



MEMORANDUM

15-123

TO: Chief William Kilpatrick Chief of Police

CC: Captain Daryl Hollingsworth Support Services Division

FROM: Sergeant Jean Miller Support Services Division

DATE: April 6, 2015

CALEA: 1.2.9.d , 1.3.13, 25.1.3, 35.1.9.c , 41.2.2.j, 52.1.5

GPD PPM: 8.5, 34.21, 35.8

SUBJECT: 2014 Professional Standards Unit (PROFESSIONAL STANDARDS UNIT) Annual Report

This report contains information for 2012, 2013 and 2014. The Professional Standards Unit is part of the Community Services Section of the Support Services Division. The Professional Standards Unit sergeant reports directly to the Chief of Police on all professional standards matters.

First, the professional standards process affords citizens and visitors an avenue to address complaints regarding allegations of employee misconduct. Second, the Professional Standards Unit allows an access to voice concerns about agency policy and procedures. Finally, it provides a conduit where commendations for members can be received.

The Professional Standards Unit maintains records and processes of inquiries, commendations, complaints, early interventions and Incident Review Board outcomes. Areas of concern are addressed through training, corrective action, discipline and review of policy, procedures or operating guidelines.

PROFESSIONAL STANDARDS: <52.1.5 Annual Report>

COMPLAINTS: 2014, 2013 and 2012

2014	External	Internal	Total
Complaints	36	6	42
Inquiries	0	0	0
Admin. Review	0	0	0
Totals	36	6	42

2013	External	Internal	Total
Complaints	38	7	45
Inquiries	3	0	3
Admin. Review	0	0	0
Totals	41	7	48

2012	External	Internal	Total
Complaints	39	3	42
Inquiries	8	0	8
Admin. Review	0	0	0
Totals	47	3	50

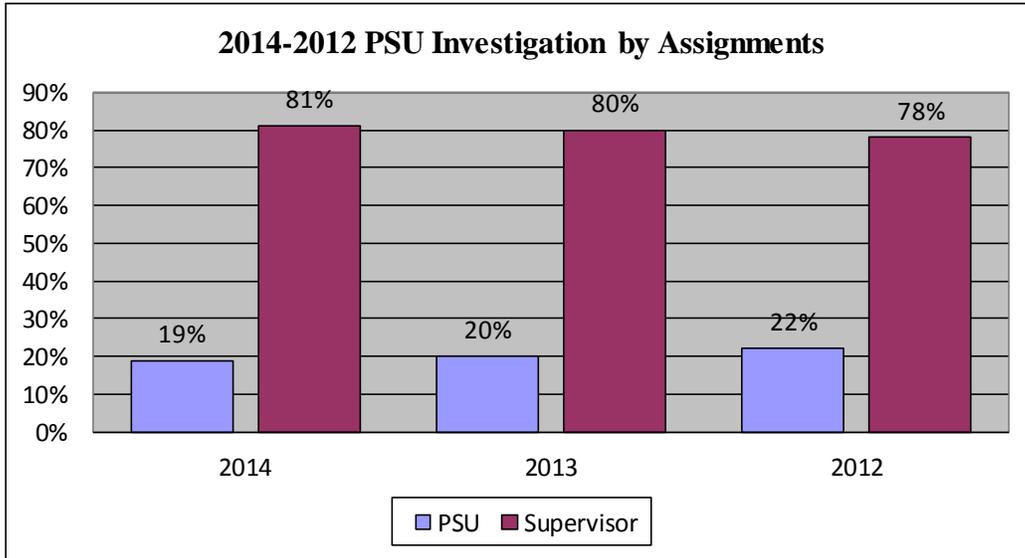
The yearly total of complaints for 2014 was six less than 2013 and eight less than 2012. Over the past three years, total complaints decreased by eight, which equates to a drop in total complaints of 16%. In 2014 and 2013, the number of complaints filed by external sources decreased however the number of complaints filed by internal sources stayed about the same. This would seem to indicate members of the Golden Police Department are reporting inappropriate and unprofessional behaviors of coworkers. Investigations were completed and actions taken to address the behaviors so the department can continue to deliver high quality service to our community.

There were no inquiry cases in 2014; a drop from three in 2013 and eight in 2012.

There were no administrative reviews during the three years included in this report.

In 2014, six members had three or more complaints. In 2013, six members had three or more complaints. In 2012, 11 members had three or more complaints.

No member with three or more complaints was terminated or resigned in 2014.



PROFESSIONAL STANDARDS INVESTIGATION DISPOSITIONS: 2014, 2013, 2012

Dispositions for Complaint Allegations *

	2014	2013	2012
Sustained	15	14	14
Not Sustained	8	14	10
Unfounded	13	18	18
Exonerated	23	20	38
Outcome Not Based on Complaint	2	6	2
Exceptionally Cleared	4	10	10
Total **	67	82	92

* Table uses CALEA dispositions.

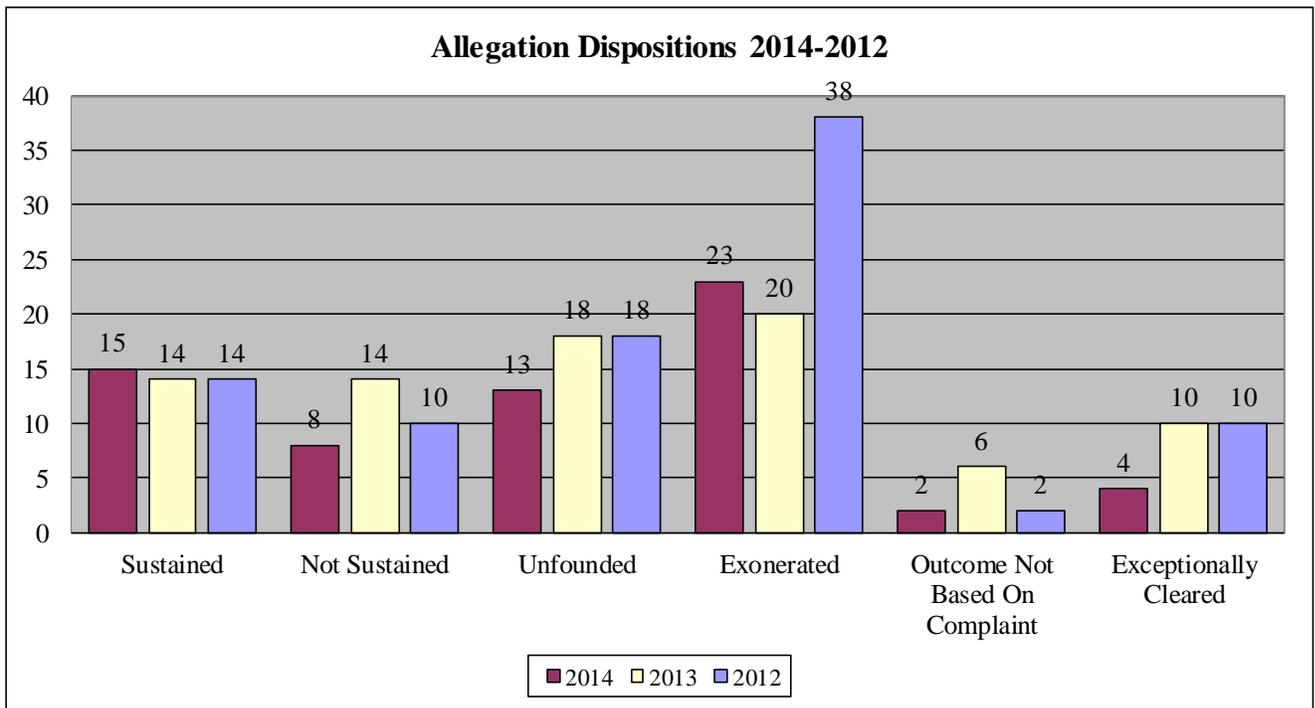
** One complaint can contain more than one allegation and/or more than one member under investigation. (e.g. one complaint with two allegations against two members = four allegations)

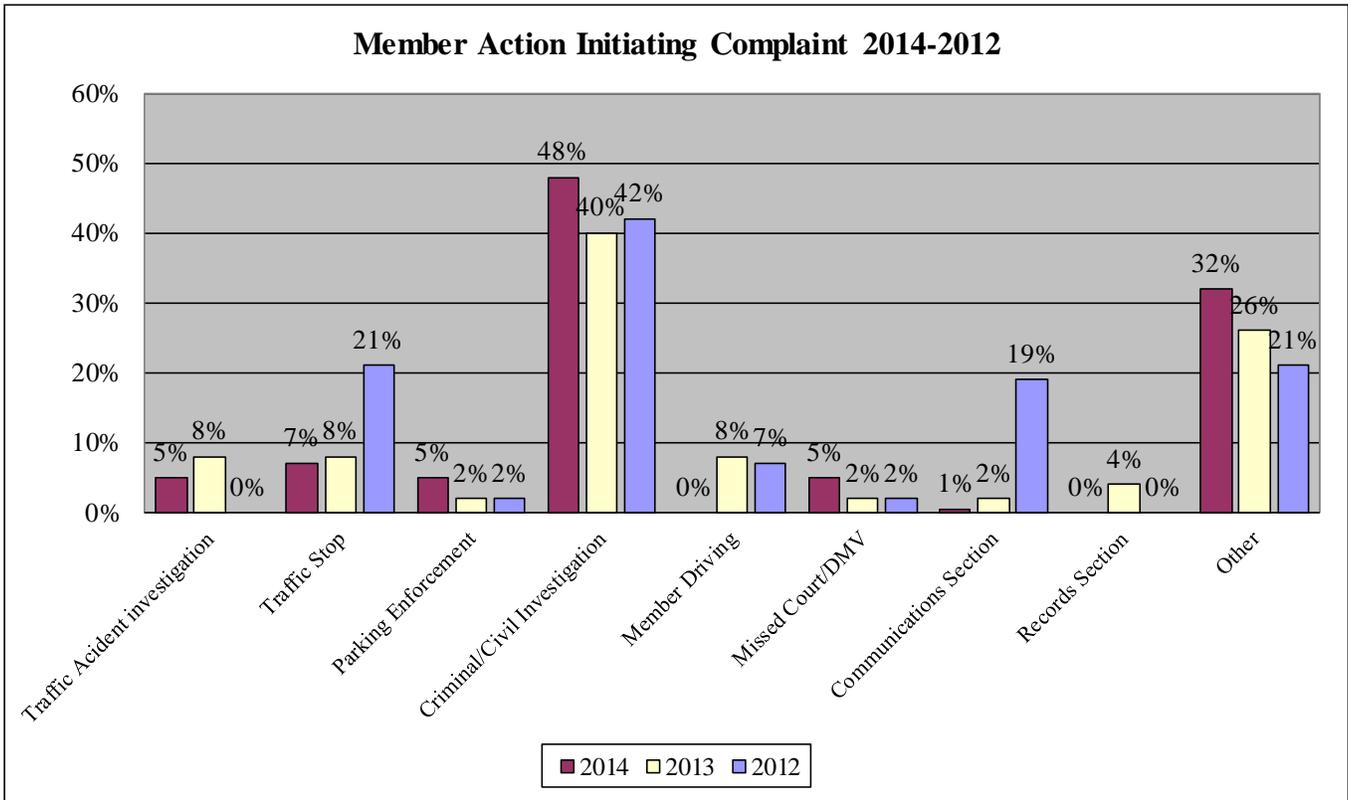
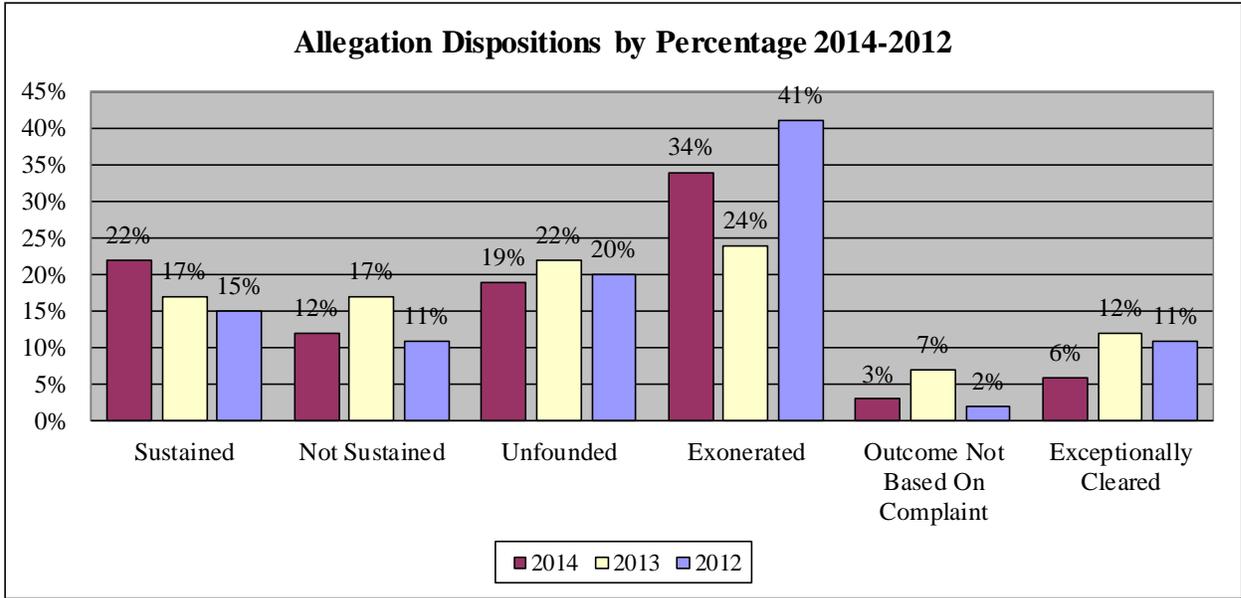
PROFESSIONAL STANDARDS UNIT investigation dispositions are the final determination or outcome of each case.

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 – Incident occurred, but the member acted lawfully and properly and within prescribed department rules and policy and/or procedures.
 - CALEA - Exonerated
- Outcome Not Based on Complaint – Outcome not alleged in the complaint but disclosed by the investigation.
 - CALEA - Outcome Not Based on Complaint
- Exceptionally Cleared – Accused member is no longer a member of the department at the conclusion of the investigation.
 - CALEA - Exceptionally Cleared





PERSONNEL ACTIONS*

	2014	2013	2012
Suspension	0	1	1
Demotion	0	0	0
Resign In Lieu of Termination	0	2	0
Termination	1	0	0
Other	0	0	0
Total	1	3	1

*Table uses CALEA terms. GPD PPM term is Disciplinary Action

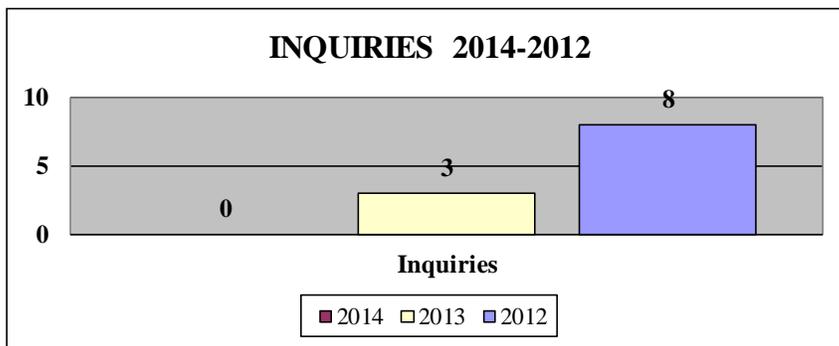
Personnel actions show the disciplinary results from sustained complaints.

INQUIRIES [Report]

Inquiries

2014	2013	2012
0	3	8

An inquiry is more of a question or concern regarding policy, procedure or practice of the department versus a complaint.



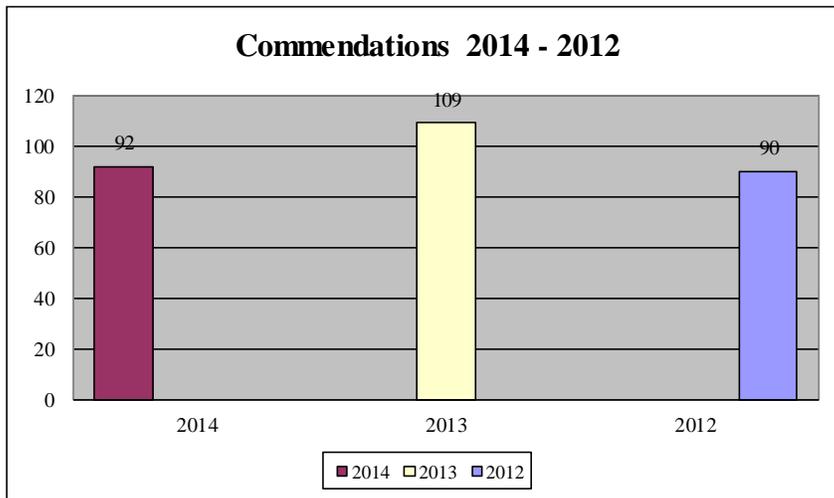
COMMENDATIONS [Report]

Commendations★

2014	2013	2012
92	109	90

★No data included from Awards Sub-Committee of the Working Environment Committee.

Commendations are received from internal and external sources through direct contact with the Professional Standards Unit, Chief of Police, City Manager, Communications Center, supervisors or department members. All such commendations are forwarded to the Professional Standards Unit for tracking and dissemination.



ADMINISTRATIVE REVIEWS [Report]

Administrative Reviews

2014	2013	2012
0	0	0

Administrative reviews are generally used to follow-up situations where the department was involved, but questions or complaints are directed toward other entities. They can also be used to help evaluate policy, training, et al.

ANTI-BIAS: <1.2.9.d Annual Review> [§24-31-309 (4) (c) C.R.S.]

Biased Based Policing Complaints

Complaints from:	2014	2013	2012
Traffic contacts	0	0	0
Field contacts	1	1	1
Asset Forfeiture	0	0	0

2014: Complainant alleged officer was racially biased and arrested her grandson because he was black. The allegation was investigated and it was determined the subject had three active warrants for his arrest. The officer involved was driving past the residence and observed a male matching the description of the subject with the warrants. The officer stopped and spoke with the male who did identify himself as the person with the warrants. The subject was taken into custody without incident. The subject of the arrest did not file a complaint; his grandmother did alleging the contact was biased based. It should be noted the subject is White with Hispanic ethnicity. Allegation was closed as Proper Action.

2013: Complainant alleged “statistical discrimination and racial profiling” regarding a missing person report handled by a member. Complainant alleged member was aware of his credentials as having a doctoral degree, but referred to him by his first name.

Complainant also alleged member was displaying “hyper-vigilant racial profiling”. The term refers to vigilant racial profiling that makes assumptions that may lead to limited opportunities for work and unfair arrest or hostile treatment by police.

The Professional Standards Investigation revealed there was no evidence to show member’s conduct and/or actions were racially biased through actions of profiling or unprofessional treatment. The allegations were closed as unfounded.

2012: Complaint alleged members contacted the citizen based on his race. The Professional Standards Investigation revealed officers, while clearing a call for service in an apartment complex observed a suspicious vehicle and activity in the parking lot. This occurred at night and the vehicle had tinted windows with the tinting sufficient enough to obscure visual observation of anyone inside. The gender and race of the driver was not known until after the officers were committed to making the contact. After committing to the contact, the driver got out of the truck, which was the officers’ first indication of the citizen’s race.

The citizen reported he was contacted walking through the parking lot with his son, insinuating that the officers could see his race before the contact with initiated. Both

officers reported the contact occurred immediately following the citizen exiting his truck, before they knew his race.

There was no evidence to support the allegation that the officers contacted the citizen based on his race. The allegation was closed as unfounded.

All department members received anti-bias training during in-service training in February 2013. All new department members receive anti-bias training during their new hire orientation.

Conflict Resolution: <25.1.3 Annual Analysis>

This section was formerly titled “Grievance”. The City of Golden is a “Home Rule” city and does not have a formal grievance process (City of Golden Employee Handbook January 2008). The process was changed to “Conflict Resolution in 2011 and the process is available only to members of the police department. The Conflict Resolution process is outlined in the GPD PPM Chapter 31.

Conflict Resolutions

2014	2013	2012
0	0	0

There was no conflict resolutions filed in 2014, 2013 or 2012.

Conflict Resolution Process Analysis:

The department strives to provide a positive working relationship for all of its members. Although the city does not have a traditional grievance process the department does provide its members with a method to aid in resolving conflict.

The goal of the conflict resolution process is to help reduce personnel dissatisfaction, increase morale, identify problems and increase the positive perception members have of the organization. An audit of exit interviews of officers who voluntarily left the department during the years of 2012, 2013 and 2014 revealed that none left because they did not feel that they did not have an opportunity to be heard.

The Chief has made it clear to all department members that he has an open door policy and he is willing to discuss any problem with any member, all they have to do is ask. Because of that, members have little use for the formal conflict resolution process as any conflict that does occur has been resolved before it reaches that level.

Recommendation / Conclusion:

A review of the conflict resolution policy revealed that it is well written, and easy to follow. No incidents were filed in 2012, 2013 or 2014. No further action is necessary.

EARLY INTERVENTION SYSTEM <35.1.9.c Annual Evaluation>

Alerts are generated by a database from information entered as part of the IRB process and complaint/inquiry entries. Each alert was reviewed on a case-by-case basis with the member’s immediate supervisor and the involved member’s division captain to determine if an early intervention should be initiated. The determination was based on the number of entries, length of time between entries and any noticeable pattern or extenuating circumstances

Criteria to automatically initiate an early intervention investigation:

- Complaints 3 complaints within 12 months
- Use of Force 4 incidents within 12 months
- Vehicle Accidents 2 accidents within 12 months
- Vehicle Pursuits 2 pursuits within 12 months

2014: There were 39 early interventions; all were reviewed. Thirty-eight were closed with the determination no further intervention was needed. One was closed with the determination further intervention was needed by the member’s supervisor.

2013: There were 26 early interventions; all were reviewed. All were closed with the determination no further intervention needed.

2012: There were 16 early interventions; all were reviewed. Fourteen were closed with the determination no further intervention needed. One was closed with the determination further intervention was needed by the member’s supervisor and one was closed as Exceptionally Cleared when member left the department.

Below is the information on early interventions by assignment:

	2014	2013	2012
Executive Staff	0	1	0
Sergeant	3	3	3
Patrol Officer	32	19	10
Traffic Officer	0	2	3
SRO	0	0	0
Code Enforcement	3	0	0
Park Ranger	1	1	*
Communications	0	1	0

*Park Ranger position was not created until 2013

The above information indicates a 170% increase in Early Intervention Alerts on patrol officers from 2013 to 2014 and an increase of 53% from 2012 to 2013. In 2014, 22 of the 32 Early Intervention Alerts on patrol officers (69%) resulted from reported Use of Force incidents.

All Use of Force incidents are reported and reviewed. As a result, patrol officers who are assigned to the Swing shifts and Night shifts where there is a higher probability of calls involving unruly citizens were involved in numerous Use of Force incidents. When officers reached the threshold of four Use of Force incidents within a 12 month period, an Early Intervention Alert was generated. Every subsequent Use of Force incident generated another alert. It was very difficult for officers assigned to the late shifts to get out of the cycle of Early Intervention Alerts. In 2014, six officers who were assigned to either Swing shifts or Night shifts generated 21 of the 22 Early Intervention Alerts triggered by reported Use of Force incidents.

HARASSMENT [Report]

Harassment

2014	2013	2012
0	0	0

No harassment complaints have been filed during the three years.

CIVIL ACTION SUMMARY [Report] [GPD PPM Chapter 11]

Civil Action

2014	2013	2012
3	0	1

2014: In January, an Intent to Sue Civil Action was served on the Golden Police Department; no further action has been taken. In July, a citizen self filed a Complaint Under Simplified Civil Procedure against the Golden Police Department and two officers; this was dismissed by the Courts. In August, a citizen self filed a Small Claims Case against an officer; this was dismissed by the Courts.

2013: A Letter of Intent to Sue Civil Action was served on the Golden Police Department; no further action has been taken.

2012: The department received one “Government Immunity Notice”; no further action has been taken.

INCIDENT REVIEW BOARD: Annual Review [GPD PPM Chapter 8] <1.3.13, 41.2.2.j>

USE OF FORCE: <1.3.13 Annual Analysis>

Use of Force

2014	2013	2012
26	33	54

Use of Force data is gathered through submittals to the Incident Review Board (IRB). Prior to 2013, data included incidents involving the use of physical force through the use of hands and feet, firearms (non-discharge) displayed to gain compliance, the display or use of conducted energy device (CED) and use of less-lethal alternatives. One Use of Force incident can involve multiple types of force.

In 2013, a decision was made that the use of a firearm to compel compliance was not a Use of Force incident. A new class of incident was added this year: Firearm to Compel; this included firearms and CED. There were a total of 12 Firearm to Compel incidents in 2013. 12 Firearm to Compel incidents added to the 33 Use of Force incidents equals 45 incidents; which is more in line with the 2012 total Use of Force incidents.

In December 2014, the Use of Force policy was reviewed by the members of the Incident Review Board to determine if the policy was clear and understandable and up to date. Members of the board recommended changes that were implemented.

2014: 26 Use of Force incidents were reviewed by the Incident Review Board. All Use of Force incidents were determined to be within policy.

2013: 33 Use of Force incidents were reviewed by the Incident Review Board. Thirty-one were within policy. Two incidents were not reviewed by the Incident Review Board, but were handled as a Professional Standards Investigation. One investigation was sustained; the other was determined to be proper action on the officer's part.

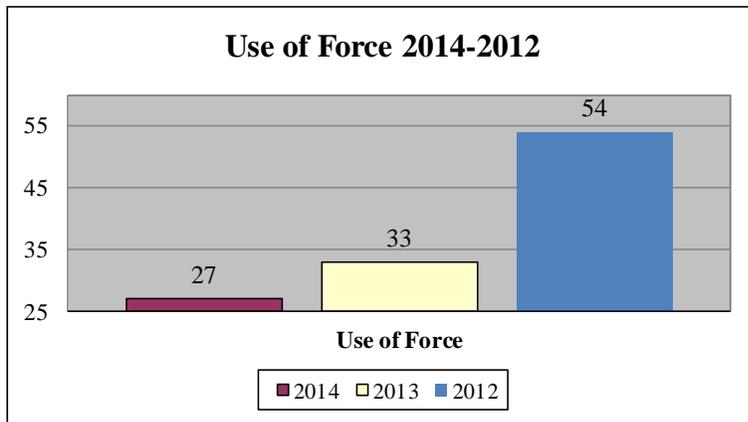
2012: 54 Use of Force incidents were reviewed by the Incident Review Board. 52 were within policy, one was reviewed and closed (foot pursuit) and one did not meet criteria (taser pointed but not deployed, not turned on, no painting or arching).

In comparing the number of Use of Force incidents in 2012 (54) to the prior year, 2011 (29), data shows Use of Force incidents increased by 46%. An analysis of the Use of Force incidents revealed two officers and one sergeant were involved in 46%

of the incidents in 2012. In 2011, the same two officers were involved in 41% of the Use of Force incidents. The sergeant was not assigned to patrol duties in 2011.

In 2012, the sergeant had been identified as possibly needing intervention through the Early Intervention System one time. After reviewing the Use of Force incidents, his supervisor determined all incidents were within policy and there were no concerns; no intervention.

The two officers were identified as possibly needing intervention a total of three times in 2012. Their supervisors determined all incidents were within policy and there were no concerns; no intervention.



Use of Force by Type

	2014	2013	2012
Baton	0	0	2
Canine	0	0	1
CED	11	8	10
Firearm/CED Displayed (non-use)	19	13	44
Weaponless (Hands/Feet, Control)	38	41	34
OC	1	0	0
RIPP Restraints	1	5	6
Handcuffing	11	11	7
Total Types of Force	81	78	104
Total Use of Force Arrests	16	21	30
Complaints	0	2	1
Total Agency Custodial Arrests*	920	1,026	1,124

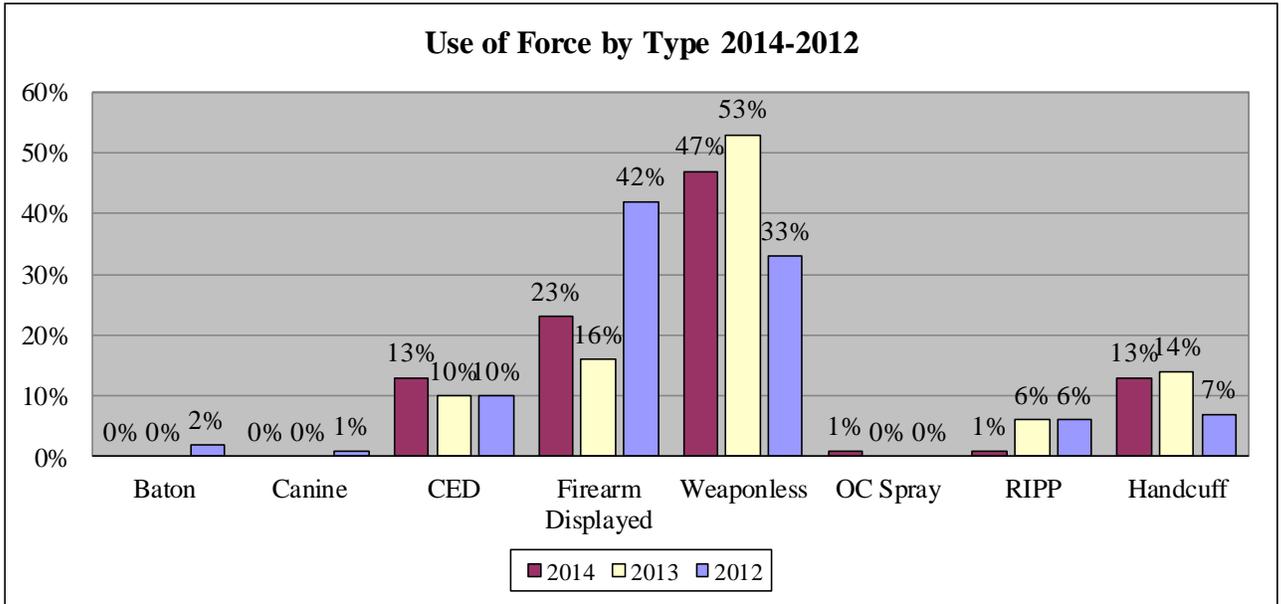
* GPD counts full custody arrest/booking, and release on summons and complaint without full custody/booking, as a custodial arrest. No differentiation between the two.

Notable changes between 2014 and 2013 Use of Force incidents:

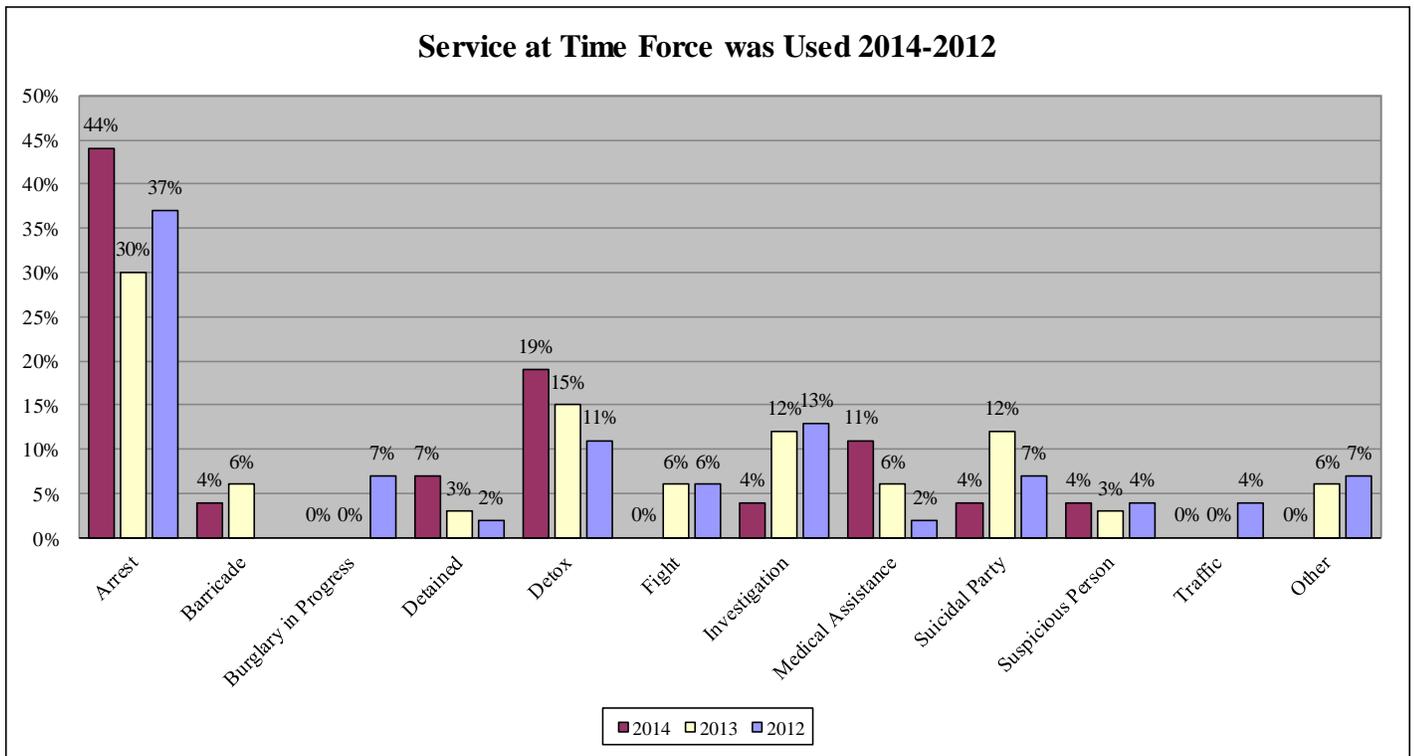
- Total custodial arrests decreased 10.5%
- Use of Force incidents increased 4%
- Use of firearm to compel compliance increased 31.5%
- Total Weaponless incidents decreased 7.3%

Use of Force by Type: Percentage Change

	2014	2013	2012
Baton	0	0	2
% change from previous year	0%	-100%	+50%
Canine	0	0	1
% change from previous year	0%	-100%	+100%
CED (ECW)	11	8	10
% change from previous year	+27%	-20%	0%
Firearms Displayed (Non-use)	19	13	44
% change from previous year	+31.5%	-70.5%	+50%
Weaponless (Hands/Feet)	38	41	34
% change from previous year	-7.4%	+20%	+47%
OC	1	0	0
% change from previous year	+100%	0%	0%
RIPP Restraints	1	5	6
% change from previous year	-80%	-17%	+50%
Handcuffing	11	11	7
Not tracked prior to 2012	0%	+36%	-
Total Types of Force	81	78	104
% change from previous year	+4%	-25%	+48%



Use of Force Injuries:



Injured per incident (Total number of Use of Force incidents reported)

	2014		2013		2012	
Number Incidents	26		33		54	
Officers	4	15%	6	18%	3	6%
Citizens	10	38%	6	18%	10	19%
Total	14	53%	12	36%	13	25%

**Injured per Type of Force Used
(Total number of individual Use of Force per incident)**

	2014		2013		2012	
Number of types force used	81		78		104	
Officers Injured	4	5%	6	8%	3	3%
Citizens Injured	10	12%	6	8%	10	9.5%
Total	14	17%	12	15%	13	12.5%

Comparing 2014 to 2013:

- A 33% decrease in the number of injuries per incident for officers.
- The number of citizens injured per incident increased 40%.

EXCESSIVE FORCE:

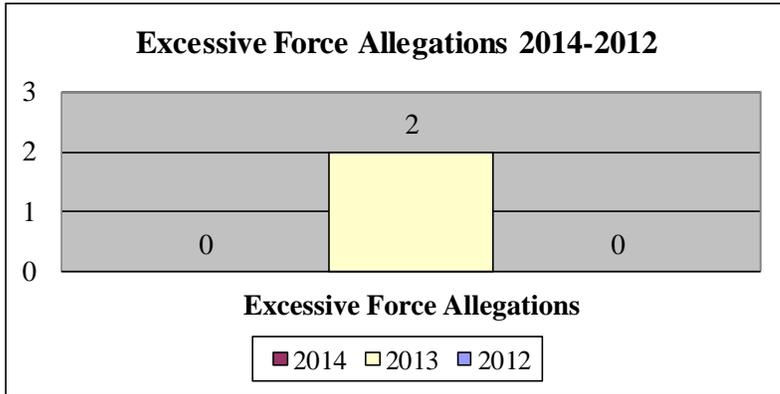
Excessive Force Allegations

2014	2013	2012
0	2	0

2014: There were no complaints of excessive force.

2013: 1 internal complaint of excessive force – sustained
1 external complaint of excessive force – exonerated

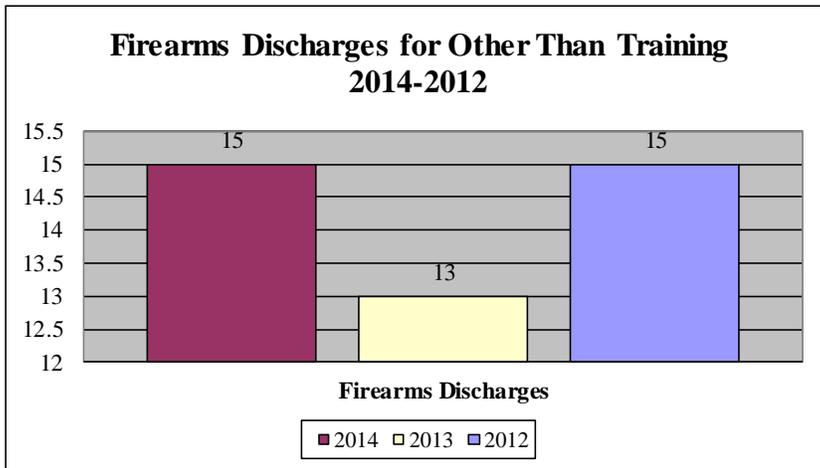
2012: There were no complaints of excessive force.



Firearms Discharge (Other than Training)

2014	2013	2012
15	13	15

2014: No discharge for other than training: 15 animals dispatched.
 2013: One discharge for other than training: 12 animals dispatched.
 2012: One discharge for other than training: 14 animals dispatched.



MOTOR VEHICLE PURSUITS: <41.2.2.j Annual Analysis>

Motor Vehicle Pursuits

	2014	2013	2012
Male	2	0	1
Female	0	0	0
Total	2	0	1

2014: 2 pursuits; one within policy, one not within policy

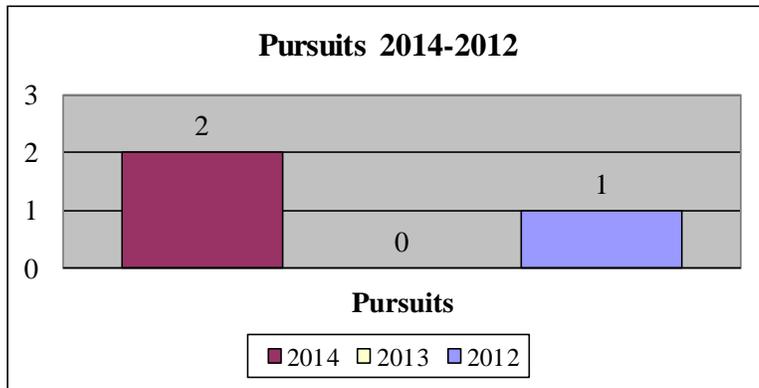
2013: 0 pursuits

2012: 1 pursuit; not within policy

2014: Officer discontinued pursuit; Pursuit resulted in a crash

2013: No pursuits

2012: Pursuit resulted in a crash

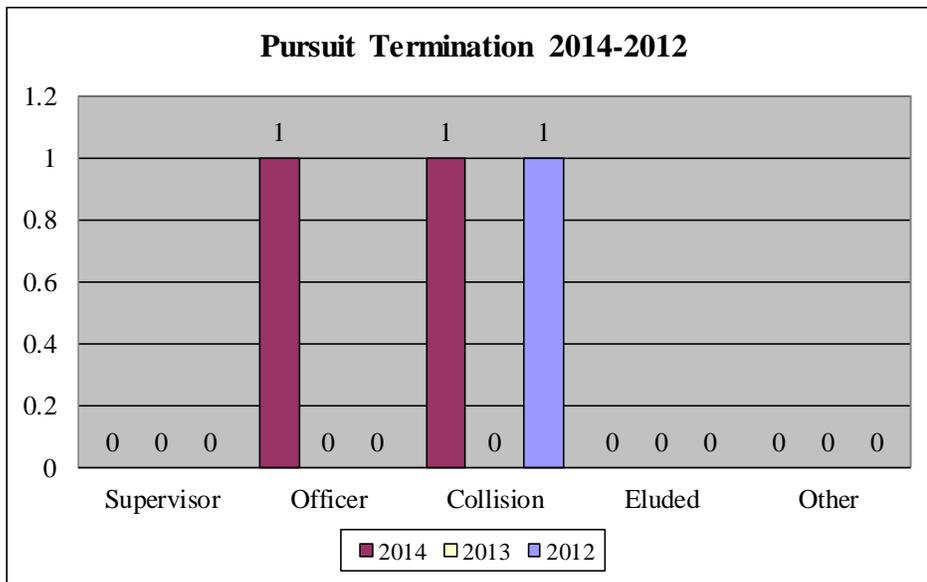


Pursuit Reasons:

	2014	2013	2012
Reckless Driving	0	0	1
Speeding	0	0	0
Criminal Offense	2	0	0
Total:	2	0	1

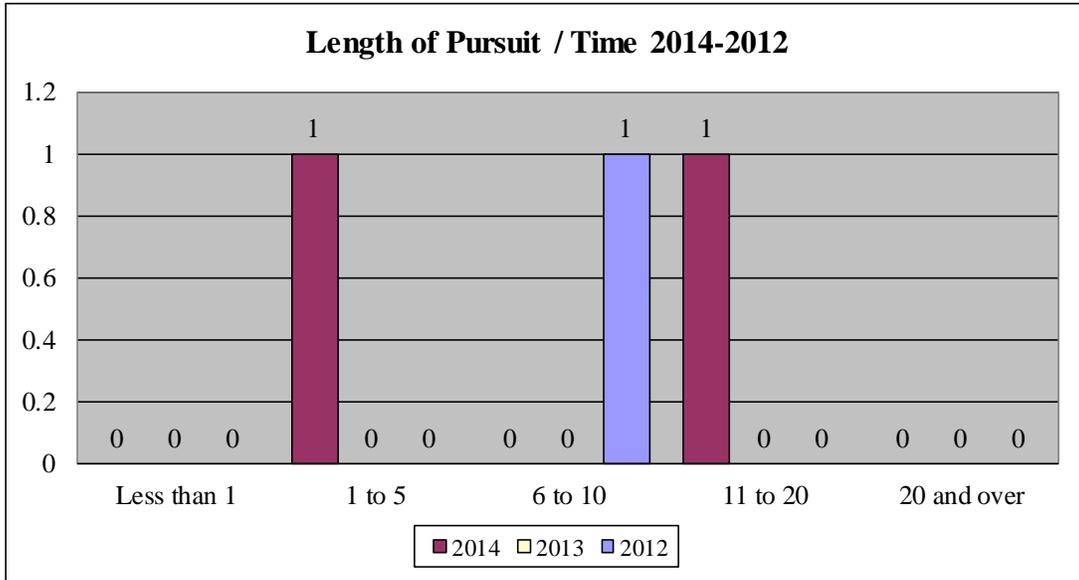
Pursuit Termination:

	2014	2013	2012
Terminated by Supervisor	0	0	0
Terminated by Officer	1	0	0
Collision	1	0	1
Eluded	0	0	0
Other means	0	0	0
Total	2	0	1



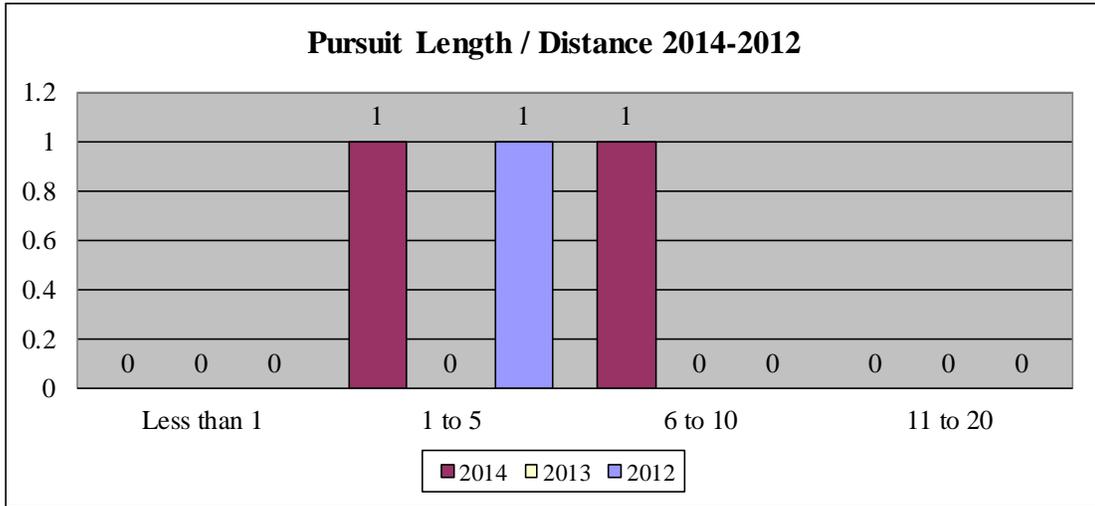
Pursuit Length/Time:

Minutes	2014	2013	2012
Less than 1	0	0	0
1-5	1	0	0
6-10	0	0	1
11-20	1	0	0
20 and over	0	0	0



Pursuit Length/Distance:

Distance	2014	2013	2012
Less than 1 mile	0	0	0
1-5 miles	1	0	1
6-10 miles	1	0	0
11-20 miles	0	0	0
21 and over miles	0	0	0



Pursuit with Injuries:

Injured	2014	2013	2012
Officer	0	0	0
Suspect	0	0	1
Other Person	0	0	0
Total	0	0	1

ANNUAL REVIEW OF PURSUIT POLICY AND REPORTING PROCEDURES

According to Departmental Policy, an annual review of all pursuits is completed. In the last three years the department has experienced three pursuits, none of which occurred in 2013. The incidents themselves are reviewed by the Incident Review Board, which consists of police supervisors and subject matter experts. When individual incidents are reviewed the applicable policy is also discussed and reviewed.

The board reviews pursuits and as a group makes a recommendation of determination to the Chief of Police as to whether the incident was within or out of policy. During that review the board discusses policy and discusses whether or not the policy is still applicable and meets current departmental needs.

Although there were no documented pursuits in 2013, a review of the pursuit policy did occur in reference to INC2013-102. Initially the incident looked like a pursuit but after review it was determined not to be. The pursuit policy continues to be applicable and serves the needs of the department.

Pursuits are reported by the pursuing officer into “Blue Team”, a software program associated with “IA Pro”, where they are initially reviewed by the Professional Standards Sergeant. The Professional Standards Sergeant is the chair of the Incident Review Board and presents all reportable incidents to the Incident Review Board. The reporting process continues to work well and serves the needs of the department.

Pursuit Analysis:

The data being analyzed was collected from the years 2012, 2013, and 2014. The information was obtained from the department’s IAPro software system where it is entered as the incidents occur.

The first pursuit of 2014 was initiated after an officer responded to an assault in progress. The officer observed the suspect vehicle leaving as he was arriving. The officer pursued the suspect vehicle for a short distance. During the pursuit, the officer was able to obtain the license plate on the suspect vehicle, but continued to pursue for a short distance before discontinuing the chase. The pursuit was determined to be not within policy.

The second pursuit of 2014 was initiated after a vehicle ran from Jefferson County Sheriff’s deputies and entered the city limits of Golden. The occupant of the vehicle was believed to be a suspect in a triple homicide. Golden Police officers assisted in the pursuit, including at one point being the lead vehicles in the pursuit, until the suspect vehicle left the city limits of Golden. The pursuit was determined to be within policy.

The 2012 pursuit was initiated as an attempt to stop a vehicle for traffic violation. The pursuit in 2012 terminated in a crash of the suspect vehicle. This pursuit was determined to be not within policy.

Recommendation / Conclusions:

Upon reviewing the circumstances for the two out of policy pursuits the violations were found to be very similar. The department’s pursuit policy only allows for officers to engage in vehicle pursuits when they “are in fresh pursuit of a person who has committed, is reasonably suspected by a member to have committed, or has attempted to commit a violent felony.” That was not the case in the two out of policy pursuits.

Even though the policy violations were similar they were committed by two different officers. Both officers were counseled by their supervisors and they have committed no further indiscretions. The reviews of both pursuits found the policy and overall training to be adequate.

The 2014 pursuit that was found to be within policy has generated an Administrative Review of the pursuit policy, pursuit training and supervision of the incident. As of the date of this report the outcome of the report is pending review.

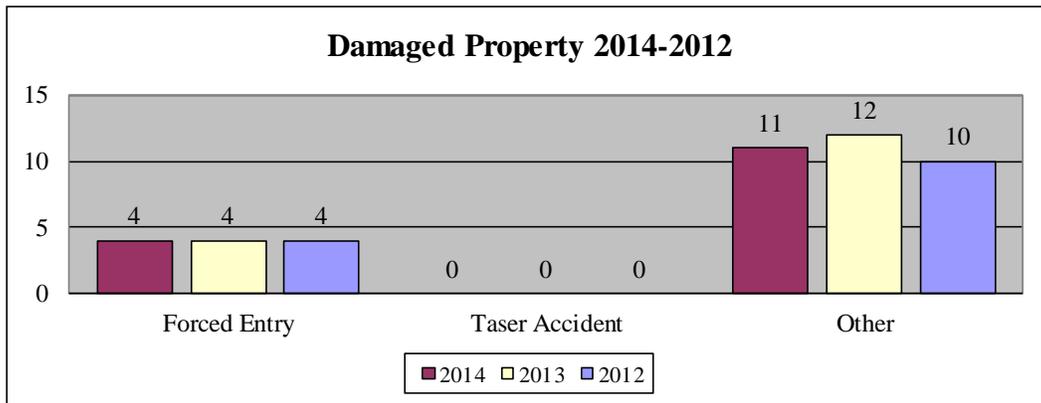
All employees have been trained and no further action is required.

PROPERTY DAMAGED: CITY/DEPARTMENT, OR ANOTHER:

Damaged Property

	2014	2013	2012
Forced Entry	4	4	4
CED Discharge	0	0	0
Other	11	12	10
Total	15	16	14

Damaged or destroyed from direct or indirect actions of a GPD member.



TRAINING: ACCIDENTAL, CARELESS OR RECKLESS DISCHARGE

By firearm, chemical weapon or CED; injury to another.

Training

2014	2013	2012
0	0	1

2014: Zero incidents

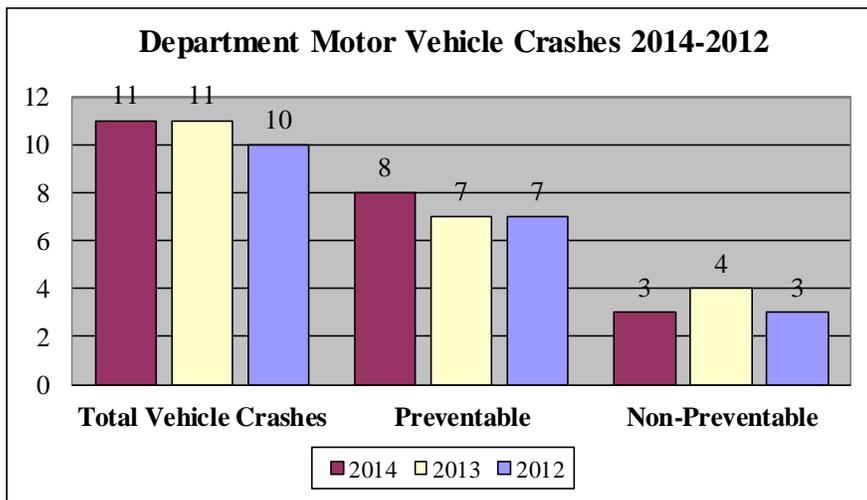
2013: Zero incidents

2012: One accidental firearm discharge at the range

MOTOR VEHICLE CRASHES (INVOLVING DEPARTMENT VEHICLES)

Department Motor Vehicle Crashes

	2014	2013	2012
Preventable Crashes	8	7	7
Non-Preventable Crashes	3	4	3
Total Crashes	11	11	10



WORK RELATED INJURY TO GPD MEMBER:

Injury	2014	2013	2012
Training	1	6	2
Work (on job)	11	10	6
Exposures *	5	5	8
Totals	17	21	16

* City regulations require reporting of exposures which are considered a work related injury.

