005.
- The OIM reviewed the handling of all Internal Affairs complaints made after August 1, 2005 and made recommendations regarding the handling of investigations into those complaints. For complaints made before August of 2005, the OIM reviews closed complaints upon the request of any dissatisfied complainant.
- A survey of citizen complainants for the last three years and all DPD sworn personnel was distributed during the week of November 7, 2005.
- As of December 1, 2005, the DPD and the Monitor's Office created a process by which tort claims alleging police misconduct receive managerial review by the OIM and the IAB Commander. The OIM verified that the DSD has appropriate processes in place to ensure similar managerial review of tort claims.
- As of December 12, 2005, the Monitor's Office has created a draft standard of Professional Conduct for OIM staff which are expected to be finalized by January 31, 2006. These standards can be found on the OIM website, located at www.denvergov.org/oim.

ACTIVITIES

During 2005, the below-listed changes, enhancements, and adaptations in work processes involved in complaint-handling were established.

Creation of the Community-Police Mediation Program

As of October 21, 2005, the OIM introduced the option of mediation to the Denver Police Department complaint process. Chapter 4 of this report provides context for the creation of the program and a description as to its current status.

Creation of Monitor's "Case Monitoring Guidelines"

In order to ensure the objective and consistent handling of citizen complaints, the Monitor created Case Monitoring Guidelines which are posted on the OIM website. The guidelines are used by Monitor staff to evaluate DPD case assignment decisions to ensure that the decisions are subject to objective criteria by the OIM.

The guidelines were developed and posted for public comment on August 1, 2005. They are based, in large part, on guidelines developed by Portland, Oregon's Independent Police Review Division (IPR) after the review of almost 2,000 citizen complaints over a three-year period and in consultation with the Portland Police Bureau, the Portland City Attorney's Office, and the taking of public testimony by the IPR's Citizen Review Committee. The Monitor conferred with the Citizen Oversight Board on this project and edited the guidelines for use by the OIM in Denver. A majority of the guidelines have been adopted by the Police, Sheriff and Fire Departments and have been incorporated into their new policies as necessary.

Changes in Police Policies Regarding the Handling of Citizen Complaints and the Disciplinary Review Process

New Policies Regarding the Handling of Citizen Complaints (Complaint "Filtering")

The OIM worked with DPD Internal Affairs and the Chief of Police to change how the DPD handles its processing of complaints from members of the community. The OIM noted that all citizen complaints received were subject to full investigations at either the District/Bureau-level or by Internal Affairs. This policy was put in place in order to avoid the Department from being criticized for ignoring complaints and potentially failing to hold officers accountable for misconduct. The result of this policy of investigating all complaints, however, was an Internal Affairs process that has been overwhelmed and often resulted in untimely exonerations, counseling or the imposition of discipline.

The creation of the Monitor's Office, with its ability to monitor the Department's handling of citizen complaints on an ongoing basis, however, provided an opportunity to allow the Department to use reason, logic and common sense in its handling of citizen complaints due to the OIM's ability to monitor the case assignment process and confer with the Department in cases of concern.

The new complaint policies give the Internal Affairs Commander numerous options other than conducting formal complaint investigations.

- If the community member, the Internal Affairs Commander, the Monitor and the involved officer agree, the complaint can be mediated.
- If the Internal Affairs Commander and the Monitor agree, a complaint can be dismissed and a letter sent explaining the reasons for the dismissal for a variety of reasons including that it is clearly false, trivial, fails to state misconduct, is untimely, or is subject to judicial or administrative review by the courts or a hearings officer.
- If the complaint involves allegations of minor misconduct, a supervisor is assigned to contact the complainant and discuss with the involved officers the complainant's perceptions and better ways to have handled the contact. There is no formal investigation or findings; the supervisor instead engages in a discussion with his/her subordinate officers and makes sure the complaint is documented and forwarded to the Professional Standards Unit to ensure that patterns of minor misconduct are tracked and not allowed to continue.
- If the complaint involves misunderstandings relating to policies, procedures or laws, the complaint is documented as a "service complaint" but will not appear on the officer's Internal Affairs record.

All case assignment decisions are reviewed by the Monitor's Office. If the Monitor's Office does not agree with an assignment decision, the case will be returned to Internal Affairs with a recommendation for a full investigation or another alternative assignment decision. In case of a deadlock between the Department and the OIM, the OIM is empowered by ordinance to conduct an independent investigation of any citizen complaint. This new process, allowing for the use of alternative means to resolve complaints, is referred to as "filtering."

New Policies Imbedding the OIM in the Investigation and Disciplinary Process

The new DPD policies also imbed the OIM and other civilians in the disciplinary process. The new DPD policy includes the following provisions.

- The OIM will have access to all Internal Investigations on an ongoing basis.
- The OIM will attend all review board proceedings including Disciplinary Review Boards, Use-of-Force Review Boards and meetings of the Tactics Review Board.
- The OIM will be able to attend "Chief's Hearings" at which time an accused officer has the opportunity to offer mitigating evidence to the Chief of Police or his designee.
- Prior to making disciplinary decisions, the Chief of Police and Manager of Safety will confer with the Monitor and the Monitor will be able to review and comment on the "pre-disciplinary letter" to be sent to the officer explaining the Department's reasoning for imposing discipline.
- The Department's Disciplinary Review Boards will contain at least three civilian members as well as one peer officer, one police supervisor and one command officer.
- Expectations that the disciplinary review process will be timely.

It should be noted that these important policy changes were able to be implemented based on the hard work of Professional Standards Unit Lieutenant Stacey Goss, Internal Affairs Commander John Lamb, Lieutenant Dik Kushdilian, and Chief Gerald Whitman. The Monitor wishes to express his thanks to these officials for their willingness to initiate, complete and implement these important changes to the Department's formal policies and procedures.

Changes in Sheriff Policies Regarding the Handling of Citizen Complaints and the Disciplinary Review Process

As of December 2005, the Sheriff's Department implemented new policies for its Internal Affairs Bureau which incorporated the Monitor's Office into its policies and procedures as well.

The new IAB mission statement includes a provision that the Internal Affairs Bureau's mission includes working "cooperatively with the OIM." The responsibilities of the IAB Commander (holding the rank of Major) and Captain include notifying the OIM of significant incidents (involving officer-involved shootings, in custody deaths and allegations of criminal conduct lodged against Deputy Sheriffs) and notifying the OIM about any sustained cases.

The new policy also requires the assigned IAB investigator to coordinate their investigation of any case subject to OIM monitoring with the OIM (including shootings, in-custody deaths, uses of force involving serious bodily injury and allegations of felony conduct or misdemeanors involving violence lodged against Sheriff Deputies and any other case identified by the OIM, the COB or the Manager of Safety for monitoring).

At the OIM's recommendation, the Sheriff's Internal Affairs Bureau included an alternative to a formal IAB investigation in the form of an expedited "service complaint" process for handling "lesser allegations." This process should be able to reduce the workload of IAB investigators to allow them to spend more time investigating allegations of significant misconduct.

The OIM wishes to offer special thanks to Captain Michael Horner for his excellent work on these new DSD Internal Affairs policies and procedures.

Tort Claim Review: An Example of the Police Department's Willingness to Accept Change

During the course of the year, the OIM evaluated the Police and Sheriff's Department's policies and procedures regarding the handling of tort claim alleging misconduct. In other cities, departments have tended to defer to the City Attorney's resources to defend tort claims in lieu of reviewing such claims to determine if an IAB investigation is appropriate and the imposition of discipline necessary. In such cases, the city looks to reduce short term liability for officer misconduct without looking at the long-term risk management benefits associated with holding officers accountable for misconduct.

The OIM was pleased to learn that the Sheriff's Department had an excellent process in place to ensure managerial review by IAB command staff of civil claims alleging misconduct and would open up IAB investigations accordingly.

The OIM also noted that in most cases, the Police Department's Internal Affairs Bureau did investigate allegations of serious misconduct raised in tort claims, but not as the result of a systematic review of such tort claims. Rather, IAB would often be notified through other means such by the filing of a citizen complaint or because the police managers became aware of the incident through the media or notification from command staff.

The Monitor and the IAB Commander, with the concurrence of the Police Chief and the City Attorney's Office, were able to come up with a plan that would ensure the systemic review of such claims to ensure that, when appropriate, an IAB investigation would be initiated. Specifically, as of August 1, 2005, the OIM has received a copy of all tort claims lodged against a Denver police officer from the City Attorney's Claims Adjuster. As of December 1, 2005, these claims are reviewed by the OIM and when the claim makes a prima facie claim of misconduct, the OIM receives from the Professional Responsibility Unit (PRU) a copy of the applicable police reports. At that time, the Monitor makes a recommendation to the IAB Commander if it is believed that an IAB investigation is necessary if one has not already been initiated.

In December 2005, the Monitor reviewed eleven tort claims alleging misconduct that had been filed as of August 1, 2005. Of those claims, four had already resulted in an IAB investigation, and one claim had already been reviewed and declined by IAB. After reviewing claims and comparing them to the police reports, the Monitor did not identify any claims that had not been investigated by IAB that needed an investigation.

As a comparison to Denver's experience, in the City of Portland, Oregon, similar changes in the handling of tort claims took place only after the publication of a formal review of the handling of tort claims and an ordinance passed by the City Council. It is a credit to the personnel of the City Attorney's Office and the Police Department in this City that this new process was put in place within four months of the creation of the OIM.

Timeliness

Timeliness of Investigations

Prior to the implementation of the OIM program, one of the issues of greatest concern to citizens, officers and city government, has been the DPD's difficulty in conducting timely investigations and making timely findings. With the inception of the Monitor's access to the DPD internal affairs database, the OIM has started monitoring the timeliness of IAB intakes, assignment decisions, investigations, and case review and decision-making by Police Bureau managers.

As of the end of the first quarter of 2006, the Monitor's Office will begin reporting on timeliness of investigations and the review process on a quarterly basis. One of the Monitor's office's performance measures will be to increase the timeliness of complaint handling by at least 10% for this year and years to come.

Timeliness of Officer-Involved Shooting Investigations

In the past, the Denver Police Department would wait until the District Attorney's Office completed its own review of an officer involved shooting before beginning its own administrative review of a shooting. A review of shootings that took place in 2003-2005 shows that it took anywhere from three to eight months for the District Attorney to issue a letter closing out the criminal investigation.

The ordinance creating the OIM created a new process to increase the timeliness in the administrative handling of officer-involved shooting investigations. Specifically, IAB is now required to open

up a critical incident review within 60 days of a shooting. Unless the Manager of Safety, after conferring with the District Attorney's Office, concludes that the administrative review will jeopardize a pending criminal investigation, the administrative review will begin with the intent that the administrative review be completed as soon as possible.

The Monitor's Office has established a goal that, unless there are unusual facts or concerns regarding an officer-involved shooting, the administrative review of such a critical incident will be completed within six months.

On May 25, 2005, an officer-involved shooting took place; the first shooting that occurred since the sunset of the Public Safety Review Commission (on May 2, 2005). Although the Monitor's Office was not in operation as of that date, and therefore, no "roll out" took place, the Monitor's Office asserted jurisdiction over the review of this shooting. The OIM recommended that the administrative investigation proceed even though the District Attorney letter had not yet been published. Traditionally, a Use-of-Force Review Board would not convene until after a District Attorney shooting letter had been issued. Shortly thereafter, the District Attorney's Office issued a closing letter along with a new "Officer-Involved Shooting" protocol that included a new process that will now allow a more timely handling of the administrative investigations of these incidents. (See Chapter 3, "Critical Incident Review" for information on the District Attorney's new protocol). In this case, a Use of Force Review Board was held and the officer's conduct was found to be "in policy" in less than six months.

Fairness and Thoroughness of IAB Review Process

Investigations

In general, the IAB investigations conducted by both the DPD and the Sheriff's Department that have been monitored have been complete and thorough, and when OIM has recommended additional investigation, IAB has actively listened and accepted the recommendations. The Monitor's Office has been provided with free and unfettered access to IAB records, as well as to the justifications and thought processes used to make decisions.

Findings

When reviewing DPD and Sheriff findings, the Monitor's Office looks to determine whether the Commanding Officer's findings and disciplinary recommendations are reasonable. The Monitor's Office reviews all findings and disciplinary recommendations and makes comments regarding these important decisions.

Disposition Letters

In the past, the Denver Police and Sheriff Departments avoided providing any specificity in their letters to citizen complainants explaining the reasoning for the Department's decision-making processes. The result has been letters which provide no objective reason for a community member to believe that the Department has spent any time or effort in a real attempt to investigate a citizen's complaint.

As of August 1, 2005, the Sheriff's Department has included specificity in all its disposition letters resulting from Internal Affairs investigations so that citizen members now know why the Department reached the decision it did. These letters are provided to the OIM for review and to forward to the complainant. The OIM appreciates the Sheriff Department's willingness to take on this task and we expect that complainant satisfaction with Sheriff Department investigations and findings will increase as a result.

Also, as of August 1, 2005, the Police Department began to include specificity in any letter wherein a community member was informed of the dismissal of a complaint. Unfortunately, the Police Department did not update its letters resulting from completed Internal Affairs investigations or District-level investigations. Letters for complaints received before August 1, 2005 continue to include no detail and give the citizen-complainant no reason to believe that the Department conducted an adequate investigation or made reasonable findings. For complaints received after August 1st, however, the Department has agreed to include detail in their letters – the OIM looks forward to the day when every letter going out from the DPD will include the detail necessary to inform an objective person that their investigations and findings are fair and objective.

Ongoing Progress Reports

In its enacting ordinance, the OIM was required to prepare an ongoing status report, which shall be available to the public and which shall include patterns relating to complaints and recommendations regarding the sufficiency of investigations, determinations as to whether department rules and policies have been violated, and the appropriateness of disciplinary sanctions, if any. Until the OIM obtained access to the Police Department's internal affairs data base (which occurred in late October, 2005), creating this progress report was not possible. The OIM will begin creating these status reports as of the end of the first quarter, 2006. The progress reports will be posted on the OIM website at the end of each quarter on an ongoing basis.

The progress reports are expected to contain the following information:

- An ongoing list of all pending case investigations, as well as complaints opened and closed during the quarter.
- The status of each case, including whether it is open or closed.
- A summary of the allegations against the involved officers.
- The Department's case assignment description.
- The OIM's evaluation of the quality of the assignment decision, investigation, findings and/or imposition of discipline.
- The findings resulting from an Internal Affairs investigation.
- The discipline imposed if "sustained" findings are made.
- The amount of time taken to complete the investigation or to resolve the complaint; and,
- An aggregate report of discipline imposed by rank of officer.

2005 Outreach

OIM ensures that citizens can make police complaints and commendations via mail, fax, the internet, or email directly to the OIM or the Citizen Oversight Board. Citizens can also make police complaints and commendations in person, by phone, or by mail directly to Internal Affairs, or the various Police Districts or Bureaus. The OIM's new Complaint/Commendation form is available in English and by early 2006, in Spanish as well, in many locations throughout the city.

Outreach to the Public and Community Groups

In addition to making formal presentations, the Independent Monitor and the Monitor's Community Relations Ombudsman network and meet informally with individuals and community leaders to build relations with various interest groups, and better understand the issues of concern to those groups.

The OIM also receives calls from people seeking information or referrals. Often callers have questions about police procedures and policies. Other callers make comments or suggestions, or simply want to voice their frustration or anger.

In addition, the Citizen Oversight Board (COB) holds regularly scheduled meetings open to the public. (See COB website, located at www.denvergov.org/cob, for a schedule of meetings and locations.)

Outreach to the Denver Police and Sheriff Departments

In the first year of operation, the Independent Monitor spent significant time conducting outreach to the members of the Denver Police and Sheriff Departments. The Monitor attended roll calls at all the DPD District Stations, as well as at the Airport and the Traffic Operations and Investigations Bureaus. The Monitor also made himself available for the monthly meetings of the Police Protective Association (PPA) and other police officer affiliated groups such as the Brotherhood of Denver Police Officers, the Black Police Officers Association, the Latino Officers Association, the Women's Advisory Group, the Gay and Lesbian Officers Association, and the Fraternal Order of Police. The Monitor and the OIM's Ombudsman met with representatives of a number of deputy sheriff affiliated groups as well.

In 2006, the OIM intends to expand its outreach to include attending Sheriff Department roll calls and meeting with members of the Fire Department Arson Unit.

Outreach to the National Civilian Oversight Community

The OIM is an organizational member of the National Association for Civilian Oversight of Law Enforcement (NACOLE) as was the PSRC before it. During the 11th Annual NACOLE conference, the Monitor was elected to be a member of the NACOLE Board of Directors. The Monitor will be working to ensure that, as this new profession grows, best practices learned by other oversight agencies in the country are adopted by the Denver OIM program.

2005 Training

In its first year of operation, the Monitor's staff sought out information on professional oversight of law enforcement from numerous sources.

- The Monitor's office hosted the first community-police mediation training program of its kind in the country. Two professional mediators from Portland, Oregon, who together had mediated more community-police mediations than any other mediators in the country, trained a cadre of 11 mediators who had contracted with the Monitor's Office to conduct Denver's community-police mediations. The program lasted two full days and was conducted with the assistance of numerous volunteer police officers who participated in role playing mediation sessions.
- The Monitor, the Community Relations Ombudsman and a member of the Citizen Oversight Board attended the 11th Annual Conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE).
- The Chief Attorney for the Office of Independent Review (OIR) for the Los Angeles County Sheriff's Department came to Denver to provide information and insight regarding the successes and challenges of that office, created in 2001, to monitor the Sheriff's Patrol and Custodial functions. Particular attention was paid to the challenges of monitoring the custodial function of that Department.
- The Portland, Oregon, City Auditor came to Denver to provide performance audit training for the Citizen Oversight Board.
- Monitor staff, responsible for taking and handling citizen complaints, sat in on portions of the forty-hour Crisis Intervention Training conducted for DPD officers.

2006 Goals

The year 2006 will mark the first full year of OIM's operation and OIM has set the following goals for the year:

- Publishing the first PARC report, relating to DPD officer-involved shooting investigations and deadly force policies.
- Establishing the OIM citizen-police mediation program.
- Assisting the DPD in the evaluation of its *Early Intervention System* and recommending improvements as necessary.
- Creating Quarterly Investigation reports as per City Ordinance and posting those reports on the web.
- Increasing officer and citizen satisfaction with the complaint handling and disciplinary processes through mediation of complaints, more specific disposition letters and the use of the filtering process to improve timeliness in the handling of citizen complaints.
- Increasing the timeliness of handling of DPD internal affairs investigations, assignments and the imposition of discipline.

2006 Benchmarks

The OIM has established the following goals for improvement in 2006:

1. Goal #1: Improve community satisfaction with the complaint process.
 - a. Related City Goal: Customer Service.
 - b. 2005 Baseline Standard: Will be determined by independently administered survey distributed in November 2005 & October 2006.
 - c. 2006 Target Goal: 10% increase in complainant satisfaction as the result of combining and averaging three survey questions.
 - d. Means of Measuring: Independently administered satisfaction survey. (See Appendix to Chapter 10, Community Satisfaction Survey: Questions D.3, D.8 & D.9)
2. Goal #2: Improve officer satisfaction with the complaint process.
 - a. Related City Goal: Better Place to Work.
 - b. 2005 Baseline Standard: Will be determined by independently administered survey distributed in Nov. 2005 & Oct. 2006.
 - c. 2006 Target Goal: 10% increase in complaint satisfaction. Results of 3 survey questions to be combined and averaged.
 - d. Means of Measuring: Independently administered satisfaction survey. (See Appendix to Chapter 10, Police Officer Satisfaction Survey: Questions H.1, H.6 & H.7)
3. Goal #3: Improve timeliness in handling of Denver Police Department complaints.
 - a. Related City Goals: Customer Service.
 - b. 2005 Baseline Standard: Will be determined by a statistical evaluation of complaint handling for 2005 & 2006.
 - c. 2006 Target Goal: 10% reduction in the time it takes to close the average complaint in 2006, compared to 2005.
 - d. Means of Measuring: DPD database review and evaluation.



DENVER
THE MILE HIGH CITY

CHAPTER 2

COMPLAINT HANDLING & INVESTIGATIONS

Stage 1: Complaint Intake

A community member who wishes to file a complaint against an officer employed by the Denver Police Department or a deputy employed by the Denver Sheriff's Department has a number of options:

- As of August 1, 2005, a community member can file a complaint with the Monitor's office via the websites of the Monitor's Office, the Citizen Oversight Board, the Denver Police Department and the Denver Sheriff's Department. Any complaint filed on any of these websites is directed to the OIM, is documented, and then forwarded to the appropriate Internal Affairs Bureau or other governmental agency.
- As of October 1, 2005, community complaint/commendation forms, with business reply postage paid envelopes, have been distributed throughout the community. A list of distribution sites is included in the appendix to this report.
- Complaints can be sent via fax or U.S. Mail to the Monitor's Office, the Citizen Oversight Board, and the Police and Sheriff Departments. Complaints received by the Mayor's Office and City Attorney's Offices are also forwarded to the OIM and the involved Department.
- Both the Police and Sheriff Department's will also accept walk-in and phoned-in complaints at their various stations and offices as well as complaints made directly to their Internal Affairs Bureaus. The OIM will facilitate the making of such complaints and assist complainants in preparing written complaints as necessary.

In 2005, the Denver Police Department investigated 997 complaints. Table 2.1 provides a breakdown of these complaints by case type and complainant. Of the total complaints, 689 or 69% were categorized as formal complaints compared to 308 (31%) informal complaints. Citizen-initiated complaints accounted for 50% of the total complaints received.

Citizen-initiated complaints accounted for the largest percentage of both formal (30%) and informal (96.4%) complaints. Department or employee initiated complaints made up for the rest of the investigations initiated by the department.

TABLE 2.1 TOTAL COMPLAINTS IN 2005 BY CASE TYPE AND COMPLAINANT (DPD, 2005)			
COMPLAINANT	CASE TYPE		TOTAL COUNT
	Formal	Informal	
Citizen	205	297	502
Column %	29.8%	96.4%	
Failure to Appear-Court	180	0	180
Column %	26%	0%	
Other-Internal	116	11	127
Column %	17%	3.6%	
Traffic Accidents	122	0	122
Column %	18%	0%	
Failure to Complete-Education	44	0	44
Column %	6.4%	0%	
Failure to Qualify-Firearm	22	0	22
Column %	3.2%	0%	
TOTAL COUNT	689	308	997
TOTAL PERCENT	100.0%	100.0%	

Internal Complaint Definitions

- Citizen: A complaint initiated by a community member.
- Failure to Appear-Court: An internal complaint alleging that an officer failed to appear in court without appropriate cause.
- Other-Internal: A department initiated complaint, or complaint initiated by a governmental official acting in their official capacity, that alleges misconduct, other than as otherwise listed.
- Traffic accidents: A department initiated complaint filed as the result of an officer being involved in a traffic collision involving a Departmental vehicle.
- Failure to Complete-Education: A department initiated complaint filed as the result of an officer failing to complete continuing education requirements.
- Failure to Qualify-Firearm: A department initiated complaint filed as the result of an officer failing to qualify with a departmentally required firearm.

Table 2.2, illustrates the types of complaints received by DPD in 2005. Although, DPD handled a total of 997 new complaints in 2005, the number of complaint types is equal to 1072. The reason for the discrepancy in the counts is that a single complaint case can have multiple complaint types. For example, an individual can claim that during a single interaction with a police officer, the officer was discourteous and used unnecessary force. The incident would have two different types of complaints on a single case number.

As shown in Table 2.2., improper procedure was the most common type of complaint received. The aggregate count of all the improper procedure complaints accounted for 61% of the total complaints received in 2005.

Discourtesy was also a common type of complaint against DPD employees, accounting for 23% of the total complaints.

Approximately, 4% of the complaint cases involved some type of law violation and less than 10% of the complaint cases involved unnecessary force.

Complaint Type	Count	Percent
Improper Procedure--Other	325	30.3%
Discourtesy	242	22.6%
Improper Procedure--Failure to Attend Court	179	16.7%
Improper Procedure--Preventable Accident	122	11.4%
Unnecessary Force	92	8.6%
Law Violation--Other	24	2.2%
Improper Procedure--Failure to Shoot	22	2.1%
Obedience to Traffic Regulations	13	1.2%
Conduct Prejudicial	10	0.9%
Law Violation--Theft	8	0.7%
Critical Incident Review	7	0.7%
Law Violation--Assault	4	0.4%
Improper Procedure--Pursuit	4	0.4%
Law Violation--Other Traffic	4	0.4%
Police Harassment	4	0.4%
Racial Harassment	3	0.3%
Domestic Violence Policy	2	0.2%
Law Violation--Domestic Violence	2	0.2%
Administrative Review	1	0.1%
Information Only	1	0.1%
Law Violation--DUI	1	0.1%
Respect for Fellow Officer	1	0.1%
Sexual Misconduct	1	0.1%
TOTAL	1072	100.0%

In 2005, the Denver Sheriff Department received 348 complaints. Table 2.3 provides a list of the complaints by the type of complainant. Approximately, 31% of the total complaints received in 2005 were filed by inmates while management accounted for 21%, citizens 15%, and employees 10%. Due to data entry errors, it was not possible to identify the type of complainant in 23% of the total cases. Improvements in data entry processes, to be implemented in 2006, should eliminate this category in future reports.

TABLE 2.3 TOTAL DSD COMPLAINTS IN 2005 BY COMPLAINANT (DSD, 2005)

COMPLAINANT	Count	Percent
Citizen	53	15.2%
Employee	34	9.8%
Inmate	108	31.0%
Management	72	20.7%
Other	2	0.6%
Unknown	79	22.7%
TOTAL COUNT	348	100.0%

Table 2.4 details the count and percent of the types of complaints received by DSD in 2005. Improper conduct accounted for 41% of the total complaints followed by lost property (24%) and improper procedure (15%). Similar to DPD data, excessive force complaints accounted for only 8% of the total complaints received.

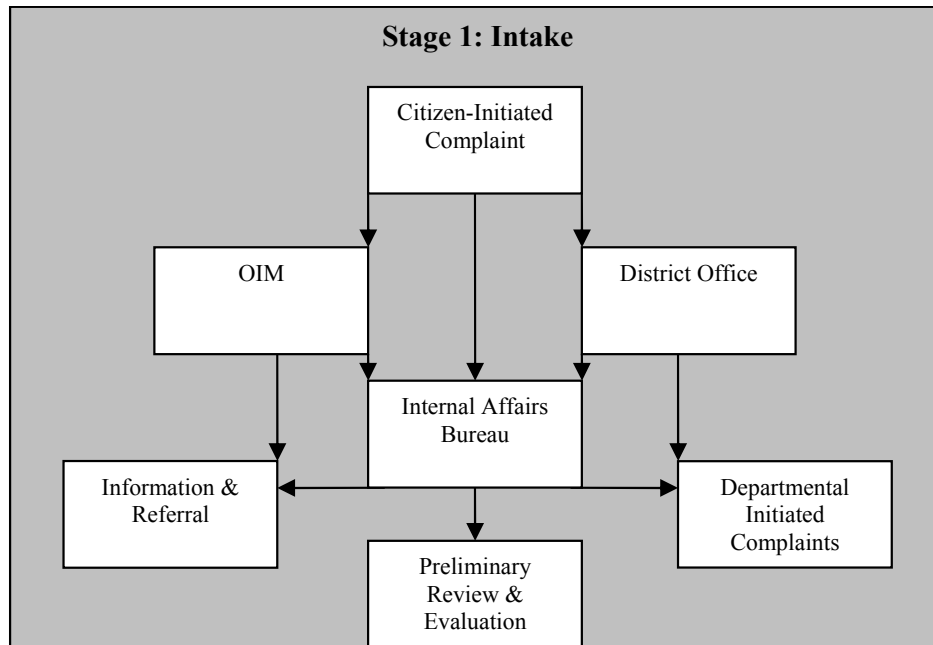
TABLE 2.4 COMPLAINT TYPES (DSD 2005)

Complaint Type	Count	Percent
Improper Conduct	140	40.6%
Lost Property	81	23.5%
Improper Procedure	52	15.1%
Excessive Force	29	8.4%
Law Violation	19	5.5%
Service Complaint	15	4.3%
Other	9	2.6%
TOTAL	345	100.0%

IAB Complaint Intake & Assignment

Both the Police and Sheriff Internal Affairs Bureaus assign IAB Sergeants to conduct intake interviews of citizen complainants. These interviews are tape recorded if the complaint contains allegations of anything other than minor misconduct. The intake Sergeant's notes are documented in an intake form and forwarded to an IAB Lieutenant (DPD) or Captain (DSD) for review and assignment.

The assignment decision is forwarded to the OIM in the form of either a dismissal letter or documentation that a formal investigation has been initiated. In 2006, DPD Internal Affairs is expected to begin using an expedited process for handling minor complaints through "informal investigations." In order for a complaint to be approved to be handled as an informal investigation, Internal Affairs has agreed to notify the OIM who will monitor those assignment decisions. In this way, the OIM can ensure that only minor complaints that do not involve patterns of misconduct are handled in such an expedited fashion.



After reviewing the intake investigation, consisting of the statement taken from the complainant as well as any available police reports and computer aided dispatch records, the appropriate IAB supervisor makes an assignment decision which can include any of the following:

- Dismiss the complaint with a letter to the complainant, through the OIM, explaining the reason for the dismissal.
- Assign or approve the complaint for “informal” handling and forward to the Professional Responsibilities Unit (PRU) for tracking purposes.
- Forward the complaint to the OIM for possible mediation.
- Assign the complaint for a full IAB investigation.

The OIM is notified of all case assignment decisions. If the OIM disagrees with a case assignment decision, the IAB Commander is notified. If the OIM and IAB cannot agree on a case assignment decision, the OIM will discuss the conflict with the Chief of Police and, then, if necessary with the Manager of Safety. By ordinance, the OIM does have the ability to conduct an independent investigation if the Monitor deems it to be necessary.

IAB Dismissals

In anticipation of changes in DPD policies regarding complaint handling, and with the active review and concurrence by the OIM, the DPD Internal Affairs Commander began identifying cases during the fourth quarter of 2005 that warranted a dismissal instead of a full IAB investigation. During that period, IAB dismissed a total of 56 citizen-initiated complaints, with the concurrence of the Monitor. See Table 2.5 for the number of dismissals and reasons for dismissals for complaints filed in 2005.

TABLE 2.5 NUMBER OF DPD COMPLAINT DISMISSALS BY AGENCY AND REASON (DPD 2005)			
DISMISSAL REASON	AGENCY		TOTAL COUNT
	DPD	Monitor	
Complainant Withdrew	2	0	2
Column %	3.7%	0%	
False/Trivial	7	0	7
Column %	13.0%	0%	
Judicial Remedy	5	0	5
Column %	9.3%	0%	
Mediation	6	2	8
Column %	11.1%	100%	
No Jurisdiction	1	0	1
Column %	1.9%	0%	
No Misconduct	32	0	32
Column %	59.3%	0%	
Third Party	1	0	1
Column %	1.9%	0%	
TOTAL COUNT	54	2	56
TOTAL PERCENT	100.0%	100.0%	

The following definitions for reasons for dismissals are further described in the OIM Monitoring Guidelines which are located on the OIM website:

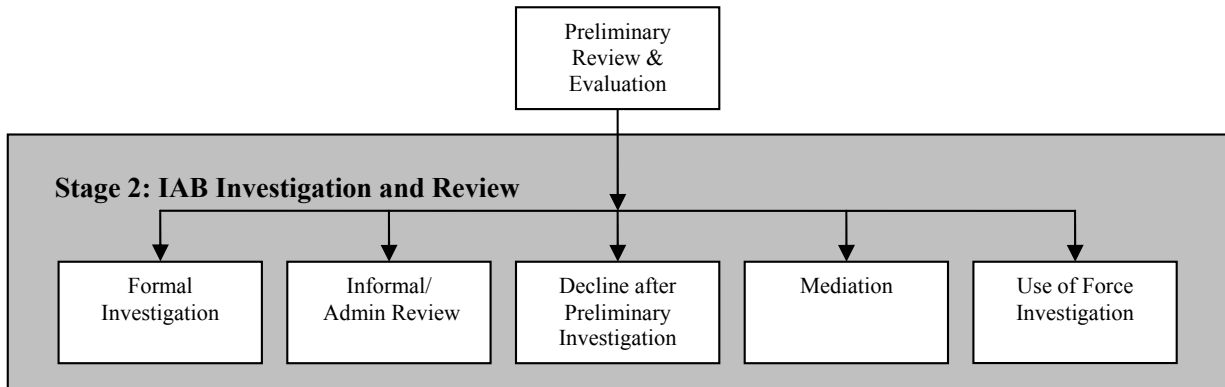
- **Complainant Withdrew:** The complainant does not wish to pursue the complaint and the withdrawal does not negatively impact the Department's ability to manage its employees.
- **False/Trivial:** The complaint is false or trivial, not made in good faith, illogical or improbable.
- **Judicial Remedy:** The complaint is subject to review by a judicial or administrative officer who will refer the complaint back to IAB if objective evidence of officer misconduct is established in court or during a hearing.
- **Mediation:** The complainant and the involved officer(s) are given the opportunity to attempt to resolve the complaint with the assistance of a professional mediator.

- No Jurisdiction: The involved officer has resigned or retired, or the Department lacks jurisdiction to investigate the complaint or impose discipline;
- No Misconduct: The complaint alleges behavior that is not actually misconduct; and,
- Third Party Complaint: The complaint is minor and filed by a third party who was not directly affected by the conduct.

A Sample of Complaints Declined by the DPD IAB Commander:	
Other jurisdiction	<p>The complainant alleged she was treated poorly while at the Denver Courthouse. The confrontation in court involved Denver Sheriff Deputies.</p> <p>The complainant alleged unlawfully entered his house and acted inappropriately. The Department of Corrections authorized the search and conduct of the Denver Police Department.</p>
False/Trivial	The complainant alleged a Denver Police Officer stole a \$500.00 money order. The complainant had actually cashed the money order in question.
Complainant Withdraws	A third-party alleged the Denver Police Department mistakenly investigated the complainant. The complainant did not want to pursue a complaint.
Other Remedy	The complainant alleged the Denver Police Department did not properly investigate theft complaint concerning a trailer. The trailer belonged to another person. The Denver Police Department determined the matter to be civil in nature.
No Misconduct	<p>The complainant alleged the Denver Police Department failed to return a book to him after his release. The complainant told the Denver Police Department to throw it away.</p> <p>The complainant alleged a Denver officer used excessive force during a traffic stop. An investigation, including an independent witness, revealed the complainant sat in back of the police car without incident.</p> <p>The complainant alleged Denver officers on the scene of a DUI stole \$1800.00 from him. The investigation revealed the complainant fabricated story in order to use the accusation of the stolen money as a bargaining tool.</p>
Other Judicial Review	Complainant alleged the Denver Police Department improperly used a private security guard to knock on his hotel room door to initiate a search.

Stage 2: IAB Investigation and Review

Cases that are sent for a full Internal Affairs investigation are monitored and reviewed by the OIM. The Police and Sheriff departments have differing processes for determining when a full investigation is required. The Sheriff's Department undertakes a full investigation of all complaints received against all personnel of the department. The Police Department uses a filtering process to determine which complaints raise issues which would require a full investigation.



DSD only assigns the complaint as a Formal Investigation or Service Complaint.

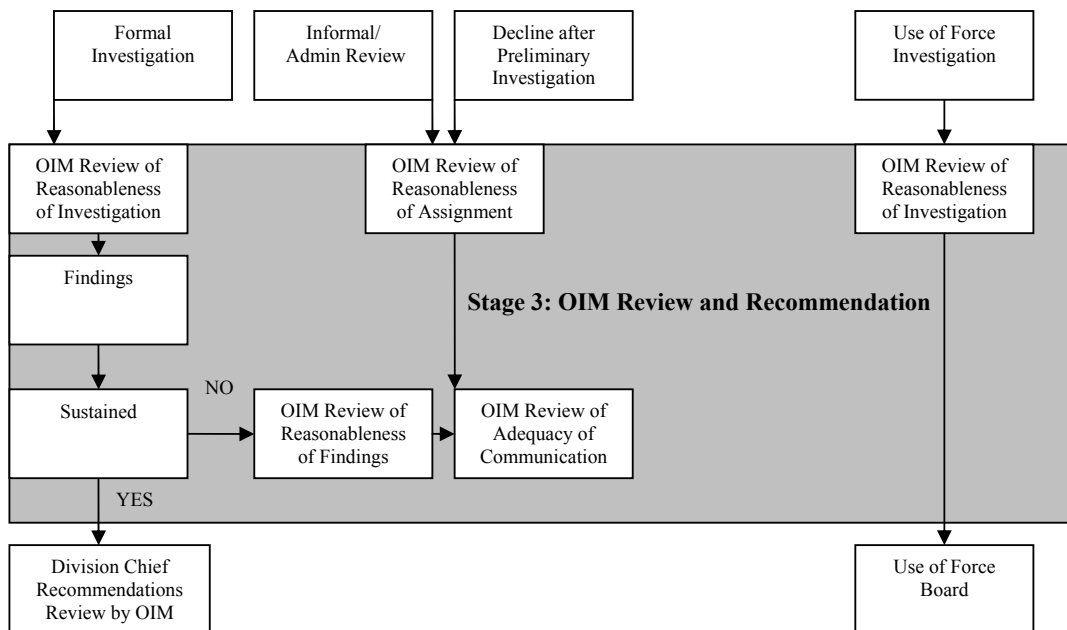
Stage 3: OIM Review and Recommendation

Upon the completion of the IAB investigation, it is forwarded to the involved officer's commander for findings. The various possible findings are defined as follows:

Given the early state of the OIM program and the difficulties involved in setting

Findings for Investigations	
Sustained	The officer's actions were found to have been in violation of Police Bureau policy or procedure.
Not Sustained: Unfounded	The available facts do not support the allegation.
Not Sustained: Exonerated	The actions of the police officer were within the guidelines of Police Bureau policy.
Not Sustained: Insufficient Evidence	There was not enough evidence to prove or disprove the allegations.

up the case management system, there was a significant concern that clerical errors might prevent some Internal Affairs investigations from being submitted for OIM review. To avoid this result, OIM staff meets weekly with the command staff of both departments' Internal Affairs Bureaus.



Police and Sheriff IAB Investigations in 2005

Sheriff Deputy Charged With Smuggling Drugs Into The County Jail

The Denver Sheriff Department Internal Affairs Bureau received information from an inmate that a Sheriff's Deputy was smuggling contraband into the Denver County Jail. The suspect was an eight-year veteran of the department.

Sheriff Internal Affairs asked the Denver District Attorney's Office to initiate a criminal investigation. A strategy was developed to introduce an undercover officer, assigned to the Metro Gang Task Force, to the deputy in an attempt to validate or dismiss the allegations.

On September 7, 2005, the deputy was arrested for introducing marijuana into the County Jail. He was subsequently interrogated. The Monitor's Office was given the opportunity to contemporaneously monitor that interrogation. On September 9, 2005, the District Attorney's Office formally charged the deputy with three felony counts of introduction of contraband and three felony counts of bribery. The deputy resigned from the Denver Sheriff's Department on September 8, 2005. As of December 31, 2005, the criminal charges were still pending.

It should be pointed out that the undercover operation that was conducted in this case represented a willingness to conduct a proactive anticorruption investigation by the Sheriff's Department, the District Attorney's Office, the Metro Gang Task Force and the Denver Police Department. The investigating officers deserve the thanks of the People of Denver and the Denver Sheriff's Department for their dedicated work in initiating and pursuing this important investigation.

Due to the pending criminal prosecution, the Monitor's Office is not in a position to report in more detail on the criminal investigation or prosecution at this time.

A Sample of Denver Police Department Internal Affairs Investigations Being Actively Monitored Due to the "Mandatory Monitoring" Provisions of the OIM Ordinance Requiring the Monitoring of Allegations of Criminal Conduct

- An officer was investigated for domestic violence based on a 911 emergency call made by his wife. Criminal charges were declined by the District Attorney's Office with jurisdiction over the case, but an administrative investigation was completed, reviewed by the Monitor, and submitted for findings by the officer's commander. The Monitor made recommendations regarding the findings. As of the end of the year, those recommendations were still under review.
- An officer was accused of menacing as the result of a traffic altercation and felony charges were filed by the District Attorney's Office with jurisdiction over the case. The officer was suspended without pay pending the conclusion of the criminal prosecution. An internal affairs investigation will be conducted and monitored after the criminal charges have been resolved.

- Internal Affairs received a complaint that an officer was alleged to have menaced a lingerie model during two consecutive phone calls. The officer was taken off duty and a criminal investigation was initiated. Internal Affairs conducted the criminal investigation with the advice and assistance of the District Attorney's Office. The OIM monitored a voluntary interview provided by the suspect-officer. Additional questions suggested by the OIM were asked. Upon conclusion of the investigation, the District Attorney's Office filed misdemeanor menacing charges against the officer. An internal affairs investigation was initiated and is being monitored.
- Two officers, formerly husband and wife, accused one another of forgery, fraud and false reports to Internal Affairs. An internal affairs investigation was initiated. The Monitor was present at the time of the interview of the wife-officer and was permitted to ask supplemental questions. The investigation was completed, reviewed by the OIM, and is pending findings.
- An officer was believed to have covered up evidence of a collision regarding a department vehicle. An internal affairs investigation was initiated and will be monitored.
- Internal Affairs received a complaint that a Denver Police officer damaged property in his estranged wife's house. An internal affairs investigation was initiated and will be monitored.

A Sample of Denver Sheriff Department Internal Affairs Investigations Being Actively Monitored Due to the "Mandatory Monitoring" Provisions of the OIM Ordinance Requiring the Monitoring of Allegations of Criminal Conduct

- A deputy was accused by two different inmates, in two different incidents, on the same date of excessive force and retaliation. An internal affairs investigation was initiated and is being monitored.
- A deputy self-reported an assault allegation made by his estranged wife that he assaulted her boyfriend. The internal investigation was put on hold pending a review by the District Attorney's Office with jurisdiction over the case.
- An inmate filed a complaint that a deputy was sanctioning fights between inmates. An internal affairs investigation was initiated and witnesses were interviewed. Due to a communication error, the Monitor's Office was not given notice of these interviews and was not given the opportunity to monitor the interviews. A review of the investigative report and audiotapes of the interviews, however, established a thorough investigation. Sheriff Internal Affairs Command staff subsequently created policies that would ensure Monitor notification in future similar cases.
- An inmate alleged that deputies failed to stop harassment and an assault perpetrated by another inmate. An internal affairs investigation was initiated and is being monitored.

- DSD personnel reported that a female deputy appeared to be showing unusual interest in a male inmate. Another inmate provided Internal Affairs investigators with a letter, written by the deputy, which appeared to confirm an inappropriate relationship with that inmate. An internal affairs investigation was initiated and the OIM was immediately notified. The involved deputy submitted her resignation upon being advised of the initiation of the investigation.
- A deputy was criminally filed on by the District Attorney's Office with jurisdiction over the case for menacing his girlfriend's estranged husband with a shotgun when the husband showed up at the deputy's residence unannounced. The deputy provided a voluntary statement to Internal Affairs which was monitored by the OIM. The deputy was placed on suspension, with pay, pending the disposition of the criminal case.

Different Rules Apply to Police Officers and Deputy Sheriffs Charged With Felony Crimes

If a Denver Police Officer is charged with a felony, that officer is immediately suspended without pay pending the disposition of the criminal case. If the officer is convicted of a misdemeanor (that does not require de-certification as a law enforcement officer under state law) or the officer is acquitted or the charges dismissed, the officer is reimbursed by the Department for the lost wages. If the officer is convicted of the felony, the officer will be terminated and no back wages will be paid.

If a Denver Sheriff's Deputy is charged with a felony, Career Service Rules apply and the Sheriff's Department is not permitted to place that officer on leave without pay. Instead, the Department is forced to place the Deputy on leave with pay. If the Deputy is convicted of the felony, then the Deputy can be discharged.

Police Officers are covered under the auspices of the Civil Service Commission, Deputy Sheriffs under the auspices of the Career Service Authority. As indicated above, the rules of these two agencies differ, sometimes in significant ways.

A Sample of Denver Police and Sheriff Department Internal Affairs Investigations Being Actively Monitored Due to the "Permissive Monitoring" Provisions of the OIM Ordinance Allowing the Monitoring of Allegations of Violations of Administrative Policies and Procedures

Since the OIM began oversight of active administrative investigations on August 1, 2005 the monitored administrative investigations include claims of racial discrimination and hostile work place, excessive force, claims of sexual assault and others. Following are some sample cases in which OIM staff monitored and participated actively through interviews, requesting follow up investigation or reviewing video or audio evidence.

- **Off-duty altercation:** in an off-duty incident, a number of DPD officers and an opposing crowd of people got into a physical conflict during the course of a baseball game. No complaint was filed with Internal Affairs, but the matter was brought to the attention of OIM through a newspaper report. Two citizens in the crowd were charged with municipal violations. The OIM concluded there was no need for further IAB inquiry.

- ***Reckless/careless driving, improper conduct:*** a citizen contacted IAB to complain that a uniformed deputy was driving inappropriately in a city vehicle. According to the citizen's complaint, the deputy was weaving in and out of traffic and traveling at a high rate of speed during rush hour. The deputy denied driving erratically or speeding. Based on the requirement that a complaint must be proven by a preponderance of the evidence, IAB did not sustain the complaint. Nonetheless, OIM requested an counseling session be conducted to discuss with the deputy the importance of appropriate behaviors while driving.
- ***Sexual assault:*** a claim was made by an arrestee of sexual assault while he was in the hospital receiving treatment. According to the complainant, a female deputy removed his catheter and inserted a vial into his rectum. The nursing staff stated that the complainant was caught in the act of removing his own catheter and that the vial was one that had been used in the hospital in the complainant's presence. Hospital staff informed IAB that the deputy against whom the complaint was brought was not alone with the complainant during the course of his hospital stay. The matter proceeded as a criminal investigation, but prosecutors declined to file a case and the complainant's attorney advised that complainant did not want to pursue it. The case returned to IAB with OIM monitoring the investigation, which was completed. OIM concurred with the Department's findings that the allegations were unfounded.
- ***Sexual assault:*** a complainant gave a false name upon contact, and was arrested, despite attempts to talk officers out of the arrest. She resisted when being placed in the police car. Complainant first claimed that an officer intentionally touched her in a sexual way and left her breast exposed while she was in the police car. In addition to the complainant, there were multiple other witnesses, including her passenger, additional officers and a sergeant on scene, and another officer in the car, however, no other witness supported complainant's story. The complainant then changed her story and said that although she was touched, the touching may have been accidental. OIM concurred with IAB's decision to dismiss the complaint as false.
- ***Use of Force:*** the son of an inmate alleged that deputies improperly used force against his father. Based on reports written by the involved deputies, the inmate was charged by the District Attorney with assault on a deputy. Internal Affairs pulled and reviewed a videotape of the incident. The video appeared to show that the inmate turned quickly and struck a deputy as he went into a holding cell. It was unclear from the video whether the deputy who was struck exaggerated the inmate's actions in his report. OIM and IAB requested that the video be forwarded to the District Attorney's Office for a criminal review and it was determined that there was no cause for a criminal filing against any deputy. After reviewing the videotape, however, the District Attorney did dismiss the criminal charges against the inmate. On return of the case for IAB investigation, further review of the videotape was undertaken, multiple interviews were conducted, and documents were reviewed. Printouts from the taser's computer record were retrieved. OIM concurred with the Department's investigative findings of "exonerated" and "not sustained" on the multiple allegations raised.

- ***Use of Force:*** an internal request was made by a member of the Department asking for a review of a female deputy's interaction with a female arrestee. Videotapes were immediately pulled and reviewed and witness interviews were obtained. Follow up interviews were requested and OIM continues to monitor the investigation.
- ***Use of Force:*** an inmate claimed that improper force had been used against him in the jail after a deputy tried to "aggravate" him by not allowing him to make a telephone call. A fellow inmate, who was the complainant's co-worker before they were both sentenced to jail, corroborated the complaining inmate's story that the deputy grabbed him by the throat and threw him to the floor. However, another inmate exonerated the deputy and stated that the complaining inmate rushed the deputy, who protected himself by taking the inmate to the floor. OIM concurred with the Department's findings of "unfounded."
- ***Use of Force:*** an inmate claimed a deputy used unnecessary force and called him an obscene name. A full investigation was conducted which showed that the complainant was unhappy with the quality of his lunch and began insulting the deputies and trying to incite other inmates. The deputy acknowledged putting his hands on the inmate to move him out of the dining hall, but denied using any other force. Another inmate saw the incident and corroborated the Deputy's statement. No other witnesses supported the inmate's claim. The deputy admitted to using profanity when the inmate started making offensive comments about the deputy's children. The Department determined that the use of force allegation was unfounded, but that the deputy violated policy regarding the use of use of profanity. OIM concurred with the Department's findings.
- ***Discourtesy:*** a complainant alleged that an unknown officer was rude and unprofessional when speaking with her on the phone and that, ultimately, the officer hung up on her. The complaint was investigated and the officer was identified. The officer admitted that there was a conflict. The officer explained the multiple attempts to transfer the complainant's calls to the proper units and eventually hanging up on the final call because she did not feel any meaningful communication was taking place. Although the complaint was not sustained, the officer was debriefed on the incident. (Debriefing is an informal method of communicating with an officer in cases where misconduct cannot necessarily be proven. A supervisor may discuss alternative ways of dealing with an incident, counsel an officer regarding future expectations, or refer the officer to policies or procedures previously unknown to the officer.)
- ***Improper conduct:*** the complainant was arrested at her home, pursuant to a court issued warrant. When the officers rang the doorbell, the complainant answered the door in her underwear. The officers stated that as soon as the complainant was positively identified, she was allowed to go to the bedroom and get dressed, after which she was handcuffed. The officers then called to confirm they had executed the warrant. At that time, they were notified that the court had vacated the warrant. As a result, the complainant was released. Attempts to reach the complainant after she filed her complaint were unsuccessful. Despite the failure of the complainant to respond to requests for an interview, the investigation proceeded. OIM concurred with the Department's finding of "unfounded."

- ***Improper Conduct:*** a jail supervisor received two inmate grievance forms that appeared to have been answered by an officer. The responses include inappropriate language, name calling and demeaning remarks. The supervisor requested an internal affairs investigation to identify the person responsible for writing the unprofessional and inappropriate remarks on the grievance forms. The investigation resulted in an admission from a deputy who explained that he was upset by the verbal abuse he received from inmates. The case is proceeding through the chain of command for a decision as to the appropriate discipline.
- The Denver Police Department investigated two cases which involved recruits at the Department's academy. Although recruits are not under the jurisdiction of the Monitor's office, nonetheless, the Manager of Safety and the Department requested a review of the cases and the findings made by the Academy's command staff. This review was undertaken as a courtesy to the Manager and the Department and all recommendations and suggestions were provided on an informational basis.
 - ***Racial and sexual discrimination, hostile work place:*** a recruit made allegations that other recruits in the class engaged in inappropriate and discriminating behaviors which impacted the entire class and the learning environment at the Academy. An extensive investigation was undertaken by the Internal Affairs Bureau.
 - ***Improper Procedure and Conduct Prejudicial to the Department:*** two recruits were alleged to have been involved in a bar disturbance.

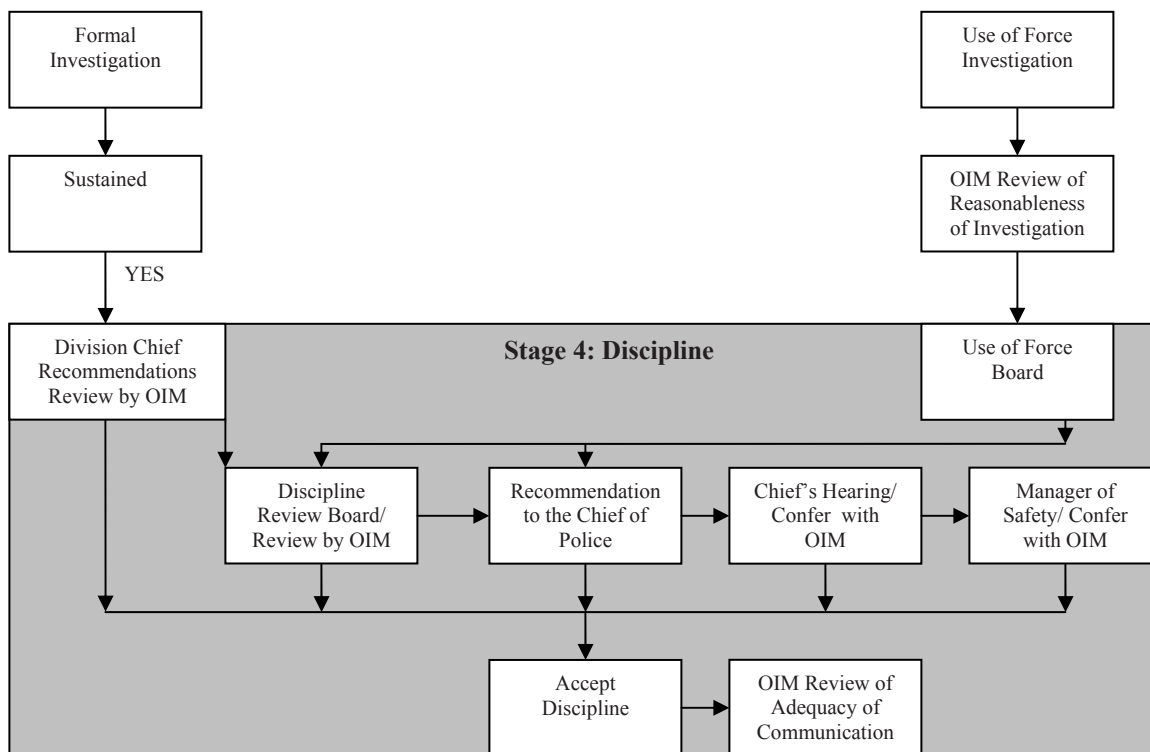
Numerous other claims, including claims of improper or excessive use of force, were thoroughly reviewed, with OIM consulting on a regular basis with IAB investigators. In multiple cases, OIM requested follow up interviews and documentation and undertook a review of the case findings. IAB investigators were very cooperative and complied with OIM requests, except in one situation in which OIM requested notification of subject officer's interview and a miscommunication prevented that notification. In those cases in which additional investigation is needed, OIM consults with the command staff in IAB or with the investigating sergeant. In other cases where the investigation is complete and thorough the case proceeds through the disciplinary process, with continued OIM monitoring.

Stage 4: Findings and Imposition of Discipline

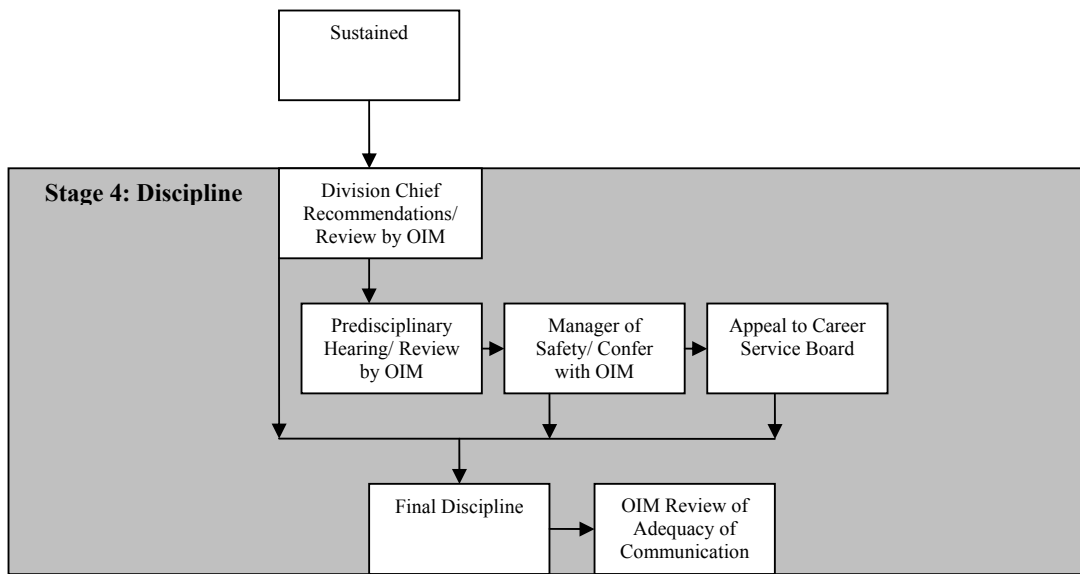
Following the completion of the IAB investigation, the first step in the disciplinary process is a review of the case by the subject officer's chain of command. In incidents where force has been used, DSD has a chain of command review of the use of force reports, with questionable reports being referred to IAB. DPD also reviews all of the use of force reports and forwards to a Use-of-Force Review Board all incidents: (a) where serious injury or death results from an officer-involved use of force; (b) involving firearm discharges; (c) involving in-custody deaths; and (d) in which the Chief of Police directs the Use of Force Review Board to review the incident.

Either the Use of Force Review Board or the officer's chain of command will make a recommendation to the Chief of Police or the Director of Corrections (for the Sheriff's Department) regarding whether the subject officer's conduct violated any Department policies or rules. The next step for the Denver Police Department is a review of the case by the Disciplinary Review Board, a six-person board consisting of police officers and citizens. The Board makes a recommendation to the Chief of Police as to possible disciplinary sanctions. The Denver Sheriff Department does not have the additional step of a Disciplinary Review Board, however, it does require a review at the Chief level. If an officer has been found to have committed a policy violation and discipline is recommended, the officer, in both agencies, is entitled to attend a "pre-disciplinary meeting" (Sheriff's Department) or a "Chief's hearing" (Police Department). At this hearing, the officer can present his or her side of the story and present mitigating evidence. The Chief or Director of Corrections then makes a disciplinary recommendation to the Manager of the Safety. The Manager of Safety makes the final decision as to whether the officer has violated any rules and, if so, the proper level of discipline. If the Manager of Safety determines that the officer has violated Department rules, the Manager issues a Departmental Order of Discipline. If the officer disagrees with the Manager's decision, the officer can appeal the matter to the Civil Service Commission (Police Department) or the Career Service Authority (Sheriff's Department) and ultimately to the courts.

DPD



DSD

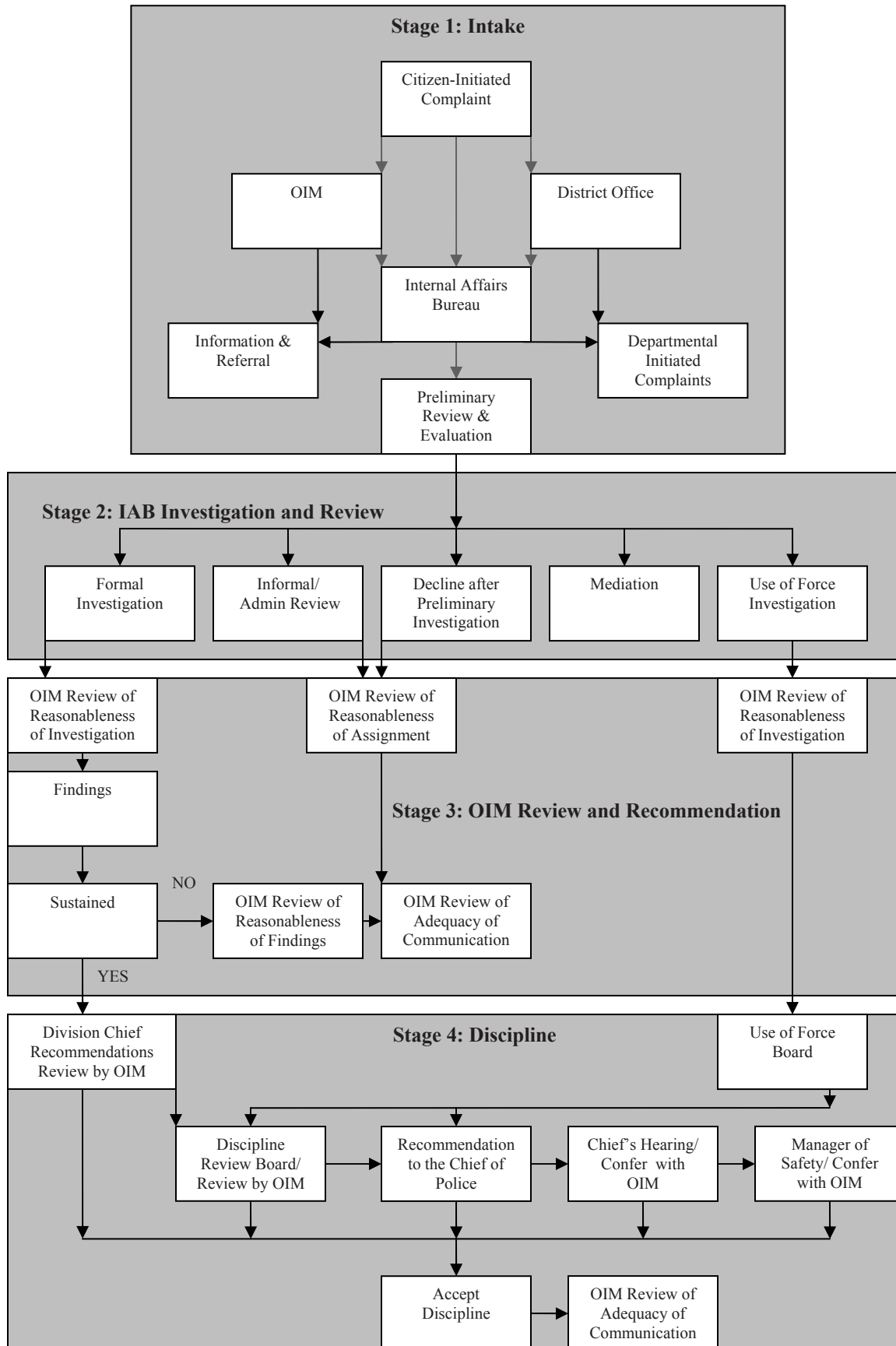


The role of OIM in the disciplinary process is specifically set forth in Sec. 2-389 of the Denver City Ordinance which governs the office. By Ordinance, the OIM receives complete access to the proceedings of departmental boards involved in the disciplinary process (i.e., Use of Force, Disciplinary Review Boards) and all materials to which those boards have access. The Monitor is also to be given the opportunity to attend disciplinary proceedings, to review disciplinary documents, and make recommendations throughout the disciplinary process regarding Departmental findings and the appropriateness of disciplinary sanctions, if any.

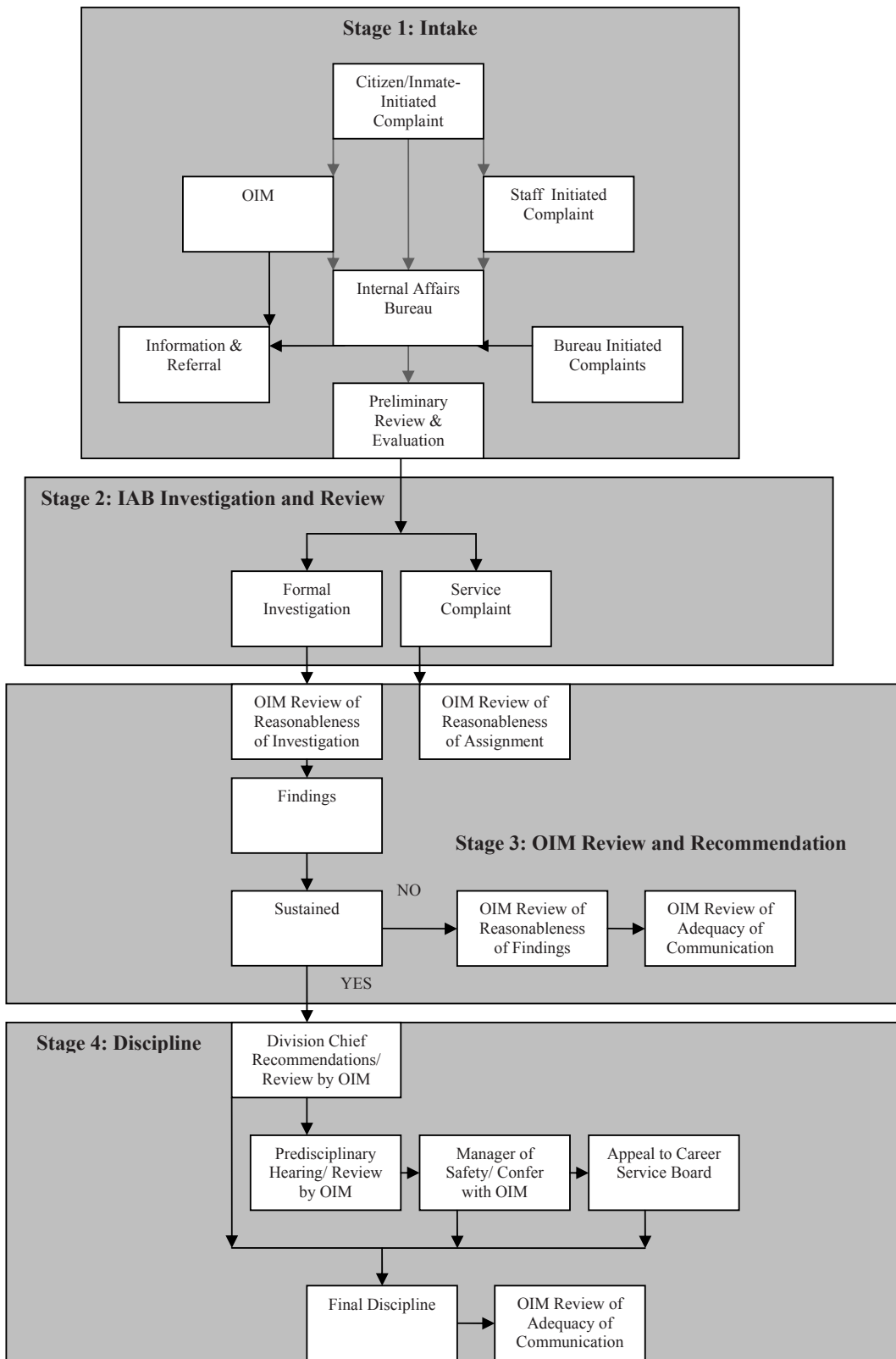
Findings are determined by the involved officer's command staff or the Use-of-Force Review Board. OIM reviews findings when they are made. At that point OIM has the opportunity to express disagreement with the findings.

OIM is advised of upcoming disciplinary hearings by both departments, including Disciplinary Review Board hearings, Use of Force Board hearings, Pre-Disciplinary Hearings or Chiefs' Hearings. To date OIM staff have attended multiple Chiefs' Hearings, Disciplinary Review Board Hearings and Use of Force Review Board Hearings.

IAB-OIM PROCESS CHART (POLICE DEPARTMENT)



IAB-OIM PROCESS CHART (SHERIFF'S DEPARTMENT)



Public Safety Review Commission Cases & Transition Issues

After 13 years in operation, the Public Safety Review Commission (PSRC) sunseted on May 2, 2005 and was replaced by the OIM and the Citizen Oversight Board.

A significant portion of the PSRC's time and effort was spent on handling citizen appeals of internal affairs findings (including, on occasion, citizen complaints regarding officer-involved shootings or in-custody deaths). At the time the OIM was created, PSRC staff identified 29 PSRC cases still pending at the time of the sunset of the PSRC.

Specifics of the OIM handling of these pending cases can be found in a chart included in the appendix to this report. Upon reviewing the pending PSRC cases, the Monitor noted that most of the pending cases were extremely untimely. Most of these cases involved recommendations made by the PSRC to Mayor Webb, the Chief of Police, the Director of Corrections or the Manager of Safety on cases that were anywhere from three to 13 years old. In most of the cases, due to the passage of time, there was no reason to believe that the PSRC recommendation was going to be accepted by the Department decision makers and no further follow-up was justified. Such cases were closed by the OIM without a review of the merits.

The OIM is committed to improving the timeliness of complaint handling. A goal of the OIM will be to facilitate the completion of the vast majority of internal investigations (and the review processes associated with these investigations) within less than one year.

Recommendations in PSRC cases regarding officer-involved shooting policies and procedures were closed in lieu of the pending Police Assessment Resource Center (PARC) deadly force audit that will review these cases and those policies and procedures and make recommendations for change.

The Monitor did request responses from the DPD in three cases:

- In one case, the DPD declined to take further investigative action, a decision with which the Monitor agreed, based upon the age of the case and documentation in the IAB file which indicated that there was no likelihood that any further investigation would result in a change in the Department's findings.
- In another case, the DPD agreed to add an allegation regarding discourtesy and the exercise of patience and discretion in the performance of an officer's duty to a use-of-force complaint that resulted in an "exonerated" finding. The involved officer subsequently received a "sustained" finding for ordering a motorist to remain in her car while she was waiting for a supervisor to respond to the scene to take a complaint about the officer's demeanor during a traffic stop.
- In another case, the Chief of Police provided a detailed response to PSRC concerns regarding the Taser Use policies and procedures. (See Chief's Letter, dated September 19, 2005 and attached in the appendix to this report).

Unlike the PSRC program, which relied on the review of IAB findings, upon the request of a complainant, after the findings had been made, the Monitor's Office is equipped to monitor internal affairs investigations and findings on a "live" and ongoing basis. No internal affairs assignment decision or investigation and findings are forwarded to a community member without first being reviewed and approved by the Monitor's Office. If the Monitor's Office disagrees with the Department's findings, the findings will be appealed to the Chief of Police and then the Manager of Safety. If the OIM is unable to reach an agreement with the Manager of Safety, the OIM's concerns will be published in a public report.

For complaints made before August 1, 2005, the Monitor's Office forwards the Department's findings to the complainant with an opportunity to request a review of the findings. In 2005, eight complainants requested that the Monitor's Office review the findings made by the Police Department and two complainants requested that the Monitor's Office review the findings made by the Sheriff's Department. In eight of the cases the Monitor agreed with Police or Sheriff Department findings and so advised the complainant in a detailed letter. In one case, the Monitor returned a Sheriff case to IAB for further investigation. In another case, the Monitor had concerns about the reasonableness of the Department's finding. The case was referred to the Chief's office for further review.

Table 2.6 provides the breakdown of PSRC cases from 1992 through April 2005.

From 1992 through 2000, the PSRC requested a change in findings in 98 cases and was granted the change for 30 cases representing a 31% change rate. Requested change in findings was extremely low for cases from 2001 through April, 2005, consisting of only 4 cases. Of these requests, no findings were changed.

TABLE 2.6 PUBLIC SAFETY REVIEW COMMISSION DPD COMPLAINTS BY CASE YEAR (APRIL 2005)												
					Status of Reviewed Cases							
Year	Total # of Complaints	Accepted thru PSRC	Dept. Sustained	Requests for Review	Cases Reviewed	Cases Concurred	Change in Findings		Other Change		Awaiting Response to/fr PO	Pending Review
							Requested	Made	Requested	Made		
1992-2000	2970	414	350	541	558	432	98	30	10	7	9	6
2001	312	25	45	41	48	32	1	0	0	0	1	1
2002	306	26	55	21	49	19	2	0	4	0	2	6
2003	288	43	29	24	23	10	0	0	0	0	1	5
2004	229	33	20	8	1	0	1	0	0	0	0	3
2005	17	0	0	0	0	0	0	0	0	0	0	0
Cumulative Total	4122	541	499	635	679	493	102	30	14	7	13	21
Total - Last 12 Mos.	221	25	47	28	78	31	6	0	1	0		

In looking at similar data from the Sheriff's Department (Table 2.7), from 1992 through 2000, the PSRC requested the findings in 9 cases be changed. The findings were changed in 3 of those cases representing a change rate of 33%. From 2001 through April, 2005, the committee requested changes in the findings for only one case and the findings in that case were not changed.

TABLE 2.7 PUBLIC SAFETY REVIEW COMMISSION DSD COMPLAINTS BY CASE YEAR (APRIL 2005)

					Status of Reviewed Cases							
Year	Total # of Complaints	Accepted thru PSRC	Dept. Sustained	Requests for Review	Cases Reviewed	Cases Concurred	Change in Findings		Other Change		Awaiting Response to/fr PO	Pending Review
							Requested	Made	Requested	Made		
1992-2000	433	56	36	64	67	45	9	3	3	2	3	0
2001	53	7	4	10	17	10	0	0	0	0	1	0
2002	29	6	3	1	2	0	1	0	0	0	1	0
2003	29	3	0	1	0	0	0	0	0	0	0	0
2004	42	10	1	1	0	0	0	0	0	0	0	2
2005	20	1	0	0	0	0	0	0	0	0	0	0
Cumulative Total	606	83	44	77	86	55	10	3	3	2	5	2
Total - Last 12 Mos.	73	9	1	2	0	0	0	0	0	0		

**Note - PSRC statistics were provided by PSRC staff, but were not audited or verified by the OIM.*



DENVER
THE MILE HIGH CITY

CHAPTER 3

FINDINGS & IMPOSITION OF DISCIPLINE

FINDINGS & IMPOSITION OF DISCIPLINE

Sheriff Department

Findings

In 2005, the Denver Sheriff's Department closed 286 complaint cases involving 337 allegations. We report on the findings of these allegations and the imposition of discipline for those allegations that resulted in a sustained finding.

Table 3.1 provides the results of the findings for all DSD complaint cases that were closed in 2005. Approximately one-third (32.6%), of the allegations resulted in a sustained finding.

TABLE 3.1 FINDINGS FOR COMPLAINT ALLEGATIONS (DSD CLOSED CASES, 2005)		
Finding	Count	Percent
Sustained	110	32.6%
Unfounded	46	13.6%
Exonerated	50	14.8%
Not Sustained	89	26.4%
Resolved	22	6.5%
Referred	18	5.3%
Declined	2	0.6%
TOTAL	337	100%

Further analysis of the findings by allegation type is shown in Table 3.2. Results reveal that sustained findings were more likely to occur for certain types of allegations. For example, of the 128 improper conduct allegations, 43% were sustained. Similar patterns exist for improper procedure (51%) and law violations (64%). Of the 27 excessive force allegations against DSD employees, none were sustained. (For a discussion of use of force issues, see Chapter 4.)

TABLE 3.2 FINDINGS BY ALLEGATIONS FOR CASES CLOSED IN 2005 (DSD 2005)								
FINDING	ALLEGATION							TOTAL COUNT
	Excessive Force	Improper Conduct	Improper Procedure	Law Violation	Lost Property	Other	Service Complaint	
Sustained	0	55	39	9	5	1	1	110
Column %	0%	43%	51%	64%	7%	17%	7%	
Unfounded	5	15	2	2	18	0	4	46
Column %	19%	12%	3%	14%	25%	0%	27%	
Exonerated	14	15	14	0	3	1	3	50
Column %	52%	12%	18%	0%	4%	17%	20%	
Not Sustained	8	36	17	3	17	1	7	89
Column %	30%	28%	22%	21%	24%	17%	47%	
Resolved	0	3	1	0	16	2	0	22
Column %	0%	2%	1%	0%	23%	33%	0%	
Referred	0	3	3	0	11	1	0	18
Column %	0%	2%	4%	0%	15%	17%	0%	
Declined	0	1	0	0	1	0	0	2
Column %	0%	1%	0%	0%	1%	0%	0%	
TOTAL COUNT	27	128	76	14	71	6	15	337
TOTAL PERCENT	100%	100%	100%	100%	100%	100%	100%	

Discipline

Table 3.3 shows the discipline breakdown for the sustained cases in 2005. There were sustained findings for 110 cases; however, 10 of those cases involved allegations against an unidentified officer. Therefore, Table 3.3 only provides the discipline for those cases involving a known officer/employee. As shown, the most common types of discipline were cautionary letters (27%) and written reprimands (25%). Approximately, 11% of the sustained cases resulted in the cessation of employment either voluntarily (resignation, 5%) or involuntarily (termination, 2%).

Discipline	Count	Percent
Termination	3	3.0%
Resignation	8	8.0%
Suspension	16	16.0%
Written Reprimand	25	25.0%
Verbal Reprimand	18	18.0%
Cautionary Letter	27	27.0%
Counseled	3	3.0%
TOTAL	100	100.0%

A note about methodology is warranted. In cases in which a single officer/employee had multiple discipline (e.g., sustained findings on multiple allegations), only the most serious form of discipline was counted. In cases where multiple officers/employees received discipline on a single sustained finding, all forms of discipline were counted. That is, the discipline that each officer received on the same case was counted as an aggregate value.

It should also be noted that the fact that an employee resigned while either an investigation or discipline was pending does not necessarily mean that the allegations would have been sustained or that the deputy would have been terminated had any of the allegations been sustained. A deputy may have had other reasons for deciding to resign or retire from the Department's employ.

In Table 3.4, we report the disciplinary decision by the type of allegation for only those cases that resulted in a sustained finding involving a known officer/employee. Improper conduct violations were most likely to result in either a written reprimand (27%) or suspension (25%). A cautionary letter was the most frequent form of discipline (53%) for improper procedure allegations. This was used nearly twice as much as written reprimands, which was the second most frequent disciplinary technique (28%). Terminations were most frequently used for law violations (33%).

DISCIPLINE	ALLEGATION			TOTAL COUNT
	Improper Conduct	Improper Procedure	Law Violation	
Termination	0	0	3	3
Column %	0%	0%	33%	
Resignation	6	0	2	8
Column %	11%	0%	22%	
Suspension	14	1	1	16
Column %	25%	3%	11%	
Written Reprimand	15	10	0	25
Column %	27%	28%	0%	
Verbal Reprimand	10	6	2	18
Column %	18%	17%	22%	
Cautionary Letter	8	19	0	27
Column %	15%	53%	0%	
Counseled	2	0	1	3
Column %	4%	0%	11%	
TOTAL COUNT	55	36	9	100
TOTAL PERCENT	100%	100%	100%	

Police Department

Findings

We report on the number of cases closed, allegations, findings, and discipline. Due to data conversion processes, we selected only those cases that were received on or after January 1, 2005 and closed in 2005. We do not make any references to the date the case was closed, only that the case status was closed.

In 2005, DPD closed 780 total complaint cases. The findings for these cases are presented in Table 3.5.

As shown, 38.9% of the total allegations were sustained. These cases include all complaint types: Citizen, Internal, Failure to Complete Continuing Education, Failure to Qualify With A Firearm, Failure to Appear in Court, and Traffic Accidents.

TABLE 3.5 FINDINGS FOR COMPLAINT ALLEGATIONS (DPD CLOSED CASES, 2005)		
Finding	Count	Percent
Sustained	345	38.9%
Unfounded	163	18.4%
Exonerated	152	17.2%
Not Sustained	170	19.2%
Not Reviewed	7	0.8%
Information Only	49	5.5%
TOTAL	886	100.0%

We further breakdown the findings on complaint allegations by the type of complainant. As shown in Table 3.6, the most likely complaints to be sustained included traffic accidents (100%) and failure to appear in court (88%). The least likely type of complaint to be sustained was failure to complete continuing education requirements (14%). In regard to citizen/internal complaints, the most common finding was “not sustained” (28%) followed by “unfounded” (24%). Approximately, 18% of the 593 citizen/internal allegations were “sustained” in 2005.

TABLE 3.6 FINDINGS BY COMPLAINANT FOR ALL ALLEGATIONS (DPD CLOSED CASES, 2005)						
FINDING	COMPLAINANT					TOTAL COUNT
	Traffic Accidents	Failure to Complete-Education	Citizen/Internal	Failure to Appear-Court	Failure to Qualify-Firearms	
Sustained	96	5	106	129	9	345
Column %	100%	14%	18%	88%	56%	
Unfounded	0	17	143	0	3	163
Column %	0%	49%	24%	0%	19%	
Exonerated	0	12	125	12	3	152
Column %	0%	34%	21%	8%	19%	
Not Sustained	0	1	164	4	1	170
Column %	0%	3%	28%	3%	6%	
Not Reviewed	0	0	6	1	0	7
Column %	0%	0%	1%	1%	0%	
Information Only	0	0	49	0	0	49
Column %	0%	0%	8%	0%	0%	
TOTAL COUNT	96	35	593	146	16	886
TOTAL PERCENT	100%	100%	100%	100%	100%	

Table 3.7 provides an analysis of the findings for citizen-initiated complaint allegations only. Of the 491 complaint allegations received in 2005, 8.6% resulted in sustained findings. The most common findings were “not sustained” (32.2%) and “unfounded” (27.5%).

TABLE 3.7 FINDINGS FOR CITIZEN-INITIATED ALLEGATIONS (DPD CLOSED CASES, 2005)		
Finding	Count	Percent
Sustained	42	8.6%
Unfounded	135	27.5%
Exonerated	117	23.8%
Not Sustained	158	32.2%
Not Reviewed	1	0.2%
Information Only	38	7.7%
Total	491	100.0%

Table 3.8 compares the types of allegations by the finding for citizen-initiated complaints. Eight percent of the discourtesy complaints were sustained, which comprised the largest percentage of sustained complaint allegations. Of the 64 excessive force allegations, none were sustained. (For a discussion of use of force issues, see Chapter 4).

TABLE 3.8 FINDINGS BY ALLEGATIONS FOR CITIZEN-INITIATED COMPLAINTS ONLY (DPD CLOSED CASES, 2005)							
ALLEGATION	FINDING						TOTAL COUNT
	Sustained	Unfounded	Exonerated	Not Sustained	Not Reviewed	Information Only	
Conduct Prejudicial	0	1	0	0	0	0	1
Row %	0%	100%	0%	0%	0%	0%	100%
Discourtesy	17	58	32	103	1	0	211
Row %	8%	27%	15%	49%	0%	0%	100%
Domestic Violence							
Policy	0	0	0	0	0	1	1
Row %	0%	0%	0%	0%	0%	100%	100%
Improper Procedure -							
Other	24	55	51	43	0	21	194
Row %	12%	28%	26%	22%	0%	11%	100%
Law Violation - Other	0	1	0	2	0	5	8
Row %	0%	13%	0%	25%	0%	63%	100%
Law Violation - Other							
Traffic	1	0	0	0	0	0	1
Row %	100%	0%	0%	0%	0%	0%	100%
Law Violation - Theft	0	3	0	0	0	3	6
Row %	0%	50%	0%	0%	0%	50%	100%
Obedience To Traffic							
Regulations	0	0	0	0	0	1	1
Row %	0%	0%	0%	0%	0%	100%	100%
Police Harassment	0	1	0	0	0	1	2
Row %	0%	50%	0%	0%	0%	50%	100%
Racial Harassment	0	0	0	0	0	2	2
Row %	0%	0%	0%	0%	0%	100%	100%
Unnecessary Force	0	16	34	10	0	4	64
Row %	0%	25%	53%	16%	0%	6%	100%
TOTAL COUNT	42	135	117	158	1	38	491

Discipline

Table 3.9 provides the discipline for sustained allegations. As shown, reprimands (written and oral) were the most common disciplinary tool used for Denver police officers accounting for 82% of the penalties. The least common forms of discipline included dismissal (.3%) and suspended time (2.1%).

For Department initiated complaints against officers for missing court, failures to qualify with their firearm, failure to attend continuing education and preventable traffic collisions, the DPD has specific criteria (called “scheduled discipline”) wherein the discipline imposed is determined by the specific violation and the officer’s history regarding such violations.

A note about methodology is warranted. In cases in which a single officer/employee had multiple discipline (e.g., sustained findings on multiple allegations), only the most serious form of discipline was counted. In cases where multiple officers/employees received discipline on a single sustained finding, all forms of discipline were counted. That is, the discipline that each officer received on the same case was counted as an aggregate value.

A comparison of discipline by complaint type for sustained allegations is provided in Table 3.10. The most common form of discipline for citizen/internal complaints was an oral reprimand (33%) followed closely by a written reprimand (24%). Failure to qualify with a firearm complaints were most likely be fined time (100%) while the failure to appear in court were most likely to receive an oral reprimand (88%).

Discipline	Count	Percent
Dismissed	1	0.3%
Suspended Time	7	2.1%
Fined Time	22	6.5%
Written Reprimand	75	22.2%
Oral Reprimand	205	60.7%
SSR Entry	27	8.0%
Retired	1	0.3%
Total	338	100%

DISCIPLINE	COMPLAINANT					TOTAL COUNT
	Traffic Accidents	Failure to Complete- Education	Citizen/Internal	Failure to Appear- Court	Failure to Qualify- Firearms	
Dismissed	0	0	1	0	0	1
Column %	0%	0%	1%	0%	0%	
Suspended Time	0	0	6	1	0	7
Column %	0%	0%	6%	1%	0%	
Fined Time	2	3	7	1	9	22
Column %	2%	60%	7%	1%	100%	
Written Reprimand	36	2	24	13	0	75
Column %	38%	40%	24%	10%	0%	
Oral Reprimand	58	0	33	114	0	205
Column %	60%	0%	33%	88%	0%	
SSR Entry	0	0	27	0	0	27
Column %	0%	0%	27%	0%	0%	
Retired	0	0	1	0	0	1
Column %	0%	0%	1%	0%	0%	
TOTAL COUNT	96	5	99	129	9	338
TOTAL PERCENT	100%	100%	100%	100%	100%	

When looking at discipline for citizen-initiated complaints, SSR (Supervisor Situation Record) entries (documentation in the officer's service record which is maintained at the officer's current assignment location) were the most common form of discipline (57.9%) used in 2005 (Table 3.11). Reprimands, both oral and written, accounted for 29% of the penalties imposed.

TABLE 3.11 DISCIPLINE FOR CITIZEN-INITIATED COMPLAINTS (DPD CLOSED CASES, 2005)		
Discipline	Count	Percent
Suspended Time	2	5.3%
Fined Time	2	5.3%
Written Reprimand	6	15.8%
Oral Reprimand	5	13.2%
SSR Entry	22	57.9%
Retired	1	2.6%
TOTAL	38	100.0%

Suspended time is considered to be a more serious form of discipline than “fined time.” If an officer is suspended, during the period of suspension all police powers are taken from the officer who does not get paid during the period of suspension. With respect to “fined time,” the officer must work on a day off without compensation or must forfeit compensated time from his/her payroll record.

It should also be noted that the fact that an employee resigned while either an investigation or discipline was pending does not necessarily mean that the allegations would have been sustained or that the officer would have been terminated had any of the allegations been sustained. An officer may have had other reasons for deciding to resign or retire from the Department's employ.

Methodology

Data for this chapter was obtained from the Denver Sheriff's Department Database and the Denver Police Department's Database (CUFFS II). Data were extracted from the databases through ODBC using Microsoft Access. Statistical analysis of the data was analyzed using the Statistical Package for the Social Sciences (SPSS).

While the data was derived from departmental databases, OIM has not had the opportunity to validate all of the data. This is important since both departments underwent data conversion processes in 2005 from Access to SQL Servers. In some instances, cross validation of the data was completed by comparing the results of extraction queries against database information.

Where appropriate, measurement criteria was used to limit the potential for data validity problems. This occurred in the case of using all complaint/allegation data from CUFFSII for those cases that were received in 2005 and closed in 2005 but not using the date case closed field.

IMPOSITION OF DISCIPLINE

Denver Police Department

During the course of the 2005 calendar year, the Denver Police Department sustained allegations and imposed discipline in 360 cases (including 250 cases involving the imposition of “scheduled discipline” for missing court, traffic collisions, failures to qualify with a firearm and failure to complete continuing education). OIM staff used statistical software to randomly choose a sample of the 110 sustained citizen and internal initiated complaint cases as examples of conduct found unacceptable by the Department and the discipline imposed in these cases. We present the narratives of these cases along with the type of discipline imposed for both citizen-initiated and internal-initiated complaints.

Citizen-Initiated Complaints

- The complainant's legally parked cars were damaged by a hit and run vehicle. The hit and run driver fled the scene on foot. The investigating officer allegedly found a small amount of suspected marijuana in the hit and run vehicle. The officer threw the suspected marijuana onto the street, did not put the substance into property or mention it in the accident report. **(Written Reprimand)**
- Officers failed to conduct a thorough search of the suspect prior to placing him in the holding cell. **(Log [Supervisor Situation Record] Entry)**
- Possible suicidal party dropped off unattended in the District Three lobby. **(Log Entry)**
- The complainant was unhappy with the scene investigation and citation from relating to a traffic collision. **(Log Entry)**
- The complainant alleged that an officer confiscated her brother's driver's license without appropriate cause. **(Oral Reprimand)**

Internal-Initiated Complaints

- An on-duty officer received a photo radar ticket. The subject officer was traveling 10 mph over the posted speed limit. **(Oral Reprimand)**
- The officer sent an inappropriate e-mail into the Department's e-mail system in violation of a direct order and Department policy. **(Fined Time)**
- An officer submitted a court overtime slip seeking pay for hours during which he was on duty at a special assignment. The officer failed to sign in and out at the Court Liaison Office and did not have a D.A. or City Attorney sign his court slip as required. **(Oral Reprimand)**
- Officers were reported to have illegally used fireworks while off-duty. **(Written Reprimand)**

- An officer was disrespectful to fellow officers. **(Log Entry)**

During 2005, five police officer recruits were fired from the Denver Police Department before being sworn in as police officers. The reasons for the dismissals included:

- Hit & run involving property damage & departing from the truth.
- Abusive treatment of fellow recruits (2 recruits).
- Appearing for duty under the influence of alcohol.
- Off duty fight, failure to cooperate with police, abusive treatment of staff and fellow recruits.

One officer was terminated from the Denver Police Department as the result of sustained findings for domestic violence related issues.

Six officers resigned from the DPD while an internal affairs investigation, or disciplinary action, was pending against them. The fact that an officer resigned while an investigation or disciplinary action was pending does not necessarily mean that the allegations would have been sustained or that the disciplinary action would have resulted in termination. There are a variety of reasons an officer might retire or resign even though a disciplinary action is pending. In some cases, however, officers have been known to resign as an alternative to being investigated, or based on the fear of being terminated.

- An officer retired after being informed about the initiation of a criminal investigation relating to his association with a suspected narcotics dealer and for financial improprieties.
- An officer was sustained for allegations relating to the harassment of fellow employees. The officer resigned after being informed that the Chief recommend termination to the Manager of Safety.
- An officer resigned after being criminally charged with misdemeanor assault on a handcuffed prisoner during his off-duty employment.
- An officer resigned after being criminally investigated for sexual misconduct. Criminal charges had been rejected. The officer resigned after an extensive internal affairs investigation but before the investigation was submitted for administrative findings.
- An officer retired while an investigation for inappropriate use of the internet was pending.
- An officer retired while an investigation for driving under the influence was pending. Criminal charges had been dismissed.

Denver Sheriff's Department

During the course of the 2005 calendar year, the Denver Sheriff Department sustained allegations and imposed discipline in 98 cases. OIM staff used statistical software to choose a sample of the 98 cases as examples of conduct found unacceptable by the Department and the discipline imposed in these cases. We present the narratives of these cases along with the type of discipline imposed. Due to incomplete data, we were not able to breakdown the complainant types into the differing categories—employee, citizen, inmate, and internal.

All-Initiated Complaints

- A deputy fell asleep on an extradition and would not comply with a supervisor's directions. **(Written Reprimand)**
- A DSD supervisor referred to subordinates as a piece of "meat." **(Written Reprimand)**
- A deputy failed to file a use-of-force report, did not obtain a medical review for the involved inmate, and did not call a supervisor to the scene. **(Written Reprimand)**
- A deputy dragged an inmate naked (shirt over hands and pants around ankles) from an elevator to a cell. **(Suspension)**
- An inmate attempted suicide. Rounds were made at the time, but the inmate's suicide attempt was not discovered. **(Cautionary Letter)**
- A deputy attempted to access inappropriate internet sites on multiple occasions. **(Written Reprimand)**
- A deputy was involved in a physical altercation with an inmate. The Deputy opened the inmate's cell door alone although there was a two officer restriction on the inmate. **(Written Reprimand)**
- An inmate was released from the county jail even though he had an outstanding warrant. **(Cautionary Letter)**
- An inmate attempted suicide. No supervisor was notified. **(Cautionary Letter)**
- A deputy submitted a report indicating he was driving to work when he encountered a female driving in a reckless fashion. Without authority to do so, he displayed his badge, and conducted a traffic stop. He gave her the option of apologizing or being issued a citation. **(Suspension)**

- A deputy knew an inmate before he was incarcerated. She allowed him to make a personal phone call without following Department protocols. She did not notify the department of the relationship with the inmate. **(Counseled)**
- A DSD supervisor had a loaded handgun in his checked baggage while flying out of Denver International Airport. **(Verbal Reprimand)**
- An inmate alleged that a deputy cursed at him, did not allow him to finish his meal, and pushed him. **(Verbal Reprimand)**
- A deputy accessed inappropriate material on the internet. **(Written Reprimand)**
- A deputy exceeded the allowable number of sick leave days. **(Suspension)**

During the course of the year, one recruit (a probationary employee) was terminated by the Sheriff's Department for making inappropriate sexual comments to other recruits. In addition, one probationary deputy was terminated as the result of the issuance of an Arapahoe County arrest warrant for sexual assault on a child. The alleged crime, which had taken place before he was hired by the Sheriff's Department, was not brought to the attention of the Sheriff's Department until the arrest warrant was issued.

In 2005, seven Deputies resigned from the Sheriff's Department while an Internal Affairs investigation was pending against them. The fact that a deputy resigned while an investigation or disciplinary action was pending does not necessarily mean that the allegations would have been sustained or that the disciplinary action would have resulted in termination. There are a variety of reasons an officer might retire or resign even though a disciplinary action is pending. In some cases, however, officers have been known to resign as an alternative to being terminated.

- A deputy was alleged to have smuggled marijuana into the County Jail. The Deputy was charged by the District Attorney with numerous felony charges relating to a sting operation. The Deputy resigned from the Department shortly after being charged criminally.
- A deputy was charged with criminal assault. The Deputy was seen, in uniform, punching another individual two times in the face while in the parking lot of a DPD District station.
- A deputy resigned as a result of the issuance of an arrest warrant. The employee had listed as a spouse, a Department of Corrections Inmate and known gang member.
- A deputy was placed on investigative leave pending charges of fraternization with a convicted felon. The employee resigned shortly after being placed on leave.

- A deputy resigned after admitting to having a relationship with an incarcerated gang member in one of the DOC facilities.
- A deputy was involved in a physical altercation in which it was alleged she used excessive force to control an individual and that she failed to write a use-of-force report.
- A deputy allegedly had an inappropriate relationship with an incarcerated inmate. After being interviewed regarding the allegations, the deputy resigned.
- An inmate turned over personal correspondence he received from a female deputy. An investigation was initiated. Upon being advised of the existence of the investigation, the deputy resigned.

Ranks of Officers Receiving Discipline in 2005

During the course of 2005, the Manager of Safety finalized discipline against employees, according to rank, of the Police Department and Sheriff's Department. Table 3.12 provides results of this analysis for the Sheriff's Department.

Seventy-five Deputy Sheriff Employees received some form of discipline in 2005 compared to one member of the Command staff and 12 Sergeants. The most common form of discipline for a Deputy Sheriff was a cautionary letter (36%) and for Sergeants was a written reprimand (50%). The Command staff member received a written reprimand. Sergeants and Deputies were equally as likely to receive a suspension.

TABLE 3.12 DISCIPLINE BY RANK (DSD 2005)					
DISCIPLINE TYPE	Deputy Sheriff	Sheriff Sergeant	Captain and Above	Rank Unknown	TOTAL COUNT
Termination	1			1	2
Column %	1.3%			8.3%	
Resignation	4			4	8
Column %	5.3%			33.3%	
Suspension	13	2		1	16
Column %	17.3%	16.7%		8.3%	
Written Reprimand	16	6	1	2	25
Column %	21.3%	50%	100%	16.7%	
Verbal Reprimand	11	4		4	19
Column %	14.7%	33.3%		33.3%	
Cautionary Letter	27				27
Column %	36%				
Counseled	3				3
Column %	4%				
TOTAL COUNT	75	12	1	12	100
TOTAL PERCENT	100.0%	100.0%	100.0%	100.0%	

Table 3.13 reveals the discipline by rank for DPD sustained cases in 2005. These are for cases that were received in 2005 only. Because CUFFS did not have a date case closed field prior to July 27, 2005; there was no way to restrict the analysis of discipline to those cases closed in 2005. Thus, while some cases did get closed in 2005 that were actually received in 2004 or earlier, these case were not included in the following analysis.

As shown, the most common type of discipline for all ranks was an oral reprimand (59.7%) with the exception of recruits in which dismissals accounted for 100% of the discipline. The second most common type of discipline for all ranks was written reprimands (22.9%). Dismissals (.6%) and suspended time (2.3%) were the least common forms of discipline, overall.

TABLE 3.13 DISCIPLINE BY RANK FOR SUSTAINED CASES (DPD 2005)									
DISCIPLINE TYPE	EMPLOYEE RANK								TOTAL COUNT
	Civil Employee	Recruit	Officer	Technician	Sergeant	Detective	Lieutenant	Captain and Above	
Dismissed		2							2
Column %		100%							0.6%
Suspended Time			6		1	1			8
Column %			2.9%		3.8%	1.7%			2.3%
Fined Time			12	2	2	4	1	1	22
Column %			5.9%	5.6%	7.7%	6.7%	11.1%	17%	6.4%
Written Reprimand			55	7	6	8	3		79
Column %			26.8%	19.4%	23.1%	13.3%	33.3%		22.9%
Oral Reprimand			115	24	14	44	5	4	206
Column %			56.1%	66.7%	53.8%	73.3%	55.6%	66.7%	59.7%
SSR Entry	1		17	3	3	2		1	27
Column %	100%		8.3%	8.3%	11.5%	3.3%		16.7%	7.8%
Retired						1			1
Column %						1.7%			0.3%
TOTAL COUNT	1	2	205	36	26	60	9	6	345
TOTAL PERCENT	100%	100%	100%	100%	100%	100%	100%	100%	

The Manager of Safety's "Discipline System Advisory Group"

Even before the Monitor's Office began operations, the Manager of Safety created a "Discipline System Advisory Group" to reevaluate the disciplinary process with the mission "to create a fair, rational, efficient, consistent discipline system which reflects the goals, values and priorities of the Denver Police Department and promotes respect and trust within the police department and with the community it serves." The goal of the group is to "provide written guidelines for the application of discipline and give reasonable notice to both officers and the community of likely discipline under certain circumstances."

The project began in December of 2004. The membership of the committee consists of police & sheriff department representatives from all ranks, business community representatives, a representative of the Police Protective Association (PPA), a representative of the Police Executive Research Forum (PERF), former managers of safety, educators, lawyers, citizens, a county court judge, city council members, representatives of the Career Service Authority (CSA), representatives of the Civil Service Commission and finally, upon the creation of the OIM, representatives of the Monitor's Office.

During the course of the 2005 calendar year, the group has discussed the values and priorities of the department in detail. The group has proposed revised rules, regulations and procedures. The group divided into committees to discuss how to make the disciplinary process more efficient and how to classify violations. The group provided an outline for a draft of written procedures which will be completed by the Police Executive Research Forum. It is anticipated that the project will be completed before the end of the 2006 calendar year.

Relationship Between Disciplinary Review Board Recommendations and Final Imposition of Discipline by the Manager of Safety

With the creation of the Disciplinary Review Board (DRB), which includes both peer officer and citizen involvement, the Chief's Office provided the Monitor with documentation prepared in February 2005 evaluating to what extent the Manager of Safety followed or did not follow recommendations made by various DRB's. The documentation provided compared the final penalty imposed by the MOS to that initially recommended by the DRB. According to this documentation:

- in 54% of the cases the DRB recommendation was accepted;
- in 21% of the cases, the final penalty was lower than the DRB; and,
- in 25% of the cases, the final penalty was higher than the DRB.

The documentation, which included an evaluation of 55 sustained complaints, also revealed that in most of the cases where the Manager and or the Chief deviated from DRB recommendations, the differences in the punishment were within the range of one to five days suspension.

It should be noted, however, that the OIM has not audited the statistics provided by the Chief's Office for accuracy.

The composition of the Disciplinary Review Boards will be changing due to new policies enacted by the Police Department. The Monitor's Office will observe future board hearings, track the reasonableness of their disciplinary recommendations, and report on the extent to which these recommendations are either accepted or rejected.

Monitor Recommendation for Better Information Sharing between the Manager of Safety and Members of the Disciplinary Review Boards

In 2005, the Monitor recommended to the Chief's Office that members of the various Disciplinary Review Boards be advised of the final discipline imposed by the Manager of Safety in those cases where they made recommendations. It is only in that manner that the DRB members can learn what the Manager's expectations are and how and to what extent their recommendations affect the Department's decision-making processes.



DENVER
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CHAPTER 4

EIIS, MANAGING FORCE AND PATTERNS IN COMPLAINTS

The Police Department's Early Identification and Intervention System (EIIS), Managing Force and Patterns in Complaints

Like most police organizations, the Denver Police Department uses many tools to manage the use of force by its officers. Tools include the screening of recruits, initial and ongoing training, and the disciplinary system. The DPD requires officers to file mandatory use-of-force reports and established a Use-of-Force Review Board, with citizen representation, to review officer-involved shootings and serious incidents of use of force.

In January 2004, the Department issued a report outlining its creation of an Early Identification and Intervention System (EIIS). The system included "performance indicators" such as arrest data, training and education, citation data, civil liability data, commendations, complaints, use of force data, court failures to appear, leave and overtime data, traffic collision data, pursuit data and secondary employment data.

According to the Chief's Office, over a period of three months, from September through December of 2004, the EIIS analyzed data from many of these sources and created "Intervention Reviews" which identified specific officers for whom certain thresholds had been reached. On December 17, 2004, however, the Chief of Police notified all officers in the DPD that after reviewing all of the reports generated by the EIIS and after getting considerable input from a cross section of the Department, he determined that no more EIIS reports would be generated from the system's current format.

The Chief opined that the scope of the discretionary arrest data collected was too broad and not sufficiently defined. He also concluded that data regarding traffic accidents and pursuits, as used in the originally developed system was not of significant value. The traffic accident data included collisions with parked police cars and only two pursuits in 2003 were found to be out of policy. The Chief noted difficulties with the system's ability to compare potential triggers (such as number of uses of force) with variances in the work volume (such as arrests, contacts and citations) between shifts, Districts and assignments.

Based on those concerns, the Chief announced that as of December 17, 2004, the EIIS system would no longer automatically generate Intervention Reviews. He announced that DPD administration would re-evaluate the categories being measured to make sure they were within the Department's current ability to collect data of value operationally.

The Chief noted the clear need for an automated Early Warning System in a Department as large as Denver's. However, he also noted the need for the system to be based on accurate and timely information that would assist the Department in focusing on those officers who may actually need intervention. The Chief concluded that the EIIS database would remain available for review by Department supervisors in its current form. He also promised that "in the near future, the system will activate Intervention Reviews and Notifications based on more narrow categories."

A year has passed since the Chief's notification of the elimination of the thresholds initially conceptualized for the EIIS. Since that time, the Chief's Office advises that the supervisor of the Professional Standards Unit (PSU) does review the system on a regular basis with the intent

of identifying problematic activity on the part of an officer that may need intervention such as training, counseling, supervision, further evaluation or reassignment. The Chief personally reviews the EIIS records of an officer identified by the PSU and then confers with the officer's commanders to come up with an intervention strategy, if one is deemed necessary.

The Monitor will be working with the Department in the upcoming year to evaluate the current EIIS, and assist the Department in implementing specific policies regarding its use. This project is one of the OIM goals for 2006.

Managing Use of Force

The evidence suggests that the disciplinary process, by itself, is not an effective tool for managing the use of force. It is slow, after-the-fact, and rarely imposed against individual officers. In 2005, citizens filed 57 force complaints against DPD personnel; none were sustained by the Department. This low (or non-existent) rate of sustained findings is consistent with reports from other jurisdictions.

The low rate of sustained force complaints is due, in part, to the nature of use of force policies. They must cover an infinite array of circumstances. Consequently Denver's use of force training gives officers discretion to use force against very broadly defined levels of resistance. Absent a clear abuse of discretion or independent evidence that the person did not physically resist, it would be difficult for the DPD to sustain a disciplinary action through arbitration if the level of force was otherwise authorized. This would be true even if there were a possibility that lesser force might have been sufficient.

One essential component of the DPD's current EIIS is to capture and analyze all use-of-force reports in the data system to determine if there are certain officers who use force on a disproportionate basis when compared to similarly situated officers.

Too often, members of the community expect the disciplinary system to be the primary tool used by Department administrators to manage the use of force by their officers. Although in egregious cases (or cases where there is objective evidence of misconduct) the disciplinary system can be effective in disciplining officers for use of excessive force, too often community members will be disappointed to find that their complaints are dismissed or result in no imposition of discipline. The Department, however, can often be more effective in managing the use of force through training, implementation of policies and supervision by sergeants and lieutenants (with the assistance of an effective early intervention system).

The OIM is committed to allowing the Department to use mediation as an alternative to an IAB investigation of a citizen initiated use of force allegation. The new DPD policy does allow mediation as an option in force and other potentially serious complaints, but only if the Chief of Police, the Manager of Safety and the Monitor all agree to this assignment decision. In the future, the OIM hopes to provide objective data which can be used to establish that, in many cases, officer behavior can be changed and improved by the mediation process, potentially more so than through internal investigations and formal findings.

Patterns of Complaints

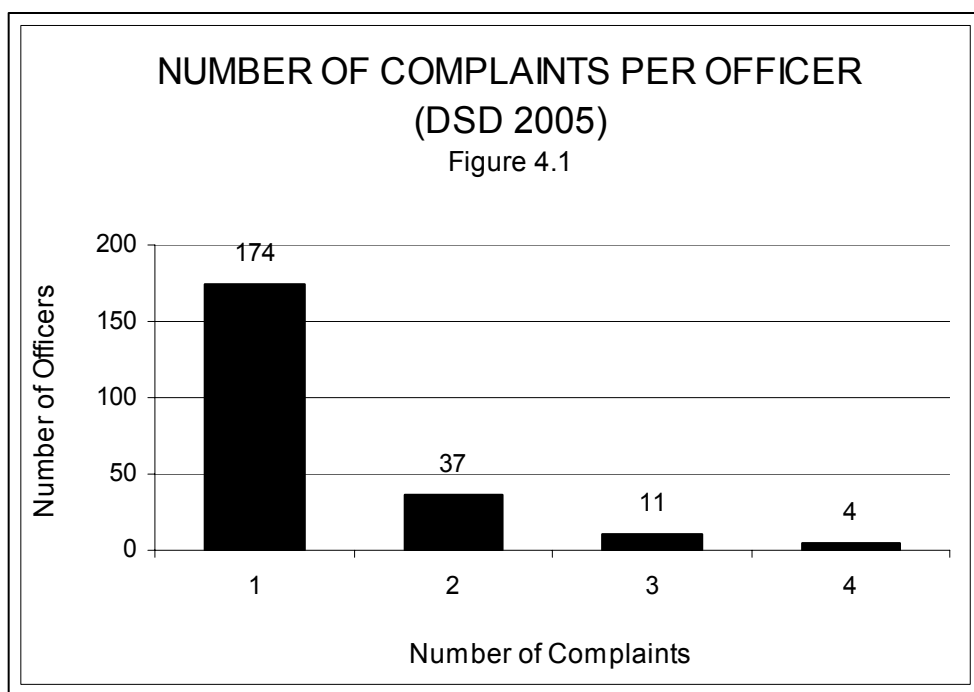
Complaints Per Officer

In this and future OIM reports, we are reporting on the number of complaints received per officer per year. The purpose of providing this information is to determine whether the actions of a small number of officers are responsible for a significant portion of complaints investigated by the DPD and DSD and, in the future, to determine to what extent these officers are disciplined by their departments.

Sheriff Department - Complaints per Officer

In 2005, 226 Sheriff Deputies received at least one complaint. As shown in Table 4.1, 77% of those officers received only one complaint, while 16.4% received two or more complaints. Only 1.8% of the officers (n = 4) received a total of four complaints. These results are illustrated in Figure 4.1

TABLE 4.1 NUMBER OF COMPLAINTS PER OFFICER (DSD 2005)			
Number of Complaints	Number of Officers	Percent	Cumulative Percent
1	174	77.0%	77.0%
2	37	16.4%	93.4%
3	11	4.9%	98.2%
4	4	1.8%	100.0%
TOTAL	226	100.0%	



The complaints reported here include all complaints against a specific departmental employee including citizen, inmate, employee, other, and management. Complaints in which the employee was not known and complaints against management were excluded from the analysis.

When considering force complaints, two types of force are found in the DSD database—excessive force and unnecessary force. Our analysis combines the two categories into one category labeled as force complaints.

Table 4.2 shows that there were 45 total force complaints in 2005 involving 43 officers. The vast majority of officers (95%) received only one force complaint while 2 officers received 2 force complaints each. No officer received more than 2 force complaints.

There were two additional force complaints received; however, the officers were not identifiable. Therefore, the total number of force complaints filed against DSD in 2005 was 47.

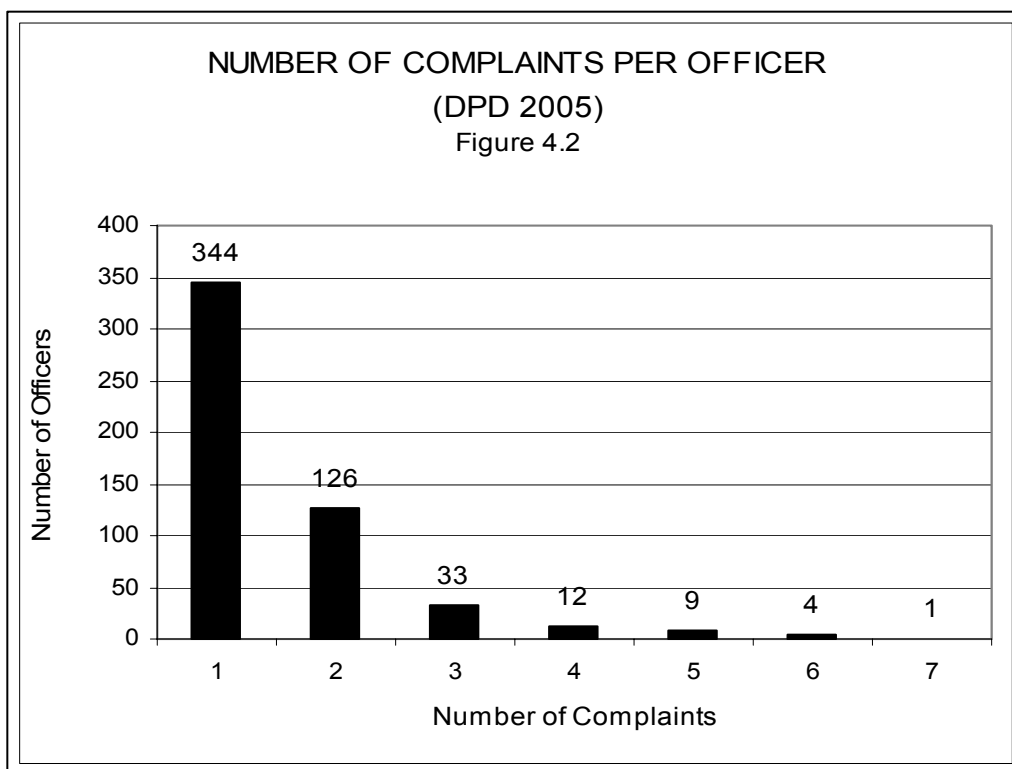
TABLE 4.2 NUMBER OF FORCE COMPLAINTS PER OFFICER (DSD 2005)			
Number of Complaints	Number of Officers	Percent	Cumulative Percent
1	41	95.3%	95.3%
2	2	4.7%	100.0%
TOTAL	43	100.0%	

Police Department - Complaints per Officer

As shown in Table 4.3 and Figure 4.2, the majority of Denver Police Officers who received a complaint in 2005, received only one complaint (65%). Approximately, 12% of the officers received 3 or more complaints during the course of the year. A very small percentage of officers (.9%) received 5 or more complaints in 2005.

This data represents citizen/internal complaints only and does not include complaints involving the failure to qualify with a firearm, missed court hearings, accidents, or failure to complete continuing education.

TABLE 4.3 NUMBER OF COMPLAINTS PER OFFICER (DPD 2005)			
Number of Complaints	Number of Officers	Percent	Cumulative Percent
1	344	65%	65%
2	126	23.8%	88.8%
3	33	6.2%	95.1%
4	12	2.3%	97.4%
5	9	1.7%	99.1%
6	4	0.8%	99.8%
7	1	0.2%	100%
TOTAL	529	100.0%	



There were 168 unnecessary force complaints filed against DPD employees in 2005. Table 4.4 shows the number of force complaints per officer, for those officers that received at least one force complaint.

Among officers that received a force complaint, the majority (83%) received only one complaint in 2005. Four percent of the officers received 3-4 force complaints.

Number of Complaints	Number of Officers	Percent	Cumulative Percent
1	110	82.7%	0.0%
2	18	13.5%	96.2%
3	3	2.3%	98.5%
4	2	1.5%	100.0%
TOTAL	133	100%	

As indicated above, a small number of officers received a significant number of citizen complaints. In order to determine whether these officers are among the most active in the Department (thus explaining the receipt of more complaints than other officers) or whether the number of complaints is an indication of problematic behavior on the part of these officers, the individual officer's records must be examined within the proscribes of the Early Intervention System. This will be an OIM project for the upcoming year.

Complaints Per Citizen

In this and future OIM reports, we are reporting on the number of complaints filed by individual complainants who file multiple complaints. The purpose of providing this information is to determine whether DPD and DSD Internal Affairs resources are monopolized by repeat complainants and to what extent these complaints result in the imposition of discipline.

Sheriff Department - Complaints per Citizen

In 2005 there were a total of 235 named complainants that filed 248 complaints against the Denver Sheriff Department. This excludes complaints filed by DSD, DPD, and other cases that could not be identified to a specific named individual.

Table 4.5 provides the results of this analysis. The vast majority of complainants (95.7%) filed only one complaint in 2005. Approximately 5% of complainants filed 2-3 complaints against DSD.

TABLE 4.5 NUMBER OF COMPLAINTS PER COMPLAINANT (DSD 2005)			
Number of Complaints	Number of Complainants	Percent	Cumulative Percent
1	225	95.7%	95.7%
2	7	3.0%	98.7%
3	3	1.3%	100.0%
TOTAL	235	100.0%	

The findings for those who filed multiple complaints in 2005 are presented in Table 4.6. As shown, the majority of these complaints were either not sustained (35%) or unfounded (24%). Only one of the 17 complaints that were closed at the time of this report was sustained.

TABLE 4.6 FINDINGS FOR MULTIPLE COMPLAINANTS' COMPLAINTS (DSD 2005)		
Disposition	Count	Percent
Sustained	1	5.9%
Not Sustained	6	35.3%
Exonerated	3	17.6%
Unfounded	4	23.5%
Resolved	1	5.9%
Referred	2	11.8%
TOTAL	17	100.0%

Police Department—Complaints per Citizen

In 2005, there were a total of 514 complainants who filed 481 citizen-initiated complaints against DPD. In many instances there are multiple complainants per complaint resulting in more complainants than complaints.

To determine how many complainants filed multiple complaints, we matched last and first names of the complainants with either a birthdate, address, or phone number against unique case numbers. As shown in Table 4.7, 506 of the complainants in 2005 filed only one complaint, while 8 complainants (1.6%) filed two complaints each. No complainant filed more than two complaints.

TABLE 4.7 NUMBER OF COMPLAINTS PER COMPLAINANT (DPD 2005)			
Number of Complaints	Number of Complainants	Percent	Cumulative Percent
1	506	98.4%	98.4%
2	8	1.6%	100.0%
TOTAL	514	100.0%	

Table 4.8 shows the findings for complainants who filed multiple complaints. Nineteen percent of the complaints were sustained while the majority were information only (38%) following by exonerated (25%).

TABLE 4.8 FINDINGS FOR MULTIPLE COMPLAINANTS' COMPLAINTS (DPD 2005)		
Disposition	Count	Percent
Sustained	3	18.8%
Not Sustained	2	12.5%
Unfounded	1	6.3%
Exonerated	4	25.0%
Information Only	6	37.5%
TOTAL	16	100.0%

Based on these results, there is no pattern indicating that a few individuals are responsible for a large percentage of the complaints filed against the Denver Police Department. These results may be a function, however, of the Department's combining of multiple complaints by one individual into one case number. A single investigation involving multiple allegations by a single complainant may, therefore, be more time consuming than other investigations.



DENVER
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CHAPTER 5

CRITICAL INCIDENT REVIEW

Implementation of the Program

On October 4, 2004, the City Council passed a bill to amend the Denver Municipal Code to create the Office of the Independent Monitor and to change how officer-involved shooting investigations are conducted in the City of Denver.

Specifically, the Monitor's Office was required by the ordinance to "monitor and participate" in officer-involved shooting and in-custody death investigations. The ordinance directed that the District Attorney's Office and the Monitor's Office were to establish an intergovernmental agreement which would address, reasonable access by the Monitor's Office to the crime scene at the earliest feasible time, witness interviews, and other evidentiary items and the Monitor's role in making recommendations regarding those investigations. It was also required that upon completion of the DA's investigation, but not later than 60 calendar days from the date of the incident, the IAB would initiate an administrative investigation of the incident unless the Manager of Safety in consultation with the DA determines that the administrative investigation would jeopardize the DA's investigation.

Based on the ordinance's stated intent of increasing the timeliness of review of officer-involved shootings and other critical incidents, the Monitor's Office worked with DPD Internal Affairs to complete an administrative investigation of an officer-involved shooting within a 6 month period. There was only one officer-involved shooting in 2005 which resulted in an injury or death. It occurred on May 25, 2005 and was closed out administratively by the DPD on November 16, 2005. (Details regarding the administrative review of this shooting can be found *infra* in this chapter.)

District Attorney's "Intergovernmental Agreement" Letter

On July 11, 2005, the District Attorney's Office provided the Monitor's Office with a written understanding of the Monitor's involvement in officer-involved shooting investigations. Specifically, the District Attorney provided the following guidance:

OFFICER-INVOLVED SHOOTING PROTOCOL

General Background Information

"There should be no change in the protocol for handling the investigation of officer-involved shootings. The Denver Police Department-Crimes Against Persons Bureau ("DPD-CAP") conducts the criminal investigation and the DPD-IAB is not involved at this stage. The protocol establishes the most open process in the country for conducting officer-involved shooting investigations consistent with protecting the integrity of the investigation. The entire case file is open for review by any person at the Denver District Attorney's Office at the conclusion of the investigation and any associated prosecution. The investigation is conducted with an eye toward after-the-fact verifiability of the investigation."

Process for Officer-Involved Shooting Cases

Consistent with the law, ethics and integrity of the investigation the DDA will make the criminal investigation phase open to the OIM for appropriate monitoring. The following addresses two pertinent areas:

- Of legal necessity, the OIM will not be permitted access to crime scenes secured by search warrants due to Constitutional Fourth Amendment and privacy considerations. [The crime scene video, still photographs, diagrams, and related documents will be available for review by the OIM. This will allow for a thorough analysis of the crime scene by the OIM.] In other circumstances, the DDA may permit access after the crime lab has completed all its work and there are no issues related to scene contamination. That decision will be made by the DDA representative in conjunction with the senior DPD-CAP representative.*
- The OIM will be authorized to monitor officer and witness video-taped statements from the DPD video-tape monitor room on the 3rd floor of DPD headquarters. [Because these investigations frequently involve more than one video-taped statement being taken simultaneously, the OIM can elect which statements to observe contemporaneously and which statements to view on videotape at a later time.] Prior to the conclusion of the video-taped interviews, the OIM will be given an opportunity to discuss potential additional questions with investigators. [This can be accomplished by having the investigator advise the interviewee on tape that the tape will continue to run while the investigator leaves the room momentarily to determine if there are any additional questions to be asked. The investigator will then meet briefly with the OIM and other investigators to make this judgment.]”*

Change in District Attorney’s “Officer-Involved Shooting” Protocol

On October 28, 2005, the District Attorney’s Office announced changes in its protocol for investigating and reviewing officer-involved-shootings. In conjunction with issuing a letter declining to prosecute an officer-involved shooting that took place on May 25, 2005, the District Attorney announced an intent to make criminal filing decisions within two-to-three weeks of an officer-involved shooting through the release of a “brief” decision letter, rather than a detailed and time-intensive letter.

The District Attorney’s new protocol can be found on that office’s website located at: http://www.denverda.org/html_website/denver_da/police_shooting.html.

OIM Established Roll-Out Protocol

Upon the creation of the Monitor's Office, the OIM advised DPD and DSD of the need to be notified and the intent to "roll out" to the scene of the following critical incidents:

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

In addition, the DPD was asked to notify the OIM whenever there is reason to believe that mandatory monitoring will be necessary. (For example, regarding any incident where an officer is under investigation for a felony, any offense set forth in Article 3 (Title 18) of the Colorado Revised Statutes (offenses against the person), or any incident involving a misdemeanor in which a use of force or threatened use of force is an element of the offense). Upon notification, the Monitor will determine whether to roll out to the scene of such an investigation.

With respect to the Denver Police Department, between July 11, 2005, when the Monitor took office, and December 31, 2005, there were no officer-involved shootings wherein an officer intentionally shot at a human being. There was, however, one arrest, involving a use-of-force that resulted in a suspect being hospitalized in critical condition. There were no vehicular pursuits or traffic collisions involving DPD or DSD personnel resulting in serious bodily injury or death. Therefore, there was only one OIM "roll-out" regarding a DPD critical incident during the 2005 calendar year.

With respect to the Denver Sheriff Department, between July 11, 2005 and December 31, 2005, there were three incidents that resulted in the death of inmates in custodial facilities operated by the Denver Sheriff Department. Since none of the inmates actually died in the City or County Jail, but rather in the hospital after being transported by ambulance, Monitor personnel did not "roll-out" to the custodial facilities immediately after the incident was discovered. On two occasions, however, the Monitor did respond to the County Jail for "walk-throughs" of the scenes to ensure a complete understanding of the investigations. In addition, Monitor personnel contemporaneously monitored the Homicide Unit interviews of key witnesses for two of the incidents. The investigations into these deaths were closely monitored until their conclusion and are reported on below.

Deadly Force Audit

Although the "roll out" program is an essential and important component of the OIM program, it could potentially take many years to identify trends and patterns in deadly force cases that could be used to improve DPD policies and training in the long-term. Therefore, the OIM has hired outside consultants to review the Denver Police Department's deadly force policies, procedures and training as well as the quality of DPD investigations and the DPD review process for closed officer-involved shootings that have occurred since January 1, 1999.

On December 1, 2005, the OIM entered into a contract with the Los Angeles based Police Assessment Resource Center (PARC) to provide the following services:

- Evaluate closed DPD officer-involved shootings from January 1, 1999 to the present.
- Compare DPD policies and training to other communities, in order to identify best practice approaches in this area.
- Identify any areas where quality of investigations can be improved.
- Identify any areas where the quality of DPD training practices can be improved.
- Evaluate DPD management of information relating to officer-involved shooting incidents.
- Identify information that can be gathered by the DPD and OIM to improve the quality of future anticipated annual reviews, while reducing the cost and time required for such reviews.

As part of the contract, representatives of PARC shall be required to meet with:

1. The Independent Monitor to develop an understanding of the issues and process;
2. The Citizen Oversight Board (COB) to develop an understanding of community issues and concerns;
3. The Chief of Police and his designees to develop an understanding of DPD issues and concerns;
4. Representatives of the Police Protective Association and other officer associations, as necessary, to develop an understanding of police officer issues and concerns;
5. Members of the City Council or their staff, as necessary; and
6. The City Attorney and his designees to develop an understanding of City Attorney issues and concerns.

The Monitor has asked the Citizen Oversight Board (COB) to use one of its quarterly public meetings to hold a community forum to assist the COB in identifying community issues and concerns for PARC staff.

The DPD has agreed to provide PARC with copies of all investigative files, training materials and general orders necessary to conduct this review. The City Attorney has also agreed to provide access to non-confidential portions of litigation files that will assist in conducting this review.

The Consultant will prepare a report to include:

1. An executive summary that clearly identifies the policy recommendations made by the Consultant and a brief summary of the empirical support for those recommendations;
2. An introduction, methodology section and summary of the work performed;
3. General background of the relevant issues, which will include an analysis of the frequency of DPD OIS-ICD incidents over time;
4. The Consultant's findings;
5. Specific policy recommendations and the empirical support for those recommendations; and,
6. An analysis of national best practices relating to OIS-ICD.

The Consultant will be required to present a final report to the City Council's Safety Committee, in public session. The consultant's final report is expected to be completed within ten months from final delivery by the City of all of the materials required by PARC to complete its analysis. The final report will be a public document published by the OIM.

The OIM agreed to reimburse PARC's actual costs up to a limit of \$150,000. A similar report in Portland cost PARC approximately \$250,000 in personnel costs, costs of travel and other office expenses. Special thanks need to be given to Manager of Safety Alvin LaCabe, who provided the funding above and beyond the OIM's approved 2005 budget that was needed to make this concept a reality. The funds provided by the Manager of Safety (MOS) had been initially identified to allow the MOS to hire his own consultant to conduct a review of Police Department use of force policies. This project was seen as consistent with the Manager of Safety's intent to conduct his own review. Regardless of the funding source, the OIM will be solely responsible for managing the PARC audit.

Denver Police Department Critical Incident Review

During the 2005 calendar year, there were numerous critical incidents reviewed by the Monitor's Office for purposes of ensuring the integrity and timeliness of investigations of such incidents by both the DPD and the DSD.

May 25, 2005 Officer-Involved Shooting (Monitor Concurs with Use-of-Force Review Board "In-Policy" Finding)

On May 25, 2005, two police officers were flagged down by a victim of an armed robbery in the vicinity of Colfax Avenue and Logan Street. One of the officers confronted the armed robbery suspect who fled down the street. The officer engaged in a short foot pursuit which ended in one shot being fired, fatally wounding the 31-year-old suspect.

The shooting took place shortly after the PSRC ceased operations, but before the Monitor's Office began its operations. As such, OIM personnel were not in a position to "roll-out" to the shooting scene.

The shooting was investigated by the Homicide Unit of the Denver Police Department Crimes Against Persons Bureau. Pursuant to normal protocol, District Attorney personnel responded to the scene of the shooting and then to police headquarters to participate in taking statements.

As explained in detail in the District Attorney's Officer-Involved Shooting Protocol (located at http://www.denverda.org/html_website/denver_da/police_shooting.html), although the District Attorney is involved in every aspect of the Homicide Unit investigation, the District Attorney's role in reviewing the propriety of an officer's actions in an officer-involved shooting is limited to determining whether the officer committed a criminal act by firing his or her weapon at the person who was shot.

The administrative-review process, however, takes a much broader look at such critical incidents and examines whether an officer followed Department policies or procedures, training and expectations, which are often much more specific and stricter than the criminal statutes which bind the decisions made by the District Attorney.

In this case, the Monitor's Office became involved in the administrative review of the shooting after the Homicide investigation was complete. The Monitor's Office was provided with copies of the entire Homicide Unit investigation, including DVD's containing the videotaped interviews of the involved officers and percipient witnesses. The intent of the Monitor's review of this shooting was to determine if the involved officer's followed Department protocols, procedures and training; if any policies, procedures or training should be changed or enhanced, if there was any additional information that the Use-of-Force Review Board would need to determine whether the shooting was in-policy or out-of-policy, and to ensure a timely resolution of these issues.

While reviewing the Homicide Unit investigation, the OIM did not simply look to whether the officer acted lawfully when he fired the shot, but also looked at whether the officer followed DPD foot pursuit training and whether the Homicide interviews of civilian witnesses was complete and thorough.

1. Foot Pursuit Training

Given that this shooting was the result of a foot pursuit of an armed suspect, an inherently dangerous police action, the OIM examined the officer's actions vis-à-vis a recent DPD training bulletin regarding when an officer should or should not engage in a foot pursuit. The OIM noted that the DPD does not have a formal foot pursuit policy. This issue has been brought to the attention of the Police Assessment Resource Center (PARC), who will be conducting a review of DPD Deadly Force Policies. It is anticipated that PARC will address this issue in their upcoming audit report.

The OIM examined the interviews of the involved officers and noted that the Homicide Unit asked very specific questions regarding the officer's decision to engage in a foot pursuit through the termination of the foot pursuit, a short time and distance later. After conferring with the assigned IAB investigator, it was determined that the questions asked and the answers given were specific enough to provide the Use-of-Force Review Board with the information needed.

2. Interviews of Percipient Witnesses

The OIM noted several concerns regarding the interviews of civilian witnesses:

One witness fled the scene and was taken into custody by DPD officers. When he was detained, he made a spontaneous statement claiming to have actually witnessed the shooting. When he was interviewed on video-tape, however, he denied actually seeing the shooting. Unfortunately, the officer who took the spontaneous statement from the witness did not inform the Homicide detectives immediately. As a result, the witness was never directly confronted with the spontaneous statement. The OIM recommended that the witness be contacted and confronted with that spontaneous statement before the Use-of-Force Review Board was convened.

Another witness, who was detained by officers, was extremely uncooperative on the night of the incident. He gave only a very general statement before he demanded to be released. The OIM recommended that the witness be re-contacted to see if he would be willing to make a more detailed out-of-custody statement.

The OIM requests for further inquiry were forwarded to the Homicide Unit. Notice of the request for further investigation was made a month in advance of the scheduling of the Use-of-Force Review Board in this matter. Shortly before the Use-of-Force Review Board convened, however, the Homicide Unit indicated that active homicide investigations made it impossible to comply with the OIM recommendations for further investigation. The Use-of-Force review board was advised of the Monitor's concerns, but concluded that the further investigation requested was not necessary to make an "in-policy" finding regarding this shooting. The OIM and IAB Commander conferred and concluded that, in the future, all OIM requests for further investigation will be handled by a dedicated IAB investigator to avoid future OIM requests from being disregarded.

The Use of Force Review Board met on November 16, 2005. The Board included the Department's four Division Chiefs (one who was represented by her designee), and two citizen pool members. The Board was chaired by the IAB Commander. The Monitor observed the entirety of the hearing and the deliberations. The Board voted unanimously that the shooting was in-policy. The Monitor concurred with that finding.

***June 9, 2005 Officer-Involved Shooting
(Monitor Disagrees with Use-of-Force Review Board "In-Policy" Finding)***

On June 9, 2005, officers assigned to District Six were conducting undercover narcotics purchases near 24th and California Streets. After purchasing crack cocaine from two suspects, the undercover officer gave a pre-arranged signal to other officers to make the arrest. At the time of the narcotics transaction, the suspects were driving a Sport Utility Vehicle (SUV).

Two officers arrived in a fully marked police car. The officers were in full police uniform and approached the SUV from the front. The officers ordered the occupants of the vehicle to show them their hands. Ignoring the officer's commands, the driver of the SUV put the vehicle into reverse and struck a parked car as he tried to flee from the officers. The driver backed up again and struck another parked car. The driver then gunned the engine and drove directly at one of the officers who was forced to dive out of the way. The vehicle then swerved and drove directly at the second officer at a high rate of speed.

According to the second officer: "I was thinking I need to stop the threat, if he's going to hit me, and get out of the way. So, I fired one round, trying to hit the driver, as I was trying to get out of the way." The officer said that he thought for sure that the suspect was "going to kill me or run me over." After firing his weapon, the officer said that the suspect vehicle came "flying" past him.

A bullet strike was located in the right front headlight assembly of the vehicle. Neither suspect was hit.

The vehicle went past the second officer, struck two police vehicles and then landed on its side. The suspects were subsequently arrested and prosecuted, although the driver had to be maced to force him from the vehicle and stop him from assaulting his accomplice who he blamed for setting up the narcotics sale to an undercover officer.

The Monitor's Office had not yet started operations at the time of this officer-involved shooting. Due to the fact that the shooting took place after the statutory creation of the Monitor's Office, however, the Monitor's Office asserted jurisdiction to be part of the review process of this particular shooting.

On November 16, 2005, the Use of Force Review Board met and deliberated to determine whether this shooting, was "in-policy" or "out-of-policy." The Board, in a split decision, voted that the shooting was "in-policy." However, based on the OIM review of the investigative file and the Monitor's observance of the deliberations of the Use-of-Force Review Board, the Monitor disagreed with that conclusion and requested that the Chief of Police review the investigative file and reconsider the Board's recommendation.

The Monitor concluded that it was clear that the involved officer did not violate any criminal law in firing his weapon in self-defense and in defense of others. It was also clear that the officer was faced with a dangerous suspect attempting to avoid arrest at any cost and a fast-changing and chaotic situation. The officer was forced to make a split-second decision to use deadly force under extremely stressful circumstances.

When the Monitor reviewed the Department's policy regarding shooting at moving vehicles, however, it did not appear that the use of a firearm in this case was within the policy expectations of the Denver Police Department.

Although the policy does allow an officer to fire at a moving vehicle in self-defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly force, the policy notes specific reasons not to do so:

1. Firing at . . . a moving vehicle may increase the risk of harm to other officers or citizens.
2. Firing at a moving vehicle may have very little impact on stopping the vehicle.
3. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.

The policy further states: "if officers find themselves in danger from a moving vehicle, they should attempt to move out of the way, if possible, rather than discharging their firearm. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered."

The Monitor's concern was that firing at the vehicle in this case could have increased the risk of harm to other officers or citizens as the result of an uncontrolled vehicle. Although the passenger in the vehicle was guilty of sale of a controlled substance, he was not a participant in the attempt to assault a police officer - as such, the use of deadly force on the passenger would not have been appropriate - but he was placed in danger as a result of the firearms discharge (it was, in fact, the passenger headlight that was struck by the bullet). Just as anticipated by DPD policy, the firearms discharge in this case did not appear to have an impact on stopping the vehicle, instead, it appears the suspect's flight was stopped by the two patrol cars blocking its path.

It was noted that the first officer, in a position similar to that of the shooting officer, got out of the path of the vehicle and did not attempt to discharge his firearm. By trying to take two actions at once (fire his weapon and simultaneously get out of the way), it appears that the shooting officer may have put himself in greater jeopardy than if he simply got out of the way without trying to take a shot as well.

Other concerns:

1. The Monitor noted that during the Homicide Unit investigation into this incident, the Homicide Unit investigator asked leading questions of the involved officer regarding whether the officer believed that the suspect's driving placed "others in danger as well" as the shooting officer. The issue of whether inappropriate leading questions are asked during the course of Homicide Unit interviews will be examined during the course of the deadly force audit to be conducted later this year.
2. The Monitor noted that during the Use-of-Force Board deliberations, some of the Command officers appeared concerned that sharing their opinions regarding the appropriate finding would inappropriately influence the civilian board members. The Monitor discussed these issues with the IAB Commander (the Chair of the Board) to ensure that in the future, board members will be expected to share the reasons for their opinions as part of the deliberation process.

Because this shooting did not result in injury to any person, the District Attorney's Office did not roll out to the scene and did not participate in the interviews of the witnesses or officers. After completing its investigation, the Homicide Unit concluded that no criminal filing was appropriate and, therefore, the investigation was not submitted to the District Attorney for further review. As such, no "shoot letter" was prepared by the District Attorney's Office.

The Monitor's recommendation to find the shooting "out-of-policy" was not accepted by the Chief of Police. The Monitor has, therefore, referred the case to the Manager of Safety for final disposition.

November 11, 2005 Suspect Hospitalization

On Veteran's day, November 11, 2005, at 2:14 a.m., the Independent Monitor was notified by DPD Internal Affairs that during the course of an attempt to detain a person, a use-of-force had taken place, which resulted in the transportation of the suspect to the University Hospital in critical condition. The Monitor was advised that the suspect had stopped breathing, was resuscitated by officers on the scene and then transported from the scene by ambulance.

The Monitor responded to the scene of the use-of-force at East 11th Avenue and Xenia Street, arriving within approximately one hour and had the opportunity to view the scene and confer with DPD Command staff. The Monitor and the Senior Deputy Monitor then went to Police Headquarters where they were given the opportunity to monitor the interviews of four police officers and two civilian witnesses. The Monitors noted that the Homicide Unit interviews appeared to be complete and thorough and based on all of the information available at that time.

According to statements released by the DPD, the incident took place on November 11, 2005, at 1:00 a.m. in a residential area. A Denver police officer saw the arrestee acting suspiciously by running back and forth across the street. When the officer stopped to make contact, the arrestee ran toward him. The officer attempted to pat down the arrestee, who resisted and struggled with the officer for nearly four minutes before back-up arrived. The arrestee stopped breathing after being restrained by back-up officers. The officers resuscitated the arrestee by administering CPR and he was transported to University Hospital for further treatment.

Family members of the arrestee, who were not present at the time of the incident, alleged an excessive use of force, based on his condition when he was admitted to the hospital and because of his brother's "political activities" and a prior internal affairs complaint made against DPD officers.

Based on the allegations made by the arrestee's family, an Internal Affairs Bureau case was opened shortly after the incident took place.

Investigation and Review Process

1. The scene of the incident was handled as a crime scene and the investigation was assigned to Homicide Unit investigators. The District Attorney's Office participated in the interviews of witnesses and was in charge of the criminal investigation. The investigation focused on the conduct of the involved officers, as well as the arrestee.
2. The Independent Monitor's Office observed the crime scene and monitored the criminal investigation, but did not actively participate in the interviews or the investigation.
3. Upon completion of the criminal investigation, the case was submitted to the District Attorney's Office for a charging decision. Homicide Division reports were submitted to the Internal Affairs Bureau for use in the administrative investigation, which will be monitored by the OIM.
4. On December 9, 2005, the District Attorney filed charges of misdemeanor resisting arrest against the arrestee.
5. The Internal Affairs Bureau Commander reviewed the criminal investigation and, in consultation with the OIM, developed an investigative plan. This plan was shared with the Manager of Safety, who was asked to confer with the District Attorney to verify that the administrative investigation will be able to proceed before the criminal prosecution is completed.
6. Upon the completion of the internal administrative investigation, the case will be referred to the DPD's Use-of-Force Review Board, which is attended by the Independent Monitor. The Monitor will have the opportunity to confer with the Chief of Police and the Manager of Safety regarding any findings that are made.
7. Upon a final finding made by the Chief or Manager of Safety, a detailed letter will be prepared by the Department, describing the investigation, the facts of the incident as determined by the investigation, and explaining the reasoning behind the Department's findings. The Monitor's Office will issue a cover letter which will document any concerns or issues identified by the Monitor's Office as a result of the investigation and review process. These letters will be sent to the complainant and made public at the time they are issued.

Investigations Bureau – OIM Protocol

On December 12, 2005, the Chief of the Criminal Investigations Division (CID) created a new protocol in order to ensure that the OIM was embedded into the investigations conducted by the Homicide Unit and the Crimes Against Persons Bureau as intended by City Ordinance.

Specifically, the Division Chief ordered that he be immediately notified when a critical incident occurs where notification of the Monitor is required. In addition, the Division Chief will be notified as far in advance as possible prior to CID personnel conducting any formal video interviews with involved witnesses or suspects involved in such cases.

The Division Chief has taken responsibility for making sure requests for information or documents from the OIM are handled expeditiously. The Division Chief will also notify the OIM upon presentation of a case to the District Attorney's Office as well as the District Attorney's filing decision.

A Conflict Between the Use-of-Force Review Board and the Tactics Review Board

On May 9, 2004, almost a year before the OIM was established, an officer-involved shooting took place wherein an officer fired one round from his AR-15 rifle into the wheel of a dump truck that was being stolen by a car-jacking suspect. The suspect was trying to evade arrest by using the dump truck to flee from a gravel yard where he had been surrounded by officers. The officer fired the round into the tire of the dump truck, when it was not moving and only after warning surrounding officers and having them move back to what he perceived to be a safe distance.

Given that the shooting occurred before the creation of the OIM, the OIM did not assert jurisdiction over the incident and did not make a formal recommendation regarding the incident to the Chief of Police. The Monitor did attend both the Use-of-Force Review Board and the Tactics Review Board relating to this case, however. The Monitor noted that the Use-of-Force Review Board found the shooting did not comply with the Police Department's written use of force policy due to concerns about the danger of the shot ricocheting off the dump truck tire. The Use-of-Force Review Board referred the case to the Tactics Review Board noting that the Board's decision was final and requesting that the Tactics Review Board offer suggestions to the Department if officers were to encounter a similar tactical event in the future.

The Tactics Review Board, however, disagreed with the decision of the Use-of-Force Review Board and believed that the officer's actions were tactically sound. Members of the Tactics Review Board noted that the ammunition used by the officer was designed to fragment upon striking the tire and that there was no danger of a ricochet.

Upon reviewing the case, the Chief of Police found the shooting to be "in-policy."

Although the conflict between the Use-of-Force Review Board and the Tactics Review Board was resolved by the Chief of Police, the OIM noted what appeared to be a systemic problem identified by this case. Although the Use-of-Force Review Board contains senior police administrators with an extraordinary amount of police experience, the Tactics Review Board consists of officers with recognized education, experience and training specifically relating to tactics that is intended to supplement the knowledge of the members of the Use-of-Force Review Board.

The Tactics Review Board presently consists of:

- the DPD Deputy Chief of Administration who is the Chair;
- a Chief of Police from another jurisdiction who is the author of several books on police tactics and is recognized in the profession as a tactics expert;
- a DPD Patrol Lieutenant with extensive undercover experience;
- two Sergeants – one from DPD with extensive experience in arrest control and Krav Maga (police defensive tactics) and the other from an outside agency who is on the outside agency's tactical team;
- a DPD Corporal who is an Academy instructor and has also been a firearms instructor;
- a DPD Detective who is a member of the Metro/SWAT team; and
- a DPD Technician who is a current member of the Metro/SWAT team.

The Chief of Police has chosen these individuals to staff the Tactics Review Board based on his belief that they represent some of the best tacticians in the region.

The Monitor noted that in the City of Portland a tactics expert from the Police Academy was an advisory member of the Portland Police Bureau's Use-of-Force Review Board. That advisory member provided the Police Bureau's Deputy Chiefs with excellent advice and consult when they made the difficult decisions relating to the administrative review of use-of-force and use of deadly force cases.

- **Police Chief Accepts OIM Recommendation Regarding Additional Advisory Member of Use-of-Force Review Board**

Based on the above-noted information, the Monitor recommended that a member of the Tactics Review Board, as chosen by the Board and approved by the Chief, act as an advisory member on future Use-of-Force Review Boards. This individual will be provided with a copy of all of the reports reviewed by the members of the Use-of-Force Review Board and advise the Board as to when a case should be referred to the Tactics Review Board before the Use-of-Force Review Board makes a decision and will be able to provide advice and consult to the Use-of-Force Review Board during its deliberations.

The Chief accepted this recommendation and the necessary policy changes will be made.

Denver Police Department Firearms Discharges (Animal Shootings)

Between May 2, 2005 and December 31, 2005, DPD officers were involved in four firearms discharges directed at dangerous or injured animals:

- On September 2, 2005, while conducting a "high risk knock and announce search warrant," an officer shot a "boxer-type" dog that would not allow the officers to proceed to the second floor of the residence. Concerned that the dog's actions in delaying their entry to the second floor could result in the destruction of evidence or give the suspects an opportunity to arm themselves, an officer shot and killed the animal.

- The Monitor's Office reviewed the reports relating to this incident and requested that the involved officers prepare reports that included the objective reasons for their belief that the dog was dangerous. Follow-up reports provided the justification necessary, including the dog's aggressive behavior towards officers that previously surveilled the scene and the dog's behavior towards another officer at the time they made entry into the residence. The shooting was found to be "in-policy" by the Use-of-Force Review Board on November 16, 2005. The Monitor concurred with the finding.
- On October 16, 2005, while conducting a traffic stop, officers identified a passenger in the vehicle who had a warrant. After instructing the passenger to leave his "Rottweiler" in the vehicle, the suspect emerged with the dog and aggressively approached one of the arresting officers. The intoxicated suspect, ignored officer's orders to restrain the dog and put him back in the vehicle. As the dog lunged at an officer, the officer fired a single shot which killed the animal.
 - The investigation was conducted by District supervisors who videotaped the statements of the occupants of the stopped vehicle. Although the dog's owner claimed unnecessary use of force, the driver of the vehicle corroborated the officers' version of the events. The shooting was found to be "in-policy" by the Use of Force Review Board on November 16, 2005. The Monitor concurred with the finding.
 - The OIM noted that interviews with the civilian witnesses were videotaped by District supervisors. In at least two interviews, the digital camera being used malfunctioned, making it impossible to confirm some of the supervisor's investigation by viewing the videos of the interviews. The most important civilian interview, however, was successfully videotaped and corroborated the statements of the officers. The supervisor informed the OIM that the District's equipment in this regard was inadequate and unreliable.
- On October 24, 2005, an officer assigned to the Denver International Airport was summoned to an airport runway to check on the condition of a coyote that had been struck by an aircraft. The coyote was badly injured and suffering and causing a hazard to landing aircraft. In order to put the animal out of its misery, the officer fired two rounds into the animal, killing it.
 - The shooting was found to be "in-policy" by the Use-of-Force Review Board on November 16, 2005. The Monitor concurred with the finding.
- On November 13, 2005, while executing a search warrant on a residence, a large "pit bull-type" dog approached and attacked a K-9 officer's dog. Believing the K-9 was about to suffer great bodily injury as a result of the attacking dog, and at the request of the K-9 officer, another officer shot and killed the pit bull.
 - The Monitor requested that the K-9 dog's injuries be documented and placed in the investigative file. As of December 31, 2005, no Use-of-Force administrative review had taken place.

Denver Sheriff Department Critical Incident Review

In-Custody Deaths

Prior to September 2005, the last in-custody death in the City or County Jail that did not involve a death from natural causes, occurred on January 5, 2002. The last in-custody homicide took place on June 10, 1977, almost thirty years ago.

During a one month period, however, three in-custody deaths occurred, one suicide, one drug overdose and one homicide. The Monitor's Office was notified of all three incidents in a timely fashion.

September 27, 2005 Suicide

The Monitor's Office was notified of an attempted suicide by an inmate on September 27, 2005. It was reported that the inmate hung himself in the County Jail. He was discovered by another inmate, who notified the Sheriff Deputies guarding the cell block. The Sheriff Deputies called for medical assistance, and cut the inmate down. Medical personnel responded within two minutes and started CPR and assisted breathing. Medical staff was able to reestablish a pulse. The inmate was transported to the Hospital where he died a few days later.

Pursuant to normal protocol, a DPD Detective responded to the scene and conducted a criminal investigation. The Monitor's Office conducted a scene walkthrough later in the week.

An Internal Affairs Bureau (IAB) investigation was initiated within a week. The intent of the IAB investigation was to verify that Sheriff Deputies were conducting their appropriate rounds, to determine whether any policy violations had taken place and identify any areas of improvement that might have avoided this tragic death.

According to previously agreed-upon protocol, the Monitor's Office was to have been notified before any Internal Affairs interviews were conducted. Unfortunately, as this was the first critical incident since the creation of the Monitor's Office, the assigned IAB investigator was unaware of this requirement. As a result, the IAB investigation was completed without the Monitor having the opportunity to actively monitor the investigation. The IAB Commander and the Monitor conferred and the Monitor's Office is convinced that, in the future, proper notification will be made.

The Monitor reviewed the IAB investigation and requested additional investigation, including the interview of a nurse who had met with the inmate three days before the suicide attempt.

After the completion of these interviews, and a review of the DPD investigative reports (which were not received from the Crimes Against Persons Bureau until December 14, 2005), the DSD Command Staff concluded that there was no reason to believe that any DPD policies or procedures had been violated with respect to this suicide. The OIM concurred with this decision based on the fact that there was no evidence of any warning that the inmate was a suicide risk. The inmate had been in custody for almost six weeks. He had been seen by a nurse on five occasions and made no complaints nor did he admit any suicidal inclinations at the time of booking. In addition, there was an unavoidable thirty minute window of opportunity for the inmate to attempt suicide. Unfortunately, during this period of time, no other inmate noticed the suicide attempt and the assigned deputies were not in a position to observe the inmate every minute of the day.

The OIM was particularly impressed with a review of the incident documented by the Division Chief of the Jail at the time the administrative review was closed. The Division Chief noted that, although appropriate classification protocols were followed and the inmate was contacted each week concerning any problems he may have been having, the inmate did request to meet with the Administrative Review Board (which addresses inmate housing assignment or other issues) on three occasions. The first time, the inmate did not meet with the Board due to time constraints, staffing shortages and the high volume of special management inmates. Subsequent to that time, however, the inmate declined to meet with the Board when given an opportunity to do so.

The Division Chief noted some procedural enhancements that would be incorporated to ensure safety of the inmates.

- First, inmates housed in special management (as this inmate was due to his inability to hear), will no longer have the opportunity to decline an interview with the Board once they initially request such an interview, unless a recognized threat is perceived with regard to safety, security or the orderly operation of the facility;
- Second, the Classification Officer will be required to maintain a Special Management Log Book when making weekly inquiries of all special management inmates, as opposed to making notations on the tier sheets. The log will be maintained as a permanent record to ensure accuracy with regard to special needs of inmate issues;
- Finally, the Classification Office will undergo a comprehensive review and training to enhance efficiencies and maintain continued compliance with American Correctional Association standards.

October 24, 2005 Drug Overdose - In-Custody Death

On October 24, 2005, the Monitor's Office was notified of a medical emergency that required a City Jail inmate to be transported to the Hospital after suffering from a seizure. Shortly after the incident, the inmate's cell-mate informed Sheriff personnel that the inmate was likely suffering from a drug overdose as the result of a balloon of cocaine rupturing while hidden in her vagina. Although the cell-mate was aware that the inmate was using cocaine from the hidden balloons during the three days she was incarcerated, she did not notify anyone of that fact. In addition, when she first started suffering from convulsions as the result of a ruptured balloon, the inmate told her cell-mate not to report that fact. The cell-mate only notified deputies when the inmate fell unconscious.

The Monitor's Office was notified prior to interviews conducted by the DPD Homicide Unit and was given the opportunity to contemporaneously monitor the interviews of Sheriff personnel who responded to the medical emergency. The Monitor's Office was also given the opportunity to review the entire Homicide Unit investigation upon completion.

The inmate was in jail awaiting arraignment on drug charges. When she was arrested by Denver police officers, she was hiding a gun and narcotics on her person. The discovery of these items resulted in the inmate being strip searched by a female DPD officer before she was transported to the City Jail. By law, however, the strip search did not include a body cavity search. A body cavity search is only permitted by the Fourth Amendment when there is probable cause to believe that evidence is actually hidden in a body cavity.

A review of the DPD arrest report did not show any reason to believe that a body cavity search was required. Sheriff personnel are bound by the same requirement, an inmate cannot be subjected to a body cavity search without probable cause.

It should be noted that Sheriff Deputies called to assist the inmate by her cell-mate engaged in commendable actions by providing first aid assistance to the inmate until medical personnel arrived and then continued assisting the City Jail nursing staff until a rescue ambulance arrived to take the inmate to the hospital. The deputies put pressure on her head wound (received when she fell to the ground after suffering a seizure) and provided assistance as requested by medical personnel.

As of the end of the year, Homicide reports had just been received by the Sheriff Internal Affairs Bureau and were pending review by the Sheriff's Division Chief. The OIM will be provided with the Chief's analysis of the incident and will confer with Internal Affairs to determine if any further action need be taken.

October 27, 2005 Inmate-on-Inmate Homicide

On October 27, 2005, the Monitor was notified of an inmate who was the victim of an assault at the County Jail. Shortly after the incident, the inmate died at the hospital, the victim of a homicidal assault. The inmate was stabbed to death. This was the first jail homicide since June 6, 1977, a period of more than twenty-seven years.

Immediately upon the discovery of the crime, the Sheriff Department Internal Affairs Bureau was notified of the incident. IAB directed the classification records for the victim and a suspect be pulled for review. Based upon that review, and the Monitor's independent evaluation of the classifications records, it was concluded that the classification was appropriate and there was no reason for Sheriff personnel to be aware of the potential for an attack on victim-inmate.

In addition, at the conclusion of the criminal investigation, an Internal Affairs will review the full investigation to determine whether there is any reason to believe jail policies or procedures need to be changed or updated. The results of this review will be reported on publicly in next year's annual report, or sooner if it is believed to be necessary or appropriate.



DENVER
THE MILE HIGH CITY

CHAPTER 6

MEDIATION

What is mediation?

Mediation is an alternative to the normal complaint handling process. This voluntary program allows a community member and involved officer(s) to sit down face-to-face in a neutral, non-confrontational and confidential environment to talk out their issues with the facilitation of a professional mediator. Mediation allows each party to gain a better understanding of the other's perspective by serving as a safe learning opportunity. The goal is not one side winning over the other, or assigning guilt or blame, but providing a forum to be fairly heard, increase mutual understanding, and discuss ways to prevent similar problems in the future.

Historical Context

Mediation evolved out of a desire to look for alternatives to traditional adversarial methods of conflict resolution, in which parties approach each other as adversaries and appeal to some higher authority to resolve their dispute. OIM offers mediation as an alternative to the traditional complaint process because, when it comes to resolving complaints against the police, one size does not fit all. Not everyone who has a complaint against a police officer wants to see the officer disciplined. Some believe that taking an adversarial approach is not constructive or ultimately helpful to anyone. Some complainants simply want to understand why an officer took a particular action, or to explain their own actions and perceptions, or to discuss how the incident affected them. Others want to retain control over how the complaint gets handled, rather than turning the complaint entirely over to others for decisions and resolutions.

Mediation was developed as a way to give control over the conflict resolution process back to the parties most directly involved. The reasoning is that people are more likely to achieve a satisfying resolution (and make peace with each other) through increased mutual understanding and cooperative problem-solving than by approaching each other as enemies, or seeking legal revenge for perceived wrongs.

The trend toward using mediation to resolve disputes has been growing rapidly over the last 30 years in a range of areas, including employee grievances, divorce, small claims, land-use and resource issues, neighborhood disputes, and even in some criminal cases.

Many police complaints seem well suited to resolution through mediation. For example, many community-police conflicts are based on misunderstandings, which mediation can address better than punishment. While law enforcement agencies worldwide have begun using mediation to resolve some community-police conflicts, relatively few community-police mediation programs exist in the United States, and they handle only a small number of cases. A national study (by Walker, et al) of citizen-police mediation programs found that as of the year 2000, out of a total of 17,120 U.S. law enforcement agencies, about 100 had oversight agencies, but only 16 had mediation programs. New York and San Francisco mediated only about 1% of all their complaints. The highest percentage of mediations in any program was Minnesota at 11% until that program was defunded a few years after Walker's study.

The complete version of Walker's paper is accessible on the web at: www.cops.usdoj.gov. Mediating Citizen Complaints Against Police Officers: A Guide for Police and Community Leaders, by Sam Walker, Carol Archbold, and Leigh Herbst, 2002, US Department of Justice, COPS program.

The Denver Community/Police Mediation Program

Having noted the overwhelming success of a City Auditor initiated mediation program in Portland, Oregon which documented increases in both complainant and police satisfaction with the complaint-handling process, the OIM has introduced community-police mediation to Denver. Traditionally, the nationwide averages for satisfaction with the complaint-handling process

among both law enforcement and civilians hover around 20%. In Portland, however, satisfaction rates approached approximately 85%. According to survey results, almost all participants (officers and civilians) felt mediation gave them the opportunity to explain themselves and almost all recommended mediation to others. As the essence of community policing, mediation has the potential to, and often does, improve the relationship between complainants and officers on a case-by-case basis. Mediation helps prevent an unpleasant experience with one officer from resulting in a negative perception and attitude towards all of law enforcement. In addition, a successful mediation can extend the repaired relationship to the community member's family and friends, all of whom might have been adversely impacted by the complainant's personal experience.

Historical Obstacles to Mediation

Professor Sam Walker identified four main obstacles to mediation:

- a. Police officer and police union opposition
- b. Lack of understanding of mediation by both officers and citizens
- c. Lack of resources for mediation programs
- d. Lack of incentives to participate for officers and complainants

A major problem for many citizen-police mediation programs has been opposition by police officers and the unions that represent them. This has been partly because many officers – like many members of the public – do not fully understand what mediation is, how it works, and the benefits that it offers. In the course of shaping Denver's new program, some of the more common concerns of officers were identified. These included:

- Concern that they would be compelled to apologize or admit wrongdoing even if they had done nothing wrong. (Not true; as a completely voluntary process, people are not required to say or do anything they don't want to).
- Concern that it could not do any good, that the complainant is simply too unpleasant or unreasonable a person for mediation to succeed. (Generally not true; both citizens and officers often have seen each other at their worst during an incident that generates a complaint. They may see a very different side during mediation. But, mediation can succeed even with unpleasant and unreasonable people. That is part of the mediator's role).
- Concern that mediation would do nothing more than provide a complainant with an opportunity to verbally attack officers. (Not true; professional mediators are trained to avoid this type of communication).
- Concern on both sides that if they spoke freely, their words might be twisted and used against them in civil or criminal proceedings. (Not true; the content of a mediation session is subject to a legally binding confidentiality agreement).

Another challenge to successful citizen-police mediation programs is the lack of incentives for officers to participate. In order to provide meaningful incentives, Denver has made mediation an alternative to the traditional complaint process. If an officer mediates, there is no Internal Affairs investigation and no disciplinary action. (Although an officer who has failed to mediate in good faith in the past may be barred from future offers to mediate). After the mediation, the internal affairs case is closed.

To address the challenges of police resistance, the OIM engaged in significant outreach efforts toward DPD to educate officers about mediation, address their concerns, promote mediation as an option, and to encourage police command staff to do likewise. The Independent Monitor visited every district station as well as the Denver International Airport to discuss the program at roll calls. The Monitor also met with all police organizations and the unions to speak with officers about mediation. The participation rate thus far among officers is 100%.

Interestingly, though, the 100% officer participation figure is not wildly out of proportion with national statistics. Officers often willingly mediate, even when they believe they did nothing wrong. Their willingness is not necessarily motivated by a desire to escape discipline, but rather as a service to the complainant, as a tool of community policing, and as a way to clear up misunderstandings. It should be noted that the vast majority of citizen complaints do not result in the imposition of discipline due to the requirement that the Department be able to prove the allegations and the fact that most community member-officer interactions are not witnessed by an objective witness or provable through objective evidence. As such, most cases that are actually mediated would not otherwise result in imposition of discipline against the involved employee.

Another strategy to ensure the success of the program (and to increase police confidence in the process) was the decision to contract with skilled professionals as mediators. Community-police mediation can be unusually challenging. There is the potential for feelings to run deep on both sides, and it is important that the mediator has the skill and experience to make mediation constructive. The OIM has contracted with Community Mediation Concepts (CMC), which has a contract to provide neighborhood mediation services for all Denver city government agencies. A pool of mediators that successfully met the OIM's criteria was selected and trained by two of the most experienced police-community mediators in the United States, over a two-day period.

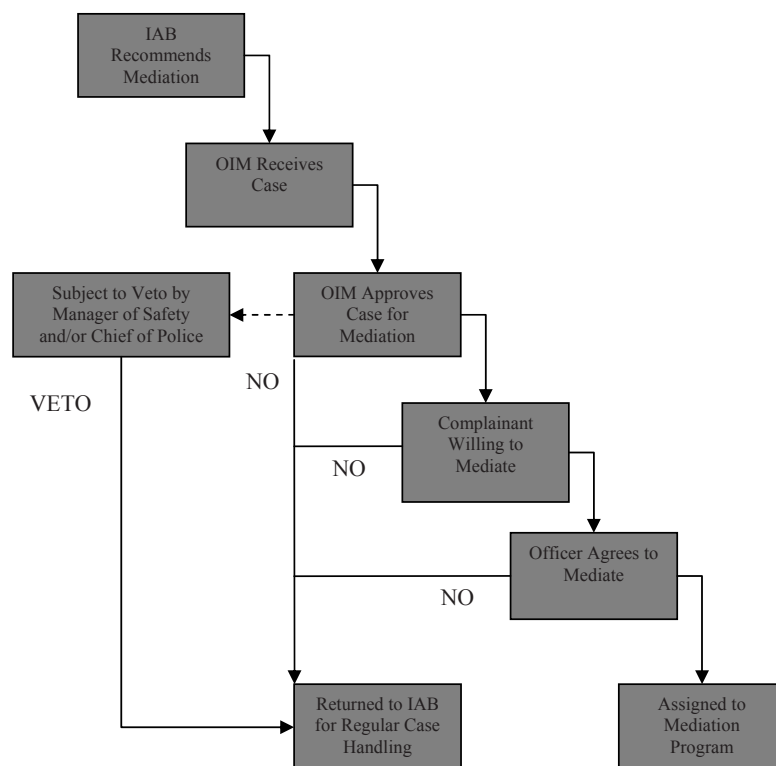
How Cases Are Selected

Mediation is approved in those cases where the OIM and the IAB believe that it is likely to (1) result in greater complainant satisfaction, (2) result in improved officer conduct, and/or (3) contribute to community policing goals of improved community-police relations. The goals are to sensitize officers to community perspectives and concerns and provide opportunities for the public to learn more about police procedure and perspectives.

The OIM considers and encourages mediation in a wider range of cases than most community-police mediation programs. For example, in many jurisdictions, programs categorically exclude certain types of cases from mediation as a matter of policy. Ineligible allegations may include the use of force, racial discrimination, or disparate treatment. The OIM's philosophy, however, is that categorical exclusion of cases means losing valuable opportunities for community members and police to better understand each other's perspective, to explore how they might prevent similar problems in the future, and to reach a satisfying resolution.

The OIM recognizes the value in using mediation to address the issues underlying community-initiated complaints. For example, the use of force often results from a failure of communication. Mediation is effective at facilitating communication; therefore, the OIM considers mediation appropriate in some use-of-force cases. Due to specific concerns regarding use of force issues, however, the Denver Police Department policy excludes such cases from mediation without the specific consent of the Chief of Police, the Manager of Safety and the Monitor.

The Mediation Process



Similarly to excessive force cases, allegations of disparate (discriminatory) treatment are notoriously difficult to prove; often there is no evidence beyond the complainants' perceptions or suspicions that they were treated a particular way due to bias. A case that cannot be proven often goes unresolved when the traditional complaint handling process is used. Mediation, however, allows complainants an opportunity to address and resolve their concerns, and for both parties to learn from the open discussion of sensitive issues. It can potentially increase officer sensitivity to those issues and perceptions, allow both sides to deal with each other as individual human beings, and contribute to better relations between police and the individual and their community.

Other jurisdictions exclude from mediation any officer who has received more than a certain number of complaints in a specific time period. The reasoning is that such officers may require aggressive corrective action. But it remains an open question as to whether discipline is more likely than mediation to result in improved officer conduct. In fact, there is evidence to suggest that mediation may be more effective. Over the next few years, the OIM will be compiling statistics regarding complaint patterns in order to establish to what extent mediation is a factor in improving officer behavior.

Some complaints, due to the serious nature of the allegations, require full investigation and, potentially, disciplinary action. DPD policy and the OIM will not allow significant issues

of misconduct or corruption to disappear in the confidential process of mediation. Cases specifically excluded from consideration for mediation are those in which the allegations, if sustained, would result in such serious disciplinary actions as dismissal, demotion or the substantial imposition of discipline (more than a few days off). A case will also be excluded from mediation if it appears clear, due to the nature of the people involved, that a mediation

A complaint is not eligible for mediation unless agreed upon by the OIM and the Internal Affairs Commander as an appropriate way to resolve the complaint. After that determination is made, the Ombudsman calls the complainant to discuss the options and determine if s/he would be willing to mediate. OIM policy requires that the Ombudsman ensure that the complainant understands that, if s/he agrees to mediate, there will be no further investigation and the complaint will be dismissed if the officer agrees to mediate and makes him/herself available for a timely mediation, regardless of the outcome of the mediation.

If a complainant accepts the OIM's offer to mediate, the Ombudsman contacts the involved officer(s) to see if the officer(s) is willing to mediate. If the involved officer(s) agrees, the complaint is removed from the normal complaint process and the Department does not take any further action in terms of investigation or discipline. If the involved officer(s) decline to mediate, the complaint is returned to the normal internal affairs process.

In cases involving uses of force with injuries or any allegation which could affect an officer's ability to seek a promotion, the Manager of Safety, the Chief of Police and the Independent Monitor must all agree that the case is suitable for mediation for the case to be accepted to the mediation program. In addition, the Manager of Safety and the Chief of Police retain the power to conclude that a case is unsuitable for mediation for any reason.

If both parties agree to mediate, Community Mediation Concepts is contacted so that the case can be assigned to a mediator who will then follow up with the parties to schedule the soonest possible date. The mediator schedules the most convenient date, time, and location for all parties. There are multiple locations throughout the Denver area where mediations can be conducted, including libraries, churches, and City Council offices. Unless the complainant specifically requests that a mediation be conducted at a police facility, those locations are not used to conduct mediations. Mediations are regularly scheduled in the evenings and on weekends for added convenience. Because the OIM's objective is to handle the complaint in fair, respectful, and timely manner, it aims to have mediation completed within a few weeks of a complainant's agreement to mediate.

In order to improve the likelihood of a successful mediation, the OIM provides information on process so both parties know what to expect. The complainants and officers are provided a mediation brochure once they agree to mediation. Besides explaining the process, the brochure also lists suggestions for mediating constructively. Secondly, the OIM furnishes a summary of the incident and allegations to the mediator, so s/he has background knowledge on the dispute before entering mediation, and can get additional information if necessary while contacting both parties to schedule the session. Finally, the mediator establishes the ground rules before the session begins so expectations are clear. The Monitor's Office will observe mediations regularly for the first six months of the program, and periodically thereafter, to ensure that the mediators are performing at the high quality level expected and required.

A final confirmation notice is sent to all parties of the time, date, and location of the mediation. Before the mediation begins, the parties are required to sign a Consent to Mediate form, which includes a confidentiality agreement for their signature.

What Happens During Mediation?

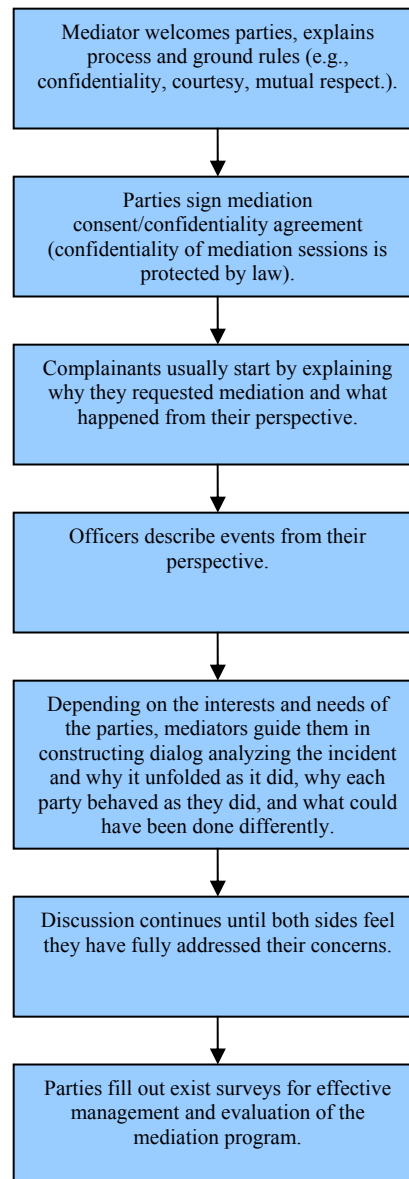
At the beginning of the mediation session the mediators introduce themselves and explain the process and ground-rules (confidentiality, courtesy and mutual respect). The complainant is then invited to describe their view of the incident. The officer(s) also gets to present his/her perspectives. From that point, dialog begins, with the mediators guiding people along a constructive dialogue path and keeping everyone focused on the matters at hand. If things get heated, mediators may call brief breaks. The process continues until both parties feel they have resolved the issue to their satisfaction.

Upon the completion of the mediation, both parties and the mediator(s) are given exit surveys, to permit effective management and evaluation of the mediation program. At that point, the complaint is dismissed.

Cases Assigned for Mediation Thus Far

(According to the initial complaint)

- The complainant stated that an officer responding to her loud noise complaint against her neighbor arrived at the complainant's home instead, was rude and intimidating and told her neighbor that she was the one who complained.
- When the complainant attempted to speak with an officer at the end of a disturbance outside of a local business, the officer allegedly cursed at her and refused to listen.
- The complainant stated that when he tried to get an officer who was providing off-duty security to a store to assist a dog that was locked in a car with the windows rolled up, the officer responded that he was not on duty in that area and could not leave his post.
- The complainant alleged that an officer ticketed him for trespassing, refused to listen to his explanation, and cursed at his friend in the passenger's seat. He also stated that a second officer used a racial slur and unnecessarily interrogated him about his immigration status.



- The complainant stated that an officer engaged in unprofessional behavior by interrupting him and refusing to listen to him during the course of a traffic stop.
- Officers responded to a call from an in-home nurse and appeared at the complainant's house. The complainant alleged that the officers forced her to go with them to the hospital, handcuffed her when she refused, and forced her to change clothes in front of her adult son. The complainant further alleged that the officers left her at the hospital with no way to return home.
- The complainant stated that an officer ticketed him without stopping another vehicle for the same violation and conducted the stop in a rude fashion.
- The complainant alleged that an officer conducted a traffic stop and refused to tell him why he had been pulled over. When the officer asked for consent to search the vehicle and was denied, he allegedly attempted to pressure the complainant into consenting by threatening to contact his probation officer.
- A complainant claimed that an officer conducted a traffic stop without ever telling the complainant why, questioned the complainant about where he got his car and to whom it belonged, and made several inappropriate comments when the officers learned that the complainant's race was not the same as his adoptive parents.
- The complainant believed that officers engaged in racial discrimination when they allegedly pulled him over without an explanation, forcibly removed him from his vehicle and searched his person and car without cause, and then left without an explanation.
- The complainant alleged that after a traffic accident, an officer arrived and inappropriately refused to write out an accident report. She also alleged that the officer did not listen to her side of the story, raised his voice at her, and tried to bully her into providing inaccurate information. She also alleged the officer provided her insurance information to the other driver but did not retrieve the other driver's information for her.
- The complainant stated that she was ticketed for speeding in a school zone. She alleged that the officer provided inappropriate advice when he suggested that she go to court to resolve the ticket since it would probably be reduced with her clean record. When the complainant went to court, however, she was ordered to pay considerably more money than the amount on the ticket.
- The complainant alleged that an officer in an unmarked police car was driving erratically. When the complainant sped up and changed lanes in order to get out of the officer's way, the officer then used her siren and lights to pull him over for speeding. As the complainant was pulling over, the officer followed too closely, aggressively changed lanes, and was rude while issuing the ticket.

Goals for the New Program

The overall goal of the OIM mediation program is to create a program that community members and officers alike will use, trust, and find credible and valuable. By doing so, we hope to create a program that will be a national model for community-police mediation. Our ultimate goal is to mediate more than 10% of all citizen-initiated complaints.

One of our main goals for 2005-2006 is to improve timeliness. The OIM aims to have all mediations completed within three weeks of a complainant's decision to mediate.

The OIM maintains all mediation cases in our database system. This, along with the exit surveys distributed to both parties and the mediators after each mediation, allows OIM to collect and track a variety of data on mediation cases. In the upcoming year, we expect to be able to measure and evaluate the overall effectiveness of the program, based upon a full year's worth of data; timeliness; the level of satisfaction with the process on the part of complainants and officers; whether the mediation resulted in successful resolution of the specific issues; and characteristics of the complaints, complainants, and involved officers.

Mediation Satisfaction Rates

The OIM measures participant satisfaction with the mediation process.

Our analysis of satisfaction with mediation compares satisfaction rates between citizens and officers. It is noted however, that at the time of this report, only four mediations had been completed, thus the sample size for these comparisons is nominal. The results therefore are preliminary and should be interpreted with caution.

As shown in Table 6.1, of the community members who participated in mediation, 50% were either satisfied or very satisfied with the outcome. This compares to 84% of the officers who have participated in the mediation process.

TABLE 6.1 SATISFACTION WITH MEDIATION OUTCOME					
How satisfied were you with the outcome of mediation?	Very Satisfied	Satisfied	Neither Satisfied/Dissatisfied	Dissatisfied	TOTAL COUNT
Community Members	2		1	1	4
Row %	50%		25%	25%	100%
Officers	1	4	1		6
Row %	17%	67%	17%		100%
					10

Seventy-five percent of the community members were either very satisfied or satisfied with the process of mediation, compared to 100% of the officers who were very satisfied or satisfied (Table 6.2)

TABLE 6.2 SATISFACTION WITH THE MEDIATION PROCESS					
How satisfied were you with the mediation process in general?	Very Satisfied	Satisfied	Neither Satisfied/Dissatisfied		TOTAL COUNT
Community Members	2	1	1		4
Row %	50%	25%	25%		100%
Officers	1	5			6
Row %	17%	83%			100%
					10

Table 6.3 presents the findings on how likely mediation participants are to recommend mediation to others. As shown, half of the community members were very likely to recommend mediation to others compared to 100% of the police officers.

TABLE 6.3 LIKELIHOOD OF RECOMMENDING MEDIATION				
How likely are you to recommend mediation to others?	Very Likely	Somewhat Likely	Not Likely	TOTAL COUNT
Community Members	2	1	1	4
Row %	50%	25%	25%	100%
Officers	6			6
Row %	100%			100%
				10

Overall, it appears that, so far, most of the participants have been satisfied with the mediation process and its related outcomes. Once again, due to the small sample size no statistical comparisons can be made. As more mediations are conducted, future comparisons will include significance testing using standard statistical techniques.

Comments from Mediation Participants

Community Members

- Everything worked out really good. I'm happy with the process. The mediators did a really good job.
- Mediation process and Independent Monitor System--Great programs.
- I wasn't satisfied with this process because the officer's supervisor did all the talking. I really wished the officer would have been more involved.
- Send information about the process in writing prior to asking for agreement to mediate. Make officers schedule more flexible so he can attend.

Police Officers

- It seems to be as is.
- Limit the references to racism or alleged racism unless it has a direct correlation to the incident. I think the use of the allegation puts both sides on the defensive.

Mediation Guidelines and Protocols

In order to ensure a better understanding of the mediation process and provide objective criteria for how the program is managed, the OIM has placed on its website two documents:

- **Denver Mediation Program Guidelines:** this document describes how mediation cases are assigned, timeliness expectations, program objectives, staff responsibilities, ethical requirements for the contracted mediators, reporting requirements and OIM monitoring responsibilities.
- **Denver Mediation Program Protocols:** this document describes the types of cases excluded from mediation, the process by which complainants and officers agree to mediation, acceptable locations for mediations, results of failures to appear and the removal of completed mediations from the traditional complaint processes.

Public comment on these guidelines and protocols has been sought since their creation on August 1, 2005 and will be finalized in early January 2006.



DENVER
THE MILE HIGH CITY

CHAPTER 7

COMMENDATIONS & AWARDS

In the interest of providing a more balanced view of the Denver Police and Sheriff Departments' service to the community, OIM reports the number of commendations received by DPD officers and employees and DSD deputies and employees. There were 658 commendations and awards received by DPD employees in 2005. There were 110 commendations and awards received by DSD employees in 2005.

Commendations

Police Department

In 2005, DPD recorded 658 commendations regarding its officers.

As shown in Table 7.1, Commendatory Action Reports were the most common type of commendation (222) followed by Official Commendation (121), and Commendatory Letter (106). A Commendatory Action Report is a form that documents positive interactions that occur between a citizens and officers. These comments come primarily through the “Positive Comment-Complaint hotline.”

The hotline was created in 2001 and later mandated by state law to provide a simple means by which a community member can make either positive comments or pursue a complaint against a Denver Police Officer.

Commendations that occurred less frequently included Medal of Honor (2), Medal of Valor (2), Unit Commendation (2), and Purple Heart (1).

TABLE 7.1 NUMBER AND TYPE OF COMMENDATIONS RECEIVED BY DPD EMPLOYEES (2005)		
Commendation Type	Frequency	Percent
Commendatory Action Report	222	33.7%
Official Commendation	121	18.4%
Commendatory Letter	106	16.1%
Letter of Appreciation	95	14.4%
STAR Award	36	5.5%
Merit Award	33	5.0%
Life Saving Award	9	1.4%
Citizens Appreciate Police	9	1.4%
Community Service Award	6	0.9%
Officer of the Month	6	0.9%
Distinguished Service Cross	5	0.8%
Medal of Honor	2	0.3%
Medal of Valor	2	0.3%
Unit Commendation	2	0.3%
Purple Heart	1	0.2%
Other than DPD	1	0.2%
Unknown	2	0.3%
TOTAL COMMENDATIONS	658	100.0%

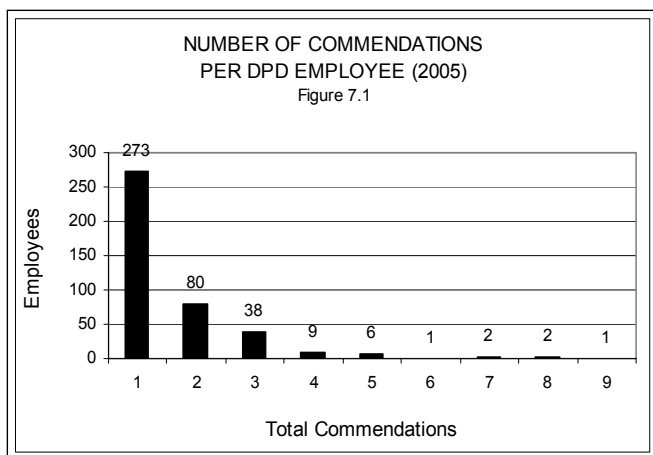
Note: The DPD Comment and Complaint Hotline: 720-913-6665

Table 7.2 provides definitions for the different types of commendations and awards that are currently used by the Denver Police Department.

TABLE 7.2 DPD COMMENDATION TYPES AND DEFINITIONS	
Commendatory Action Report	A form documenting positive comments from citizens that come through the comment hotline.
Commendatory Letter of Appreciation	Awarded to employees who, through alertness and attention to duty, perform their assigned functions in a commendable manner.
Community Service Award	Awarded to employees who, by virtue of sacrifice and expense of his/her time, foster 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.
Distinguished Service Cross	Awarded to employees who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor.
Letter of Appreciation	A letter expressing appreciation for services provided by employees.
Life Saving Award	Awarded to employees who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no danger to the officer's life.
Medal of Honor	Awarded to employees who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.
Medal of Valor	Awarded to employees who distinguish themselves by extraordinary heroism not justifying the award of the Medal of Honor.
Merit Award	Awarded to employees who distinguish themselves by exceptional meritorious service who: through personal initiative, tenacity and great effort acts to solve a major crime or series of crimes, or through personal initiative and ingenuity, develops a program or plan which contributes significantly to the Department's objectives and goals.
Officer of the Month	Awarded to employees who represent the department in all facets of law enforcement with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were sworn.
Official Commendation	Awarded employees, who by exemplary conduct and demeanor, performs his/her 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.
Unit Commendation	Awarded to an entire unit whose members perform their assigned function in an unusually effective manner.

In 2005, 412 DPD employees received at least one commendation. The majority of these employees (66%) received one commendation. However, as shown in Table 7.3 and Figure 7.1, one-third of these employees received more than one commendation. Approximately, 5% of the employees received 4 or more commendations, while one employee (.2%) received nine commendations.

TABLE 7.3 NUMBER OF COMMENDATIONS PER DPD EMPLOYEE (2005)			
Commendations	Employees	Percent	Cumulative Percent
1	273	66.3%	66.3%
2	80	19.4%	85.7%
3	38	9.2%	94.9%
4	9	2.2%	97.1%
5	6	1.5%	98.5%
6	1	0.2%	98.8%
7	2	0.5%	99.3%
8	2	0.5%	99.8%
9	1	0.2%	100.0%
Total Employees	412	100.0%	



Although it is not possible to determine how many commendations were initiated by citizens versus those initiated internally, we do provide a breakdown of the number of commendations that were received by the comment hotline. We provide the aggregate count of commendations received by the hotline, as well as, the types of commendations received.

As shown in Table 7.4, the majority of commendations were received by means other than the comment hotline. Only 25% of the commendations in 2005 were received via the hotline.

TABLE 7.4 NUMBER OF COMMENDATIONS RECEIVED VIA THE COMMENT HOT LINE.		
Received by Hotline	Frequency	Percent
No	493	74.9%
Yes	165	25.1%
Total Commendations	658	100%

Looking at the types of commendations that were received through the comment hotline (Table 7.5), nearly all (99%) involved a commendatory action report. The other 1% of the cases received through the hotline involved STAR awards. (See Table 7.2 for a definition of a STAR Award).

The information provided by Tables 7.4 and 7.5 can be used as a latent measure of citizen-initiated commendations. This is based on two assumptions. First, that comments generated through the hotline would consist primarily of citizen-initiated commendations. Second, that commendatory action reports primarily involve citizen-initiated commendations. Of course, neither of the above assumptions would capture all citizen-initiated commendations.

TABLE 7.5 TYPE OF COMMENDATIONS RECEIVED BY COMMENT HOTLINE				
Commendation Type	Received via Hotline			
	No	Column %	Yes	Column %
Commendatory Action Report	59	12%	163	99%
Official Commendation	121	25%	0	0%
Commendatory Letter	106	22%	0	0%
Letter of Appreciation	95	19%	0	0%
STAR award	34	7%	2	1%
Merit Award	33	7%	0	0%
Life Saving Award	9	2%	0	0%
Citizens Appreciate Police	9	2%	0	0%
Community Service Award	6	1%	0	0%
Officer of the Month	6	1%	0	0%
Distinguished Service Cross	5	1%	0	0%
Medal of Honor	2	0.4%	0	0%
Medal of Valor	2	0.4%	0	0%
Unit Commendation	2	0.4%	0	0%
Purple Heart	1	0.2%	0	0%
Other than DPD	1	0.2%	0	0%
Unknown	2	0.4%	0	0%
TOTAL COUNT	493	100%	165	100%

Sample of Police Department Commendations Received by the OIM

An officer was recognized for his follow-up on a severely handicapped young child who could not communicate his needs. The officer immediately responded to the request of a school social worker who had requested a welfare check on the child. Upon his arrival, the situation “appeared” to be okay. However, on his own initiative and time, the officer returned unannounced to the house on two different occasions discovering that the house and the child were obviously not being taken care of appropriately. The officer contacted the Denver Department of Human Services, which resulted in an investigation, the child receiving medical treatment, and returning back to school, which he had not been attending for three years and was now able to partake in the socialization that he had been denied for years. This has also opened the door for school professionals to keep a close eye on the child and offer support services to the family. The officer was praised by the child’s social worker for the difference he made in this child’s life.

A Spanish speaking officer responded to the Greyhound bus station on a report of a stranded elderly couple. The couple had just arrived in Denver from Mexico and did not speak English. They had left behind their address book and the phone numbers of their relatives in Denver, and had no way of getting in touch with anyone they knew. The officer first made several attempts to locate the couple’s family. He then arranged for a hotel voucher, purchased the couple a meal, and then transported the couple to their hotel. The next day, the officer followed up by arranging for help from the Mexican Consulate and “Univision,” the Spanish language television station. Univision broadcast a story about their plight with their pictures. This resulted in the couple’s relatives recognizing them from the broadcast. After a few phone calls, they were brought together with their family. The officer was commended for his dedication to duty, compassion, and kindness in assuring that the couple was reunited with their family.

A community member went for an early morning run accompanied by his dog. He became physically incapacitated during the run and asked a passerby to call 911. He noted that the responding officer was exceptional. The officer, noting that he was not in a position to care for his animal, offered a resolution that required the officer taking significant personal responsibility, time and effort from other duties to attend to his dog’s well being. The dog was safely placed and the community member noted that the officer took considerable initiative in dealing with him while he was significantly mentally impaired.

“My brother’s house caught fire and firefighters responded to what was discovered to be a possible homicide crime scene. My brother continues to be missing. A DPD Detective and crew were placed on the case. I just have to tell his superiors what this detective has meant to me and my family. He has given us hope for a just ending, stirred our faith and encouraged our strength to endure what has turned out to be quite a horrible reality. Though society would have it that people like ‘us’ don’t matter and would stereotype us as non-important and sort of just abandon us, the detective has never made us feel that or treated us as that. I have come to LOVE & RESPECT this man to the highest degree and don’t know how my family and I would have gotten this far without him in our corner! I just wanted to take the time to let someone know what a STERLING detective and HUMAN BEING he is and I KNOW God will reward him one

day but it would certainly be nice if the folks he works for would as well! To have the detective come to understand and care about my brother as a fellow human being has been a blessing beyond all measure.”

Sample of Awards Given to Officers by the Denver Police Department In 2005

Medal of Honor-- Two DPD Officers saw smoke and flames coming from a residence. One officer was told five people were trapped in the house; he called for emergency assistance and entered the house. Two officers ignored the flames and smoke and entered the house. The first officer located two elderly people in the basement. The 71 year old female was restricted to a wheel chair and the officer had to carry her while guiding the 65 year old male out of the house. The second officer located two trapped people in the northwest bedroom and guided the two people out of the house. The first officer re-entered the house, guiding two additional people from the house. A Denver Fire Arson Investigator formally commended these officers, saying a “Flashover Phenomena” occurred, causing temperatures to reach about 1,100 degrees.

Medal of Valor-- Two DPD Detectives were working off-duty. The detectives were made aware of a possibly suicidal male on a ledge, approximately 76 feet off the ground. The detectives contacted the male, first distracting him and then wrestled him away from the ledge, which had no railing to stop them from going over. These detectives acted in the presence of great danger and great personal risk to save the distraught man’s life.

Distinguished Service Cross-- A DPD Officer responded to a 911 hang-up call. Upon approaching the residence he observed, through the front window, two parties scuffling. During the scuffle, one party retrieved a pocket knife and opened the blade. Fearing for the safety of those involved, the officer entered the residence and wrestled the knife away from the suspect. The officer later discovered that the party with the knife was suicidal and his father was attempting to restrain him. The officer was commended for his selfless and heroic act.

Life Saving-- A DPD Sergeant responded to the Franklin Street Bridge over I-25, where a young man was sitting on the ledge threatening to drop to the highway below. He immediately assigned officers to divert highway traffic and seal off the bridge from traffic and pedestrians. He requested Crisis Intervention Trained (CIT) officers to respond to the scene. When he contacted the despondent male, he found the subject spoke only Spanish, prompting the sergeant to request the assistance of a Spanish-speaking officer to translate. Working effectively with CIT officers, he engaged the young man in conversation while DPD and Denver Fire Department personnel moved equipment into place to rescue the youth. The sergeant coordinated rescue efforts between DPD officers and Denver Fire Department personnel.

Life Saving-- While returning from a climb, an off-duty DPD Sergeant responded to cries for help from a climber who had been injured from a 100 foot fall. The climber had suffered serious head injuries. While he was conscious and responsive, he was at serious risk for hypothermia after his eight hours on the windy mountainside. The sergeant remained with the injured climber while his partner hiked out of the area to get help. For the next four hours the sergeant gave aid

to the climber until the sergeant's climbing partner returned with a Search and Rescue Team. Without the aid he received, the injured climber would not have survived that day. The local Park Ranger stated, "We've had people fall in that area and not make it." The climber himself said, "I knew if I didn't get up (to the trail) I was dead. They'd probably find me in the spring."

Life Saving-- A DPD officer was on routine patrol when he observed a female standing by a minivan frantically waving her arms for help. The officer pulled into the parking lot to assist her when another female exited the van holding a 2-month old baby. This female, who was Spanish-speaking only, handed the baby to the officer. The officer noticed that the baby was not breathing and immediately called for an ambulance. The officer then turned the baby over and attempted to dislodge the object that was causing the baby to choke by performing the Heimlich maneuver, as taught in CPR. After several thrusts on the back, the baby started breathing again and his life was saved.

Life Saving-- Two DPD officers were dispatched to a report of a suicidal person. The individual was sitting on the edge of a wall, on the 8th floor of a parking garage with his legs dangling over the ledge towards the street below. The officers established a rapport with the individual. Several minutes of intense conversation ensued, gaining the trust of the individual and convincing the individual to climb back over the ledge to safety. The officers transported the individual to Saint Anthony's Hospital for treatment.

Distinguished Service Cross-- A DPD technician responded near the Cherry Creek bike path on a report of suspicious activity. Upon arrival, the officer noticed that a male party had apparently slipped on the wet grass and had fallen in the creek. The creek was swollen and the current was traveling extremely fast due to the recent snow and rain activity. The officer and a federal officer attempted to extricate the victim from the raging water with a pole but the victim was extremely weak from fighting the current. Both officers, disregarding their personal safety, entered the water and pulled the victim, who was now unconscious, to the bank where he received treatment and was ultimately transported to DHMC.

Distinguished Service Cross-- A Denver police technician and sergeant were working off-duty when someone fired a gun at a crowd. Both officers confronted the suspect to protect the crowd. The suspect fled on foot, pursued by the officers. The officers subdued the suspect after a physical struggle and discovered he was a gang member with a previous firearms conviction. The officer's actions ensured a conviction of the suspect and his confinement in Federal prison. The officers were commended for bravery, dedication to duty and protection of the citizenry.

Distinguished Service Cross-- Two Denver police officers were in uniform in an unmarked vehicle participating in an operation to locate and arrest gang members who were armed with handguns. During this operation they located three suspects and were calling uniform officers in to effect the arrest. Prior to the uniform officers' arrival the suspects pulled out handguns and one pointed his gun at the officers. The officers got out of their vehicle and identified themselves as police officers. The suspects fled on foot but were quickly apprehended both still armed. The officers were commended for their admirable work in removing three violent suspects and firearms from the streets of Denver.

Distinguished Service Cross--A Denver police sergeant handled a disturbance outside a brewery-restaurant. The suspect, refused to leave the premises. When the sergeant approached the suspect, the suspect produced a 3-4 inch folding knife from behind his back. The suspect made slashing motions toward the sergeant and threatened to kill him. The sergeant drew his firearm and stepped back. The sergeant took note of the large group of people around and behind the suspect and knew using his firearm could endanger the lives of innocent people. When the suspect turned his attention away, the sergeant immediately disarmed and arrested him without firing a shot.

Life Saving--Emergency crews responded to the West Alameda Avenue bridge over Interstate 25, where a despondent man had climbed over the railing and threatened to drop onto the busy highway below. A Crisis Intervention Trained (CIT) officer was urgently needed. The CIT officer responded and quickly positioned himself to talk to the party, to gain his trust. After about 30 minutes, the officer persuaded the man to climb back over the railing to safety and to go peacefully to a hospital for a mental health evaluation. The officer's ability to use his CIT skills was directly responsible for saving the life of the man.

Life Saving--A Denver police officer responded to the 900 block of 16th Street where a young female was perched on the ledge of a tall parking garage threatening to jump to her death. The officer immediately responded to the roof of the building and acting in his capacity as a C.I.T. officer, he was able to establish a dialogue with the distraught female. After about fifteen minutes of talking to the girl, the officer convinced the young lady to come back onto the roof where she was calmly taken into protective custody. As a result of the officer's exceptional knowledge and cool demeanor he was instrumental in saving this young ladies life.

Purple Heart—A Denver police corporal was assigned to provide training at the department driving track. He was tasked with evaluating officers' driving skills as they spun out other vehicles at a speed of 45 MPH. During this time, one of the drivers lost control of his vehicle and plowed into the designated instructors' area. The Corporal was struck by the car and sustained severe injuries to his knee and shoulder. He needed two reconstructive surgeries and missed over six months of work.

Sheriff Department

There were 110 awards given out by the Denver Sheriff Department in 2005. As shown in Table 7.6, the largest number of awards were for Supervisory Commendations (24.5%) followed by Commendations (19.1%), and Community Service (15.5%).

Merit, Life Saving, and Purple Heart Awards, all tied for the lowest number (1) of awards given by the Sheriff's Department.

TABLE 7.6 NUMBER AND TYPE OF COMMENDATIONS RECEIVED BY DSD EMPLOYEES (DSD, 2005)		
Commendation Type	Frequency	Percent
Supervisory Commendation	27	24.5%
Commendation	21	19.1%
Community Service Award	17	15.5%
Outstanding Service	11	10.0%
Outstanding Performance	5	4.5%
Employee of Quarter	4	3.6%
#1 Academic Award	3	2.7%
#1 Defensive Tactic Award	3	2.7%
#1 Physical Fitness Award	3	2.7%
Most Improved Physical Fitness Award	3	2.7%
Top Gun Award	3	2.7%
Valedictorian	3	2.7%
Academy Medal	2	1.8%
Security and Safety	2	1.8%
Merit Award	1	0.9%
Life Saving Award	1	0.9%
Purple Heart	1	0.9%
TOTAL COUNT	110	100%

Definitions for some of the departmental awards are provided in Table 7.7.

TABLE 7.7 DSD COMMENDATION TYPES AND DEFINITIONS	
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 their 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 an employee who, through exceptional knowledge and behavior, perform a physical act which saves the life of another person and there is no immediate danger to the officer's life.
Academy Award	Awarded to a graduate from an academy class who has exemplified a commitment to excellence and professionalism through their distinguished performance during the academy.

Sample of Awards Given to Deputies by the Denver Sheriff's Department In 2005

Community Service Award-- Two DSD officers volunteered their time and resources to pro-active programs that promote safer communities. They have participated in the Safe Night Colorado Event; an event sponsored by the Mayor's Office and the Department of Public Safety. Additionally, one of the employees has been involved in the Five Points Red Ribbon Anti-Drug Campaign; a program designed to keep kids away from drugs and gangs.

Community Service Award-- Five DSD officers have volunteered their time and resources to the Special Olympics Law Enforcement Torch Run. This program benefits disabled and handicapped athletes who live in the Denver community.

Community Service Award-- Eight DSD officers have made significant contributions to the community through their involvement in tutoring children in inner-city schools. These deputies have enthusiastically tutored students in such subjects as math, science, reading, and writing. Their contribution improved the quality of life for these students by enabling the students to improve their grades which has helped to keep them out of gangs and off drugs.

Community Service Award-- A DSD officer has donated over 1,000 hours to Sobriety House, Inc. The Sobriety House is a non-profit program whose mission is to provide quality substance abuse services for low income or homeless chemically dependent men and women.

Community Service Award-- A DSD officer coached a youth basketball team (14 year olds) that received an invitation to compete in the hall of fame 3 on 3 world championship hosted by Disney's Wide World of Sports in Orlando, Florida. The deputy, along with co-sponsors, conducted a fund raiser for the expenses and a portion of the proceeds were donated to the Denver Sheriff Department orphans fund.

Community Service Award-- A DSD officer, as a member of the Department's Speaker Bureau, has made multiple presentations informing the community about the Denver Sheriff's Department. Additionally, the deputy has been active with the Medic First Aid Association and teaching CPR and other courses to our citizens while representing the Department.

Merit Award-- A DSD officer assisted with a recommendation to modify the classification housing criteria and policy for one of the maximum security housing areas. The recommendation was approved by the Director and as a result, the number of assaults dramatically decreased leading to a safer environment for everyone.

Purple Heart-- A DSD officer was seriously injured in an assault by an inmate, when the officer responded to assist a fellow deputy. During the assault, the officer sustained multiple concussions and injuries to his left shoulder.

Methodology

Data for DPD commendations was extracted from CUFFS. The CUFFSII database includes the following information in relation to commendations: 1) Commendation Description, 2) Employee Serial Number, 3) Incident Date, 4) Decoration Type and 5) Comment Hotline. Presently, there is no way to differentiate between citizen initiated commendations and those generated internally within CUFFSII. While, there are no narrative descriptions of the particular incidents included in the database, OIM was able to obtain narrative descriptions for a sampling of commendation and award cases from the DPD Public Information Officer and the Office of the Chief. It should be noted however, that the narratives are only a sample of the commendations/awards received and are not necessarily representative of the total population.

Narratives relating to Sheriff Department awards was obtained from the Sheriff's Department Public Information Officer.



DENVER
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CHAPTER 8

OUTREACH

Outreach

OIM Ombudsman Position

As part of the Monitor's full-time staff, a position of Community Relations Ombudsman was created. The Ombudsman meets with organizations and communities throughout the City and County of Denver to discuss police issues and concerns as well as explain what the OIM does, the changes that have been made to DPD and DSD, and the significance of those changes. Community groups contacted include non-profit staff and boards, neighborhood associations, religious congregations, and activist organizations. These meetings are intended to be information-sharing sessions.

Besides educating people on what the OIM is and does, outreach meets two objectives; First, the Monitor learns the priorities of various members of the community with respect to police issues. By talking with those who live and work in Denver, the Monitor stays connected, gaining a better understanding of community concerns and priorities. Second, it educates members of the community about the checks and balances that have been established by the creation of the Monitor's Office. The Monitor has also participated heavily in outreach efforts in this first year of the office and will continue outreach through the Citizen Oversight Board's public meetings and additional meetings with groups and individuals as needed on an ongoing basis.

The Ombudsman position builds and establishes relationships in Denver's communities. She serves as a resource to connect organizations, community leaders, and individuals. This often means learning about positive programs that foster cooperation between the community and officers that can be duplicated by others looking to improve those relationships and, ultimately, the safety of their communities. Helping communities to forge such partnerships with their local police districts will lead to a better, more open relationship, better police services, more cooperation among residents in reporting and helping solve crimes, and finally safer neighborhoods.

With its outreach effort, OIM is committed to casting the widest possible net in terms of including populations who are often overlooked and easily ignored. The Ombudsman aggressively pursues meetings with all groups of people in the City of Denver with an interest in policing issues in order to ensure that the services of the OIM are accessible to all.

The Ombudsman typically meets with formal groups in order to educate the community about the OIM and hear community concerns on police issues; however, certain segments of the population are not affiliated with organized groups or can be particularly difficult for government offices to penetrate. The Ombudsman aims to be both creative and cost-effective in identifying and communicating with these segments of Denver. The OIM has several communication projects planned for 2006 designed to target whole communities. The following are just a few examples of such efforts:

- The OIM plans to partner with the Mexican Consulate and several local Hispanic groups, and utilize Hispanic radio programs to provide necessary information to Denver's Mexican immigrant community.

- The OIM will assist Denver’s Somali-Bantu refugees in understanding how to build a relationship with their local police district, so that they may resolve recurring problems caused by cultural and communication barriers.
- The OIM will hold a community meeting in Montbello/Green Valley Ranch with numerous African-American churches in the area.

The OIM seeks to make filing a citizen complaint against a public safety officer or a citizen commendation on behalf of a public safety officer as easy as possible. Although the OIM does not and should not try to artificially generate complaints, neither does OIM intend to allow artificial impediments to the complaint process to prevent the filing of citizen complaints. To that end, OIM has created multiple avenues for submitting citizen complaints or commendations. Thus, members of our community can file on-line via e-forms found on the OIM website (www.denvergov.org/oim) and through printed brochures and forms located throughout Denver which are self-addressed and have pre-paid postage (see appendix to Chapter 2 for list of distribution locations.)

The OIM wishes to thank all the members of the Denver City Council who have agreed to allow the OIM’s complaint/commendation forms to be made available on a permanent basis at their District offices. In addition, the public can call the OIM office and request to be mailed or faxed forms as well. The OIM seeks to make it just as easy to file a commendation for an officer or deputy and we forward any commendations received to the officer’s supervisor and will report on those commendations in our annual report.

Part of interacting responsibly and fairly with the community means that the Ombudsman must understand law enforcement’s perspectives on safety issues. It is critical to understand their policies and procedures, realities, resources, and constraints, as well as how they are trained. The Ombudsman, as well as other OIM staff, receives training on how officers and deputies are trained in various areas, such as the use of deadly force, the deployment of Tasers, and Crisis Intervention Team (CIT) training, which focuses on interaction with the mentally ill and developmentally disabled. In addition, the Monitor staff spend time with individual officers through “ride-alongs,” accompanying school resource officers in Denver’s high schools, walking with officers on their beats downtown, touring Denver’s jails, and meeting with police and sheriff groups.

Part of the Ombudsman’s responsibilities are to assist the community and the police to engage in a meaningful, appropriate and more complete dialogue. Only by understanding both sides of the various issues relating to law enforcement can the OIM effectively bridge communication between the community and law enforcement, and therefore facilitate a better relationship.

Creation of OIM Listserv

Because it is not possible to personally keep everyone informed, the OIM implemented a “listserv” to communicate with interested parties. The OIM uses the listserv to alert the community to significant events or news. Working with the City’s technical staff, OIM created a customized listserv which allows for the broadest distribution possible.

Any person interested in being added to the OIM listserv can do so on the OIM website or by sending an email to oim@ci.denver.co.us.

Community Outreach Meetings (2005)

In 2005, the OIM made a significant effort to reach out to members of the community and members of the Police and Sheriff Departments in order to let community leaders and members know about the OIM program and to learn more about community priorities. Following are lists of meetings that took place in 2005 between the Monitor or the OIM Community Relations Ombudsman and various community and police organizations and groups:

- Councilmember Doug Linkhart (At Large) - July 25
- Councilmember Marcia Johnson (District #5) - July 26
- Human Rights Campaign Colorado/GLBT Community Ctr Reception - July 27
- Councilmember Rosemary Rodriguez (District #3) - August 3
- Councilmember Jeanne Robb (District #10) - August 4
- Councilmember Jeanne Faatz (District #2) - August 4
- Council President Elbra Wedgeworth (District #8) - August 5
- Councilmember Rick Garcia (District 1) - August 5
- Councilmember Judy Montero (District #9) - August 8
- Councilmember Michael Hancock (District #11) - August 9
- Council Pro-Tem Kathleen MacKenzie (District #7) - August 11
- Mayor's Asian Advisory Council - August 11
- Denver Copwatch – August 12
- Inter-Neighborhood Cooperation - August 13
- Councilmember Peggy Lehmann (District #4) - August 15
- Council Aides Meeting - August 26
- Mayor's Community Forum on Prioritizing - August 27
- City Auditor & Staff Supervisors – August 29
- Denver Public Schools Management Staff - August 30
- Now Faith Christian Center (Church leadership) - August 31
- St. Francis Center for the Homeless - September 1
- Urban League Young Professionals - September 1
- Mexican Consulate's Office - September 2
- Making Connections Denver (Piton Foundation) - September 2
- Greater Metro Denver Ministerial Alliance - September 6
- Urban League Guild - September 6
- Citizen Oversight Board Public Meeting - September 13
- Victims Services Network 2000 - September 14
- ACLU Legal Director & Community Outreach Rep. - September 15
- Highland United Neighbors, Inc. - September 19
- Town Hall Meeting held by Councilmember Jeanne Robb (District 10) - September 20
- Kiwanis Club of Denver – September 21
- Open Door – Youth Gang Alternatives – Community Meeting – September 21
- Youth Biz, Inc Leadership - September 23
- Colorado Asian Roundtable - September 24
- FACEIT (Family Advocacy and Crisis Education Intervention Team) - September 26
- Colorado Public Defenders Office – September 26

- Green Valley Ranch Town Hall Meeting held by Councilmember Hancock - September 27
- Montbello Town Hall Meeting held by Councilmember Hancock - September 28
- Stapleton/Park Hill Town Hall Meeting held by Councilmember Hancock - September 29
- Colorado Coalition for the Homeless - September 30
- St. Francis Center for the Homeless, Outreach Workers and Police Officers - September 30
- Denver Options (Developmentally Disabled Advocacy) - October 3
- Austin Chamber of Commerce Convention – October 3
- Open Door Youth Gang Alternatives – October 3
- Black Educational Advisory Council (Advisory to Denver School Board) - October 5
- Greater Park Hill Community, Inc. - October 6
- Municipal Public Defender – October 7
- Asian Pacific Development Center - October 7
- NAACP President - October 7
- Town Hall Meeting held by Councilmember Rick Garcia (District 1) - October 8
- Northeast Park Hill Coalition - October 11
- Blacks in Government (BIG) - October 11
- Far Northeast Neighbors - October 13
- Stapleton United Neighbors President - October 13
- Escuela Tlateloco/Nita Gonzalez - October 14
- District-wide Town Hall Meeting held by Councilmember Peggy Lehmann - October 18
- Councilmember Carol Boigon (At Large) - October 19
- Colorado Division of Civil Rights - October 20
- North City Park Civic Association - October 20
- KGNU Radio (“Metro Show”) – October 20
- Gay, Lesbian, Bisexual, Transgender (GLBT) Reception for Mayoral Appointees – October 25
- Denver Center for Crime Victims Staff Meeting - November 2
- District 3 Citizen Advisory Committee – November 2
- Safe Advisory Committee – District 2 – November 3
- Open Door Youth Gang Alternatives - Youth- November 3
- GLBT Commission – November 8
- Youth Biz, Inc. Program Managers - November 8
- Arc of Denver (Mental Illness Resource Center) - November 9
- Colorado Coalition for the Homeless Program Managers - November 15
- Colorado Black Women for Political Action - November 15
- Ball Park Neighborhood Association – November 16
- Open Door Youth Gang Alternatives - Parents- November 16
- Elyria/Swansea/Globeville Business Association - November 17
- Women’s Crisis & Family Outreach Center - November 22
- Somali Bantu Community Development Council - November 25
- Mercy Housing Safety Action Committee - November 28
- Padres Unidos - November 29
- Refugee Housing Project - December 5

- Congregation Immanuel Synagogue - December 7
- Green Valley Ranch Master Association - December 7
- Rights for All People - December 8
- Denver Center for Crime Victims Board of Directors - December 13
- District 6 Citizen's Advisory Board – December 15
- Berean Bible Church Leadership - December 16
- Colorado State Department of Health & Financing (Medicare and Brain Injury Division) – December 22

List of Police/Sheriff Department Related Outreach Meetings (2005)

- Police Protective Association Attorneys (Bruno, Bruno & Colin) – August 12
- Patrol Division Command Staff Meeting - August 15
- Women's Officer's Association Leadership – August 16
- Black Officer's Association – August 18
- Brotherhood of Denver Police – August 22
- Denver International Airport Roll Call – August 22
- Traffic Investigations Roll Call – August 29
- Black Sheriff Protective Association - September 12
- Latino Officer's Organization - September 13
- District 5 Command Staff – September 13
- District 5 Roll Calls – September 16
- District 1 Roll Calls – September 20 & 22
- Traffic Operations Roll Call – September 28
- Crisis Intervention Team Coordinators - October 4
- District 3 Detective Roll Call – October 6
- District 6 Command Staff & Roll Calls – October 5 & 6
- Police Protective Association Membership Meeting – October 7
- District 2 Command Staff – October 11
- George Washington High School (School Resource Officer) - October 14
- Gay & Lesbian Police Officers – October 19
- District 2 Roll Calls – October 20
- Crisis Intervention Team (CIT) Training - October 24-28
- District 4 Roll Calls – October 26
- Crisis Intervention Team (CIT) Training - November 14-18
- Criminal Investigation Division Command Staff Meeting – November 17
- La Ley – Hispanic Sheriff Organization – December 5



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CHAPTER 9

TIMELINESS

Timeliness

One of the primary concerns for dealing with complaints is the ability to resolve those complaints in a timely manner. Improving the timeliness of complaint handling is a major priority for the Office of the Independent Monitor (OIM).

Sheriff Department

In 2005, the Denver Sheriff's Department closed 287 cases and took, on average, 43.5 days to close a complaint case. The median number of days it took to close a case was 23 days. This means that 50% of the cases were closed in less than 23 days while the other 50% took longer than 23 days.

Table 9.1 provides a description of the number of days to close complaint cases based on different complainants. Citizen-initiated complaints took, on average, fewer days to close than did either employee or inmate complainants. The differences in the average number of days to close a complaint case were statistically significant between citizen-initiated and employee-initiated complaints but not for any other comparisons. Due to missing data in the complainant field, only 166 cases were compared in this analysis. The OIM will work with the Sheriff's Department in 2006 to improve data entry practices to eliminate issues relating to missing data.

TABLE 9.1 NUMBER OF DAYS TO CLOSE COMPLAINT BY COMPLAINANT TYPE (DSD 2005)				
COMPLAINANT	Mean	Standard Deviation	Median	TOTAL COUNT
Citizen	31.5	32.9	21.5	57
Employee	52.8	38.4	46.5	30
Inmate	38.2	43.9	22	76
Management	14	0	14	1
Other	9.5	12	9.5	2
				166

In 2005, the Sheriff's Department received 348 new complaints. Inmates accounted for 31% of all the complaints while employees accounted for only 10% of the complaints. Approximately, 43% of the complainants were not identifiable due to missing data. Previously, leaving the complainant field blank was the process by which DSD was named as the complainant.

Table 9.2 illustrates the case status of all complaint cases received in 2005. As shown, 81% of the cases received in 2005 by DSD were also closed in 2005 while 19% (n = 66) of the cases remained open.

TABLE 9.2 END OF YEAR CASE STATUS (DSD 2005)		
CASE STATUS	Frequency	Percent
Closed	282	81%
Open	66	19%
Total	348	100%

Table 9.3 provides the cases status of new complaints received in 2005 by the type of complainant. Both counts and percentages are provided in the table. Only those cases where the complainant was identified through a populated field are included in the table. Thus, even though there were 348 complaints, only 200 are included in the table due to missing data on the complainant type field.

Approximately, 87% of new citizen-initiated complaints were closed in the same year as they were opened. This compares to 88% of employee complaints and 79% of inmate complaints.

As new methods of handling complaints emerge, it is extremely important for those methods to be captured within the database. For example, service complaints—in which a complaint is made against departmental processes—will need to have associated date fields in the database so that timeliness can be measured.

TABLE 9.3 END OF YEAR CASE STATUS BY COMPLAINANT (DSD 2005)			
COMPLAINANT	CASE STATUS		TOTAL COUNT
	Closed	Open	
Citizen	46	7	53
Row %	86.8%	13.2%	100%
Employee	30	4	34
Row %	88.2%	11.8%	100%
Inmate	79	30	109
Row %	72.5%	27.5%	100%
Management	1	0	1
Row %	100%	0%	100%
Other	3	0	3
Row %	100%	0%	100%
TOTAL COUNT	159	41	200

Police Department

The Police Department database, known as CUFFS (Complaint and Use of Force Filing System) was developed in 1994 in Access, and began accepting use of force and complaint data in 1995. Due to data accuracy issues and the fact that the database had exceeded its capacity, CUFFSII was designed in 2004 in Microsoft SQL Server. The benefits of CUFFSII being in SQL Server is that it allows for more efficient storage and retrieval of records which increases the accuracy of the data and makes for more reliable queries. At the time of this report, the database is in transition as new data fields and tables are added to better serve the needs of Internal Affairs and OIM. Access to CUFFSII was granted to OIM on October 18, 2005.

Due to these data conversion processes, we were only able to measure timeliness in certain situations and then only for those cases that were opened and closed after July 27, 2005. The reason for this is that there was no date case closed field in CUFFS (the Access database).

Given these limitations, we provide some descriptive statistics on timeliness for a limited number of complaint cases. The Police Department closed 252 cases, taking, on average, 40.7 days to close each case. Approximately, 10% of the cases took longer than 85 days to close. The median number of days to close the cases was 35.

Table 9.4 provides the descriptive statistics of the number of days to close complaint cases by the type of complainant.

TABLE 9.4 NUMBER OF DAYS TO CLOSE COMPLAINT CASE BY COMPLAINANT TYPE (DPD 2005)				
COMPLAINANT	Mean	Standard Deviation	Median	TOTAL COUNT
Citizen/Internal	37.8	33.5	31	142
Traffic Accidents	33.3	17.3	30	25
Failure to Appear--Court	41	13.5	36	48
Failure to Qualify-Firearms	58	26.5	56	7
Failure to Complete-Education	56.3	33.7	52.5	30
				252

We further breakdown the above analysis in a comparison of citizen versus internal complaint timeliness and provide the results in Table 9.5.

On average, internal complaints took fewer days to close than citizen complaints; however, the difference was not statistically significant. Half of all citizen-initiated complaints were closed in less than 32 days compared to 30 days for internal complaints.

TABLE 9.5 NUMBER OF DAYS TO CLOSE CITIZEN/INTERNAL COMPLAINTS (DPD 2005)				
COMPLAINANT	Mean	Standard Deviation	Median	TOTAL COUNT
Citizen	38.9	34.3	32	128
Internal	27.8	23.2	30	14
				142

In 2005, DPD received 997 new complaints. Table 9.6 provides a description of the types of complaints received and the case status of those complaints by year's end. Over half of the complaints (629) were either citizen or internal complaints. The fewest number of complaints arose from "Shoots," whereby officers fail to show-up to qualify on the range.

TABLE 9.6 END OF YEAR CASE STATUS BY COMPLAINANT (DPD 2005)				
COMPLAINANT	CASE STATUS			TOTAL COUNT
	Closed	Open - Assigned	Open - Unassigned	
Accidents	96	25	1	122
Row %	78.7%	20.5%	0.8%	100%
Failure to Complete-Education	35	9	0	44
Row %	79.5%	20.5%	0.0%	100%
Citizen/Internal	491	133	5	629
Row %	78.1%	21.1%	0.8%	100%
Failure to Attend-Court	146	34	0	180
Row %	81.1%	18.9%	0.0%	100%
Failure to Qualify-Firearms	16	6	0	22
Row %	72.7%	27.3%	0.0%	100%
TOTAL COUNT	784	207	6	997
TOTAL PERCENT	78.6%	20.8%	0.6%	100%

By the end of 2005, 79% of the complaints received during the year had been closed. Complaint cases involving failure to appear in court and failure to complete education had the highest percentage of cases closed during the year, while failure to qualify with firearms complaints had the lowest percentage (73%). Over three-fourths of Citizen/Internal complaints that were received in 2005 were also closed in 2005.

When looking only at citizen or internal complaints (Table 9.7), we see that 82.5% of citizen complaints that were received in 2005 were also closed in 2005. This compared to 61% of internal complaints.

TABLE 9.7 END OF YEAR CASE STATUS BY CITIZEN/INTERNAL COMPLAINTS (DPD 2005)				
<u>COMPLAINANT</u>	<u>CASE STATUS</u>			TOTAL COUNT
	Closed	Open - Assigned	Open - Unassigned	
Citizen	414	84	4	502
Row %	82.5%	16.7%	0.8%	100%
Internal	77	49	1	127
Row %	60.6%	38.6%	0.8%	100%
TOTAL COUNT	491	133	5	629
TOTAL PERCENT	78.1%	21.1%	0.8%	100.0%

New methods of handling complaints are emerging within DPD. To effectively measure timeliness it will be necessary to include new date fields into CUFFSII. Currently, there is no way to measure timeliness for complaints categorized as Service Complaints, Informal Investigations or Declines. This is due to the fact that there is no date case closed field associated with these types of complaints. It will be necessary in 2006 to ensure that a date case closed field is associated with all types of complaints entered into CUFFSII.

As CUFFSII continues to be updated and new date fields associated with the various complaint categories are added, we expect to be able to calculate a full spectrum of timeliness measures for the entire year in 2006.

Timeliness Of IAB Investigations and Findings

Changes in the CUFFS system have made it impossible to evaluate the timeliness of complaints closed before July of 2005. The Monitor's Office was able, however, to identify issues relating to the lack of timeliness for cases that were still open at the year's end.

- 227 Police Department IAB cases were still open as of December 31, 2005. Of those cases, 7 were more than a year old. The oldest case was opened in 2002 and was resolved shortly after the end of the year. (See Case Study Below).
- 72 Sheriff Department IAB cases were still open as of December 31, 2005. Of those cases, 2 cases were more than a year old.

A goal of the OIM program will be to eliminate the one-year anniversary mark in the future for all cases except the most complex and serious or which involve exceptional circumstances.

Denver Sheriff Cases Over One Year Old as of December 31, 2005

- Received April 12, 2003: A Sheriff's Deputy was arrested for driving under the influence of alcohol (involving a traffic collision). **Status:** A jury trial was set for September 4, 2003 and continued on numerous occasions through January 23, 2006. The internal investigation was put on hold until the completion of the criminal prosecution.
- Received September 28, 2004: A Sheriff's Deputy was arrested for driving under the influence of alcohol (involving a traffic collision). **Status:** A jury trial has been set for February 27, 2006. The internal investigation was put on hold until the completion of the criminal prosecution.

Denver Police Department Cases Over One Year Old as of December 31, 2005

- **Received** April 7, 2004: The complainant alleges that he has been the victim of police misconduct for approximately fifteen years. Six officers are named as involved officers. **Status:** Investigation Completed on 8/22/05. Findings received by IAB. Pending notification of complainant.
- **Received** August 23, 2004: Multiple complainants alleged excessive force and unlawful arrest. **Status:** Investigation completed on December 18, 2005. Pending findings. Findings received by IAB. Pending notification of complainant.
- **Initiated** September 13, 2004: An officer was arrested for driving under the influence of alcohol and causing an accident. Investigation involves alleged official misconduct outside the DPD. **Status:** Criminal driving under the influence prosecution filed against DPD officer pending further court action.
- **Received** October 25, 2004: Two complainants alleged that an officer stole money from them at the time of their arrest. **Status:** Investigation completed on September 1, 2005. Findings received by IAB. Pending notification of complainant.
- **Received** November 4, 2004: The complainant alleged that officers called him derogatory names, used excessive force while affecting his arrest and took money from him that was not returned. **Status:** Investigation completed on October 3, 2005. Findings received by IAB. Pending notification of complainant.
- **Received** November 10, 2004: The complainant alleged that officers failed to assist nightclub employees who had been assaulted. **Status:** Investigation completed on January 19, 2005. Case received by Bureau on January 21, 2005, but misplaced. Findings received second week of January 2006. Pending notification of complainant.

Oldest Case Review

Each year, the OIM will identify the oldest pending IAB case and evaluate why that case has languished in the administrative process. This year's oldest case involved a complaint opened on June 19, 2002. The complainant alleged that a Homicide Detective made threatening and abusive phone comments in an attempt to get her to make a videotaped statement. Although the complainant indicated that she did not want to pursue a formal complaint, a formal complaint was taken and forwarded to the Crimes Against Persons Bureau for investigations and findings.

According to IAB personnel, this complaint remained open because the homicide investigation has been ongoing.

After being contacted by the OIM regarding the untimely handling of this complaint, the Criminal Investigation Division Chief reviewed and closed this case as of January 2, 2006 with a finding of “not sustained.”

Timeliness Of Police Department Command Reviews

Table 9.8 provides descriptive statistics of the DPD open cases that were overdue by the department/division. There were 58 total cases that were still open past the case due date in 2005. (Cases are due, per DPD policy, within 30 days of being picked up from internal affairs.)

TABLE 9.8 OPEN CASES BY DAYS OVERDUE AND DEPARTMENT				
DPD DEPARTMENT	Number of Cases Overdue	DAYS CASE OVERDUE		
		Average	Standard Deviation	Median
<u>Criminal Investigation Division</u>				
Crimes Against Persons Bureau	6	326.5	467	139
Criminal Investigation Division	1	91	0	91
Property Crimes Bureau	1	25	0	25
Vice/Drug Control Bureau	9	113.2	121.2	76
TOTAL	17	182	296.7	76
<u>Patrol Division</u>				
District 1	2	32	14.1	32
District 2	7	42.1	27.3	42
District 3	3	84	69.1	88
District 4	6	72.8	84	38.5
District 5	2	37.5	26.2	37.5
District 6	11	55.6	57	54
Gang Bureau	3	154.3	124.6	90
Swat Bureau	2	92	5.7	92
Police Support Bureau	1	116	0	116
TOTAL	37	69.7	63.9	56
<u>Special Operations Division</u>				
Traffic Operations Bureau	1	8	0	8
TOTAL	1	8	0	8
<u>Technical and Support Division</u>				
Communications Bureau	1	117	0	117
Training Bureau	2	6	0	6
TOTAL	3	43	64.1	6

Among the 17 overdue cases in the Criminal Investigation Division, the average number of days these cases were past due was 182. This value is skewed by the fact that one case, in the Crimes against Persons Bureau, was 1,247 days overdue (See oldest case review above.) The Property Crimes Bureau had the best record with only one case overdue by 25 days.

In looking at the Patrol Division, there were 37 cases overdue by an average of 70 days. The Gang Bureau had the highest average days cases were past due at 154. District 1, appeared to have the best record with only two cases overdue by an average of 32 days. The Police Support Bureau had the fewest cases overdue with one however, that one case was overdue by 116 days.

The Special Operations Division had the best record with only one case overdue by 8 days in the Traffic Operations Bureau.

There were three cases overdue in the Technical and Support Division by an average of 43 days. The Training Bureau had two cases overdue by an average of only six days; whereas the Communications Bureau had only one case overdue, however it was past due by 117 days.

We further break down the age of cases by the type of complainant and provide the counts of the number of complaints still open at the end of 2005. Figure 9.1 illustrates the current age of citizen-initiated complaint cases received prior to August 1, 2005. As shown, 25 of these cases were 6—11 months old, which represents 54% of the total cases that were received prior to August 1, 2005 and were still open at years end.

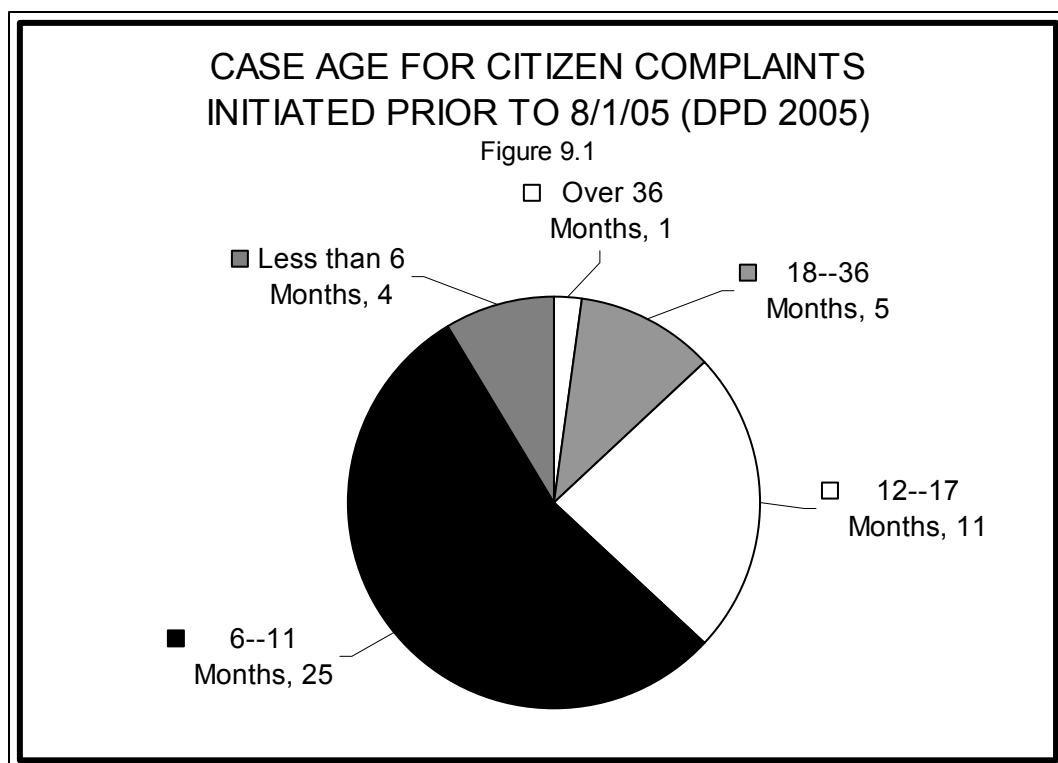


Figure 9.2 provides a picture of the age of internal complaint cases. Similar to citizen-initiated complaints, 53% of internal complaints were 6—11 months old which represents 10 of the 19 cases.

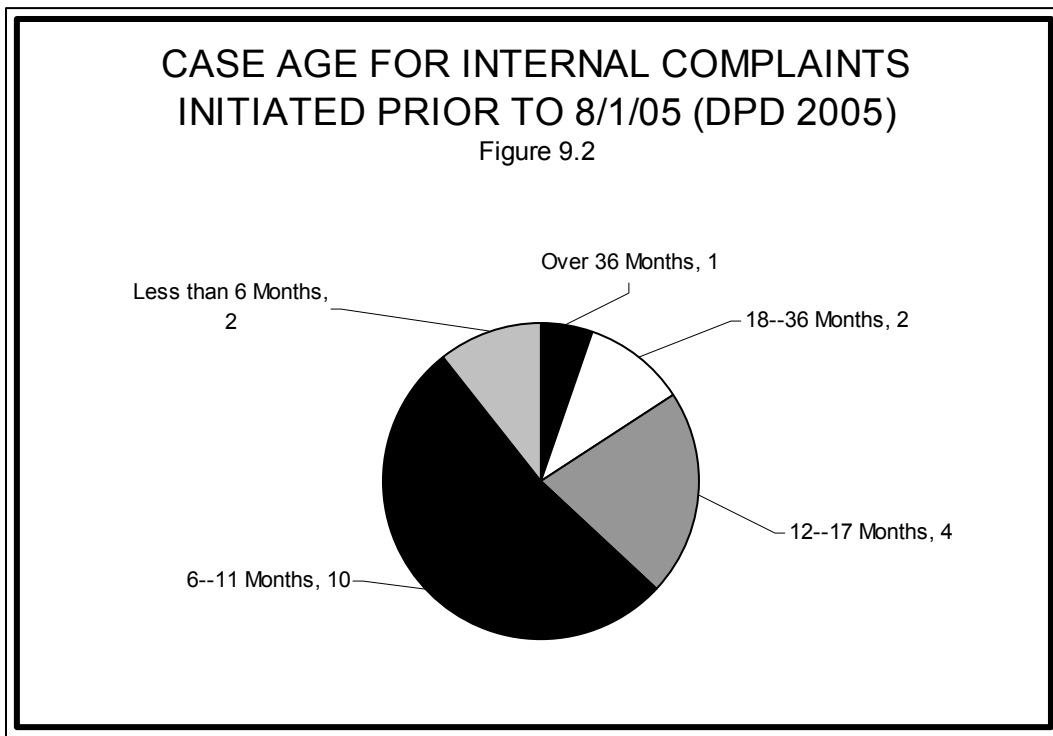
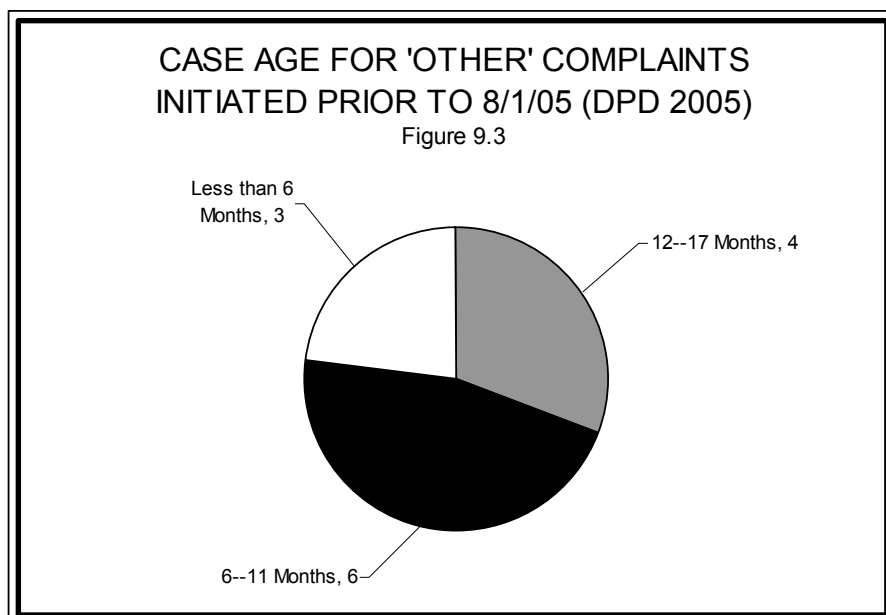
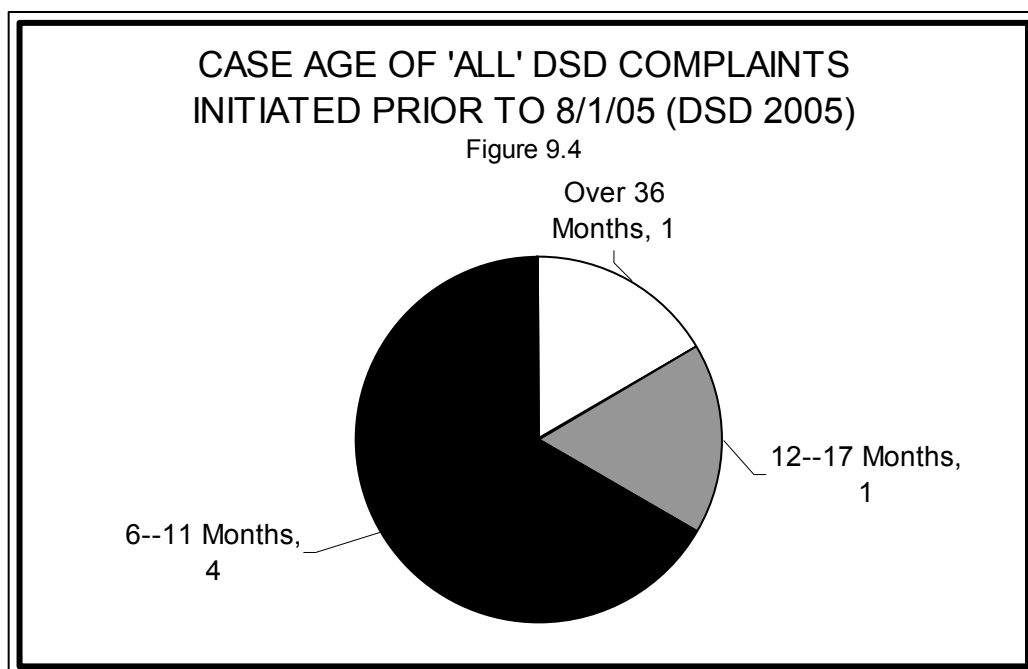


Figure 9.3 represents the case age of ‘other’ complaints received prior to August 1, 2005 (These cases involve failures to qualify (shoots), failures to appear in court, failure to complete continuing education and traffic collisions). Once again, the majority of complaints were 6—11 months old (46%); however, the oldest cases were only 12—17 months old and represented 31% of the cases.



Sheriff Department

The Sheriff Department had only 6 cases that were received prior to August 1, 2005 and were still open at year's end. Due to the small number of cases, we do not make any sub group comparisons based on the type of complainant. Figure 9.4 presents the case age for all 6 cases. As shown, 67% of the cases (4) were 6—11 months old compared to only one case that was 12—17 months old and one case that was over 36 months old. The exact age of the case that was over 36 months old was 989 days.



Finding Solutions to the Untimely Imposition of Discipline

Based on the above information, the Monitor's participation in recent Chief's Hearings and anecdotal information provided by Command Staff and police officer organizations, it is clear that timeliness in the imposition of discipline has been a systemic problem in the Denver Police Department. In many cases, the delay between the time that a complaint is received and disciplinary recommendations have been made has been years instead of months. The Department needs to be able to discipline its employees in a timely fashion. Untimely discipline is unfair to the involved employees, the community members who were potentially harmed by officer misconduct and the Department as a whole.

Two solutions have been identified to speed up the disciplinary process:

- The first has been the creation of a filtering process for citizen complaints, which is expected to reduce the workload at Internal Affairs and speed up the amount of time it takes to complete a formal IAB investigation. The new policies relating to this practice are explained in Chapters 1 and 2. We shall report in next year's report on how well this new process has worked.

- The second solution was proffered by the Chief's Office. With the participation of the Monitor's Office, the Chief of Police authorized the IAB Commander to offer "plea bargains" to officers to ensure finality and timeliness with respect to the imposition of discipline. When offered a plea bargain, an officer is given the opportunity to accept the offered discipline in lieu of going to a DRB, a Chief's Hearing and/or in lieu of an appeal to the Civil Service Commission.

This new tool is being codified in the DPD's new policies regarding the disciplinary process. As a result of this new process, by the end of 2005, there were no open cases pending either a Disciplinary Review Board (DRB) hearing or a Chief's Hearing. The Monitor's Office is particularly appreciative of the fact that the Chief specifically directed that no plea bargain be offered without the knowledge and concurrence of the Monitor. This practice will help avoid this tool from being misused by allowing the OIM's perspectives to be included in the decision-making processes.

The OIM has established timelines goals for not only the completion of an investigation and the making of findings, but for the imposition of discipline as well. The OIM is recommending to the Department that it take all necessary steps to ensure that in all but the most unusual cases, findings on all investigations be made within 30 days from the day that an investigation is received from Internal Affairs, and that all Disciplinary Review Boards and Chief's Hearings be completed within 120 days from the day that a sustained finding is made by the officer's commander.

If the Department will strive for these goals, the days of imposing discipline years after misconduct took place will be over. No stakeholder in the current process is served well by the excessive amount of time it takes to resolve individual cases.

Performance Measures

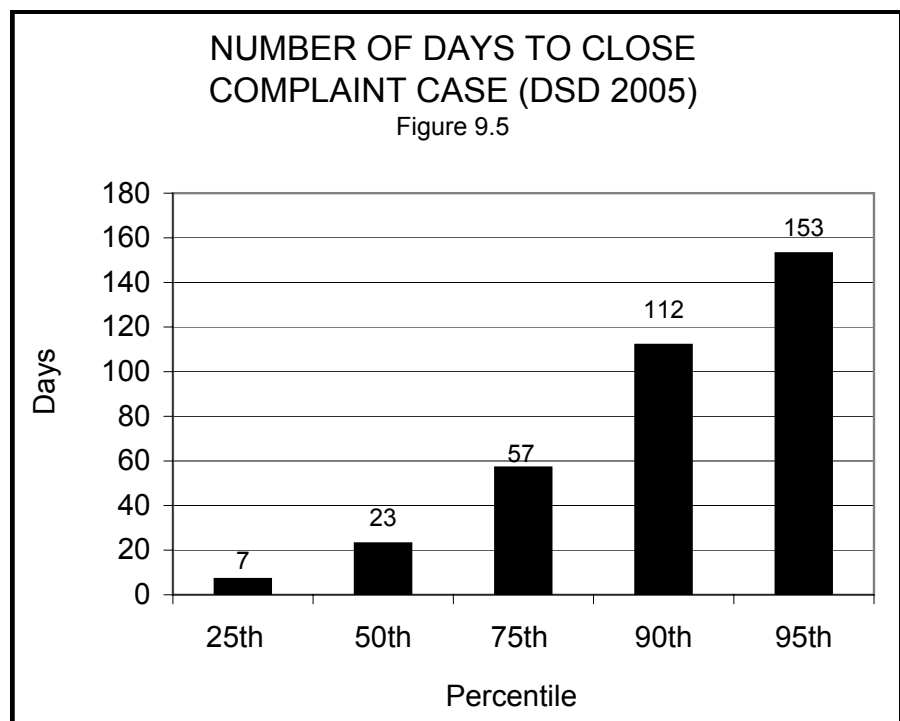
Timeliness of complaint investigations is one of the most critical elements of an effective complaint system. Delays can reduce the quality of investigations, discourage complainants, and frustrate officers with cases pending. Therefore, in an effort to monitor and reduce the amount of time that it takes to resolve citizen complaints, OIM, has established a set of timeliness performance goals for each stage of the complaint process. This section reports on the timeliness of the individual stages of the complaint handling process.

Performance Goal for Closing All Complaints

Sheriff Department

For cases that were closed in 2005 by the Denver Sheriff's Department, 90% of the citizen-initiated complaints were closed within 95 days. The average number of days to close a case was 31.5 days. When considering all complaints which includes those filed by citizens, employees, inmates, and management, the average number of days to close a case was 43.5. As shown in Figure 9.5, 90% of all complaint cases were closed within 112 days of receiving the complaint. It is important to note that case timeliness can only be calculated for cases that are closed within a specified time frame. Thus, only cases that were closed in 2005 by DSD were included in the analysis. As a result, cases that remain open at the end of the year (and carry over to subsequent years) will create variation in timeliness from one year to the next. Therefore, we also include a timeliness measure of complaints that were received in 2005 and were not closed by the end of the year.

In considering those complaints that were received in 2005 and had not been closed by years end, the average number of days a case remained open was 65.5 for all complaints and 61.7 for citizen/inmate complaints.



GOAL 1. Complete 90% of all initiated complaints within 85 days of the complaint being received.

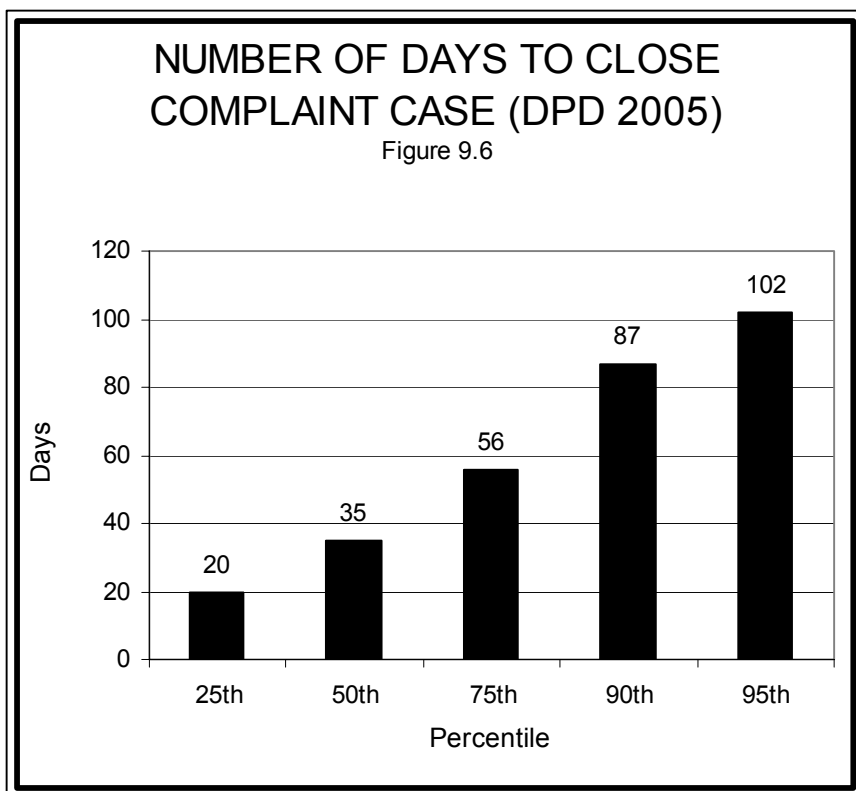
EVALUATION. The number days from the date the case is received by DSD to the date the case is closed.

Police Department

Due to data conversion issues identified in 2005 in DPD's database system (CUFFS II) we are only able to report on timeliness from July 27, 2005 through December 31, 2005. For citizen-initiated complaints that were received after July 27, 2005 and were closed prior to the end of the year, the average number of days to close the case was 29 days. Approximately, 90% of the citizen-initiated complaints were closed within 90 days with an average of 38.9 days per case. When considering all complaints, those filed by citizens and those generated internally by IAB, the average number of days to close a case was 40.7 days with 90% of all complaints closed within 87 days. Once again, these only include cases received after July 27, 2005 and closed prior to December 31, 2005.

When considering cases that were received after July 27, 2005 and were not closed by years end, the average number of days a citizen-initiated complaint remained open in 2005 was 74.8 days. When looking at all complaint cases that were still open at years end, the average case was open 73.5 days.

Of the cases there were received between July 27, 2005 and December 31, 2005, 162 cases were still open at the end of 2005 which represents 36.6% of the cases received during the time period.



GOAL 1. Complete all initiated complaints within 150 days of the complaint being received.

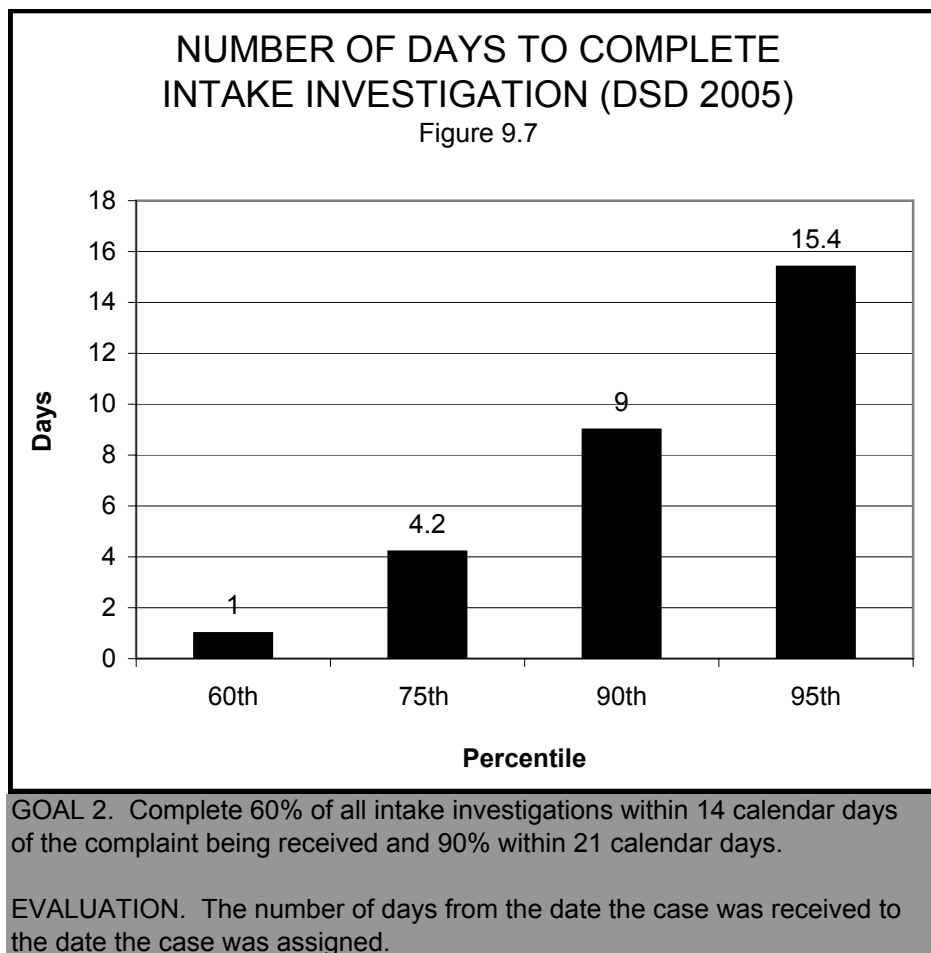
EVALUATION. The number of days from the date the case was received to the date the case was closed.

Performance Goal for Intake Investigation

The measure used to assess the amount of time it takes to complete an intake investigation, comprised the number of days that occurred between the date the case was received and the date the case was assigned. This measure was used for both DSD and DPD.

Sheriff Department

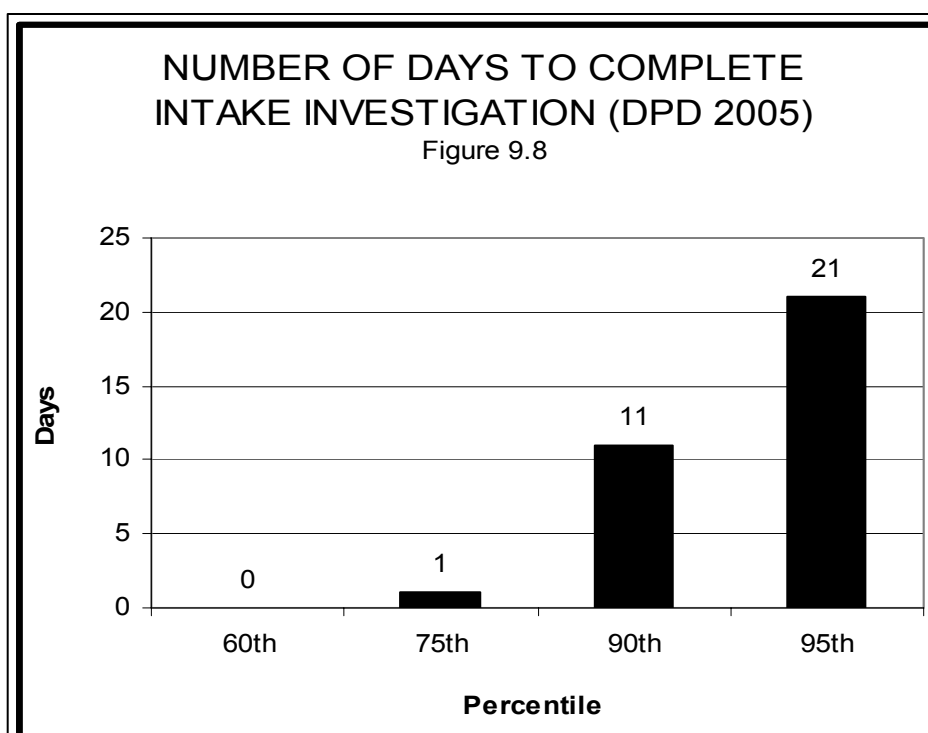
Based on analysis of 2005 complaint data, 75% of the intake investigations for the Sheriff's Department were completed within 4.2 days. Approximately, 5% of the intake investigations took longer than 15 days. It should be noted that while this analysis covered all complaints received in 2005, only 55% of the 348 cases were considered valid due to missing data in the date case assigned field. The results of this analysis are presented in Figure 9.7.



Police Department

Using complaint data received after July 27, 2005, analysis of police department data reveals that intake investigations are completed, on average, within 3.5 days. Approximately 75% of intake investigations were completed within 1 day of receiving the complaint while 5% of the cases took longer than 21 days to complete the intake investigation. This analysis was based on 96% of the 443 cases received after the date noted above. The remaining 4% of the cases were missing data in the date case assigned field and were not included in this analysis. The results are shown in Figure 9.8.

Currently, 60% of the intake investigations are completed the same day that the case is received by DPD.



GOAL 2. Complete 60% of all intake investigations within 14 calendar days of the complaint being received and 90% within 21 calendar days.

EVALUATION. The number of days from the date the case was received to the date the case was assigned.

Performance Goal for Declines

To assess the amount of time it took to decline complaints, a measure of the number of days that occurred between the date the case was received and the date the declination letter was sent out, was implemented. This measure was used for both DSD and DPD.

Sheriff Department

In 2005, of the 348 complaints received, the Sheriff department had not declined any complaints. Current departmental policy requires all complaints to be investigated; however, future goals for complaint handling include the development of declines for certain types of complaints. This future goal is significant due to recent reductions in Sheriff IAB staffing, which will increase individual caseloads and, potentially, decrease IAB's ability to conduct timely investigations.

Police Department

A total of 443 complaints were received by DPD on or after July 27, 2005. Of these complaints, a total of 56 were declined for further investigation. This represents 13% of the total complaints received. DPD Internal Affairs only began declining cases for investigation after the OIM monitoring process was in place. Therefore, it can be expected that the percentage of complaints that will be declined in 2006 will increase.

While, we were able to determine what percent of the complaint cases were declined, we were not able to determine how timely those declines occurred. The reason for this is that certain business rules applicable to CUFFS do not allow for a date case closed field to be populated for declines. We believe this issue will be remedied in a future version of CUFFS to allow for the assessment of this performance goal.

GOAL 3. Complete 75% of all declines within 30 calendar days of receiving the complaint and 95% within 45 days.

EVALUATION. The number of days from the date the case was received to the date the declination letter is sent out.

Performance Goals for Informal Investigations / Service Complaints

Sheriff Department

Of the 348 complaints received by the Sheriff's Department, 15 cases were categorized as service complaints. As of the end of the year, eight of these complaints were still open. For the seven service complaints that were received and closed by the end of 2005, the average amount of time it took to close the case was 15.9 days. Eighty-six percent of the service complaints were closed within 18 days, while one complaint took 55 days to close. The service complaint option was created only after the OIM monitoring program was in place. Therefore, it can be expected that the use of service complaints by the DSD will increase in 2006 as a percentage of the total complaints.

Police Department

Approximately 4 complaint cases were treated as service complaints out of a total of 443 cases received on or after July 27, 2005. This represents .9% of the total complaint cases received. Similar to the issue with declines, we were not able to determine how long it took to resolve a service complaint because the data case closed field does not get populated. In 2005, the use of service complaints and informal handling of minor complaints was only preliminary. Therefore, in 2006, the use of these tools can be expected to increase significantly.

Even though the restrictions noted above prevent us from assessing the timeliness of these cases, we expect that date fields will be added and populated in the future that allow for the measure of timeliness for case handling. Thus, the performance goal for service complaints for both DSD and DPD include:

GOAL 4. Complete 75% of all service complaints within 30 calendar days from receiving the complaint and 100% within 45 days.

EVALUATION. The number of days from the date the case is received to the date the service complaint is completed by the district supervisor.

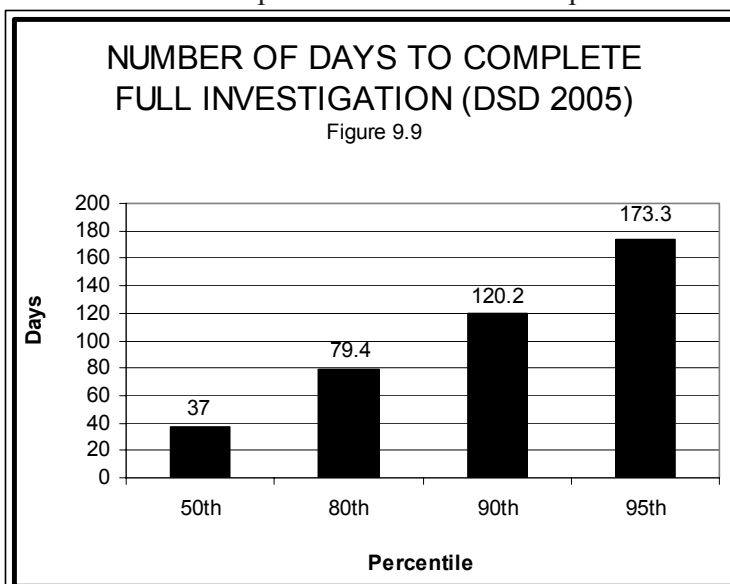
Performance Goal for Completion of Full Investigations

Sheriff Department

To determine the timeliness of full investigations, the average time was calculated by subtracting the date the case was received from the date of the IAB command staff review for each case, then dividing by the number of cases. Of the 348 complaints received by the Sheriff's Department, 118 full investigations were reviewed by the IAB command staff. Although all complaint cases get investigated, not all cases have traditionally been reviewed by the command staff. Some cases were closed by the investigator and other cases were still open at the time of this report.

Thus, our analysis of timeliness only includes those cases that were reviewed by the command staff and were either closed or pending discipline, which represents 34% of the total complaints.

Given these parameters, it took, on average, 49.7 days to complete the investigation. Percentile ranks for investigation of timeliness are provided in Figure 9.9. Currently, 80% of full investigations are completed within 79 days from the day the case was received. Approximately, 5% of the cases took longer than 173 days to complete the investigation.



GOAL 5. Complete 80% of full investigations within 105 calendar days from the date the case was received and 95% within 150 calendar days.

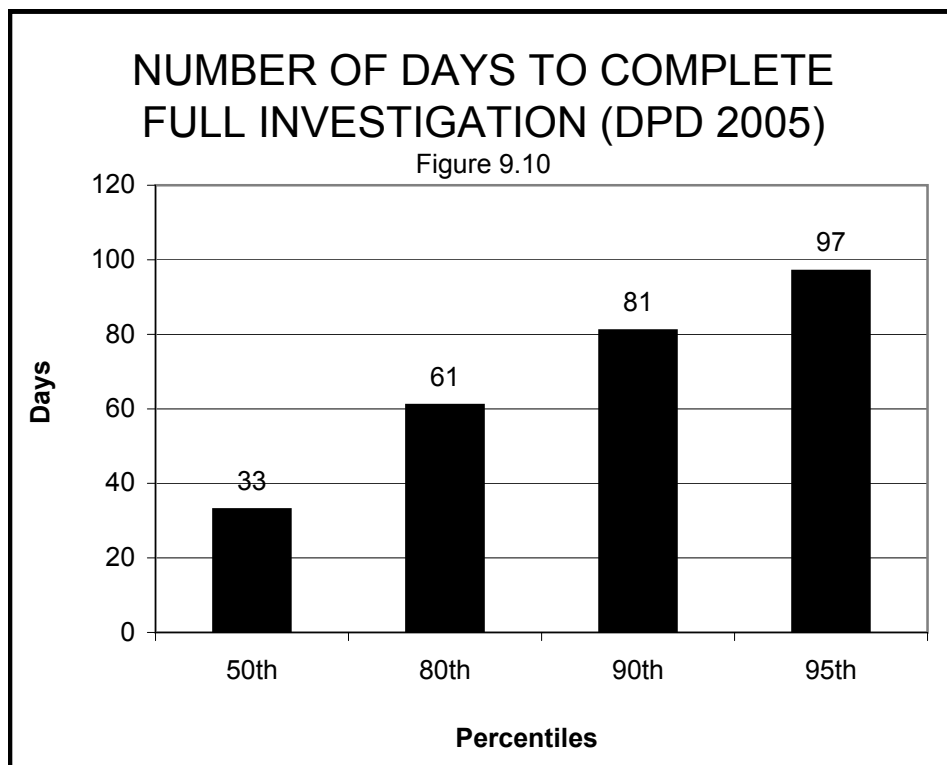
EVALUATION. The number of days from the date the case was received to the date the investigation was completed.

Police Department

There were 196 complaint cases received by DPD on or after July 27, 2005 that were screened for full investigations. Of these cases, a total of 138 full investigations were completed by year's end. For these cases, the average time it took to complete the investigation was 37.6 days. In comparing the amount of time to complete investigations between formal and informal cases, we find that formal investigations took, on average, 33.5 days to complete compared to 40.3 days for informal investigations. The difference was not statistically significant.

As shown in Figure 9.10, 80% of the investigations were completed within 61 days of the receiving the case. Only 5% of the cases took longer than 91 days. Caution is warranted in these cases, however, because this only includes cases that were received on or after July 27, 2005. In addition, this only includes cases where the investigation was completed by year's end.

To include those cases that were still open as of 12/31/05 requires the use of a separate analysis. Using 12/31/05 as the cut-off date, the average days a case remained open without having the investigation completed was 58.8 days.



GOAL 5. Complete 80% of full investigations within 105 calendar days from the date the case was received and 95% within 150 calendar days.

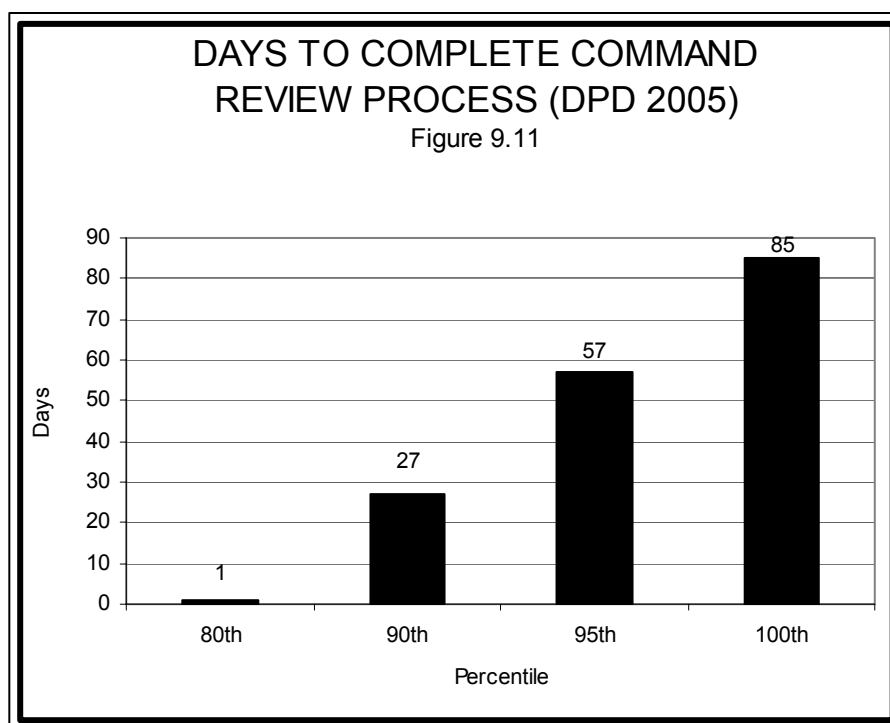
EVALUATION. The number of days from the date the case was received to the date the investigation was completed.

Performance Goal for Command Review Process

Police Department

Of the 138 complaint cases received by the Denver Police Department in which a full investigation was completed by year end 2005, approximately 118 (86%) had completed command reviews. The average time it took for the command review to be completed for these cases was 5.7 days.

The percentile ranks for command reviews are provided in Figure 9.11. As shown, 90% of the reviews were completed within 27 days while 5% of the reviews took more than 57 days to complete. All of the reviews (100%) that were completed in 2005 were done so within 85 days.



GOAL 6. Complete 100% of all Command Reviews within 30 days from the case being received from internal affairs.

EVALUATION. Number of days from the date the IAB investigation was completed to the date the case was sent back from the Division Chief.

Performance Goal for Disciplinary Review Boards and Chief's Hearings

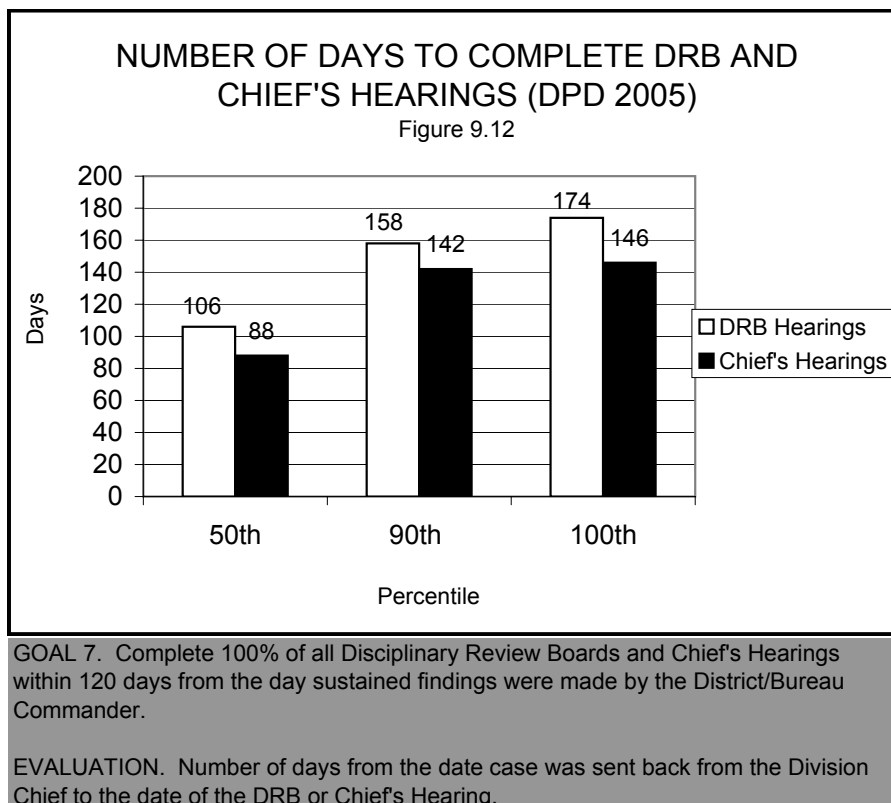
Police Department

In 2005, there were a total of 16 Disciplinary Review Board (DRB) hearings and 12 Chief's hearings completed. Although, some of the hearings involved multiple officers and multiple allegations, each hearing was uniquely identified as a single hearing based on a single case number.

The average number of days to complete a DRB hearing was 95 days and for the Chief's hearings it was 88 days. Averages were computed by taken the number of days that occurred between the date the case was sent back by the Division Chief to the date of the DRB hearing and the date of the DRB hearing to the date of the Chief's hearing.

Part of the delay in conducting Chief's Hearings was attributable to the amount of time it took for Internal Affairs (in consultation with the City Attorney's Office) to prepare a pre-disciplinary letter, which must be sent to the involved officer before a Chief's Hearing can be conducted.

Figure 9.12 shows the percentile ranks for the number of days to complete both hearings. Although, half of the DRB hearings were completed within 100 days, it took 174 days to complete 100% of the 16 hearings. Similarly, 50% of the Chief's hearings were completed within 88 days; however, it took 148 days to complete all of the Chiefs hearings for the 12 cases that were heard in 2005.



Data Quality Issues

Both the Sheriff and Police Departments made significant changes to their database systems in 2005. Each department moved from an Access database to an SQL Server System. Due to these changes, the validity of some data fields is questionable. In some instances data fields were found to be blank and dates were inaccurate. Although some of these issues are the result of changes in the database systems, others are the result of departmental recording practices. For example, it was a typical practice for the Sheriff's Department to leave the complainant field blank when the complainant was management. This creates a problem in terms of data accuracy in that we do not know for sure if a blank field means that the complainant was DSD or if the complainant was truly "unknown". OIM worked with DSD to create an additional attribute for the complainant field that included "DSD Management".

The Police Department had no way of measuring timeliness through the old CUFFS database as there was no field that identified the date the case was closed. In assessing timeliness in 2005, there were several instances in which over 100 cases were closed on a single date. This is the result of a date case closed field being added to the CUFFSII database at the request of the Monitor. Cases that had previously been closed were simply entered into the new database using an arbitrary close date. In fact, 169 cases were closed on July 26, 2005.

A second data quality issue concerns having the date case closed field populated for all cases. In 2005, new complaint categories were being used by DPD that included declines and service complaints. The database would automatically close these cases; however, due to certain computer business rules, the date case closed field could not be populated. It is extremely important, in regard to timeliness, to have this field populated for all complaints in the upcoming year and the OIM will work with DPD to ensure that this is done.

The Sheriff's database underwent a data conversion process from an Access database to an SQL server in June 2005. Access to the Sheriff's database was obtained on September 26, 2005. The SQL database is used to store complaint data in a variety of tables. There is a Main Complaint table that includes such data fields as case number, date received, and date case closed. There are several other tables that include information on employees, complainants, findings, and discipline. The tables are linked to the main table through direct and indirect relationships.

In regard to timeliness, there appears to be sufficient date fields that will enable OIM to measure resolution time of complaint cases. A main concern with data housed in this database is the frequent occurrence of blank fields. This is likely the result of the data conversion process.

As the database systems for both DSD and DPD continue to evolve, OIM will continue to work with both departments to suggest changes in the database systems that will enable OIM to track cases more systematically in relation to completeness and timeliness.



DENVER
THE MILE HIGH CITY

CHAPTER 10

SATISFACTION SURVEYS

Complainant and Officer Satisfaction Surveys

Citizen and Officer Satisfaction Surveys

In 2005, OIM conducted satisfaction surveys with community members who filed complaints against the Denver Police Department, and surveys of Denver Police Officers. The primary goal of the surveys was to determine what effects the implementation of OIM would have on citizen and officer satisfaction levels with the complaint handling process. The research project involved two waves of data collection. Wave 1, known as the baseline survey, was distributed to complainants and officers in November 2005. Wave 2, known as the follow-up survey, will be distributed in November 2006. The purpose of this wave is to assess changes in satisfaction levels from the baseline survey.

Survey Instruments

The survey instruments were developed in a cooperative effort between staff of the OIM and Ohio University Professor Joseph DeAngelis. The questions in the survey were designed to measure the following general concepts:

- Complainant and officer satisfaction with the complaint *process*
- Complainant and officer satisfaction with complaint *outcomes*
- Variation in satisfaction by demographic characteristics including age, race/ethnicity, gender, and education-level.

The survey instruments for both complainants and police officers had a mix of closed and open-ended questions designed to measure the following specific core concepts:

- Satisfaction with the fairness, thoroughness, and efficiency of the complaint process;
- Perceptions regarding the professionalism and objectivity of the internal affairs and police monitor staff;
- Satisfaction with the fairness of complaint outcomes;
- Satisfaction with the overall job with the job the City is doing in responding to misconduct;
- Details about the complaint allegations;
- Complainant goals for the complaint process;
- Details about the survey respondents (such as the number of complaints in which they have been involved and demographic information); and,
- Ideas for improving the complaint process.

Both the complainant and police surveys also included questions tailored to the specific respondent groups (e.g., complainant or police officer). For example, surveys sent to complainants included such questions as: “How did you hear about the complaint process?” “How easy was it to file your complaint?” And, “Did you experience any obstacles in filing your complaint?”

Surveys sent to police officers included specific questions such as: “How satisfied are you with your job?” “How satisfied are you with police management?” And, “How well were you kept apprised of the status of the complaint?”

Samples

The research project involved two samples of respondents—complainants and police officers. The complainant sample was selected based on the criteria that only those community members who had filed a complaint within two years prior to the implementation of the OIM (7-1-2003 through 7-1-2005). This resulted in a sample of 1,136 complainants. The sample was selected based on a query of the DPD's CUFFS II database. This query produced the following information: Name, Address, Date Complaint was Received, and Case Number.

Respondents for the police officer sample were selected based on their employment status with the Denver Police Department. A list of current officers was provided by the Police Department and from that list all currently employed sworn personnel were selected into the sample, including police officer recruits. The resulting sample consisted of 1,475 officers.

Procedures

All complainant surveys were placed into mailing envelopes along with survey instructions and a business reply envelope and mailed to the complainant's home address. Police officers and recruits received the survey, instructions, and reply envelopes via their precinct mailboxes. Both the complainant and police officer surveys were designed to be self-administered; completed on their own and returned to Arizona State University using the business reply envelope. All responses, complainants and officers, were anonymous—survey responses can not be identified with a given respondent.

Analysis

The types of statistical procedures used to analyze the survey data included a combination of univariate and bivariate statistics. Univariate statistics analyze each variable separately to identify patterns in the responses. The patterns reported here consist primarily of measures of central tendency—mean (average), median, and mode, as well as, measures of dispersion—range and standard deviation.

Bivariate statistics analyze the joint distribution of two variables simultaneously. Specifically, the analysis involves determining the relationship between two variables, or how one variable affects or influences another variable. In this study, we examined the effects of gender, age, race, and education level on a variety of measures of complainant and officer satisfaction. Standard statistical procedures used to make these comparisons include t-tests, analysis of variance, and contingency table analysis. In cases where “statistical effects” are found, results are reported as statistically significant. This means that there is less than a 5% chance that the effect is due to sampling error.

The results of the survey will be made public by the OIM upon receipt of the analysis from Ohio University.

Copies of the survey instruments can be found in Appendix C.



DENVER

THE MILE HIGH CITY

Denver Police and Sheriff Departments

Police Headquarters- 1331 Cherokee St.
District 1 Station- 1311 W. 46th Ave.
District 2 Station- 3921 N. Holly St.
District 3 Station- 1625 S. University Blvd.
District 4 Station- 2100 S. Clay St
District 5 Station- 4685 Peoria St.
District 6 Station- 1566 Washington St.
City Jail- (PADF) - 1351 Cherokee St.
County Jail- 10500 E. Smith Road

Courts, City & County Building, 1437 Bannock St.

Court Services Division, Rm. 405
Civil Division in Rm. 507
District Court- Criminal, Civil & Domestic Rm. 256
Denver Municipal Court- Criminal Division, Rm. 111
Denver Municipal Court- Traffic Division, Rm. 109
Denver Municipal Court- General Sessions Rm. 140

Other sites:

Safe City Kids Office- 303 W. Colfax Ave., 10th Floor
Gilliam Youth Service Center- 2844 Downing St.
Correctional Connections, 2nd Judicial District Juvenile
Intake - 2844 Downing St.
Juvenile Court- 2490 W. 26th Ave., Suite 300-A

APPENDIX A

COMPLAINT/COMMENDATION FORM DISTRIBUTION SITES

Mayor and City Council Offices

Mayor's Office- City & County Bldg,
1437 Bannock St., , Rm. 350

City Council Office
City and County Building, Rm. 451

City Councilman Rick Garcia-
2785 Speer Blvd., Suite 246

City Councilwoman Jeanne Faatz
3100 S. Sheridan Blvd., Unit D

City Councilwoman Rosemary Rodriguez
69 Knox Ct

City Councilwoman Peggy Lehmann
6740 E. Hampden Ave., Suite 302 C

City Councilwoman Marcia Johnson
6740 E. Colfax Ave.

City Councilman Charlie Brown
2324 E. Exposition Ave.

City Councilwoman Elbra Wedgeworth
3280 Downing St., Unit C

City Councilwoman Judy Montero
2828 Speer Blvd., Suite 111

City Councilwoman Jeanne Robb
1232 E. Colfax Ave.

City Councilman Michael Hancock
4730 Oakland St., Suite 2000



D E N V E R
THE MILE HIGH CITY

APPENDIX B

2005 BUDGET

OFFICE OF THE INDEPENDENT MONITOR 2005 BUDGET

PERSONNEL COSTS	\$	256,489
INTERNAL COSTS	\$	130,491
EXTERNAL COSTS	\$	13,020
TOTAL EXPENDITURES	\$	400,000



DENVER
THE MILE HIGH CITY

APPENDIX C

CITIZEN AND POLICE OFFICER SATISFACTION SURVEYS

2005 DENVER POLICE OFFICER SATISFACTION SURVEY

In this survey we are concerned with understanding what officers of the Denver Police Department think about the citizen complaint process. In particular, we are concerned with getting officers' input on the quality of Denver's complaint handling system PRIOR to the implementation of the Office of the Independent Monitor. Your participation in this survey is VOLUNTARY and responses will be completely ANONYMOUS. Please do not write your name or any other identifying information on this form. For each question, please check the box that best fits your opinion. After you complete the survey, please return it to us in the enclosed business reply envelope. **Thank you for your help!**

Section A. One of the responsibilities assigned to Internal Affairs and the Office of the Independent Monitor is the job of telling officers and the community about the complaint process. The following will assist us in learning about useful outreach opportunities.

Q1. How well do you feel you understand the citizen complaint process?	Very Well	Well	Neutral	Poorly	Very Poorly	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Q2. How did you learn about the police complaint process?	<input type="checkbox"/> --Academy Training <input type="checkbox"/> --Roll Call Presentation <input type="checkbox"/> --Public Safety Rev. Comm. <input type="checkbox"/> --Supervisors			<input type="checkbox"/> --Union <input type="checkbox"/> --Other Officers <input type="checkbox"/> --Had Complaint Filed Against Me <input type="checkbox"/> --Other: _____		
Q3. To the best of your knowledge, what percentage of citizen complaints are dismissed?	Less than 10%	10—20%	21—30%	31—40%	More than 40%	Don't Know
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. To the best of your knowledge, what percentage of citizen complaints are sustained?	Less than 10%	10—20%	21—30%	31—40%	More than 40%	Don't Know
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. How would you rank your overall morale?	Very Low	Low	Average	High	Very High	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Q6. If employed for more than two years, has your morale increased or decreased over the past two years?	Increased	Decreased	Stayed the Same	Employed Less Than Two Years		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Section B. In this section we would like to ask you how you feel about Internal Affairs. Please mark your level of agreement with each of the following statements.

	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q1. Internal Affairs is biased in favor of the citizen.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. Internal Affairs carefully weighs the information given by officers before issuing a finding on a complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. The actions of Internal Affairs negatively affects the morale of police officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. Internal Affairs is biased against certain officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. Internal Affairs investigates all complaints thoroughly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. Internal Affairs Investigates complaints efficiently.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B. (continued)						
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q7. Internal Affairs investigates all complaints in an unbiased manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. Internal Affairs does a better job of investigating complaints than do citizens (such as the PSRC).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. Internal Affairs spends too much time on frivolous complaints.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section C. In this section, we would like to ask you how you feel about Denver's police oversight mechanisms. Please mark your level of agreement with each of the following statements.						
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q1. Citizens can competently review police complaints.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. The Public Safety Review Commission (PSRC) was biased in favor of citizens.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. The PSRC carefully weighed information given by officers before making decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. The PSRC was more fair than the police command in complaint dispositions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. The presence of the PSRC affected how I acted towards citizens.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. Administration of the complaint process has improved in recent years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. The new Office of the Independent Monitor will be biased in favor of citizens.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. Citizen oversight improves the quality of Internal Affairs investigations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. The Office of the Independent Monitor will improve the complaint process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q10. The Office of the Independent Monitor will do a good job of monitoring Internal Affairs investigations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section D. In this section, we would like to ask you how you feel about the complaint process in general. Please mark your level of agreement with each of the following statements.						
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q1. The complaint process is biased in favor of citizens.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. Most citizen complaints against officers are frivolous.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. The investigation of citizen complaints helps improve how the police department is run.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section D. (continued)

	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q4. You should accept the decisions made by command staff, even if you think they are wrong.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. Officers' basic rights are well protected within the complaint process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. Police command staff usually make fair disciplinary decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. Police command staff carefully consider information given by officers before making a decision on a complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section E. In this section, we would like to ask you some questions about your job. Please mark your level of agreement with each of the following statements.

	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q1. I am very involved in my work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. The majority of the public respects police officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. Citizens are generally cooperative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. The command staff supports line officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. The City of Denver supports police officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. The citizens of Denver support police officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. I feel burned out from my work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. I don't feel the public trusts me as a police officer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. All in all, I am satisfied with my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q10. I have the support of my fellow officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q11. I have become more callous since I took this job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q12. The news media is biased against police officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q13. Doing my job well gives me a good feeling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q14. The public does not understand what police officers have to put up with.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section F. In this section, we would like to ask you about your experience with citizen complaints.

Q1. Have you been the subject of a citizen complaint within the last three years?

Yes	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(If Yes, please continue with Q2. If No, please skip to Q1 in Section J)

Q2. If yes, how many complaints have been filed against you in the last three years?

1	2	3	4	5	More than 5	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(If more than 1 complaint has been filed against you, please answer the remaining questions using the most recent complaint)

Q3. What type of complaint was filed against you?

Excessive Force	Discrimination	Rude Behavior	Police Procedure	Other: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Q4. What was the outcome on that complaint?

Sustained	Not Sustained	Mediated	Dismissed	Other: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Q5. How were you informed about the complaint (check all that apply)?

Letter	Phone Call	Email	In Person	Other: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Q6. Who informed you of the complaint?

Supervisor	District Commander	Internal Affairs	Other Officers	Other: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Section G. In this section, we would like to ask you about your satisfaction with the Internal Affairs investigation.

How satisfied were you :

Very Dissatisfied	Dissatisfied	Neither Sat. Nor Dissat.	Satisfied	Very Satisfied	Don't Know/ NA
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Q1. With the objectivity of the complaint investigator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. That you were treated politely by the staff of Internal Affairs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. With how well the investigator listened to your description of what happened?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. With how fair the investigator's questions were?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. That the investigator was unbiased?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. That you were interviewed soon enough after the complaint was filed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. That the investigator treated you with respect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. That you were promptly notified of the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. That the complaint process was clearly explained to you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q10. That you were kept informed of the progress of the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q11. That you were told about what happened as a result of the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Survey continues on the next page.....

Section H. In this section we would like to ask you about your overall satisfaction with the citizen complaint process.

How satisfied were you :	Very Dissatisfied	Dissatisfied	Neither Sat. Nor Dissat.	Satisfied	Very Satisfied	Don't Know/ NA
Q1. That the Denver Police Department considered your views before making a decision on the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. That enough information was gathered before a decision was made on your complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. That you were treated fairly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. That the decision on the complaint was made in a reasonable amount of time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. That you received the outcome you deserved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. That Denver is serious about investigating officer misconduct?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. With the complaint process in general?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. That you had the opportunity to appeal the decision?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section I. Since this survey is anonymous, we would like to ask you some background questions.

Q1. What is your age?	18-24 <input type="checkbox"/>	25-34 <input type="checkbox"/>	35-44 <input type="checkbox"/>	45-54 <input type="checkbox"/>	55-64 <input type="checkbox"/>	65 or Over <input type="checkbox"/>	
Q2. What is your race/ethnicity (check all that apply)?	African American <input type="checkbox"/>	Hispanic/Latino <input type="checkbox"/>	White/Caucasian <input type="checkbox"/>	Native American <input type="checkbox"/>	Pacific Islander <input type="checkbox"/>	Other <input type="checkbox"/>	
Q3. What is your gender?	Male <input type="checkbox"/>	Female <input type="checkbox"/>					
Q4. What is the highest level of education that you have completed?	Some High School <input type="checkbox"/>	High School Graduate <input type="checkbox"/>	Some College <input type="checkbox"/>	College Graduate <input type="checkbox"/>	Advanced Degree <input type="checkbox"/>	Other <input type="checkbox"/>	
Q5. How long have you worked for the Denver Police Department?	Less than 1 year <input type="checkbox"/>	1—3 years <input type="checkbox"/>	3—5 years <input type="checkbox"/>	5—10 years <input type="checkbox"/>	10—15 years <input type="checkbox"/>	More than 15 years <input type="checkbox"/>	
Q6. What is your rank?	Officer <input type="checkbox"/>	Corporal/Technician <input type="checkbox"/>	Sergeant <input type="checkbox"/>	Lieutenant <input type="checkbox"/>	Captain or Higher <input type="checkbox"/>	Reserve Officer <input type="checkbox"/>	Other: _____ _____
Q7. What district are you currently assigned to?	Dist. 1 <input type="checkbox"/>	Dist. 2 <input type="checkbox"/>	Dist. 3 <input type="checkbox"/>	Dist. 4 <input type="checkbox"/>	Dist. 5 <input type="checkbox"/>	Dist. 6 <input type="checkbox"/>	Other: _____ _____

Survey continues on the next page.....

Section J. In this final section, we would like to give you the opportunity to explain, in greater detail, your perceptions of the complaint process.

Q1. Overall, what were the strengths of the complaint process?

Q2. Overall, what were the weaknesses of the complaint process?

Q3. How will the replacement of the Public Safety Review Commission with the Office of the Independent Monitor change the complaint process?

End of Survey

**Please place the survey form in the return envelope and place it in the mail. The postage is already paid.
That you very much!**

If you have questions or concerns about this survey, please contact

Joseph De Angelis, Ph.D.
Ohio University
Department of Sociology and Anthropology
Phone: (740) 593-1371
Email: deangelis@ohio.edu

If you have any questions regarding your rights as a research participant, please contact:

Jo Ellen Sherow
Director of Research Compliance
Ohio University
Phone: (740) 593-0664

2005 DENVER COMMUNITY SATISFACTION SURVEY

The person who fills out this questionnaire should be at least 18 years old and the person who filed the complaint. If you filed more than one complaint against the Denver Police Department, please answer the questions using the **LAST** complaint you filed. Your participation in this survey is **VOLUNTARY**. Your responses to this survey will be completely **ANONYMOUS**. Please do not write your name or other identifying information on the survey. For each question, please check the box that best fits your opinion. After you complete the survey, please mail it back to us using the enclosed business reply envelope. The postage has been paid. **Thank you for your help!**

Section A. One of the responsibilities assigned to the Office of the Independent Monitor is the job of telling the community about the complaint process. The following will assist us in learning about useful outreach opportunities.

Q1. How well do you feel you understand the citizen complaint process?

Very Well	Well	Neutral	Poorly	Very Poorly
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2. How did you learn about the police complaint process?

<input type="checkbox"/> --Police Officer <input type="checkbox"/> --Called Denver Police Department <input type="checkbox"/> --Police Website <input type="checkbox"/> --Called Public Safety Review Commission	<input type="checkbox"/> --Public Safety Review Com. Website <input type="checkbox"/> --Friend Told Me <input type="checkbox"/> --Newspaper <input type="checkbox"/> --Other: _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Q3. How easy was it for you to file your complaint?

Very Easy	Easy	Neither Easy Nor Hard	Hard	Very Hard	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4. If you encountered any difficulty filing your complaint, please explain briefly: _____

Q5. Did any member of the Denver Police department seek to discourage you from filing your complaint?

Yes	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q6. If yes, please explain briefly: _____

Q7. To the best of your knowledge, are ALL citizen complaints kept in an officer's personnel file?

Yes	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q8. To the best of your knowledge, approximately what percentage of citizen complaints are dismissed?

Less than 10%	10—20%	21—30%	31—40%	More than 40%	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q9. Approximately, what percentage of citizen complaints are sustained?

Less than 10%	10—20%	21—30%	31—40%	More than 40%	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B. In this section we would like to ask about your satisfaction with the Internal Affairs staff and investigators.

How satisfied were you :	Very Dissatisfied	Dissatisfied	Neither Sat. Nor Dissat.	Satisfied	Very Satisfied	Don't Know/ NA
Q1. with the objectivity of the complaint investigator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. that the Internal Affairs staff were polite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. with how well the investigator listened to your description of what happened?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. with the fairness of the investigator's questions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Survey continues on the next page.....

Section B (continued)

How satisfied were you :	Very Dissatisfied	Dissatisfied	Neither Sat. Nor Dissat.	Satisfied	Very Satisfied	Don't Know/ NA
Q6. that you were interviewed soon enough after filing the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. that the investigator treated you with respect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section C. In this section we would like to ask you about your satisfaction with the information you received about your complaint.

How satisfied were you :	Very Dissatisfied	Dissatisfied	Neither Sat. Nor Dissat.	Satisfied	Very Satisfied	Don't Know/ NA
Q1. that the complaint process was clearly explained to you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. that Internal Affairs explained how long it would take to investigate your complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. that you were kept informed about what was happening with your complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. with the letters you received?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. that Internal Affairs gave clear explanations about how officers are supposed to act in incidents like yours?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. that you were informed about what happened as a result of your complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section D. In this section, we would like to ask you about your satisfaction with what happened with your complaint.

How satisfied were you :	Very Dissatisfied	Dissatisfied	Neither Sat. Nor Dissat.	Satisfied	Very Satisfied	Don't Know/ NA
Q1. that your complaint was handled quickly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. that the right decision was made on your complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. that the Denver Police Dept. considered your views before making a decision on the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. that enough information was gathered before a decision was made on your complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. that you were treated fairly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. that the police dept. does a good job of investigating complaints?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. with the outcome you received?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. that Denver is serious about investigating police misconduct?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. with the complaint process in general?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Survey continues on the next page.....

Section E. In this section, we would like to ask you about the details of your complaint.

Q1. What was your complaint about?	Excessive Force <input type="checkbox"/>	Discrimination <input type="checkbox"/>	Rude Behavior <input type="checkbox"/>	Police Procedure <input type="checkbox"/>	Other: _____ _____	
Q2. In considering the final outcome of your complaint, was your complaint:	Sustained <input type="checkbox"/>	Not Sustained <input type="checkbox"/>	Mediated <input type="checkbox"/>	Dismissed <input type="checkbox"/>	Other <input type="checkbox"/>	Don't Know <input type="checkbox"/>
Q3. Did you receive written notification explaining what happened as a result of your complaint?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>			
Q4. What do you think should have happened as a result of your complaint?	<input type="checkbox"/> --Officer Sent to Jail <input type="checkbox"/> --Officer Fired <input type="checkbox"/> --Officer Suspended <input type="checkbox"/> --Officer Reprimanded			<input type="checkbox"/> --Officer Counseled <input type="checkbox"/> --Had a Supervisor Talk With Me <input type="checkbox"/> --Explain my Complaint to the Officer <input type="checkbox"/> --Change Police Policy		
Q5. If you would have liked a different outcome on your complaint, please explain:	_____ _____ _____					
Q6. How many complaints have you previously filed against Denver Police Officers?	None <input type="checkbox"/>	One <input type="checkbox"/>	Two <input type="checkbox"/>	Three or more <input type="checkbox"/>	Don't know <input type="checkbox"/>	

Section F. In this section, we would like to ask about how you feel about Denver's police oversight mechanisms.

Q1. Were you contacted by the Public Safety Review Commission (PSRC) about your right to appeal the finding on your complaint?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>			
(If Yes, please continue with Q2)						
(If No, please skip to Q3)						
Q2. Did you appeal the finding?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>			
The City of Denver recently replaced the PRSC with the Office of Independent Monitor.						
Q3. Have you heard of the Office of the Independent Monitor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>			
For your information, the new Office of the Independent Monitor will be responsible for monitoring the Denver Police Department's investigations into citizen complaints. Please mark your level of agreement with each of the following statements.						
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q4. It is important to have independent citizens monitor the complaint process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. Citizen oversight of the police improves Internal Affairs investigations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Survey continues on the next page.....

Section F. (continued)	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q6. Citizens should investigate complaints instead of the police.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. The Public Safety Review Commission was biased in favor of officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8. The Public Safety Review Commission did a good job of monitoring police investigations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. The complaint process improved in recent years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q10. The Office of the Independent Monitor will be biased in favor of police officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q11. The Office of the Independent Monitor will improve the complaint process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q12. The Office of the Independent Monitor will do a good job of monitoring police investigations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section G. In this section, we would like to ask you some general questions about how you feel about the police and city government. Please mark your level of agreement with each of the following statements.						
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q1. The complaint process is biased in favor of the police.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q2. Filing complaints can make a difference in how the police department is run.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q3. You should accept the decisions made by the police, even if you think they are wrong.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q4. I trust the city of Denver to make decisions that are good for everyone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q5. People's basic rights are protected by the police.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6. Police officers don't care what citizens think.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7. My encounters with Denver police officers have been negative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Survey continues on the next page.....

Section G. (continued)	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	Don't Know/ NA
Q8. Police officers treat minority residents worse than others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9. The police are nicer to residents in rich neighborhoods than to residents in poor neighborhoods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q10. Overall, the police are doing a good job in Denver.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q11. I feel very safe in my neighborhood.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q12. The neighbors in my neighborhood know each other well.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q13. Police officers are usually friendly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q14. The City of Denver tries to protect bad officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q15. Police officers are concerned with protecting all community members equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q16. Overall, government does a good job of serving its citizens.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section H. Since this survey is anonymous, we would like to ask you some background questions.						
Q1. What is your age?	18-24 <input type="checkbox"/>	25-34 <input type="checkbox"/>	35-44 <input type="checkbox"/>	45-54 <input type="checkbox"/>	55-64 <input type="checkbox"/>	65 or Over <input type="checkbox"/>
Q2. What is your race/ethnicity (check all that apply)?	African American <input type="checkbox"/>	Hispanic/Latino <input type="checkbox"/>	White/Caucasian <input type="checkbox"/>	Native American <input type="checkbox"/>	Pacific Islander <input type="checkbox"/>	Other <input type="checkbox"/>
Q3. What is your gender?	Male <input type="checkbox"/>	Female <input type="checkbox"/>				
Q4. What is the highest level of education that you have completed?	Some High School <input type="checkbox"/>	High School Graduate <input type="checkbox"/>	Some College <input type="checkbox"/>	College Graduate <input type="checkbox"/>	Advanced Degree <input type="checkbox"/>	Other <input type="checkbox"/>

Survey continues on the next page.....

Section I. In this final section, we would like you to explain some of your feelings in more detail.

Q1. Overall, what were the strengths of the complaint process?

Q2. Overall, what were the weaknesses of the complaint process?

Q3. How will the replacement of the Public Safety Review Commission with the Office of the Independent Monitor change the complaint process?

End of Survey

**Please place the survey form in the return envelope and place it in the mail. The postage is already paid.
That you very much!**

If you have questions or concerns about this survey, please contact

Joseph De Angelis, Ph.D.
Ohio University
Department of Sociology and Anthropology
Phone: (740) 593-1371
Email: deangelj@ohio.edu

If you have any questions regarding your rights as a research participant, please contact:

Jo Ellen Sherow
Director of Research Compliance
Ohio University
Phone: (740) 593-0664



DENVER
THE MILE HIGH CITY

APPENDIX D

MEDIATION SATISFACTION SURVEYS

OFFICE OF THE INDEPENDENT MONITOR
MEDIATION PROGRAM EXIT SURVEY
Participant

Case# _____

Please take a few minutes to complete this survey. Your answers will remain confidential and will assist us in monitoring and improving the mediation process. You need not write your name or any other identifying marks on this survey. Thank You.

Please indicate whether you are a community member or police officer.

1 ☐ community member ☐ police officer

Please write the name of your mediator(s)

2 _____

We would like to ask you about the mediation schedule.

How convenient was the date of mediation?

3 ☐ Very ☐ Somewhat ☐ Not at all

How convenient was the time of day for the mediation?

4 ☐ Very ☐ Somewhat ☐ Not at all

How convenient was the location of the mediation?

5 ☐ Very ☐ Somewhat ☐ Not at all

We would like to ask you about your satisfaction with the mediation process.

How "satisfied" were you: (please check one)

	Very Dissatisfied	Dissatisfied	Neither Sat. nor Dissat.	Satisfied	Very Satisfied
6 With the outcome of mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 With the information provided to you prior to participating in mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 That the mediator was fair?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 That the mediator was genuinely interested in resolving the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 With the amount of time provided during mediation to resolve the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 With the mediation process in general?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Finally, we would like to ask you some questions about your perceptions of mediation.

How likely are you to recommend mediation to others?

- 12 ☐ Very Likely ☐ Somewhat Likely ☐ Not Likely

How likely are you to use mediation in response to future complaints?

- 13 ☐ Very Likely ☐ Somewhat Likely ☐ Not Likely

Was the mediation process clearly explained to you before agreeing to participate?

- 14 ☐ Yes ☐ No ☐ Don't Know

Did mediation resolve the complaint to your satisfaction?

- 15 ☐ Yes ☐ No ☐ Don't Know

Did mediation change your view of the circumstances surrounding the incident?

- 16 ☐ Yes ☐ No ☐ Don't Know

How effective was mediation at helping you understand the actions of the officer or community member that occurred during the incident?

- 17 ☐ Very Effective ☐ Somewhat Effective ☐ Not at all Effective

How helpful was the mediator at reaching a satisfactory conclusion to the incident?

- 18 ☐ Very Helpful ☐ Somewhat Helpful ☐ Not at all Helpful

Did mediation allow you the opportunity to explain your point(s) of view?

- 19 ☐ Yes ☐ No ☐ Don't Know

20 Please provide any recommendations for improving the mediation process.

Thank you for completing this survey.

OFFICE OF THE INDEPENDENT MONITOR
MEDIATION PROGRAM EXIT SURVEY
MEDIATOR

Please take a few minutes at the conclusion of the mediation session to fill out this survey. Your feedback will assist us in evaluating and improving the mediation process.

Case Number: _____

Mediator Name: _____

Date: _____

Approximately, how many minutes did the mediation session last?

1 _____.

How many total hours did you spend on this case?

2 _____

Was this a good case for mediation?

3 ☐ Yes ☐ No

Please explain: _____

_____.

Did the parties successfully resolve their issues?

4 ☐ Yes ☐ No

5 What factors contributed to the success or failure of mediation in this case?

_____.

How difficult was it to get the parties to communicate?

6 ☐ Not at all ☐ Somewhat ☐ Very

How difficult was it to get the parties to discuss the issues and communicate?

7 ☐ Not at all ☐ Somewhat ☐ Very

How involved were the parties in the mediation session?

8 ☐ Not at all ☐ Somewhat ☐ Very

Please rate the satisfaction level of the parties involved in mediation, and your own satisfaction level, according to your perceptions. (please check one)

	Very Dissatisfied	Dissatisfied	Neither Sat. nor Dissat.	Satisfied	Very Satisfied
9 How satisfied were the parties with the mediation process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 The outcome of mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 How satisfied were you with the mediation process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 How satisfied were you with the outcome of mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Were there any problems that prevented successful mediation in this case?

13 ☐ Yes ☐ No

Please explain: _____

_____.

Was there any additional information needed from the Office of the Independent Monitor to successfully mediate this case?

14 ☐ Yes ☐ No

Please explain: _____

_____.

Q15. Please provide recommendations for improving the mediation process.

_____.

Thank you for completing this survey.



DENVER
THE MILE HIGH CITY

APPENDIX E

RESPONSES FROM
CHIEF OF POLICE
AND DIRECTOR OF
CORRECTIONS



JOHN W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

January 23, 2006

Mr. Richard Rosenthal
Office of the Independent Monitor
Wellington E. Webb Office Building
201 West Colfax Avenue, #1201
Denver, CO 80202

Dear Mr. Rosenthal,

Thank you for the opportunity to include my letter with your annual report. After reviewing the draft report, I believe it is a fair and accurate representation of the systems and activity at this time. I also believe that the Denver Police Department, with the assistance of your office, has made recent progress in many of the areas described in your report.

As we have discussed on many occasions over the past year, situations unique to the City of Denver have led to the institutionalization of many of the systems and processes in place today. In addition, during the past several years, prior to your office being created, members of the Department and the community have produced a tremendous amount of work to modernize many operations and methods, in spite of adverse and challenging economic and political conditions affecting Denver and the entire country.

With this in mind, I would like to comment on some topic areas detailed in your report. For ease of reading, I will attempt to follow the format of the report as much as possible.

• **Chapter1: Overview from the Monitor**

- **PARC:** Contracting with the Police Assessment Resource Center (PARC) is mentioned under Goals for 2005. The Department welcomes PARC and is fully cooperating with the assessment of our policies, investigations and training. In fact, the Department closely followed similar PARC studies in Portland published in 2003 and 2005, along with other work done by PARC around the county. The Department's Crimes Against Persons Bureau has evaluated two PARC reports pertaining to the Portland Police Bureau and determined that many of the recommendations made in Portland are already in place in Denver. Others were adopted where appropriate. We will continue to encourage PARC to recognize that their review of the Department policies, investigations and training that were in effect in 1999 will be much different from the 2005 information.
- **Tort Claim Review:** Beginning in 2003, the Department worked with the City Attorney's office to improve the review of tort claims to detect possible police misconduct. For example, the Professional Standards Unit, (PSU), routinely works with the City Attorney to process claims. The PSU commanding officer

is made aware of the nature of claims. Additional information became routinely available with the implementation of the Department's Early Identification and Intervention System (EIIIS). Credit is due Commander John Lamb of the Internal Affairs Bureau and Lieutenant Stacey Goss of PSU for successful results in monitoring claims, and positive comments from the OIM following the December, 2005 review.

- **Chapter 2: Complaint Handling and Investigations**

- **Policy:** Section 503.01 of the Denver Police Department Operations Manual, "Complaint and Discipline Procedures for Sworn Officers," was rewritten in January, 2003. This was the first major revision of this policy in recent history. The modification includes new intake and case-handling guidelines, a new investigative review process that allows officers to review internal investigations pertaining to them, and a new Disciplinary Review Board, (DRB), made up of peer officers and citizens. This policy was revised with considerable input from both members of the Department and citizens as well. The drawbacks to this policy are twofold. First, the new policy mirrors the previous policy in requiring that all complaints be documented. Unfortunately, the new policy is not absolutely clear that those complaints that do not allege or reveal clearly defined police misconduct, should *not* be documented and investigated. The result has created an unnecessary burden on the Department and its officers. Secondly, the new policy adopted in 2003 fulfilled an obligation to investigate all allegations of misconduct so that the civilian oversight body, the Public Safety Review Commission, could review Department findings in each case.

It is important to mention this historical perspective because the OIM annual report specifically addresses the resolution of both of these shortcomings. First, within the revised 2006 complaint policy there is a clear definition of what should be considered an allegation of police misconduct. In addition, there is a definition of a broader class of complaint called "service complaint" which will address services or policies of the Department, and do not require naming a subject officer. Second, and most importantly, each allegation of misconduct will not require a complete investigation, and findings will not be made. This early case closure will be of great benefit to the officers and the community.

Key to the success of the new complaint policy will be the streamlining of the entire process by way of live monitoring and filtering complaints by the OIM and IAB. They will apply other creative methods to increase officer and community satisfaction through processes not possible under the prior system.

- **Complaint Data 2005:** My only comment regarding this section of the report is to encourage proper perspective. The reader needs to keep in mind that in 2005 the Department had interaction with the public hundreds of thousands of times. Officers issued approximately one-hundred thousand traffic citations, arrested approximately sixty-thousand people, investigated thousands of crimes, and patrolled the city twenty-four hours each day regardless of the weather conditions or other circumstances. Associated to all of this police activity, Table 2.2 "Complaint Types," shows ninety-two complaints of unnecessary force, two-hundred forty-two discourtesy complaints, and one-hundred twenty-two police car accidents, (most of them minor). All areas of alleged misconduct total one thousand seventy-two complaint types during the year. Other data in this chapter indicates that about 50% of the complaints detailed in the totals were from citizens while 50% were generated internally.

We agree that allegations of police misconduct must be taken seriously, rigorously investigated and dealt with when appropriate. We also agree that patterns of misconduct must be monitored and confronted in a timely manner. In addition, we believe that the data shows that the Denver Police Department is an organization made up of professional and accountable people who perform a difficult and dangerous job while displaying a very high standard of conduct.

- **Chapter 3: Findings and Imposition of Discipline**

- Findings and Discipline: Of particular interest in this chapter is the discussion about findings and discipline. The data presented supports the new complaint-handling method detailed in Chapter 2 of the report and in my comments above. Historically there has been concern by officers and citizens that findings in the majority of citizen complaints are Not Sustained, (cannot be proven or disproved). This concern is somewhat magnified by the fact that even when a complaint is sustained, the result is the lowest level corrective action possible, a Supervisors Situation Report entry, (SSR). I believe the complaint-handling policy and filtering will eliminate these concerns by resolving allegations in more timely fashion and mediating disagreements when appropriate.

- **Chapter 4: A Review of the Denver Police Department's Early Identification and Intervention System (EIS)**

- History: Regarding the EIS, your report is accurate from the January, 2004 initial implementation date forward. However, prior to that date there was considerable activity that is understandably not reflected in your report. Early warning systems are not new to the Denver Police Department. Earlier efforts are detailed in Department Directives from 1992, 1995 and most recently our efforts in 2004. Given this thirteen-year history, most officers have some knowledge of Department efforts to identify employees in need of non-disciplinary intervention. Prior to implementation of the 2004 EIS, the Department did considerable national research to arrive at the most effective method possible. The EIS system has always been a means of early intervention which is not disciplinary in nature. As stated in your report, the concerns did not focus on the information in EIS and early intervention, but rather on automatically generated notifications and the related "Intervention Reviews." During a period of several weeks in 2004, we recognized problems related to this issue and promptly discontinued the automatic notifications.

As I have discussed with you and the Citizen Oversight Board since early 2005, and contrary to inaccurate and misleading reports in a local newspaper, the EIS system is not languishing. For example, in 2005 the commanding officer of PSU has monitored information in the database and worked to enhance information available in the system. Any pattern detected by the PSU commander is brought to the attention of the Chief's Office for review.

Second, the usage of EIS continues to be high among the number of authorized users. In 2005, 391 of the 492 authorized users of all ranks accessed the system. In an effort to increase user access in the future, it will be necessary to re-advertise and emphasize the process to obtain a user identification number.

Third, there remains an obligation by all command officers to proactively monitor both the performance of their officers and the data contained in EIIIS. As expected, we have several examples of command officers intervening in patterns of conduct they detected prior to any request from PSU. This responsibility is detailed in the Commander's Duties and Responsibilities, (D&R), in the Denver Police Operations Manual. D&R 34.13 states:

"34.13 Commanders shall take proactive measures to identify performance deficiencies of personnel under their command and they will develop and implement effective interventions to correct subordinate performance or behavioral issues or problems and initiate disciplinary action when appropriate. They shall monitor the Early Identification and Intervention System (EIIIS) and identify subordinate personnel within their command who exhibit performance or behavior contrary to the mission, vision, values, goals, policies or procedures of the Department."

Our experience over the past year indicates there is no need for automatic notifications based on thresholds. Our administrative review of patterns has allowed us to validate data that populates the EIIIS system and look at more detail before any intervention is recommended. As we have discussed, further input is important to determine what levels of intervention are appropriate and what action should be documented. We look forward to working with you on this issue in the future.

- **Chapter 5: Critical Incident Review**

- Overall, the involvement of the OIM in critical incidents has been beneficial. Along the way, there have been predictable "growing pains" and the need to get interpretations of the intent of the ordinance. Now that many of the boundaries have been set and most policies pertaining to OIM involvement in these critical areas have been reduced to writing, we anticipate more seamless interaction.

- **Chapter 6: Mediation**

- As stated earlier, the Department supports having the option to mediate complaints as detailed in the new policy.

- **Chapter 7: Commendations and Awards**

- Over the past several years, the Department has enhanced recognition of quality work performed by employees. These efforts included a commendation and complaint hotline, a single intake form for commendations and complaints, an increased emphasis for supervisors to commend performance, quarterly awards ceremonies that include officer's families, nominations of officers and employees for both local and national awards, and daily press releases and communications from the Chief's office describing commendable work. We have also added Officer Of The Year awards for each rank, and a STAR award that recognizes exemplary tactics. By disseminating this information externally, officers are more frequently recognized by civic groups and the media. The City Council Public Safety Committee allows the Department to invite officers to live broadcasts of committee meetings, to recognize individual acts of initiative and heroism.

Our community should be actively encouraged to report commendable police performance. This positive feedback is cherished by the employees and the Department, and advertised internally.

- **Chapter 8: Outreach**

- The report accurately states that to be effective, part of the OIM's responsibility must be to understand law enforcement's perspective on safety issues. To that end, the Department has made available to the OIM, information and access beyond what is technically mandated and what is disseminated outside the law enforcement community. I greatly appreciate the efforts of all Department members who played a role and to the staff of the OIM.

- **Chapter 9: A Report on Timeliness**

- We generally agree with the assessment of case-handling timeliness. The benefit of quicker resolution of allegations is obvious and very important for many reasons. The fact that 221 cases took an average of 36 days to be closed is commendable, but the fact that 18 cases took longer than one year is unacceptable. Most overdue cases were resolved with very little follow-up and were easily explained.

Some timeliness issues are due to the sheer volume of administrative workload and a decrease in the number of personnel available to process these and other multiple tasks. Other issues include the complex case-handling process detailed in Chapter 2, and the fact that many investigations involve multiple subject officers, witness officers, citizen complainants, and witnesses who frequently are not available during the course of the investigation or review process. A variety of reasons for delays include scheduled vacations by officers or awaiting the pending prosecution of a complainant/defendant who has been charged.

It is important to look at avoidable log jams in the system and work to eliminate those issues first. It appears that not requiring an investigation for all minor misconduct allegations, and consistently filtering complaints will result in more timely resolution, to the benefit of everyone involved.

- **Chapter 10: Complaint and Officer Satisfaction Surveys**

- The report is accurate as it pertains to the survey. We look forward to reviewing the results.

In closing, I want to extend my sincere appreciation to the men and women of the Denver Police Department for their professional conduct and hard work during the transition from the Public Safety Review Commission model of citizen oversight, to the new Office of the Independent Monitor concept. During the past year, I have heard from the Independent Monitor and staff and the Citizen Oversight Board, numerous gratifying comments about our Department and personnel. I passed along many of these compliments to individuals and now would like to mention a few publicly. The Internal Affairs Bureau and the Professional Standards Unit have taken on a tremendous additional workload without additional resources. The Training Bureau has worked to develop both immediate and long-term training for citizen DRB members, OIM staff, COB appointees and a variety of commissions and working groups who participated in the process. A variety of police managers from the Manager of Safety to supervisors,

worked to flex and adjust the system to allow positive change to occur during the investigation of critical incidents and internal investigations. All of these accomplishments have been achieved without additional resources or compensation, because of the importance to create a system that will foster confidence from the public as well as from the officers involved.

We look forward to many more successes in 2006, and thank you again for allowing me to include my thoughts with your annual report.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Whitman", with a stylized, flowing script.

Gerald R. Whitman
Chief of Police



JOHN W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER SHERIFF DEPARTMENT

Fred J. Oliva, Director of Corrections and Undersheriff
1437 Bannock Street Room 508
Denver, Colorado 80202 - 5337
(720) 865-9566 fax (720) 865-9591

January 23, 2006

The Denver Sheriff Department has worked cooperatively with the Office of the Independent Monitor to assure all internal investigations are complete, thorough and fair to officers, inmates and members of the public. Our mission is to provide for the safe and secure custody of inmates while assuring the citizens of Denver remain safe. This mission is made more difficult by the antiquated facilities, overcrowded conditions and increase of inmates that are processed through our system every year.

All Denver Sheriff Department employees are exceptional and deserve the thanks of the citizens of Denver; working in a jail is often a thankless job. The fact that most citizens rarely hear of the jails, speaks for the professionalism of all staff.

I would like to thank Mr. Rosenthal and his staff for their efforts in working with the Denver Sheriff Department Internal Affairs Unit. Mr. Rosenthal has fostered an atmosphere of open communication by displaying a willingness to interact with staff in an effort to understand some of the issues that are particular to our department. While we have not always agreed, Mr. Rosenthal and his staff are always willing to listen in order to gather all facts. This process has improved the total investigations process from beginning to the final discipline decision; assuring the citizens of Denver can have faith in the internal investigations process.

Sincerely,

A handwritten signature in cursive script, reading "Fred J. Oliva", written over a horizontal line.

Fred J. Oliva
Director of Corrections and Undersheriff
Denver Sheriff Department
1437 Bannock St. Room 508
Denver, CO 80202

cc: Major P. Deeds - Internal Investigations
File



DENVER
THE MILE HIGH CITY

APPENDIX F

CHIEF WHITMAN'S LETTER REGARDING TASERS



N W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
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DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

September 19, 2005

Richard Rosenthal, Police Monitor
Office of the Independent Monitor
Webb Building, 12th Floor / Department 1201
Denver, CO 80202

REF: April 21, 2005 letter from Public Safety Review Commission

Dear Mr. Rosenthal:

After having reviewed the April 21st 2005 letter from the Public Safety Review Commission (Appendix A), I feel it is necessary to address several specific points. First, however, it is necessary to set the stage by reviewing the history of less-lethal weapons, including tasers, in the Denver Police Department.

Less-lethal weapons, including tasers, were first adopted by DPD in November 2002 as part of a revision to our Use of Force Policy. The tools went online in March 2003, after personnel received training both in the use of the taser and in the policy governing less-lethal. As part of the infrastructure for the less-lethal program, I also created the position of Less-Lethal Coordinator. This officer is responsible for, at a minimum:

- reviewing all Use of Force reports including those that involve the use of less-lethal weapons, paying particular attention to policy and tactical considerations,
- keeping abreast of best practices regarding less-lethal in general and tasers in particular and making policy and training recommendations as appropriate,
- maintaining the Department's inventory of less-lethal tools, evaluating new products as less-lethal technology advances, and proposing adoption of new tools,
- gathering statistics on less-lethal deployments and providing analysis and reports on a periodic basis.

In addition to creating the position of Less-Lethal Coordinator, and as part of our ongoing commitment to increasing accountability and transparency in the Department, particularly in the realm of Use of Force, the Denver Police Department Use of Force Review Board and Tactics Review Board became operational in August 2004. Both of these review boards include voting membership from outside the department.

The Use of Force Review Board replaced the former Firearms Discharge Review Board, with two key differences. The first difference is the inclusion of voting membership from outside the Department in the form of two civilian members. The vote of these civilian members carries weight equal to the four Division Chiefs and the Commander of the Internal Affairs Bureau who make up the balance of the committee. The second difference is that the UOFRB reviews all Use of Force cases that involve serious bodily injury or death, and not just firearm discharges as was previously the case.

The Tactics Review Board reviews every Use of Force, After Action, Vehicular Pursuit, and Police Vehicle Accident report, with an eye toward tactical issues that need to be addressed and/or tactical lessons to be learned. Two sergeants in my office do the preliminary intake on these reports, and refer cases to the full board as appropriate. In addition, some cases are referred to IAB when direct violations of policy or procedure may have occurred. This level of review is in addition to the chain of command review that occurs on all of these reports as well. As with the UOFRB, the TRB also includes voting membership from outside the department although, since tactics is such a specialized area, these outside members are sworn officers from other Metro-area police departments. Additional information on the roles and responsibilities of these two review boards can be found in the Denver Police Department Operations Manual.

Another significant event that occurred in 2004 that is pertinent to the discussion at hand is a directive that I issued on August 24th 2004 (Appendix B) that raised the threshold level of resistance for taser deployment from Defensive Resistance to Active Aggression. This change came after an opinion from the medical staff at Denver Health Medical Center, an opinion that I requested and that came from a review of current scientific studies of the physiological effects of the taser. I have directed my staff to assemble a packet of the most current taser studies so that I may receive an updated and current opinion from the medical staff at DHMC.

Against this backdrop, I would like to respond with specificity to several points brought up in the PSRC letter. The first point is in reference to Taser deployment policies in Mesa, Arizona. If in fact the Mesa Police Department is considering a more restrictive policy that will prohibit their officers from deploying the taser to end a foot chase, and instead restrict use of the taser to physical acts of aggression, I applaud that fact. The Dallas Police Department has just made this change. The Denver Police Department made such a change to its policy over a year ago.

In the PSRC letter there is a concern expressed that tasers have "devolved into a weapon used...to obtain compliance." A quote from a Denver Post article explains that tasers are used to "avoid wrestling, pushing, chasing, or negotiating." The assertion is made that "in many instances the taser *is used* (emphasis added; present tense noted) when a suspect is running away from the officer." And it is described as a fact that the definition of Active Aggression (Operations Manual Section 105.00(4)b5) is sufficed with a "verbal threat from a citizen." In reality, none of these statements is accurate.

Since the change in policy that raised the taser threshold to Active Aggression, none of the uses listed above are authorized, nor has the taser been used in any of the ways described except for one deployment which was referred to Internal Affairs for discipline. The prohibition against taser deployment to end a foot chase is implicit in policy, since the act of merely running from an officer falls under the definition of Defensive Resistance¹, which is below the threshold of Active Aggression. Taser deployment to end a foot chase has *not* occurred under the current policy. And while there have been taser deployments *after* a foot chase, those deployments came when the subject's actions rose at least to the level of Active Aggression.

To clarify the definition of Active Aggression, it is true that *one element* of Active Aggression includes a verbal threat. But a verbal threat alone does not suffice. Active Aggression, as defined on page 1 of the PSRC letter, is comprised of three elements:

¹ OMS 105.00(4)b4 defines Defensive Resistance as: Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.

- a threat or overt act of an assault,
- ***coupled with*** (emphasis added) the present ability to carry out the threat or assault,
- which reasonably indicates that an assault or injury to any person is imminent.

This is a high standard, and not one that is reached frequently. However when it is reached, it is because the suspect exhibited ***all three*** of the elements and not just the first, the verbal threat. To say that DPD policy authorizes officers to deploy the taser against a verbal threat is simply false, and this has not occurred under the current policy.

The PSRC letter makes reference to three documents published by the International Association of Chiefs of Police, and the letter states that "implementation of their recommendations would go a long way towards addressing the safety concerns raised by the ACLU." I am pleased to say that these documents have, in fact, been reviewed by the Denver Police Department and that DPD's current policies and procedures compare favorably to the recommendations contained in them. I am thus glad to know that the Department has gone a long way towards addressing the ACLU's concerns regarding safety.

The first document, titled *Electro-Muscular Disruption Technology: a Nine-Step Strategy for Effective Deployment* (Appendix C), is based on lessons learned from other law enforcement agencies that have already adopted tasers. The nine steps IACP lists and DPD's efforts in this area are:

- 1) **Build the leadership team** – the committee that examined tasers specifically and less-lethal tools in general was comprised of members from inside and outside the Department. These included policy staff, training staff, command staff, field personnel, budget personnel, IAB personnel, and representatives from the District and City Attorney's Offices.
- 2) **Place EMDT on the Use-of-Force Continuum** – under the new policy the taser, along with all new and existing weapons/tools, were all assigned specific thresholds of resistance before their use would be authorized.
- 3) **Assess the costs and benefits of using EMDT** – these discussions occurred during the term of the committee, including possible savings to be realized as a result of decreased injuries to officers and subjects.
- 4) **Identify roles and responsibilities for EMDT deployment** – a thorough set of policies and procedures accompanied the adoption of all less-lethal tools, including the taser. In addition, a plan was formulated by the Less-Lethal Committee which covered acquisition of the tools, training in their use and the policy governing them, and reporting procedures. Also, the creation of the position of Less-Lethal Coordinator described earlier in this document occurred at this stage.
- 5) **Engage in community outreach** – concurrent with the Less-Lethal Committee, the Denver Police Department formed two other committees, the Biased Policing Task Force and the Youth Issues Task Force. Membership on these two committees came from across the entire spectrum of the Denver community, and the chairperson for all three of these committees was Captain (now Deputy Chief) Marco Vasquez. Chief Vasquez spoke several times at BPTF and YITF meetings about the work of the Less-Lethal Committee and the impending adoption of less-lethal weapons and specifically tasers. Additionally, in preparation for rollout of the Department's less-lethal program, we conducted a public education campaign via the Denver media. We put on a media day at the

training academy, and all local news outlets attended. Several outlets did stories on the new tools, including the taser.

- 6) **Develop policies and procedures for EMDT** – see #4 above
- 7) **Create a comprehensive training program for EMDT deployment** – the Less-Lethal Coordinator and several Less-Lethal Committee members became certified instructors for several of the less-lethal systems the Department adopted. Working with the Academy and Firearms Bureau training staff, they developed a comprehensive set of training procedures and standards for all three systems.
- 8) **Use a phased deployment approach for EMDT** – the Denver Police Department phased in tasers over the course of nearly a year, in six phases. The tools were first issued to Metro/SWAT, then the program was expanded to include Patrol District One. Soon tasers were issued to Districts Four and Six, and soon after the remaining three districts were brought online. The next step was to issue tasers to the Traffic and Detective Bureaus. A further expansion of the taser program occurred after Mayor Hickenlooper authorized funding to acquire enough tasers so that we could deploy one in every marked Denver Police vehicle, instead of issuing them to select officers at the start of the shift.
- 9) **Assess EMDT use and determine next steps** – this is an ongoing process within the Denver Police Department. As mentioned earlier in this document, the Department Less-Lethal Coordinator's duties include keeping up on best practices, new technology, and the latest studies relating to less-lethal, and to make recommendations as appropriate. Additionally, one of the responsibilities of the Tactics Review Board (including the two sergeants who perform the intake review for this board) is to do much the same thing with use of force and tactical issues in general, and not just limited to less-lethal. As a result of these multiple levels of review several improvements to policy and procedure relating to taser, less-lethal, tactics, and use of force have either been implemented or are awaiting approval.

It is important to note that the IACP document was published in April of this year, some 2½ years after the Less-Lethal Committee and Use of Force Committee completed their work, after having followed almost the exact protocol spelled out in the IACP report.

Two additional documents cited in the PSRC letter were the IACP Model Policy on Electronic Control Weapons (Appendix D) and a discussion paper (Appendix E) that elaborates on specific points covered in that policy. The discussion paper had been reviewed previously, as had the model policy, via same mechanisms described above. I can state unequivocally that the policies, procedures, and directives followed by the Denver Police Department in relation to tasers meet or exceed every provision of the IACP Model Policy.

One important area where DPD exceeds the recommendations put forth by IACP is in the threshold level of resistance required for taser use. Specifically, IACP would prohibit taser use against:

- Any suspect who does not demonstrate their overt intention to use violence or force against the officer or another person (DPD refers to this as Active Aggression); or,
- Any suspect who does not demonstrate their overt intention to flee in order to resist/avoid detention or arrest (in cases where officers would pursue on foot).

Thus it is apparent that even IACP would sanction taser use in order to prevent or end a foot pursuit; this is expressly forbidden, and has not occurred under current DPD policy as discussed earlier.

I would like to reference a report that was not mentioned in the original PSRC letter, but which is pertinent to the discussion nonetheless. The U.S. Government Accounting Office released a report in May of this year titled *Taser Weapons: Use of Tasers by Selected Law Enforcement Agencies* (GAO-05-464). The report compared the policies and procedures relating to tasers in the seven law enforcement agencies in the United States that have deployed the greatest number of these tools. The agencies are: the Austin (TX) Police Department, Ohio Highway Patrol, Orange County (FL) Sheriff's Department, Phoenix (AZ) Police Department, Sacramento (CA) Police Department, Sacramento County (CA) Sheriff's Department, and San Jose (CA) Police Department.

The DPD Less-Lethal Coordinator prepared a report based on the GAO report, and placed the Denver Police Department's policies and procedures against those of the other seven agencies (Appendix F). Once again, I am pleased to say that DPD's standards are at or near the top of each of the fourteen categories examined by GAO.

At several points in the PSRC letter, various statistics are quoted from articles and opinion pieces that appeared in the print media. I would like to compare the Denver Police Department's own statistics to the ones cited by the PSRC. Among the statistics cited were: 80% usage rate against unarmed persons, 26% usage rate against verbal non-compliance, and 3% usage rate against deadly assault. These figures were drawn from a report by Amnesty International. Since the current policy went into effect on August 24th 2004, the Denver Police Department has had 76 taser usages, the last being on August 25th of this year. Those usages reflect a slightly lower usage rate against unarmed suspects than the 80% cited by Amnesty International (74% unarmed / 26% armed with a weapon other than fists) however all of these suspects displayed at least Active Aggression except one². There were no usages against verbal non-compliance, but our usage rate against suspects displaying Aggravated Active Aggression (OMS105.00(4)b) stands at 21%, **seven times** the 3% rate cited in the Amnesty International report.

Another set of statistics is quoted from a Denver Post article from May 2004. It should be noted that these numbers were gathered prior to the current policy governing tasers. Of the seventy-six taser usages under the current policy, nearly half (33 out of 69) of those arrested after being tased were arrested on felony charges. Additionally, five of the 36 misdemeanor cases included assault as one of the charges. The balance were not charged with a crime but rather were referred for a mental health hold. Twenty-six percent were armed with a weapon other than fists, and only two of the usages were against a handcuffed prisoner. One was the earlier referenced case that was referred to Internal Affairs. The other was a situation where the arresting officers were assaulted by the suspect as they attempted to take him into custody. The suspect subsequently tried to throw the officers off of him and down a flight of stairs as they escorted him to their vehicle in handcuffs. The taser was again used and the suspect became compliant.

As far as the failure to note taser use and the required medical check in court papers (policy refers to the General Sessions Summons and Complaint form), this is merely a

² One usage was against a subject whose actions fell below the threshold of Active Aggression. Both the Less-Lethal Coordinator and the Tactics Review Board intake sergeant identified this as an Internal Affairs issue, and independently referred the case to the IAB.

clerical issue. Rest assured that all uses of force by a Denver police officer, especially taser use, are thoroughly investigated and documented. The duty to request medical attention is written into policy in two different places, and this information is documented in the Use of Force Report as well. I will ensure that all officers are reminded of their duties relating to documenting these facts in court papers (the GSS&C) as appropriate and as required by policy.

On the subject of reporting procedures and the computer chip in the taser, our policy requires thorough documentation of **all** use of force incidents, and in the case of taser there is an additional requirement to include the printout from the taser's internal computer chip. This printout will show all discharges for a given taser, each time it is printed, not just the most recent one. Additionally, the computer chip is checked at least twice a year when the internal clock is adjusted for Daylight Savings Time; this is a protocol put in place by the Less-Lethal Coordinator and so it does not appear in the Operations Manual. As far as a system to verify that the chip is in working order on a daily basis, I have directed the Less-Lethal Coordinator to make a recommendation on a suitable protocol. Lastly, not every discharge of the taser is against a subject, as test fires at the start of the officer's shift, or after servicing, are recorded on the chip. Also, the taser does not and cannot "know" if it was discharged against a person, or if the cartridge was in or out of the unit. Attempting to correlate every discharge to a Use of Force Report is therefore an unrealistic expectation.

I would also like to address the issue of death proximal to taser use. Two individuals have died proximal to a Denver Police Department taser use. In one case, the suspect's actions rose to the level of Active Aggression, and he was subsequently tased. His autopsy lists the cause of death as "cocaine and nortriptylene toxicity," which in layman's terms means cocaine overdose. The actions of the other suspect rose to the level of Aggravated Active Aggression – a deadly force encounter. This suspect, despite being armed with a knife and charging at the officers, was not immediately met by deadly force. One officer attempted to use the taser, but it was unsuccessful. Officers were forced to employ deadly force in defense of themselves and each other. Despite the fact that the taser use was unsuccessful, this second case is significant nonetheless. It illustrates that Denver Police officers are willing (when appropriate and tactically sound) to try means other than their firearms to resolve situations where they would clearly be justified under the law in using deadly force. **In fact, this was the case in fifteen other incidents since August 24th 2004.**

That having been said, I do not believe it is appropriate to raise the threshold level of resistance for taser deployment to situations that do not present a true threat to human life or a threat of serious bodily injury (original ACLU language). These types of situations are covered under the Colorado Revised Statutes, specifically CRS 18-1-707 *Use of Physical Force in Making an Arrest or in Preventing an Escape*. Under this statute, a police officer would be authorized to use deadly force in response to the type of threat described under the ACLU proposal. However, law enforcement agencies have typically and historically adopted policies that are stricter than the law governing police use of force, and the Denver Police Department is no different. OMS 105.00(2)b states *"The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties."* In other words, simply because state law authorizes deadly force, it does not automatically follow that deadly force is the **only** option available.

In order to determine whether a particular force option would be appropriate for a given circumstance, we therefore need some objective criteria for decision-making. For this we turn to the defining United States Supreme Court case regarding police use of force, *Graham v. Connor*. Both CRS 18-1-707, and the significant portion of *Graham* that lists the factors used to determine if a particular type of force is/was "objectively reasonable," were written into the Denver Police Department Use of Force Policy in 2002. To restrict taser use to deadly force situations stands in conflict with the provisions of *Graham*, and unnecessarily endangers the community, the police, and the suspects whom we are obliged to safeguard even as we use force to effect their arrest. In support of this statement, I have at least one study by the Department Less-Lethal Coordinator that shows that over a six-month period suspects were injured in 70% of cases when tools other than taser were used to effect their arrest. However, when the taser is used the figure drops to approximately 10%, most of which are typically from falls. Additionally, the study shows that when tools other than the taser are used to effect an arrest officers are injured 20% of the time, but there were no officer injuries when the taser was used to take the suspect into custody.

If we apply these rates to the fifty-nine taser cases since August 24th 2004 that were at Active Aggression, thirty five suspects and twelve officers would have suffered injuries they in fact did not receive by virtue of the taser having been used. These are injury rates that are simply not acceptable to me, and so I decline to adopt the ACLU's proposal to limit taser use strictly to situations that present a risk of serious bodily injury or death.

In closing, please know that I appreciate the opportunity to clarify the Denver Police Department's position on issues such as Use of Force. It is with this type of scrutiny and discussion that we are able to continually improve our practices and fulfill our commitment to be responsive to the concerns of the community we serve.

Sincerely,

Gerald R. Whitman
Chief of Police



DENVER
THE MILE HIGH CITY

APPENDIX G

CITIZEN OVERSIGHT BOARD AND MEETINGS

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.

Members and their terms include:

Rev. Paul Burleson 01/01/07
Cathy Reynolds 01/01/07
Jospeh Sandoval 01/01/07
Rabbi Steven Foster 01/01/09
Henry "Hank" Knoche 01/01/09
David Montez 01/01/09
Tawanna Mullins 01/01/09

The Citizen Oversight Board holds its regularly scheduled twice-monthly meetings on the second and fourth Fridays of the 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.

2005 Ordinance mandated quarterly COB meetings

September 13, 2005 – 6:30pm at Morey Middle School

2006 COB meetings – Locations to be announced

The dates for meeting with the Manager of Safety, Chief of Police, Undersheriff and Fire Chief on a quarterly basis in 2006 are:

February 23, 2006 at 7:00 p.m.
May 18, 2006 at 7:00 p.m.
August 24, 2006 at 7:00 p.m.
November 16, 2006 at 7:00 p.m.

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