

Colorado Department of Revenue

Specialized Business Group

Date: January 29, 2025

To: Michael Phibbs, Specialized Business Group Senior Director

From: Carolyn Berry, Office of Professional Standards Manager

Subject: 2024 Office of Professional Standards Annual Report

SUMMARY

In May 2019, the Office of Professional Standards was established within the Specialized Business Group Senior Director's Office. The 2024 reporting cycle marks the fifth year of comprehensive tracking and recording of investigations by the Office of Professional Standards for all five Specialized Business Group divisions (Auto Industry, Division of Gaming, Liquor Enforcement Division, and Division of Racing Events), the Marijuana Enforcement Division (MED), the Motor Vehicle Investigation Unit (MVIU), the Lottery Division, and the Criminal Tax Enforcement Unit. Each investigation assigned to the Office of Professional Standards is meticulously tracked and may involve more than one administrative charge, ensuring a thorough process.

In 2023, the Office of Professional Standards assigned and tracked all complaints assigned to the division. However, the Office of Professional Standards did not investigate all complaints involving personnel with the Lottery, MVIU, MED, SBG, or the Criminal Tax Enforcement Unit. Supervisors, internal audit, and human resources handled some investigations. In 2019, a standard operating procedure was created and implemented, outlining different categories of complaints.

As of August 2024, the Office of Professional Standards has transitioned to a new process. We no longer make recommendations to the appointing authority on findings regarding the investigation. Instead, we provide a list of policies for the appointing authority to consider when making a final case determination. This change was implemented to ensure the fairness and impartiality of the investigation process, providing reassurance to all parties involved.

One complaint filled in 2024 is still open and expected to be closed, with a finding(s) in early 2025.

FINDINGS DEFINITIONS

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

Exonerated: The allegation is factual and did occur; however, the member acted lawfully and properly within the Department’s policy and the scope of acceptable conduct.

No Finding: The primary UOF review provides a chain of command findings with a determination on whether or not the actions were within Policy or not within policy.

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

Sustained: The allegation is found to be factual and substantiated by competent evidence.

Unfounded: The allegation is not supported by facts, or is determined to be a false allegation.

Closed: Currently defined as, Investigation of the allegation was terminated. The reason for closing the case file will be stated.

DOR SBG 2024 COMPLAINT/ADMINISTRATIVE CHARGE DISPOSITIONS

Allegation	Finding	Count
Policy Violation		
DOR Code of Conduct	Sustained	1
Total number of sustained findings		1

Complaint source	Count
Citizen	1

2024 use-of-force REPORTS ANNUAL ANALYSIS

Since May 2019, the Office of Professional Standards (OPS) has been the departmental repository for all use-of-force and show-of-force Reports. OPS reviews reports generated by department employees who have reported a use-of-force or show-of-force incident, ensuring a transparent and informative reporting process.

SBG has implemented a tracking system for all use-of-force and show-of-force incidents. Show-of-force is any time a firearm or intermediate weapon is unholstered (removed from the approved secure carrying holster) but not used to gain compliance from a suspect who fails to

obey lawful orders. Use-of-force is the application of a physical technique or tactics, less lethal device, or weapons system to compel compliance, control, or to overcome resistance from an unwilling subject who fails to obey lawful orders. All reports are entered into the BlueTeam web application by the sworn peace officer who initiated the incident and approved by the chain of command.

2024 Use-of-Force and Show-of-Force Totals

Use-of-Force	3
Show-of-Force	1
Excessive Use-of-Force	0

2024 Use-of-Force Details

The three (3) use-of-force incidents were determined to be within policy.

The following synopses are based on the reports and evidence provided in the case file. It is intended as a basic accounting of the situation and is not intended to be an analysis of the evidence or a perspective reporting or examination of the incident.

#UOF2024-002 – Use-of-Force – Gaming

Two gaming investigators were on Casino Patrol when they overheard Cripple Creek Police Department dispatched to a casino for an individual with active warrants. The gaming investigators were providing cover for the Cripple Creek Police Department when the individual actively resisted arrest (defensive resistance). One gaming investigator assisted in taking the individual into custody. The individual did not complain of injuries. The individual was taken into custody without further incident. The incident was determined to be within policy.

#UOF2024-003- Use-of-Force – DOG

A BlackHawk, Colorado casino requested a gaming investigator regarding a ticket-in, ticket-out (TITO) theft. The suspect in the theft of the ticket returned to the casino. The suspect had a known history of violent persons crimes. The gaming investigator approached the individual, displaying his badge and POLICE markings on his clothing. When asked to comply, the suspect tried to pull away from the gaming investigator. The suspect continued to struggle, pulling his arm away and squirming away from the investigator. The gaming investigator called for backup units to respond emergently, stating the individual was fighting him. At this point, the suspect said, "I'm not fighting," and complied with the gaming investigator. The individual did not complain of injuries and was taken into custody without further incident. The incident was determined to be within policy.

#UOF2024-004 - Use-of-Force - DOG

A casino in Cripple Creek, Colorado, requested a gaming investigator reference to a fraudulent act. The gaming investigator met with casino security to identify the location of the individual involved in the fraudulent act. Once the suspect was located inside the casino, the gaming investigator displayed his badge around his neck to ensure he was identified as a police officer. Upon leaving the surveillance room, the casino shift manager helped the gaming investigator locate the individual. As the gaming investigator approached the suspect, the suspect began walking away quickly. The gaming investigator announced: "police", and began moving toward the suspect. The suspect started running away. The gaming investigator yelled multiple times, giving loud verbal commands to stop, and continued announcing state police. The gaming investigator was able to catch up with the suspect and attempted to gain control of him. The suspect continued his attempts to run and pull away in a defensive resistance manner. The suspect continued to struggle despite being told to stop, police in a loud voice. The gaming investigator was able to gain control of the suspect. The individual did not complain of injuries and was taken into custody without further incident. The incident was determined to be within policy.

2023 Show-of-Force Details

The One (1) show-of-force incidents were determined to be within policy.

The following synopses are based on the reports and evidence provided in the case file. It is intended as a basic accounting of the situation and is not intended to be an analysis of the evidence or a perspective reporting or examination of the incident.

#UOF2024-001 – Show-of-Force incident – DOG

A gaming investigator was contacted by the Cripple Creek Police Dispatch requesting assistance for a Cripple Creek Police Officer that had located a suspect wanted for multiple armed robberies with a firearm. The suspect was at a casino. The gaming investigator met with the Cripple Creek Police Officer at the entrance to the parking garage as the suspect had entered the parking garage. The gaming investigator, utilizing his department vehicle, partially blocked the entrance to the parking garage to deter additional citizens from entering until the situation was resolved. Additional deputies from Teller County were en-route, the Chief of the Cripple Creek Police Department was on scene, and an additional gaming investigator was present.

The Cripple Creek Police Officer found the suspect driving his vehicle and ran down the stairs to inform the units on scene. The gaming investigator and the Cripple Creek Officer still had their patrol vehicles parked, blocking the entrance and exit of the parking garage while allowing a gap of 6-7 feet between the vehicles. The suspect rounded the corner in the garage and saw the vehicles. The Cripple Creek Police Officer and gaming investigator drew their weapons and pointed them at the suspect, and commanded him to stop. The suspect seemed surprised and looked to be reaching for an object. The suspect rammed the Cripple Creek Police Department vehicle and slid into the division of gaming vehicle. The suspect was able to flee the area. Other departments later apprehended the suspect. The incident was determined to be within policy.

Training unit and use-of-force review board changes

In 2023, the senior director's office of the Specialized Business Group (SBG) created a training unit. The unit comprises an office of professional standards and training manager, a peace officer training manager, one full-time internal affairs investigator, one training specialist, and three use-of-force/armorer/investigator training positions.

All DOR POST-certified peace officers must comply with Colorado POST rule 28, which requires a minimum of 24 hours of training each year for all POST-certified peace officers. The training must be tracked and entered into the POST training portal. These duties are the responsibility of the training unit. In 2024, the training unit completed the first in-service and low-light qualification rounds. These two programs and additional online training equated to 71 hours per officer. In 2025, we modified in-service training in the first half of the year to 24 hours of training, with an additional 16 hours of low-light scenario training in the last half of the year. Additional online training during the middle portion of the year will include legal and legislative updates from the Colorado District Attorney's Council and other courses to meet the requirements under §24-31-315. The training model developed will provide consistent training across all DOR divisions with POST-certified peace officers.

Active Bystandardship for Law Enforcement (ABLE) was rolled out in March 2024, and 137 sworn members completed the training. The ABLE curriculum will continue in 2025 with two-hour updates during in-service and an eight-hour class offered four times a year to new employees.

The training unit has also developed supervisor level courses for 2025, which will address the use-of-force review procedures and the internal affairs process. The purpose of the force review course is to ensure proper, detailed, and objective chain of command reviews are conducted, and the internal affairs course is designed to ensure understanding and consistency with the complaint process at the supervisor level throughout the agency.

The use-of-force review board has been in place since January 1, 2022. It has reviewed all use-of-force incidents for 2023 and has been requested to review them for input on policy and training recommendations. The board commonly recommends report-writing classes for all DOR POST-certified members and better identification procedures. During 2024, the board noticed better report-writing standards. Additionally, the department is implementing uniform standards for the divisions, with a rollout in early 2025.

	2019	2020	2021	2022	2023	2024
Number of investigations per year	12	0	2	5	7	2
Number of sustained allegations per year	3	0	8	9	10	1
Number of employees who resigned in lieu of termination	Unknown	0	1	0	0	0
Number of use of use-of-force incidents	2	1	5	8	2	3
Number of show of show-of-force incidents	Not tracked	2	5	5	2	1
Excessive use-of-force incidents	0	0	0	0	0	0