

Colorado Department of Revenue Enforcement Business Group

January 27, 2019

To: Cory Amend, Enforcement Business Group Senior Director
From: Carolyn Berry, Office of Professional Standards Manager
Subject: 2019 Office of Professional Standards Annual Report

SUMMARY

The Enforcement Business Group (EBG) investigated **twelve** administrative/internal/citizen complaints filed against its employees from May of 2019 through December 31, 2019. Two of the twelve complaints are under investigation into January of 2020.

In May of 2019, the Office of Professional Standards was created to operate within the Enforcement Business Group Senior Director's Office. The 2019 reporting cycle is the first year in which investigations were tracked and recorded for all five enforcement divisions by the Office of Professional Standards. Each investigation assigned to the Office of Professional Standards is assigned a tracking number and may include more than one administrative charge.

In 2019, the Office of Professional Standards assigned and tracked all complaints assigned to the division. It is important to note that not all complaints involving personnel with the enforcement section were investigated by the Office of Professional Standards. Some investigations were handled by supervisors, Internal Audit, and Human Resources. A standard operating procedure was created and implemented in 2019, outlining different categories of complaints. As the process is still currently being implemented and developed, only complaints investigated by the Office of Professional Standards were assigned a case number and tracked for purposes of this report.

FINDINGS DEFINITIONS

In accordance with the Office of Professional Standards, standard operating procedure, the findings are defined as follows:

Exonerated: The incident occurred but was lawful and proper.

No Finding: When a use of force incident is reviewed to ensure excessive force was not used.

Not substantiated: There is insufficient evidence to prove or disprove the allegation occurred.

Substantiated: The allegation is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.

Unfounded: The allegation is unfounded in that it has been proven to be false or not factual.

BIASED-BASED PROFILING ALLEGATIONS

The Enforcement Business Group investigated one (1) allegation of biased-based policing. The allegation was unfounded.

COMPLAINT/ADMINISTRATIVE CHARGE DISPOSITIONS

Allegation	Finding	Count
Policy Violation		
Code of Conduct	Sustained	1
Conduct Unbecoming	Sustained	1
Firearms discharge (other than training)	Sustained	1
Harassment – Physical	Unfounded	1
Improper Tactics	No Findings	2
Theft	Unfounded	3

2019 USE OF FORCE REPORTS ANNUAL ANALYSIS

The Office of Professional Standards is the departmental repository for all Use of Force Reports as of May 2019, and is tasked with reviewing reports generated by department employees who have reported a use of force incident.

Departmental policy, DOR-050 - Use of Force and Firearms, defines what is required when force is employed.

IA 19-018: On June 14, 2019, at approximately 2100 hours, a Liquor Enforcement Division investigator was working extra duty at the Colorado Country Jam located in Mesa County. The investigator was dispatched to a fight in progress call. The Liquor Enforcement investigator made contact with an individual in the area where the fight in progress had been reported. The investigator made contact with the subject verbally. The subject ran at the Liquor Enforcement Division investigator, which caused the investigator to use force and take the suspect to the ground. The suspect was handcuffed and arrested for assault on a peace officer.

Finding: Within Policy – appropriate action was taken to ensure this investigator is further trained in arrest control techniques.

IA 19-019: On June 14, 2019, at approximately 2200 hours, a Liquor Enforcement Division investigator was working extra duty at the Colorado County Jam located in Mesa County. The investigator was patrolling the Country Jam grounds when they noticed an individual fighting with two security officers. The investigator made contact with the subject being escorted by the two security officers. The investigator did use force to subdue the suspect. The suspect was taken to the ground by the investigator, handcuffed, and arrested for assault on the two security officers.

Finding: Within Policy – appropriate action was taken to ensure this investigator is further trained in arrest control techniques.

Firearm Discharge (other than training)

IA 19-012: On May 13, 2019, at approximately 0645 hours, a Division of Gaming investigator discharged their department-issued firearm inside their residence. The Office of Professional Standards conducted an investigation. The firearm discharge was determined to be negligent.

Finding: Policy Violation – a letter of the policy violation was placed in the employee's file. No further action was taken.

USE OF FORCE TRAINING CONSIDERATIONS

Consideration should be given to creating a training unit within the Enforcement Business Group Senior Director's office. A training unit would be responsible for the design and implementation of all firearms and arrest control training. This type of unit would provide consistency in training for all five enforcement divisions' sworn personnel. Consistent training would allow for sworn personnel to train more frequently, and any use of force that occurs within the policy would be more defensible in court. Another recommendation to improve training for sworn personnel would be to "Open Mat" training once a month, along with "Open Range" once a month. "Open Mat" allows sworn personnel to practice trained use of force applications under the guidance of a certified instructor, while "Open Range" will enable officers to stay proficient with their firearms.