



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

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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.

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%

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%).

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%).

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

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.

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	Standard			TOTAL COUNT
	Mean	Deviation	Median	
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.