

Colorado Department of Revenue Specialized Business Group

January 20, 2021

To: Cory Amend, Specialized Business Group Senior Director
From: Carolyn Berry, Office of Professional Standards Manager
Subject: 2020 Office of Professional Standards Annual Report

SUMMARY

The Specialized Business Group (SBG) investigated **zero (0)** administrative/internal/citizen complaints filed against its employees from January 1 through December 31, 2020. One investigation from 2019 was carried over and completed in April of 2020.

In May of 2019, the Office of Professional Standards was created to operate within the Specialized Business Group Senior Director's Office. The 2020 reporting cycle is the second 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 2020, 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 zero (0) allegations of biased-based policing.

COMPLAINT/ADMINISTRATIVE CHARGE DISPOSITIONS

Allegation	Finding	Count
Policy Violation		
Code of Conduct	Unfounded	1

2020 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.

During the 2020 legislative session, Senate bill 20-217 requiring police reform was passed. Several new requirements were statutorily mandated, affecting how law enforcement agencies track the use of force incidents, train, respond to and use force, and report excessive use of force, along with requirements to intervene in excessive use of force incidents.

New training was launched on the Department of Revenue (DOR) learning management system (LMS), highlighting the new statutory requirements around use of force, what is considered force, what is considered excessive use of force, how to report excessive use of force, and definitions for DOR sworn peace officers. All sworn peace officers have taken and passed the training. The annual firearms exam was also updated to reflect the new statutory changes in use of force, use and reporting.

SBG has implemented a tracking system for all use of force incidents and show of force incidents. Show of force is defined as anytime a firearm or intermediate weapon is

unholstered (removed from the approved secure carrying holster) but not used to gain compliance of a suspect failing to obey lawful orders. A use of force is defined as anytime force other than soft empty-hand control techniques are used to gain compliance of a suspect failing to obey lawful orders. All reports are entered into the BlueTeam web application by the sworn peace officer who initiated the incident and is approved by the chain of command.

During 2020, use of force and show of force totals

Use of Force	1
Show of Force	2

The use of force incident was determined to be within policy.

2020-027 – use of force – DOG

A DOG investigator assisted Gilpin County Sheriff's Office (GCSO) in the apprehension of a suspect. The suspect was actively resisting arrest. The DOG investigator pushed down on the suspect's lower back to gain a better handcuffing position. The suspect was taken into custody and transported by ambulance to the hospital with no visible injuries. The suspect complained of injuries from the GCSO when they pulled the suspect from the vehicle.

The two (2) show of force incidents were determined to be within policy.

2020-024 – show of force incident – DOG

DOG investigators were called to a casino to investigate a theft of \$75.00. The suspect was identified and led the investigators on a foot pursuit. The suspect was found to be hiding in a parking garage stairwell behind a barricade. The two DOG investigators drew their weapons and gave the suspect verbal commands to show his hands and exit the hiding spot. The suspect was taken into custody without incident. The suspect did have a nationwide felony warrant for his arrest from the Department of Corrections and was considered a flight risk.

2020-025 – show of force incident – DOG

The officers involved were assisting Cripple Creek Police Department (CCPD) in the apprehension of a suspect who had assaulted a CCPD Officer. The suspect initially fled in a vehicle. DOG officers and CCPD located the vehicle. The DOG officers and CCPD officers drew their weapons and, with verbal commands, required the suspect to exit the vehicle. The suspect was taken into custody without further incident.

Firearm Discharge (other than training)

- None

USE OF FORCE TRAINING CONSIDERATIONS

Consideration should be given to creating a training unit within the Specialized Business Group Senior Director's office. A training unit would be responsible for designing and implementing all firearms and arrest control training. This 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. An additional recommendation is to create a use of force review board that would be managed by the office of professional standards unit. The review board will review all use of force incidents to ensure they comply with DOR-050.

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