



Wheat Ridge Police Professional Standards Unit 2015 Annual Report



Approved *Daniel J. Brennan* 04/07/2016

Overview

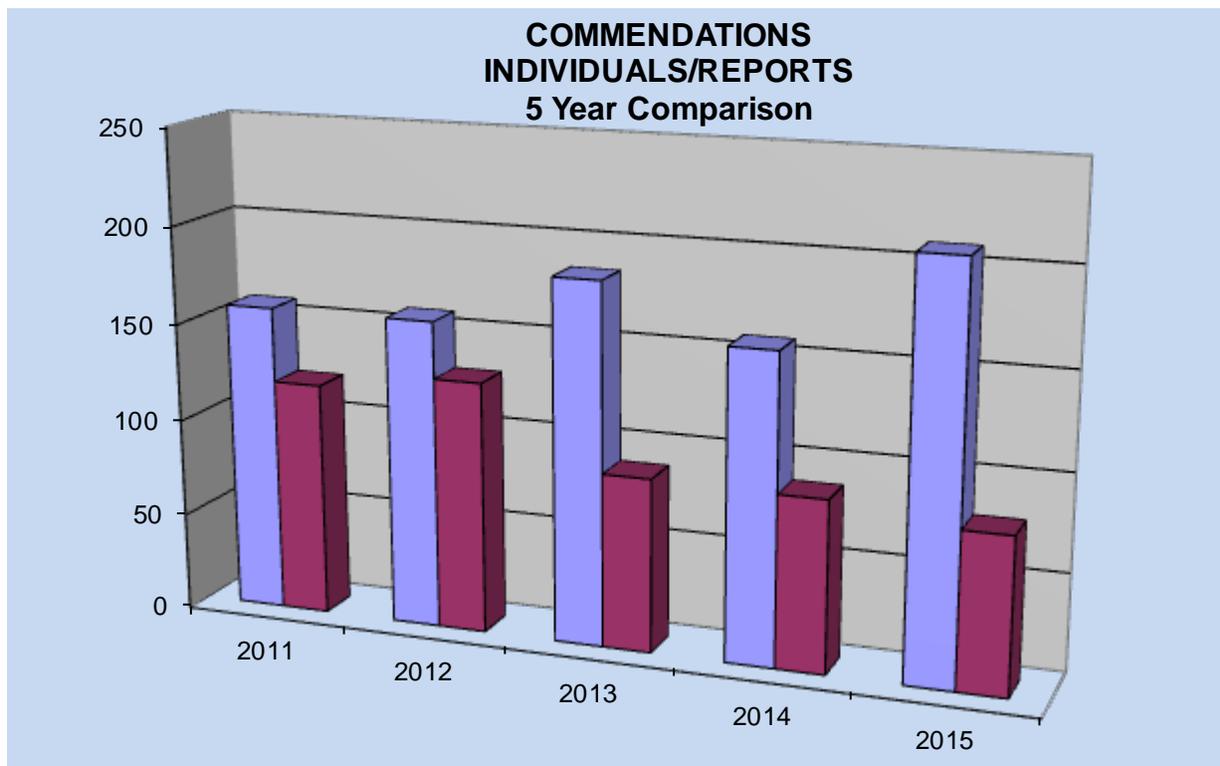
The Professional Standards Unit (PSU) accepts positive and negative comments from the public, professionals and staff in regards to police services and member conduct. The PSU investigates and maintains records on commendations, complaints, use of force incidents, employee-involved accidents, the early warning system, and eluding and pursuit events.

The PSU office researches, recommends, develops and writes policy revisions for the Police Department.

Statistical information is compiled to track trends, correct deficiencies and identify training needs, manage personnel resources and generally create a high level of accountability and performance for all employees.

Commendations

The Wheat Ridge Police Department provides recognition to those employees and citizens whose actions exemplify the qualities of our Core Values, specifically: Courage, Integrity, Respect, Perseverance and Initiative. The Department recognized 209 individuals for exceptional performance, involving 80 separate instances in 2015. This compares with 88 commendations for 158 individuals in 2014. The Department receives a wide range of compliments from citizens, ranging from motorist assists to life-saving efforts.



In 2015, the number of reported commendations declined slightly, as they have over the past three years. The number of individuals commended, however, increased significantly.

Department Awards

The Police Department Annual Awards Ceremony was conducted on May 26, 2015. The following individuals received awards:

Medals of Recognition

Sergeant Kevin Armstrong	Officer Steven Berkowitz	Officer Barry Malloy
Officer Bobbi Dawkins	Officer Krista Cuney	Analyst Beth Daniel
Communications Supervisor Christopher Garramone		

Formal Letters of Commendation

Detective Corene Chauncey	Sergeant Jon Pickett	Officer Larry Taggart
Sergeant Mark Moellenberg	Detective Jo McCormack	Sergeant Brian Wilkinson
Sergeant Jamie Watson	Corporal Solomon Kirkpatrick	Officer Aaron Botts
Officer Todd Payne	Officer Sheena Stovall	Officer John Simpson
Officer Steven Brooks	Officer Nathan Lovan	Officer Dwayne Baker
Amy Laabs	Sheri Shimamoto	Jane Shrader
R.A. Hazen	Judy Maxfield	Helen Daly
Rita Pilger		

Citizen Awards

Gheorghe "Chris" Madalina	James Neamtiu	Lori Tedesko
Charlie Ault		

Challenge Coins

A Challenge Coin Program was initiated in 2009, to establish a method to promptly recognize employees for exceptional service in accordance with each of the Department's Core Values, as well as Community Oriented Policing projects. The program has proven highly successful. In 2014, the Challenge Coin procedure was streamlined; Challenge Coins are now issued by Division Chiefs, without review by the Awards Committee. 23 Challenge Coins were presented in 2015.

Volunteer Recognition Awards

Judy Maxfield	Ed Running	Jaymesue McRimmon
Francis McRimmon	Michael Gallagher	Terry Jackson
Helen Daly	Rita Pilger	John Marsico
John Vescio	Ken White	Karin Bartlett
Chris Black	Kevin McKelvy	Lorrie McLain
Scott Moore	Bernadette Moreno	Geraldine Ramirez
Margy Platter		

Years of Service Recognition

5 years of service:	Officer Talon Darling	Officer John Simpson
10 years of service:	Chief Daniel Brennan	CSO Philip Schroeder
	ESS Sarah Evenson	RMS Chris Evenson
	Officer Keith Priest	Officer Dwayne Baker
	Detective Chris Krieger	Detective Tyler Josifek
	Detective Kelly Amling	Lead CSO Laura Coddington

15 years of service	RMS Peggy Johnson Corporal Charles Hemming Detective Brad With	Officer Frank Gonzales Sergeant Jamie Watson Detective Kyle Eversole
20 years of service:	Sergeant Jason Lima	Detective Scott Jungclaus
25 years of service:	Sergeant Mark Moellenberg	
35 years of service:	Sergeant Kevin Armstrong	

Recruitment, Hiring Processes, Promotions & Demographics

The Police Department Recruitment Team was active again in 2015. Six new members were added to the team, bring the total membership to 19. Members of the Recruitment Team included: Sergeants Jamie Watson, Tracy Wardell, and Brian Wilkinson; Corporals Keith Priest and Bobbi Dawkins; Officers Allan Fischer, Barry Malloy, Nate Lovan, Brian Gross, John Bowman, Juan De La Vara, Krista Cuney, Steven Berkowitz and Talon Darling; Detectives Betsy Sailor, Kelly Amling and Kyle Eversole; Lead Community Services Officer Laura Coddington; and Lead Emergency Services Specialist Chris Garramone. Additionally, the Recruitment Team responsibilities were expanded, to provide more direct involvement in the applicant selection process. In addition to attending recruiting events, members of the Recruitment Team began evaluating and scoring applications, personal history questionnaires, and participating in oral board interviews.

Recruitment Team members attended the following recruiting events:

Colorado Career Project	March 27 th
Recruit Military	April 16 th
Denver Diversity Fair	June 8 th
Recruit Military	August 27 th

Approximately 600 individuals visited our displays at these four events. Of those, approximately 30 completed job interest cards. No officers were hired as a direct result of interest developed at these events. In 2015, Professional Standards worked in collaboration with Human Resources to expand outreach efforts to metro-area colleges and local academies.

Professional Standards facilitates the hiring process for all positions within the Police Department and assists with internal transfers and promotional processes. The Professional Standards Unit works closely with the Human Resources Department to develop recruiting strategies and marketing techniques that will include a Recruitment video to be produced in 2016.

In 2015, 489 people applied to be sworn police officers with the City of Wheat Ridge.

Note: *Gender/Ethnicity information is not required during the application process. The percentages detailed below are of the total information available.*

- 80% of the applicants were men
- 17% of the applicants were women
- 70% of the applicants were Caucasian
- 7% of the applicants were African-American
- 14.5% of the applicants were Hispanic

During 2015, the Department hired one Colorado POST certified police officer and one lateral police officer who successfully challenged the Colorado POST testing. Both successfully completed the Field Training Program. Eight recruit police officers were hired in 2015; five of

whom successfully completed the Combined Regional Academy, and three others who are scheduled to graduate from the academy in June 2016. The five graduates are currently in the Field Training Program. The 10 new officers hired in 2015 consisted of six men and four women; four White males, one Hispanic male, one Asian male, one Hispanic female, and three White females. Currently, there are no recommended revisions to the Recruitment Plan.

2015 also saw the retirement of a police Division Chief; the hiring process for the vacated position was opened to both internal and external candidates. Thirty-four applications were received; 94% (32) males and 6% (2) females. 73.5% (25) of the applicants reported as White, 11.7% (4) as African-American, 11.7% (4) as Hispanic, and 3% (1) American Indian or Alaskan Native. A White male internal candidate was ultimately promoted, which created a vacancy for a Police Commander.

The Commander position was open to internal candidates only; three eligible Sergeants applied. Two of the applicants (66.6%) were male, and one (33.3%) female. All three applicants (100%) were White. A White male applicant was promoted; creating a vacancy at the Sergeant position. Another Sergeant retired in 2015, so a promotional process was held to fill two vacancies.

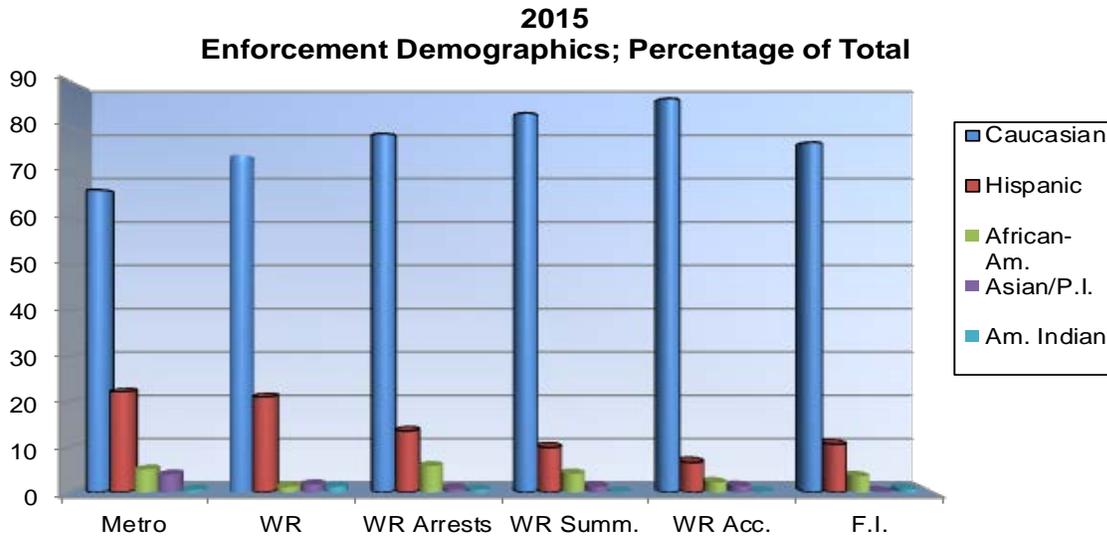
Six applications were received from eligible Police Officers, all six (100%) were White males. Two were promoted to the rank of Sergeant.

Department, Community, and Enforcement Demographics

The City of Wheat Ridge is an inner-ring suburb, on the west side of the Denver Metropolitan Area. The Wheat Ridge Police Department endeavors to achieve staffing demographically aligned with our service community. 2010 census data shows that Caucasian men and women make up 74 percent of the Wheat Ridge population; at the end of 2015 the Wheat Ridge Police Department consisted of 91% Caucasian officers, an overrepresentation of approximately 17%. Approximately 6% of the department consisted of Hispanic officers at the end of 2015, whereas the service population was approximately 21 percent Hispanic. Hispanics remain the most underrepresented ethnic group, at -15%. The department employed no African-American officers in 2015; an underrepresentation of 1.2%. WRPD hired one Asian officer in 2015, bringing the total of Asian/Pacific Islander officers to two, or 2.5%. Census data places that ethnic group at 1.7% of the Wheat Ridge population, so Asian/Pacific Islanders are now slightly overrepresented in the department. WRPD had no officers of American Indian/Alaska Native heritage in 2015, leaving that ethnic group underrepresented by 1.2%.

These numbers fluctuated slightly throughout 2015 due to changes in personnel. The 2015 Recruitment Analysis will contain a more in-depth analysis of department demographics.

The below chart represents a demographic analysis of WRPD enforcement actions in 2015, in terms of arrests made, traffic summons' issued, traffic summons' as a result of traffic accidents, and field contact cards; in relation to population demographics of Wheat Ridge and the Denver Metropolitan Area:



	Metro	WR	WR Arrests	WR Summ.	WR Acc.	F.I.
Caucasian	66.3	74	78.6	83.1	86.3	76.7
Hispanic	22.1	21	13.5	9.9	6.6	10.6
African-Am.	5	1.2	5.8	4.1	2.2	3.6
Asian/P.I.	3.9	1.7	0.8	1.3	1.4	0.2
Am. Indian	0.5	1.2	0.6	0.1	0.2	0.8

An analysis of the above data shows:

- Caucasian residents comprise 74% of the Wheat Ridge population, and 66.3% of the overall Denver metropolitan population. In 2015, 81.2% of WRPD contacts and enforcement actions involved Caucasian citizens, a differential of +7.2% when compared to the population of Wheat Ridge, and a differential of +14.9% compared to the metro population. This differential is down from 2014, when enforcement actions against Caucasians occurred 13.8% more often compared to the Wheat Ridge population.
- Hispanic residents comprise 21% of the Wheat Ridge population, and 22.1% of the metro population. 10.2% of WRPD enforcement actions were taken against Hispanics, a differential of -10.8% compared to Wheat Ridge; and -11.9% compared to metro populations. These totals represent an increase in enforcement actions involving Hispanics; in 2014 the differential was -14.7% in Wheat Ridge.
- African-Americans comprise 1.6% of the Wheat Ridge population, and 5% of the Denver metropolitan population. African-Americans were the subject of 3.9% of WRPD enforcement actions, a differential of +2.3% when compared to the Wheat Ridge population, -1.1% when compared to the metropolitan area. This is a slight drop from 2014, when the Wheat Ridge differential was +2.6%.
- Asian/Pacific Islander residents make up 1.6% of the population of Wheat Ridge and 3.9% of the Denver area. Asian/Pacific Islander persons were involved in .9% of WRPD enforcement actions. This equates to a differential of -.7% when compared to the Wheat

Ridge population, -3% compared to the metropolitan population; a slight decrease from last year's -.6% differential.

-American Indian/Alaskan Native citizens total 1.2% of the Wheat Ridge population; .5% of the metro area. This ethnic group was subjected to .4% of the WRPD enforcement actions in 2015; a differential of -.8% when compared to total Wheat Ridge population numbers, and a differential of -.1% compared to the Denver metropolitan area. These totals represent a slight increase over 2014 enforcement actions involving this ethnic group; in 2014 the Wheat Ridge differential was -.92%.

Caucasian citizens are still contacted, arrested or ticketed more often than any other ethnic group in relation to overall population; and Hispanic residents less frequently than any other group. However, while there was a slight fluctuation in the population/enforcement differentials among the other three measured ethnic groups, the differences in the Caucasian and Hispanic statistics were notable.

Biased-Based Policing

Two allegations of Biased-Based Policing were received by the Professional Standards Unit in 2015.

15-C-0023 involved a complainant who felt that the clerk of a convenience store had refused service due to the complainant's race. The complainant caused a disturbance, resulting in the clerk calling 911. The responding officers found no evidence to support any allegation of bias-motivated crime; there was no evidence to suggest that the clerk had committed any criminal act. The complainant felt that because the police did not arrest the clerk the police were racists as well. The investigation found that the officers neither did nor said anything that could have been interpreted as racist. The case was closed as Not Sustained.

15-C-0031 involved a complainant who had been issued a notice of violation by a Community Services Officer; the complainant felt that the CSO was discriminating against the complainant due to their nationality. The investigation revealed that the CSO had worked with the complainant for several months, providing extensions and resources to bring the property into compliance. There was no indication that the complainant's nationality was a factor in the enforcement actions, or that the CSO had made any statements to that effect. The case was closed as Not Sustained.

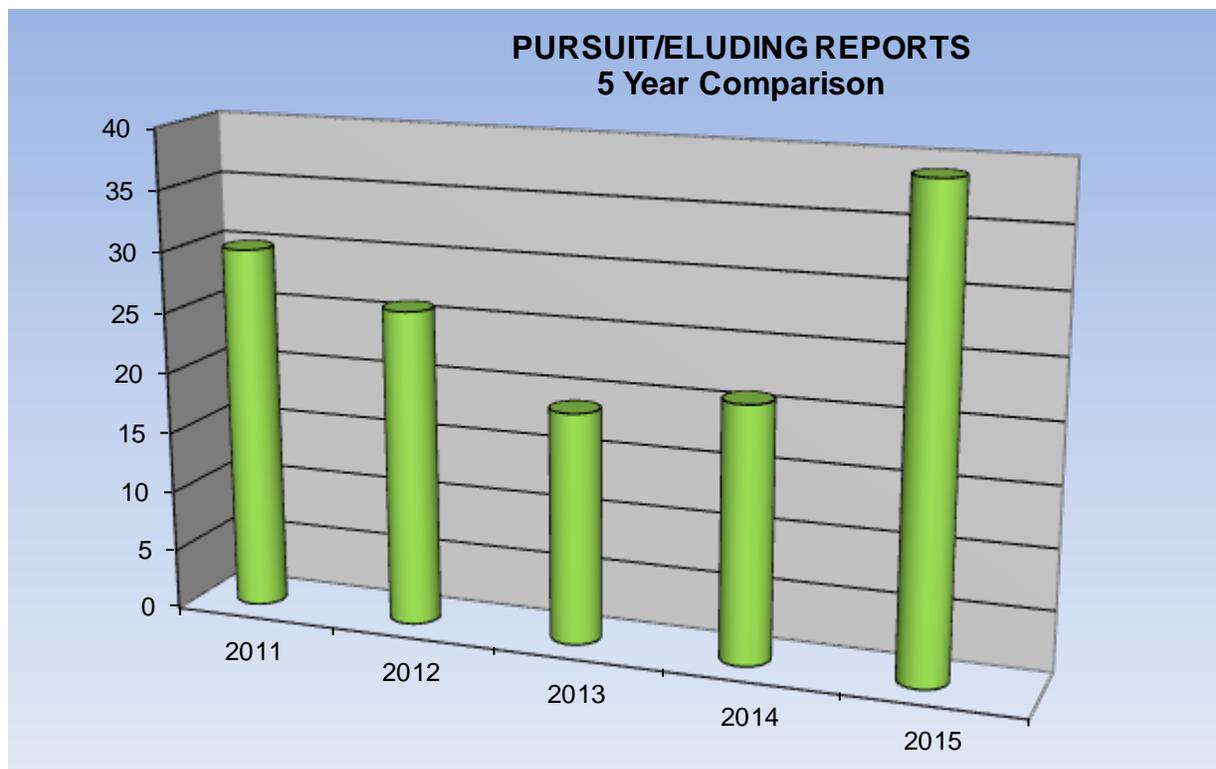
Pursuits

The Wheat Ridge Police Department defines a *pursuit* as the active attempt by an officer in an authorized emergency vehicle to apprehend the operator of a motor vehicle who, having been given an audible and visual indication to stop, attempts to avoid apprehension by maintaining or increasing speed or using other evasive tactics, and ignoring the attempts of the officer to stop the driver.

Eluding is defined as the act of knowingly attempting to evade a peace officer while driving a motor vehicle and the officer disengages pursuing the vehicle—following department policy and procedure.

In 2015, there were 39 total incidents in which suspects failed to yield to police officers; with one exception, all were classified as Eluding cases and Justified. Each case involved a motorist failing to yield to emergency equipment; and in each case the initiating officer stopped immediately as required by policy. Case 15-P-0039 was determined to be a pursuit, and was found to be justified. The 39 eluding/pursuit events recorded in 2015 represent a significant rise in incidents over the past; compared to 22 events in 2014, 20 events in 2013, 26 events in 2012, and 30 events in 2011.

2015	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	Justified	Not Justified
Pursuits	0	0	0	1	1	1	0
Eluding	12	3	12	11	38	38	0



Full pursuit and eluding information and analysis is more completely detailed in the 2015 Pursuit Analysis Report.

The manner in which pursuits were documented was changed in 2008: previously, situations in which vehicles eluded police officers were not documented. The current system provides a more consistent means of tracking instances in which suspects in motor vehicles deliberately attempt to evade contact by law enforcement.

Use of Force

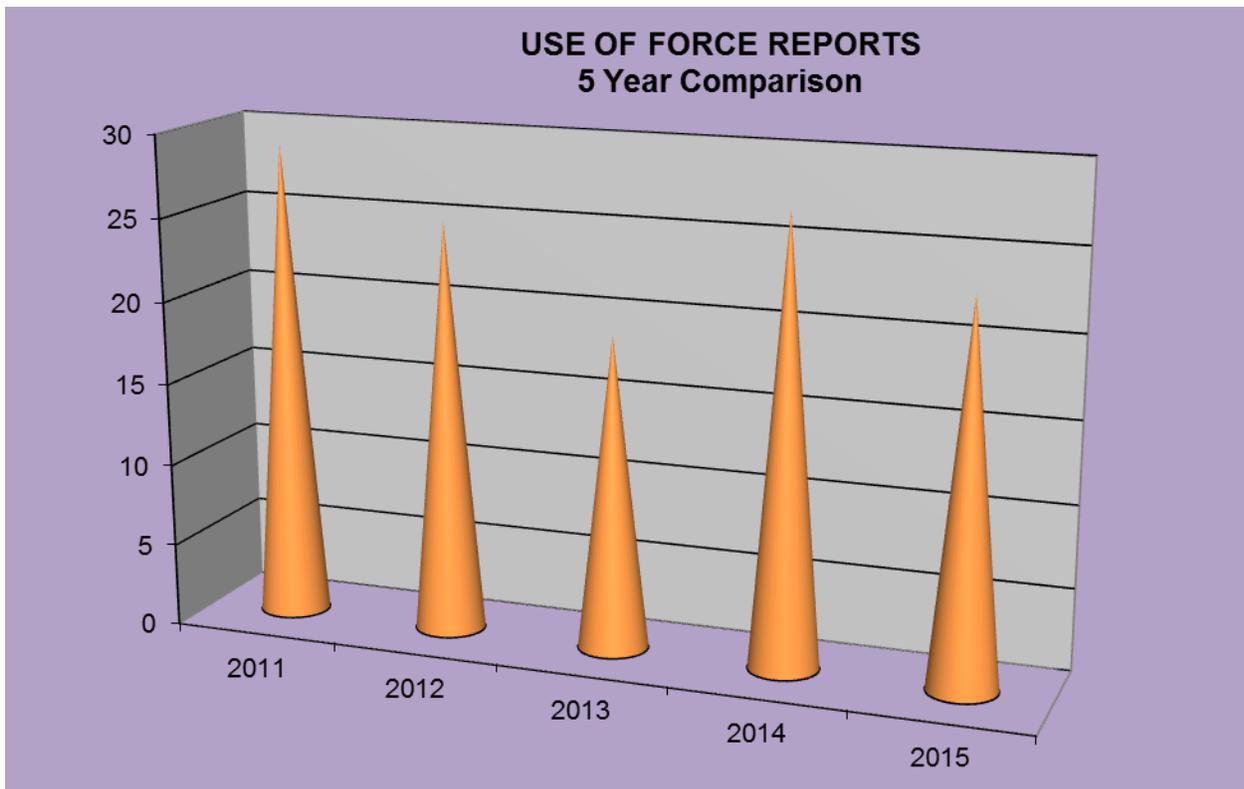
Officers are required to complete a Use of Force form when they use force greater than the level of 3A, control and compliance; or whenever an injury is sustained by any person. *Control and compliance* is defined as the use of some combination of leverage and strength to generate compliance, including joint locks, pressure points, take-downs and come-along techniques. Supervisors review the reports and make recommendations as to whether the incident needs further investigation.

The PSU received 23 reported Use of Force incidents 2015, four fewer than 2014. Twelve of the Use of Force reports from 2015 were level 3A, control and compliance, which required a report only because either an officer or suspect sustained an injury. Six suspect injuries, all consisting of minor abrasions or lacerations, were reported. Five officers sustained injuries; most consisted of minor scrapes and scratches, but one officer suffered a broken finger.

Of the remaining 11 reports, six involved level 3B, Electronic Control Weapons (ECW). Two of the reports involving ECWs also involved another level of force; one was used in conjunction

with one of the level 3A reports listed above, and one was used in conjunction with a level 5 (striking implements) incident. Four of the level 3B uses of force involved the deployment of the ECW alone. In no case was any injury, with the exception of the probe strikes, attributed to the ECW; in one case a suspect sustained minor injuries while resisting officers prior to the deployment of the ECW, and in one case the suspect sustained significant self-inflicted lacerations from a suicide attempt which precipitated the deployment of the ECW.

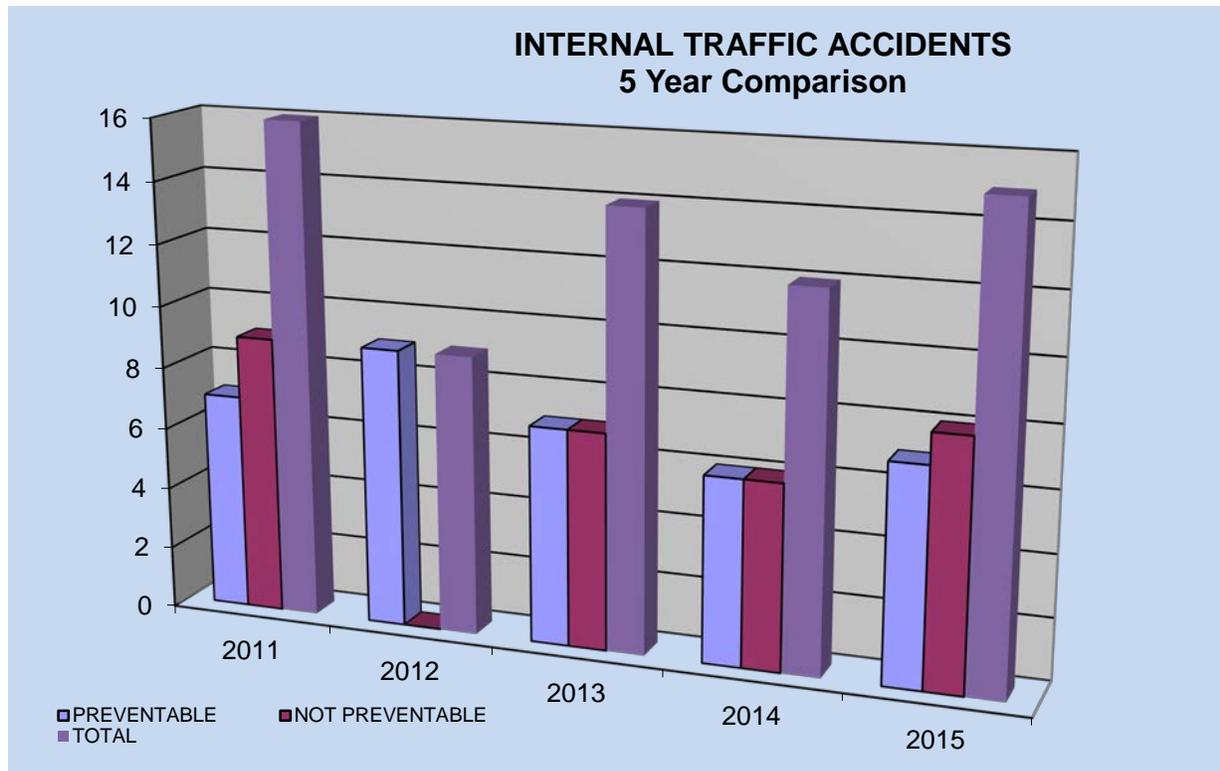
One use of force report in 2015 involved force level 4, unarmed striking, in which the officer sustained a slight injury; two reports were level 5, striking implements, (one of which was combined with 3B listed above), the two level 5 incidents resulted in one minor officer injury and one minor suspect injury. One report documented force level 5A, chemical or less-lethal munitions, resulting from a SWAT callout and resulted in a suspect injury; one reported use of level 5C, less-lethal munitions, in which a bean bag round was used to break out a window. The final two reports were level 6A, animal euthanasia, both of which involved an officer euthanizing a badly injured animal. All 23 use of force events were determined to be justified.



Refer to the 2015 Use of Force Analysis report for complete information and analysis of use of force incidents.

Employee Involved Traffic Accidents

Wheat Ridge Police employees were involved in 15 accidents in 2015; seven were preventable, eight were not. This compares to 12 accidents in 2014, of which six were preventable; 14 accidents in 2013, seven of which were preventable; nine in 2012, all preventable; and 16 in 2011, of which seven were preventable. In 2015, for the first time in many years, there were no accidents attributed to backing.



Summary of Employee Accidents

PSR#: 15-T-0001

Injuries: None

Finding: Preventable

Synopsis:

An officer, with a civilian rider on board, attempted to make a right hand turn from the left turn lane in response to a non-emergency call for service. The officer collided with a vehicle passing by in the through lane. There were no injuries, but both vehicles were severely damaged.

Action Taken:

Letter of Reprimand and Driving Test.

PSR# 15-T-0002

Injuries: None

Finding: Not Preventable

Synopsis:

An officer was making a left hand turn from northbound Kipling Street on a green turn arrow, when the patrol vehicle was struck by a vehicle which ran the red light for southbound traffic. There were no injuries, but both vehicles sustained significant damage.

Action Taken:

None.

PSR#: 15-T-0003

Injuries: None

Finding: Not Preventable

Synopsis:

An officer in training, with her FTO, was exiting 6th Avenue at Wadsworth Boulevard when the patrol vehicle was struck from behind by an inattentive driver. The accident was investigated by Lakewood PD. There were no injuries. Both vehicles were moderately damaged, but both were driven from the scene.

Action Taken:

None.

PSR# 15-T-0004

Injuries: None

Finding: Not Preventable

Synopsis:

A detective working extra duty as a DUI car parked his vehicle and got out to contact some area residents. A DUI driver sideswiped the department vehicle and fled the scene, but was contacted within a few blocks. There were no injuries, and minor damage to both vehicles. The DUI driver was charged with felony HTO and jailed.

Action Taken:

None.

PSR#: 15-T-0005**Injuries:** None**Finding:** Preventable**Synopsis:**

An officer was clearing license plates in a parking lot, distracted by the computer screen, and struck a stationary pole. The officer was not injured; however the patrol vehicle was damaged to the extent that a tow truck was required.

Action Taken:

Performance Record Entry and Driving Test.

PSR# 15-T-0006**Injuries:** None**Finding:** Preventable**Synopsis:**

An officer leaving the scene of a suspicious vehicle in a parking lot struck a stationary pole in the lot. There was minor damage to the patrol vehicle and no injury.

Action Taken:

Performance Record Entry and Driving Test.

PSR# 15-T-0007**Injuries:** None**Finding:** Preventable**Synopsis:**

An officer struck a curb while making a U-turn, causing damage to the tire and wheel of the patrol vehicle. There were no injuries.

Action Taken:

Performance Record Entry and Driving Test.

PSR#: 15-T-0008**Injuries:** Serious**Finding:** Not Preventable**Synopsis:**

An officer in training and his FTO were stationary in the left turn lane, awaiting a green turn arrow, on northbound Kipling Street. A southbound Honda, the driver of which appeared to be asleep, drifted across the center line and struck the stationary patrol vehicle head-on. Both vehicles were totaled. All three occupants of the Honda, none of whom were wearing seatbelts, were seriously injured. Both officers were treated and released for minor injuries.

Action Taken:

None.

PSR# 15-T-0009**Injuries:** None**Finding:** Not Preventable**Synopsis:**

An officer was slowly driving through a parking lot clearing license plates when a motorist began backing out of a parking space. The officer saw the motorist and stopped, but the motorist did not see the patrol vehicle and backed into it. There were no injuries and very minor damage to both vehicles.

Action Taken:

None.

PSR#: 15-T-0010**Injuries:** None**Finding:** Not Preventable**Synopsis:**

A motor officer was driving westbound on 38th Avenue when a motorist turned left in front of the police motorcycle. The officer attempted to maneuver around the vehicle, but struck the rear quarter panel with the side of the motorcycle before coming to a stop. There were no injuries, minor damage to the vehicle, and substantial damage to the motorcycle.

Action Taken:

None.

PSR# 15-T-0011**Injuries:** Minor**Finding:** Not Preventable**Synopsis:**

An officer was investigating a traffic accident on I-70 when his stationary patrol vehicle was rear-ended by another motorist. Both vehicles were severely damaged; the patrol vehicle was totaled. The officer was treated and released for minor injuries, the other driver was not injured.

Action Taken:

None.

PSR# 15-T-0012**Injuries:** None**Finding:** Preventable**Synopsis:**

An officer exiting his patrol vehicle neglected to put the vehicle in park; the vehicle rolled backwards and struck a pole. There were no injuries; the vehicle and pole were both slightly damaged.

Action Taken:

Performance Record Entry and Driving Test.

PSR#: 15-T-0013**Injuries:** None**Finding:** Not Preventable**Synopsis:**

An officer was investigating a traffic accident on I-70. Upon completion of the investigation it was immediately apparent that something was wrong with the front end of the patrol vehicle, although no cause could be determined. It was ultimately determined that the most likely cause was an unknown vehicle passing by on the highway had struck the outturned wheel of the patrol vehicle, without striking the patrol vehicle itself, causing damage to the suspension.

Action Taken:

None.

PSR#: 15-T-0014**Injuries:** None**Finding:** Preventable**Synopsis:**

A CSO driving a marked pickup slid on the icy roadway and struck a fence. There was moderate damage to both the vehicle and the fence; there were no injuries.

Action Taken:

Performance Record Entry and Driving Test.

PSR#: 15-T-0015**Injuries:** None**Finding:** Preventable**Synopsis:**

An officer pulling an unmarked vehicle into a parking space struck the vehicle in the next space, causing slight damage to both vehicles. There were no injuries.

Action Taken:

Performance Record Entry and Driving Test.

Complaints

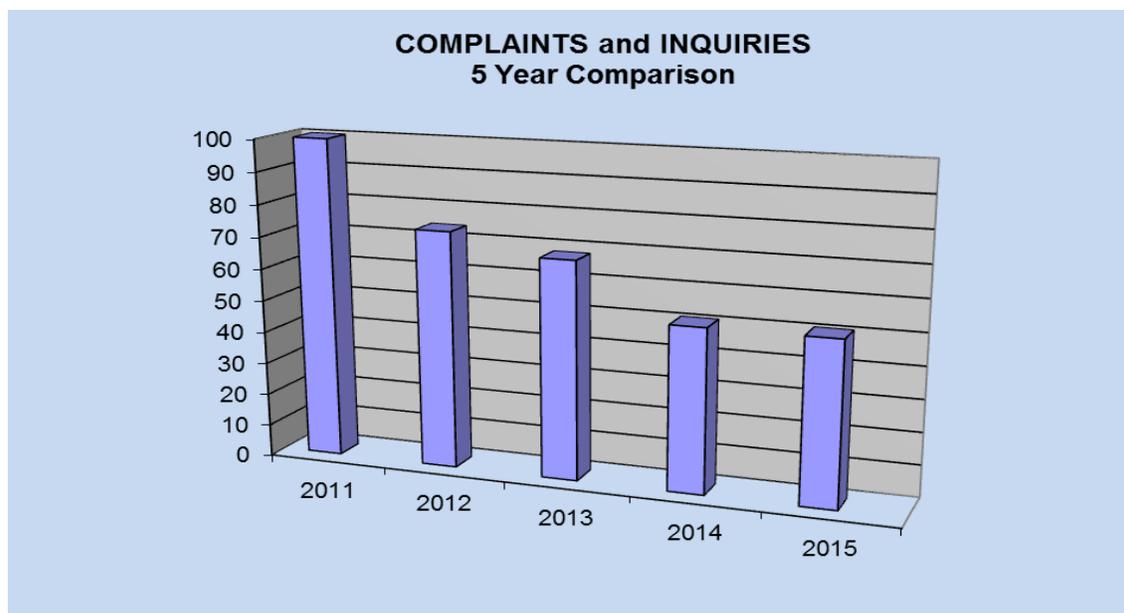
The Professional Standards Unit investigated 51 cases of alleged officer misconduct in 2015. This compares to 51 complaints in 2014, 69 complaints in 2013, 74 in 2012, and 100 in 2011. Some reports involve allegations against multiple employees, and occasionally one report results in multiple allegations against a single employee. The 51 reports investigated in 2015 account for 92 individual allegations, involving 79 employees. Eight of the total 51 reports were classified as Inquiries, which represent 16% of all allegations. These eight Inquiry cases account for ten of the individual allegations against employees, leaving 43 reports consisting of 82 allegations against 69 employees. The 43 reports consisted of 2 Major Investigations (4.5%), 32 Minor Investigations (75%), and 9 Divisional Investigations (20.5%). The findings for each of the 82 individual allegations are detailed below:

For the purposes of this section, individual employees listed in each allegation of misconduct are listed separately. Depending upon their involvement in the incident, different employees named in misconduct violations may have received different dispositions.

Misconduct Allegation / Dispositions	S	NS	EX	UNF	PF	MED	Total
3.42.01 Directives & Expectations	16	1			2		19
3.42.02 Laws	3	4					7
3.42.03 Truthfulness		2					2
3.42.04 Conduct Unbecoming		5					5
3.42.05 Respect for Others	2	4		1		1	8
3.42.06 Customer Service	1	3		2			6
3.42.07 Police Authority							
3.42.08 Neglect of Duty	13	3	2	1			19
3.42.09 Care of Property and Equipment	1	9					10
3.42.10 Conflict of Interest							
3.42.11 Use of Force (complaints only)			1				1
3.42.12 Pursuits (complaints only)							
City Personnel Policy, Section 4; Employee Ethics		1					1
City Personnel Policy, Section 5; Benefits & Leaves			1				1
City Personnel Policy, Section 15; Harassment	1			1		1	3
TOTALS	37	32	4	5	2	2	82

<u>Explanation of Abbreviations</u>	
S = Sustained Complaint	EX = Exonerated
NS = Not Sustained Complaint	UNF = Unfounded
PF = Policy Failure	MED = Mediation

Seventeen of the 43 non-inquiry complaint reports (39.5%) resulted in a total of 37 sustained allegations. The remaining 26 reports (60.5%) resulted in not-sustained or other findings on a total of 45 individual allegations.



Summary of Sustained Complaints:

PSR#: 15-C-0003 **Category:** Care of Property and Equipment

Synopsis:

An officer clearing license plates while driving through a parking lot struck a curb causing significant damage to the vehicle. The officer did not examine the vehicle for damage, nor report the incident, allowing the vehicle to remain in service until the damage was noted by another officer.

Action Taken:

Verbal counseling documented in a Performance Record Entry.

PSR#: 15-C-0005 **Category:** Neglect of Duty/Misconduct Not Based on Complaint

Synopsis:

An arrestee complained that upon retrieval of his property from evidence, two cell phones and his identification were missing. The investigation revealed no indication that those items had been on the arrestee's person upon his arrest, and the allegation of Care of Property & Equipment was subsequently found to be not sustained. However, the investigation did reveal that the arrestee's property included a backpack containing marijuana and money, which was not properly booked. Additionally, the manner in which the property was documented could not positively preclude the possibility that the cell phones had been on the arrestee's person when booked. A sustained finding for Neglect of Duty, as Misconduct Not Based on Complaint, for failing to properly book and document prisoner property was the final outcome.

Action Taken:

Verbal Reprimand documented in a Performance Record Entry.

PSR#: 15-C-0008**Category:** Neglect of Duty**Synopsis:**

An officer was asked to provide reports of property inspections as CALEA accreditation proofs; the officer stated that the inspections had not been documented. The officer then failed to meet a two-week deadline to complete the reports; in all the delay in providing the needed proofs exceeded five months.

Action Taken:

Written reprimand.

PSR#: 15-C-0009**Category:** Directives & Expectations**Synopsis:**

A request from the ACLU for officer body-cam footage led to the discovery that two officers had issued four summonses for loitering, on two different occasions to four different persons, at a RTD bus stop. Municipal charge 16-106(b), Loitering, applies to school property only, and did not apply in any of these cases. The subsequent investigation resulted in the dismissal of all four of the current summonses, as well as an additional case from 2011 in which the suspect had never appeared in court. In all, four officers had been involved in issuing incorrect summonses which ultimately had to be dismissed. Moreover, three different supervisors had reviewed and approved the reports, and none caught the error. The mistaken cites resulted in an extraordinary amount of unnecessary work for records and court personnel, as well as exposing the city to the potential for civil liability. The importance of law enforcement officers and supervisors to know the laws we are charged with enforcing cannot be overstated. This one case accounts for seven of the total sustained findings for the year; four officers and three supervisors.

Action Taken:

Performance record entries.

PSR#: 15-C-0016**Category:** Directives & Expectations**Synopsis:**

An officer failed to appear for a DMV hearing after being appropriately notified and acknowledging receipt of the notification. The officer took full responsibility, stating he had entered the date incorrectly on his personal calendar.

Action Taken:

Performance Record Entry.

PSR#: 15-C-0015**Category:** Neglect of Duty**Synopsis:**

An officer was directed to re-file charges against a juvenile suspect into county court, due to the juvenile's lengthy history with Wheat Ridge Municipal Court. The charges against the juvenile had already been dismissed by the Municipal Court; a number of errors and delays resulted in the statute of limitations expiring before the case was filed in County Court, effectively eliminating that method of addressing this problem juvenile. Ultimately, after several months and much work by a number of involved persons, the juvenile was issued new summonses and charged back into Municipal Court as the only remaining option.

Action Taken:

Counseling and a Performance Record Entry.

PSR#: 15-C-0017 **Category:** Neglect of Duty

Synopsis:

An officer was late for work on several occasions, and had repeatedly failed to notify his supervisor. The investigation revealed that this was the fourth time the officer had been late.

Action Taken:

Verbal reprimand documented in a Performance Record Entry.

PSR#: 15-C-0018 **Category:** Customer Service

Synopsis:

A complainant called on 911 and asked to speak to a supervisor regarding a complaint against an officer. The ESS on duty advised the caller that did not constitute an emergency, and placed the caller on hold for an extended period of time while she contacted the officer in question. The ESS was focused on the emergency aspect, and did not take the time to address the caller's concern appropriately.

Action Taken:

Counseling and a Performance Record Entry.

PSR#: 15-C-0019 **Category:** Neglect of Duty

Synopsis:

An officer failed to appear for two separate trials to court on parking citations resulting in both cases being dismissed.

Action Taken:

Verbal Reprimand documented in a Performance Record Entry.

PSR#: 15-C-0021 **Category:** Directives & Expectations
Workplace Harassment

Synopsis:

A complaint was made to Human Resources that a supervisor had made inappropriate remarks regarding female officers having children during briefing, in the presence of several female officers; that the supervisor had made an inappropriate comment that a female officer should marry a man named Smith, so her name would be easier to pronounce; that the supervisor had asked an officer if English was the officer's second language; and that the supervisor had confronted one of the initial complainants about making the complaint. Moreover, the Human Resources complaint alleged that the initial inappropriate comments had been reported to the supervisor's chain of command, but that no action had been taken.

The Chief had not been notified of this incident prior to the complaint reaching Human Resources; and he subsequently made the decision to bring in an independent outside investigator. After a long and thorough investigation, it was ultimately determined that: The supervisor did make a comment which implied that police officers, although not specifically female police officers, should not have children. The circumstances indicated that the comment was not about gender, but rather financial status, and no one present was offended by the comment. That allegation was not sustained. The allegation of possible retaliation, that the supervisor confronted one of the initial complainants, was also not sustained. The investigation showed that the supervisor did contact the officer in an attempt to apologize for anything said that may have been offensive, but had no intent to intimidate or retaliate against the complainant. The allegations that the supervisor had commented that a female officer should marry someone named Smith, and asking an officer if English was the officer's second language, were both sustained as instances of Workplace Harassment.

Allegations of Directives & Expectations violations for each member of the officers' chain of command were sustained; the investigation revealed that, although efforts were made to address the initial allegation, those efforts were insufficient and did not comply with department or city policy.

Action Taken:

Verbal Reprimand documented in a Performance Record Entry for each manager.
20 hours suspension for the supervisor.

PSR#: 15-C-0028**Category:** Directives & Expectations
Neglect of Duty**Synopsis:**

A detective refused to respond when called in after hours; the detective had reportedly switched the on-call responsibility with another detective. When advised that the switch had apparently been scheduled for another date, the detective still refused to respond. The investigation revealed that the detective was mistaken regarding the dates, and further that the detective failed to respond when ordered to do so.

Action Taken:

Counseling and a Performance Record Entry.

PSR#: 15-C-0033**Category:** Observance of Laws**Synopsis:**

An officer investigating an abandoned vehicle report at night entered the reportedly abandoned auto and searched for owner information. The vehicle was parked on the street in front of a residence; the vehicle registration did not match the address. The officer then entered another vehicle, parked in the driveway of the residence where the abandoned vehicle was parked, to search for owner information. The officer then knocked on the door of the residence, awakened the occupant, and determined that both vehicles belonged at that location. Both vehicle searches were determined to be unlawful violations of the owner's 4th amendment rights.

Action Taken:

Verbal Reprimand documented in a Performance Record Entry.

PSR#: 15-C-0035**Category:** Neglect of Duty**Synopsis:**

An officer responded to a reported burglary at a residence with a recent history of calls concerning suspicious activity by a relative of the recently deceased owner. An extra patrol request had been placed on the residence, and within one week officers had been called to the residence regarding an open door, suspicious persons, and ultimately the burglary. The officer responding to the burglary did not photograph the scene, nor process for fingerprints or DNA evidence although there was suspect information available.

Action Taken:

Counseling and a Performance Record Entry.

PSR#: 15-C-0041**Category:** Neglect of Duty**Synopsis:**

An officer failed to report for a scheduled work shift. When contacted at home by his supervisor, the officer stated that he was sick and had fallen asleep late. The officer neglected to notify his supervisor in a timely manner that he was not well and was in need of a sick day.

Action Taken:

Counseling and a Performance Record Entry.

PSR#: 15-C-0043**Category:** Directives & Expectations
Observance of Laws
Respect for Others**Synopsis:**

Two officers were videotaped by a citizen as they were conducting a traffic stop. The citizen was uncooperative, rude, and sarcastic; refusing to obey orders to back away from the traffic stop. Upon completion of the traffic stop, the officers contacted the male and issued him a summons for jaywalking and interference. The male requested a jury trial, and his attorney provided a copy of the video the male had taken of the officers to the prosecution. A review of the video depicted both officers displaying poor officer safety tactics by turning their backs to this confrontational subject, arguing with the male, shining their flashlights directly into the male's camera, and one officer filming the subject with his own camera. These actions clearly diminished the officers' professionalism and furthered the male's objective; to show police in a bad light. Furthermore, the contact for jaywalking gave the appearance of retaliation, particularly in light of the fact that the location did not fit the definitions in the Model Traffic Code.

The charges against this male were dismissed prior to trial; the jaywalking charge was incorrectly written, and the interference charge was not likely to result in successful prosecution by a jury viewing the video of the officers' reactions. Officers must always remember that video recording of officers by citizens is a lawful practice protected by the 1st amendment. Citizens who interfere with police operations or pose a significant safety risk should be warned to move back, and refusal should result in arrest. At no time should officers engage in argumentative or confrontational behavior; professionalism and respect is the expectation. A training bulletin has been completed regarding citizen video recording of officers.

Action Taken:

Counseling and a Performance Record Entry for both officers.

PSR#: 15-C-0044**Category:** Directives & Expectations
Neglect of Duty**Synopsis:**

An officer arrested a subject on a warrant; the subject did not match the description on the warrant and the subject advised the officer that she had been the victim of identity theft. The officer 'expressed' the subject to the Jefferson County jail for identification without utilizing investigative techniques available to verify the subject's identity and without advising the shift supervisor of the circumstances. The officer also booked unidentified pills located on the subject without making an effort to identify the pills. Several hours later the subject was released from the jail when it was determined that she was not the subject of the warrant. The officer also did not notify the supervisor of this development, the supervisor was advised by dispatch. The officer neglected to conduct any investigation into the circumstances surrounding this case, as is the duty of each sworn officer; nor did the officer keep the shift supervisor apprised of unusual developments.

Action Taken:

Counseling and a Performance Record Entry.

PSR#: 15-C-0047**Category:** Neglect of Duty**Synopsis:**

Three officers worked together on a domestic violence investigation in which the male was ultimately arrested. The male asked that his personal lock-box be taken to headquarters and booked for safekeeping. Two officers looked in the safe and saw that it contained money, but did not count the money. The third officer took custody of the safe and booked it in to evidence as a 'black box', knowing that the box was locked and the key had accompanied the suspect to jail, and not knowing what the box contained. The shift supervisor discovered the existence of the box, already in evidence, upon reviewing the reports for the case. The booking officer had to respond to the jail, obtain written consent to open the box and the key from the suspect, then return to headquarters so the contents of the safe could be properly documented. There were a number of concerns with this case. Officers must ensure that important information be passed on to others involved; money, drugs and other valuable items have specific procedures for booking; and booking locked containers with unknown contents into evidence poses significant safety and liability hazards.

Action Taken:

Counseling and a Performance Record Entry for each officer.

PSR#: 15-C-0049

Category: Observance of Laws
Truthfulness
Neglect of Duty

Synopsis:

An attorney for the subject of an Abatement Hearing alleged that a Community Services Officer committed perjury when completing the affidavit to request the abatement. The attorney claimed that the affidavit contained false information, citing a section of the Code of Laws which did not apply, and the CSO was unable to answer questions regarding the affidavit and violation during direct examination. The investigation revealed that the affidavit did in fact cite one section of the Code of Laws which did not apply in this case; however, it was determined that the form used for the affidavit was an older saved version, and there was no intent to deceive by the CSO upon completion of the affidavit. The allegations of Laws and Truthfulness were not sustained. However, upon review of the hearing transcripts, it was clear that the CSO was ill-equipped to answer questions asked of the attorney, and was unable to explain the sections of the Code of Laws in question. Although this hearing was not conducted in a manner consistent with other hearings of the same nature, all officers, sworn and non-sworn, are expected to be familiar with the laws and courtroom testimony procedures.

Action Taken:

Counseling and a Performance Record Entry

Complaint Analysis:

The Wheat Ridge Police Department investigates all complaints against the agency or its employees, including those made anonymously. All complaints are investigated objectively, and in a timely fashion. Complaints are initially classified as belonging to one of three categories:

Inquiry: Questions or concerns regarding a clarification of a policy, procedure or practice of the Department.

Divisional: An alleged transgression of practice or procedure that does not involve specific intent or conscious action and is generally not of an immoral, illegal, or unethical nature.

Misconduct: Any action or inaction by a department member that is immoral, illegal, unethical, or unprofessional; and which, if sustained, would constitute a violation of the Policy Directives Manual section 3.42, Code of Conduct. A charge of misconduct assumes an element of fault or culpability on the part of the department member. Misconduct complaints are categorized as either a major or minor violation.

1. Minor allegations are defined as lesser violations of rules, procedures, guidelines, regulations, or orders. Minor allegations of misconduct are typically investigated by the member's immediate supervisor; the investigation is reviewed through the chain of command for final disposition by the Division Chief.
2. Major allegations include violations which may include criminal charges or serious violations of department rules, procedures, guidelines, regulations, or orders. Major investigations are conducted by the Professional Standards Unit supervisor or designee as assigned by the Chief of Police. Interviews conducted pursuant to a major allegation are audio and/or video recorded, and frequently involved a Garrity Advisement. Final disposition of major investigations is made by the Chief of Police.

Final dispositions of allegation of misconduct investigations are classified as follows:

Inquiry:	The investigation revealed that the complaint shall be classified as an Inquiry because it is best described as a clarification of policy, procedure, or practice of the Department and not a matter of misconduct.
Unfounded:	The act or acts alleged did not occur or did not involve Police Department personnel.
Exonerated:	The alleged action did occur, but it was justified, lawful, and/or proper.
Not Sustained:	The evidence is insufficient to support the allegation. The presumption of innocence on the part of the member shall prevail in all cases which result in a finding of Not Sustained.
Sustained:	There is sufficient evidence to support the allegation against the member.
MNBOC:	Misconduct Not Based On Complaint. An investigation may determine that an action, other than the action that precipitated the complaint, taken by a member was inappropriate or inadequate. MNBOC is a separate violation, based on the circumstances of the case.
Policy Failure:	An investigation may reveal faulty department policies and/or procedures.

Completion Time:

In cases of Inquiries, Divisional and Minor complaints, every reasonable effort is made to ensure that the investigation is completed and a disposition reached within thirty days. In cases of Major complaints, additional time is generally necessary due to the complexity of the investigation. In those cases, every reasonable effort is made to ensure completion within sixty days. In all cases, extensions may be granted by the Chief of Police; department members who are the subject of the investigation are notified of the extension.

In 2015, case completion time varied considerably, for a variety of reasons:

- Inquiries:** The average time to complete an inquiry case in 2015 was 21.5 days. The shortest completion time was 14 days; the longest was 32 days. The long case was due to confusion in the case tracking; the complaint was initially classified as a minor investigation and was being investigated by Patrol Operations prior to PSU becoming aware.
- Divisional:** Average completion time for Divisional complaints in 2015 was 43.1 days. The shortest completion time was 15 days; the longest was 98. The case with the longest completion time was a complicated investigation that required backtracking a number of citations that had been erroneously served dating back as far as 2011.
- Minor:** In 2015, the fastest completion time for a Minor complaint investigation was 15 days. The longest was 100 days. Twenty-five of the 32 total Minor investigations completed in 2015 had open times greater than 30 days. The delays were most often encountered during the review and recommendations processes after the investigation was completed. The average completion time for Minor investigations was 48.84 days.
- Major:** Both Major investigations completed in 2015 were long; they averaged 146.5 days. The longest investigation was 172 days; due to waiting for an assortment of evaluations. The second Major investigation was conducted by an outside investigator and involved numerous interviews and report reviews prior to disposition.

In only two cases in which the investigation extended beyond the 30 or 60 day time limit imposed by policy was a formal extension request forwarded for the approval of the Chief of Police. Care should be taken to ensure this requirement is adhered to in future investigations. Additionally, in cases in which the investigation is completed and corrective action is the only aspect remaining, those cases should be closed. Documentation of corrective action may be added upon completion.

Source of Complaints:

According to 2013 census data, Wheat Ridge is home to approximately 31,000 residents. A total of 51 complaints, including inquiries, were received in 2015; a complaint to citizen ratio of 1/.0016. In 2015, the Wheat Ridge Police Department responded to 35,089 calls for service, a complaint to call for service ratio of 1/.0015, a little more than one tenth of one percent.

Of the 51 total complaints/inquiries received in 2015, one resulted from an incident that occurred at a location outside the city, the Combined Regional Academy; and 19 were initiated internally as the result of an incident at WRPD headquarters or Municipal Court. Forty-eight cases (94%) involved members assigned to the Patrol Operations Division; the remaining three (6%) involved Support Services personnel.

Patrol Operations:

Of the 48 cases involving personnel assigned to the Patrol Operations Division, two (4%) involved members of the Community Services Team. Four cases (8%) involved a school resource officer, and two cases (4%) involved a member of the Crime Prevention Unit. The remaining 40 cases (84%) involved members of one of the three patrol watches; 10 cases (25%) came from 1st watch calls for service, 19 (48%) from second watch, and 11 (27%) from third watch. By way of comparison, 1st watch received 33% of the calls for service recorded in 2015; second watch 39.5%, and third watch 27.5%.

Support Services:

Of the 3 cases involving Support Services Personnel, two (66.6%) involved complaints against investigations personnel and one (33.3%) involved a member of dispatch.

Complaint by call type:

The highest number of complaints (9) received in 2015 were initiated via administrative action. Citizen assists and 'other calls for service' generated the second-highest number of complaints, with 6 each. Five were initiated following traffic accident investigations; and domestic violence calls for service generated four complaints. Three complaints stemmed from arrests; code enforcement, disturbances, disturbing the peace, and traffic contacts each generated two complaints. Finally, one complaint apiece was generated following an assault, burglary, homicide, missing person, sex assault, traffic violation, training, warrant service and welfare check call for service.

Complaint by allegation:

The Department has averaged 69 complaints per year, over the last five years, which is down from last year's average of 81. 2011 posted the highest number of complaints in recent history, with 100. There has been a consistent decline in the number of complaints each year since, until 2014 and 2015 totals leveled off at 51 each year. Over the past five years, Neglect of Duty has posted the highest number of complaints; with a total of 127. Thirty-two Neglect of Duty complaints were received in 2011, 25 in 2012, 30 in 2013 and 21 in 2014, and 19 in 2015. Even though this category has consistently been the highest, there has been a decline each year, with the exception of 2012 to 2013, when those complaints increased by five. The second highest number of complaints over the past five years has been in the area of Customer Service, with totals of 30 complaints in 2011, 27 in 2012, 16 in 2013, 11 in 2014, and seven in 2015, again a steady decline each year. The highest numbers of complaints in 2015 were received in the areas of Neglect of Duty and Directives and Expectations, with 19 each. Twelve Neglect of Duty (63%), and 16 Directives and Expectation (84%) allegations were sustained. The second highest category of 2015 was Care of Property & Equipment, with 10 allegations. However, only one of those allegations (10%) was sustained.

Complaint by case type:

When viewed by case type, the overwhelming majority of cases continue to be classified as minor investigations. Over the past five years, 82% of the cases have been categorized as minor investigations, 6% as major investigations and 12 % as divisional complaints.

Complaint by employee involvement:

A breakdown of employee involvement in complaints (discounting inquiries) over the past five years shows that on average, 23.8 sworn officers (33%) and 4 non-sworn employees (14.3%) receive at least one complaint per year. On average, 9.8 officers (13.6%) and 1.2 non-sworn (4.3%) receive two complaints per year. 5 sworn (7%) and .4 (1.4%) of non-sworn employees received more than two complaints on average over the past five years.

These statistics do not reflect the steady decline in employee involvement in complaints. In 2011, 43 police officers were named in at least one complaint. 43 were recorded again in 2012, and 42 in 2013. The downward trend continued in 2014, when 38 sworn employees were named in at least one complaint, and again in 2015 with only 23.8. There is no statistical data to explain the consistent decline in complaints, particularly when calls for service have steadily increased. This five year comparison encompasses the WRPD's initial CALEA accreditation process, as well as the first re-accreditation process. The associated reviews and revisions of policies and procedures, training and overall enhanced customer service philosophy are likely contributing factors.

In 2010, the Wheat Ridge Police Department added a category of "Mediation" to the possible findings for complaints. If a case is determined to meet the criteria as a candidate for mediation,

that option for resolution is offered to both the employee and the complainant. The department utilizes the services of Jefferson County Mediation. Two cases were referred in 2015, bringing the to-date total to six complaints that have been successfully mediated to the benefit of both the employee and the complainant.

Early Warning System

The Early Warning System was developed to identify employees who may be having difficulties with specific functions of their job performance, or who may be having behavioral issues. Police Department policy requires a supervisory review of the Professional Standards history of employees who have:

- Received two sustained complaints or four complaints, regardless of disposition, within a 12-month time period.
- When a Department member is involved in two preventable traffic accidents, while operating a City-owned vehicle, within a 12-month time period.
- When a Department member is involved in four or more use of force situations, regardless of disposition, during any 12-month period that require a Use of Force report, as defined in Policy 5.03.03

The review consists of reviewing each case to determine patterns or practices that require correction, either through counseling or directed training.

Early Warning System Analysis:

In 2015, eight employees received Early Warning System special reviews. This compares to six employee reviews in 2014, and eight in 2013.

During 2015, the following were identified by the Early Warning System:

- Two officers' performance was reviewed after receiving two sustained allegations in a 12-month period.
- Five officers were reviewed after being involved in four Use of Force reports in a 12-month period.
- One officer's performance was reviewed after receiving four allegations, regardless of disposition, in a 12-month period.

Each of the officers' performance was reviewed by their respective supervisors and chain of command; no concerns were noted and no further action was necessary.

TW/tw