



MEMORANDUM

20-033

TO: William Kilpatrick Chief of Police
VIA: Joe Harvey Deputy Chief
FROM: Denise S. Mehnert Professional Standards Sergeant
DATE: February 27, 2020
GPD PPM: 34.17
CALEA: 26.2.5
SUBJECT: Summary of 2019 Internal Investigations

The Professional Standards Unit is part of the Administration Division. The Professional Standards Unit Sergeant may report directly to the Chief of Police on matters related to professional standards investigations.

The professional standards process afforded members of the public and department an avenue to voice complaints regarding employee conduct. It gave the community and agency members a place to submit questions of a member's action and agency procedures. Furthermore, the process provided a review of agency directives and procedures to promote best practice as an organization.

The Professional Standards Unit maintained the records and processes of internal investigations. The investigations were conducted by the Professional Standards Sergeant or an agency supervisor. The findings of an investigation were recommended by the assigned investigator. At the conclusion of the investigation, the involved member's division head was given the opportunity to review the investigation file and provide any comments or recommendations. The final determination of findings was made by the Chief of Police. Substantiated allegations were addressed through a review of directives, training, corrective action or discipline.

The internal investigations are categorized in to one of the identified the incident types of complaint, inquiry or administrative review.

Complaints

In 2019, the department received a total of twelve (12) complaints against its members.

Year	External	Internal	Total
2019	8	4	12
2018	22	4	26
2017	15	6	21

The complaints were reported in-person, by phone, and mail.

In one complaint the involved member was unknown. The complainant was not directly involved in the incident of the allegations of misconduct and received the information third hand. The citizen involved was contacted but could not provide sufficient information to identify the alleged involved member. The investigation was unable to find evidence that confirmed the allegations occurred or involved a department member.

In 2019, the number of complaints filed by an external source decreased by 64% over the previous year. The number of complaints filed by internal sources has stayed generally consistent with the average being four per year for the past three years.

There was no member who received an immoderate number of complaints in 2019. This was consistent with the findings of the prior three years. One member who received a complaint triggered an early intervention alert. It was the only complaint the member received for the year. The alert was due to the member having three complaints in 2018. The complaints were reviewed by the member's supervisor; no patterns were identified and prior conduct was found to be proper. There were no members who received more than one complaint for the year. None of the members who were involved in citizen complaints were terminated nor resigned.

Investigation Dispositions

The complaint investigation may involve more than one allegation, and more than one officer. Professional Standards investigation dispositions are the final determination or outcome of each allegation.

Golden PD PPM defines the dispositions as follows:

- Substantiated – Allegation is supported by sufficient evidence.
 - CALEA – Sustained

- Unsubstantiated – Insufficient evidence to prove or disprove the allegation
 - CALEA – Not Sustained

- Unfounded – The allegation is false or not factual.
 - CALEA – Unfounded

- Proper Action – The member acted lawfully and properly and within prescribed department or city directives
 - CALEA – Exonerated

- Outcome Not Based on Complaint – Outcome not alleged in the complaint but disclosed by the investigation.
 - CALEA – Sustained

- Exceptionally Cleared – Accused member is no longer a member of the department at the conclusion of the investigation.
 - CALEA – Sustained

Dispositions for complaint allegations*

Dispositions	2019	2018	2017
Sustained	8	13	17
Not Sustained	11	15	11
Unfounded	1	25	5
Exonerated	6	24	12
Total **	26	77	45

* Table uses CALEA dispositions.

** One complaint can contain more than one allegation and/or more than one member under investigation. (E.g. one complaint with two allegations against two members = four allegations)

In 2019, 23% of the allegations made by the complainant were sustained in finding misconduct was committed by the member. During two of the investigations, allegations were identified that were not based on the complaint however disclosed in the course of the investigation. About 27% of the allegations were found to either not have occurred, or found to be proper action by the officer. The majority of the allegations, approximately 42%, there was insufficient evidence to prove or disprove any wrong doing by the officer.

Personnel Actions

Personnel actions are the disciplinary results from sustained complaints. In 2019, two members chose to resign from the agency either during the investigation or after the findings were determined. The members were not involved in the same investigation. It was the only complaint each involved member received in 2019. There were no other investigations that resulted in discipline.

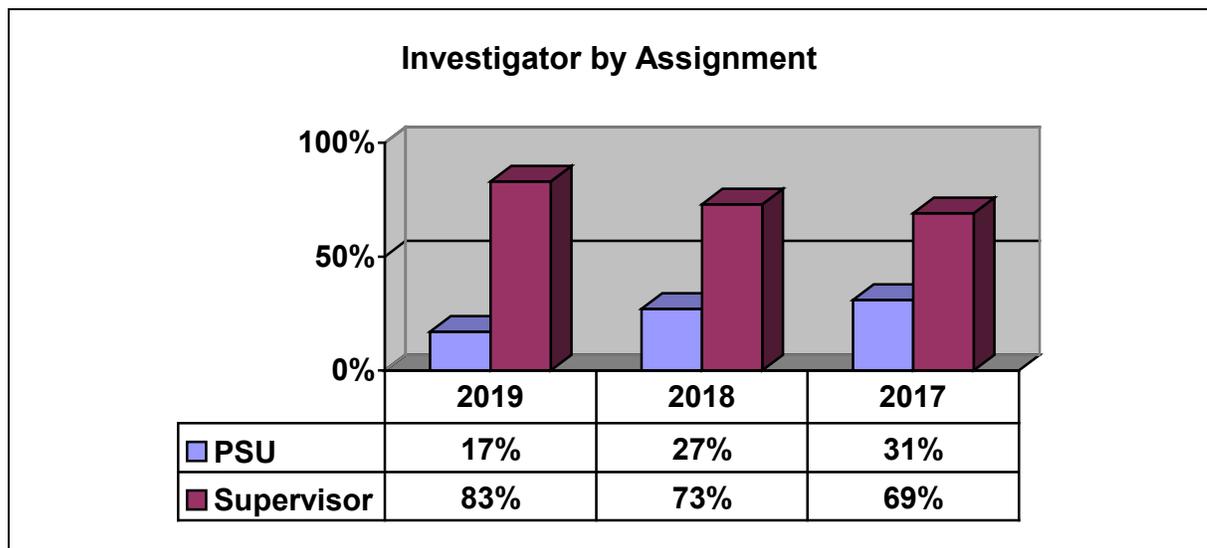
Personnel Actions*

	2019	2018	2017
Suspension	0	0	2
Demotion	0	0	0
Resign In Lieu of Termination	2	2	0
Termination	0	0	0
Other	0	0	0
Total	2	2	2

*Table uses CALEA personnel actions.

Investigator by assignments

The investigations were conducted by the Professional Standards Sergeant or an agency supervisor. Professional Standards Sergeant primarily investigated allegations of serious misconduct.



Inquiries

An inquiry addresses a question or concern regarding policy, procedure or practice of the department or its member with no basis of a complaint. The investigation may begin as an inquiry, however it may be reclassified as a complaint of misconduct if during the course of the investigation the investigator found reason to do so.

In 2019, the department received a total of seven (7) inquiries; five (5) were from an external source.

Year	External	Internal	Total
2019	5	2	7
2018	5	0	5
2017	5	0	5

In the first external inquiry, a citizen called to inquire about the interaction a member had with her dog. The citizen reported the dog charged the fence barking at the member who was standing outside the fence. The citizen questioned if the member did something to her dog. The citizen later

reported the dog made a full recovery, however she never reported any findings from a veterinarian. There was no evidence of wrong doing suspected of the member and the inquiry was closed.

In the second inquiry, a citizen did not agree with a detective's discretion not to charge a second defendant in a criminal case that the citizen's daughter was sentenced to prison for her involvement. During the course of the investigation, the citizen called back stating she no longer had concerns with the officer and she would contact the District Attorney's Office. There was no wrong doing found on the part of the officer and the inquiry was closed.

In the third inquiry, a citizen felt an officer who entered his residence on a welfare check violated his Fourth Amendment rights. The incident involved the officer entry only as a community caretaker for the welfare of a person. There was no wrong doing found on the part of the officer and the inquiry was closed.

For the fourth inquiry, a citizen was upset an arrest was not made in his criminal complaint and the case had been closed without notification by the investigating officer. There was no wrong doing found on the part of the officer and the inquiry was closed.

In the fifth inquiry, a citizen wrote two letters in regards to a traffic contact. In the first letter, the citizen indicated she disagreed with receiving a traffic summons instead of a warning for the traffic violations. In the second letter, the citizen felt the officer yelled at her unnecessarily after she exited her vehicle during the stop. There was no wrong doing found on the part of the officer and the inquiry was closed.

For the first internal inquiry, during a pre-trip vehicle inspection an officer located suspected illegal narcotics and paraphernalia. The items were found in a black sock that was located between the front seat and rear seat partition. It's suspected the items were left by someone not in handcuffs. It was noted there was a potential flaw in the design of the partition as the opening was at the base (floor) of the partition and allows access from the rear seat to the front. The location is difficult to inspect and difficult to seal off completely. There were recommendations for correction however there was no responsible member identified and the inquiry was closed. In the second, during another pre-trip vehicle inspection an officer located two knives found in the vault area of a patrol vehicle. The investigator was unable to determine ownership of the knives. A member responsible for leaving them in the vehicle was not determined and the inquiry was closed.

Administrative Review

Administrative reviews are generally used to assess incidents of substantial liability where the department and or its members were involved. They help evaluate the actions of the members, policy and training, et al. They are also used to investigate incidents where the department was involved however any complaints are directed toward other entities.

The average amount of reviews over the past three years has been one a year.

2019	2018	2017
2	1	0

In 2019, there was two administrative reviews. One was for a vehicle pursuit stemming from a traffic violation. The involved member initiated a traffic stop on a vehicle for failure to yield to a stationary emergency vehicle. The member initiated the contact within the City however traveled beyond the jurisdiction. The vehicle did not go above posted speed limit. As the officer pursued the vehicle, the officer got side by side with the vehicle and made eye contact with the driver. The vehicle was in the number two lane, and the officer was in the number one lane. The officer signaled the driver to pull over and the driver did not comply. Officer got behind the vehicle still traveling with his lights and siren activated. The vehicle exited the highway only to continue in a return route of travel back towards the City. As the vehicle got onto the on-ramp for the highway, it was in the number two lane of the on ramp as the officer passed the vehicle and got in front of it at speeds around 15-20 miles per hour in an attempt to have it stop. The vehicle moved over into the number one lane and went around the patrol vehicle. The officer then turned off all emergency equipment. Officer continued to follow the vehicle back into the City. Initiating officer and additional officers made contact with the driver after the vehicle stopped in the parking lot within the City of Golden. Review of the incident determined the involved member actions were in violation of the department vehicle pursuit policy and not in accordance with department training. The member was given a written reprimand.

The second review was for an officer involved shooting that resulted in the death of a person. The incident involved members of multiple agencies assigned to the regional SWAT team. SWAT personnel responded on an agency assist request to apprehend an adult male suspect who had an active felony warrant for assault and weapons related charges. The subject had

prior incidents of weapons possession, threats of suicide by cop and discharged a firearm on a prior contact with law enforcement.

On the date of incident, Denver PD detectives located the subject sleeping in his vehicle at an apartment complex in Jefferson County. Due to the subject's violent history, the SWAT team was activated to effect the arrest. Responding SWAT personnel completed a barricade tactic of pinning the subject's vehicle to prevent the subject from going mobile. Following the barricade of the vehicle, a SWAT operator deployed a diversionary device to aid operators to move into a tactical position and avoid crossfire. Operators gave verbal commands for subject to put his hands up. The subject did not comply and moved about in the vehicle. Operators did not have a clear view of the subject in the vehicle and deployed 40mm less lethal gas rounds to breach a window. The window shattered but did not fall out. About a second after the window shattered shots were fired from inside the vehicle. Four SWAT operators, two of them being Golden PD members, responded by shooting at the suspect in the vehicle. Additional SWAT operators arrived on scene with an armored vehicle to assess the condition of the suspect. After no response, operators approached with shield and found the suspect had a handgun next to him but his hands were empty. In the review of the incident and independent criminal investigation, the Golden officers directly involved and those who responded after the shooting were found to be in compliance with applicable laws and department directives.