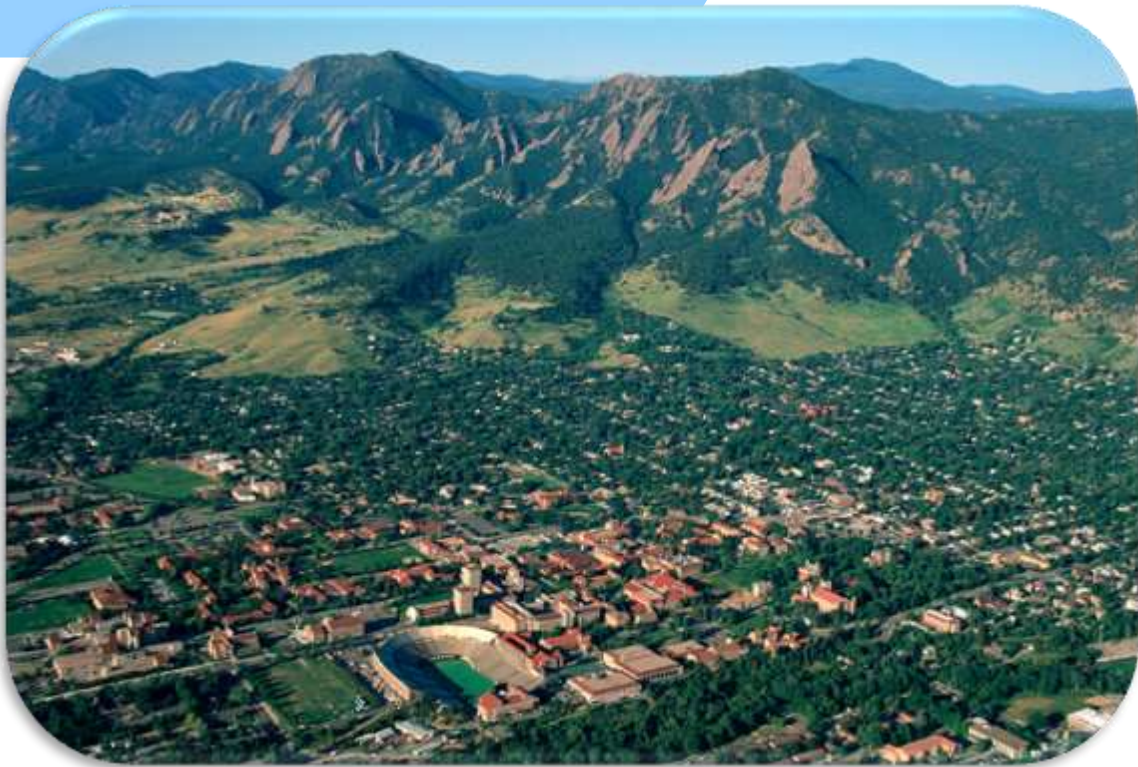


# City of Boulder Police Oversight

## FIRST ANNUAL REPORT 2020

August 2020 – March 2021



**Independent Police Monitor**  
**Joseph L. Lipari**



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# Letter from the Monitor



After more than a year of protest and public debate both locally and nationally, the City of Boulder has successfully established a civilian-controlled police oversight system. However, in many important ways, Ordinance 8430 – which established the Office of the Independent Police Monitor and created the Police Oversight Panel – represents an inflection point in a much longer historical struggle. Throughout its history, local jurisdictions in the United States have grappled with the question of how to provide public safety amidst a constantly evolving social and political landscape. In some periods, police have been deployed in a fashion that maintains the status quo or enforces an unjust order. At other times, when properly directed and trained to do so, police have served as the bastions of a multi-racial democracy. There has been and continues to be a constant push and pull on the profession of policing as society attempts to stretch, fit, and shape it into what is needed for each generation.

As this process slowly and gradually unfolds, certain incidents become a flash point for more rapid change. On the national level, the deaths of Trayvon Martin, Michael Brown, Eric Garner, Sandra Bland, Walter Scott, Samuel DuBose, Breanna Taylor, George Floyd and others have galvanized a moral vision that has brought into sharp focus the need for reimagining and clarifying the role of armed police officers in a constitutionally based democratic republic. That necessary conversation is often compounded by local challenges that can include high rates of violence and human exploitation or how best to manage encampments and respond to the needs of unhoused people.

Here in Boulder, the Zayd Atkinson incident on March 1, 2019 and a series of viral videos and social media posts by a Boulder officer stimulated ongoing discussions about police accountability and transparency of the disciplinary process. When I arrived in Boulder to serve as the monitor in July 2020, I found a city administration that was eager to invest in and build racial equity within its institutions, a police department that was deeply affected by recent allegations of racial bias, and a vocal segment of the community that was generally suspicious and mistrustful of policing as well as government's ability or willingness to reform and improve policing. A new Chief of Police, Maris Herold, had just arrived to lead the department and had brought with her a plan and set of expectations for department reforms and modernization. Local advocates as well as police officers were watching closely to see how all of the new changes would play out.

Now that many of the institutional components are in place and the post-pandemic re-opening of society is beginning, an opportunity exists to lean in further to these necessary changes and build the institutions we need for the 21<sup>st</sup> century. The critical policing challenge of the modern era will be how

to reduce social harms while enforcing the law, respecting human rights and serving the most vulnerable. Some jurisdictions will proactively embrace this challenge, others will have it foisted upon them by events. Fortunately, Boulder currently possesses all the necessary elements to make its way through this period and to develop an approach to policing that meets the evolving needs of our complex community.

In the midst of ongoing and deepening distrust of law enforcement, informed community members must use the levers of civilian input to help reshape policing and public safety. This will require the courage to discard what has been ineffective or harmful, hold on to what is good and noble, and construct some things anew with an intentional focus on community-building, public safety and harm reduction.

Globally and locally, we are at the precipice of a dramatic shift and evolution in policing. Already, more advanced systems of information technology are being adopted. Pilot programs exploring the use of robotics and drones in policing are currently underway. New and more effective non-lethal weapons are under research and development and will be marketed to local police agencies. As a society, we must examine and understand the pros and cons – the risks and benefits – of these technologies. Most of these technologies simultaneously possess the ability to both reduce harm and to inflict greater harm. How they are used and what controls we put in place will determine our ability to harness this technology for positive change and harm reduction while maintaining civil liberties and protecting human rights.

The King Soopers shooting on March 22, 2021 reminds us of the necessity, grave risk and nobility inherent in providing public safety. At the same time, the recurring deaths of Black people in police encounters has rightly stimulated a fierce urgency to reduce use of force and deepen and diversify the government's suite of resources and responses for minor violations, serving vulnerable populations and crisis intervention. Police departments can not and will not be successful doing this alone. Robust public input is required. If we can identify and articulate common goals, we will find that our local expectations of public safety are not as divergent as our current national discourse suggests. This will require the provision of accurate, timely information to the public and the dismantling of defensive and oppositional perspectives both within law enforcement and amongst those calling for change and reform.

As Boulder and the nation continue to grapple with history, race, and policing, we cannot forget the past, but we also cannot be trapped by it. We must allow it to guide us and warn us. Our awareness

of historic and ongoing injustice must inspire our determination to work through challenging conversations, instill within us persistence and a steely determination to build a system that prioritizes personal safety of all individuals, minimizes inter-personal violence, and provides police officers with the tools and resources needed to properly serve the public, including the most vulnerable. If we do that, we can build a system of local policing in which police can be not only first responders – but also first connectors – to services and resources.

Implementing this vision will require a robust ongoing conversation between police and the public. While primarily providing a check on the police complaint and disciplinary process, the monitor and the panel will also participate in this conversation to ensure improvements are being implemented to keep pace with national and international best practices. With a relatively low crime rate and city leadership that is passionate about providing public safety and transforming police-community relations, Boulder is well-positioned to develop, test and evaluate new approaches to public safety services. The transformation will require public investment and a high level of long-term planning and coordination across multiple city and county agencies as well as service providers.

But it can be done.

As the anthropologist Margaret Mead reminded us: “Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has.”

With respect and solidarity,

Joseph Lipari  
Independent Police Monitor

# Police Oversight Panel Members



## Taishya Adams

Taishya Adams is a servant leader focused on collective liberation and stewardship through community building, personal transformation, and systems change. Taishya has been a Boulder, Colorado resident since 2012 and currently serves as a commissioner to Colorado Parks and Wildlife. The commission is a citizen board, appointed by the Governor, which sets regulations and policies for Colorado's state parks and wildlife programs. Taishya is the Policy Director and Colorado Co-lead for Outdoor Afro. Outdoor Afro is a nationwide network that inspires Black American connections to nature and leadership. As Policy Director, Taishya engages with our leaders, networks, policymakers, and partners on education, health, and environmental policies affecting Black people, Black communities, and the planet. Previously, Taishya worked at American Institutes for Research as an Educational Equity Specialist leveraging policy, research, and practice to strengthen public education. Taishya also worked with the National Alliance for Public Charter Schools, the DC Public Charter School Board, and the Children Defense Fund Freedom Schools. Taishya is the founding Board President of New Legacy Charter School, a public charter high school and early learning center Colorado. Taishya also serves on the Colorado Natural Areas Council, the NOAA National Marine Sanctuaries, and the #Nature for All International Taskforce. Taishya holds a MA in International Education from George Washington University and a BA from Vassar College in Political Science and Film.



## Ariel Amaru

Ariel Amaru is a first-year associate at Crowell & Moring. She received her law school degree from the University of Colorado and her undergraduate degree from The George Washington University. Her undergraduate thesis on Black women's experience of DV won the outstanding undergraduate research of the year award.



## Suzy Gordon

Dr. Suzy Gordon is an occupational therapist who has worked extensively with vulnerable populations in all parts of Boulder County through their clinical career, working in both the fields of Home Health and Skilled Nursing. Suzy enjoys helping others through their work but felt a strong responsibility to pursue opportunities that would broaden their impact and strengthen people, families, and communities as a whole.

## Sarah Holt

Sarah has significant experience in the corporate world participating in and leading Diversity, Equity, and Inclusion oversight councils – including developing data-based policies, training, and codes of conduct. As a Latinx member of the LGBTQ community, with a black child; and coming from a family of military and police service, she has a unique intersectional view of policing. Sarah moved to Boulder County four years ago and is active in various community groups.

Suzy Gordon

Hadasa



## Victor King

Victor King is a Recovery Coach Manager at Mental Health Partners. A longtime Boulder resident who brings a passion and experiential knowledge of recovery. He is a current member of the 2020-2021 Leadership Fellows of Boulder County.



## Daniel Leonard

Daniel Leonard received his BFA, BA, and MBA from CU Boulder. He is the Assistant Director of Marketing at CU Boulder for CU Presents. Daniel also works with a local theatre company BETC. He believes the arts are essential to a more empathetic and connected world.



## Sasha Strong

Sasha Strong is an enrolled member of the Red Lake Band of Chippewa Indians from the north country of Minnesota. She moved to Colorado nine years ago to pursue an education at the University of Colorado Boulder. In 2016, Sasha received national honors as a Udall tribal policy scholar and served on the Dean's Advisory Committee. Sasha ultimately received her B.A. with Distinction in Political Science and a minor in Philosophy in 2017.

After spending a year working in state-level policy post-graduation, Sasha decided to attend law school at the University of Colorado School of Law in 2018. Sasha studies American Indian Law and Family Law in earnest, having spent a year and a half in the Juvenile & Family Law Clinic representing indigent families and youth under the Student Practice Act. In early 2020, Sasha won third place in the National Native American Law School Association (NNALSA) Writing Competition for her paper titled, *Murder in the Right Place: Restoring Oklahoma to Indian Country*.

In addition to her academic foci and success, Sasha has also dedicated herself to diversity and inclusion - both within the law school and the Colorado community at-large. In fact, Sasha co-founded the Womxn of Color Collective the University of Colorado Law School and currently serves as an executive. Sasha is also the Vice President of the Boulder chapter of the Native American Law Student Association. In addition, Sasha has held various leadership positions in the community, including time as a Boulder County Head Start Councilmember and as a Denver American Indian Commissioner. In 2021, Sasha was appointed to the Boulder Police Oversight Panel and was elected to serve as the panel's co-chair.

In her spare time, Sasha enjoys spending time with her family and dog, playing soccer, and beading traditional Native American jewelry.





## Hadasa Villalobos

Hadasa is a Quality Supervisor for a local food manufacturer where she specializes in policy and compliance. Born to Mexican immigrants in the Central Valley of California, she is a native Spanish speaker familiar with both farming and inner-city communities.



## Martha Wilson

Martha is a proud, Black Latina, mother of five, and doctoral student in Public Administration. She has nearly 8 years of experience as a child welfare caseworker and switched sides of the courtroom as a clinical consultant with the Office of Respondent Parent Counsel to advocate on behalf of parents after noticing the drastic racial disparities BIPOC families experience. Martha's passion for cultural competence and social justice yields the tenacity to gain traction in appeals cases and support families through the Family Justice Initiative. Martha was a founding member of the Boulder County Equity Council and is the coordinator for Boulder Conversations About Race. On the weekends, Martha is an enhanced mental health crisis clinician with North Range Behavioral Health, sees clients in her private practice, or can be found at demonstrations and rallies engaging in community activism alongside her family. This might seem like a lot, but Martha makes room for what matters and is always game for some good trouble.

## Enabling Legislation Ordinance 8430

[Ordinance 8430](#) was adopted by the City Council on November 10, 2020. The ordinance amends Title 2, Chapter 11 of the Boulder Revised Code, establishing the Office of the Independent Monitor and the Police Oversight Panel. The Council created the role of the police monitor to review the handling of complaints, to analyze trends in policing and recommend improvements to police

practices, and to increase transparency around police oversight. The Police Oversight Panel was created by the Council to increase community involvement in police oversight and to ensure that historically excluded communities have a voice in police oversight.

The ordinance establishes the Police Oversight Panel an independent entity supported by the Office of the Independent Police Monitor. The monitor assists the panel by providing summaries of complaints and complaint investigations, data on monthly statistics, analysis of local policing trends and access to national best practices. The monitor also organizes and facilitates the training of panel members. The role of the panel is to review completed internal complaint investigations, make recommendations on disposition and discipline for those complaints, and to make policy and training recommendations to the department. The panel may also identify analyses that they would like the monitor to conduct. The panel members also provide an oversight function with regard to the monitor by providing regular feedback to the monitor and to the city regarding the work of the monitor's office.

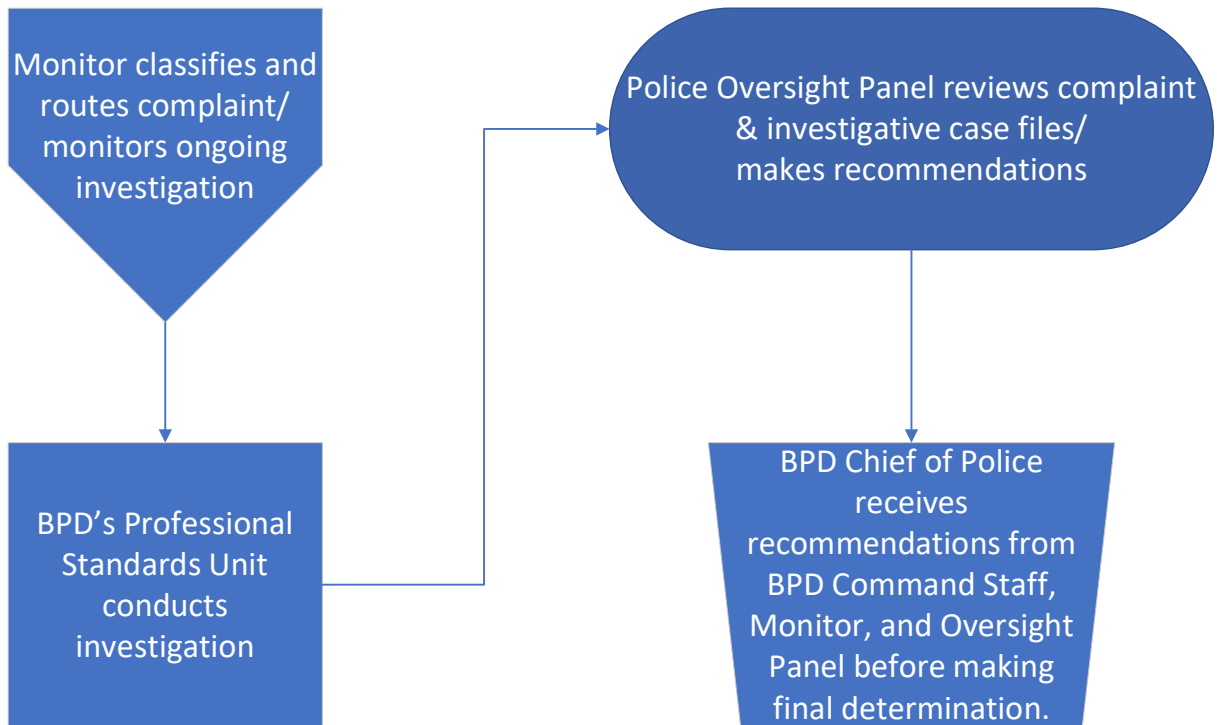
In establishing the Office of the Independent Police Monitor, the Council authorized the monitor to review all ongoing internal investigations in real time. The monitor has access to all complaint records, including body-worn camera footage, and may observe all interviews with subject officers, complainants, and witnesses. The monitor can make recommendations for additional investigation as well as disposition and disciplinary recommendations at the conclusion of the investigation. The monitor may make policy and training recommendations based on individual cases or trends in complaint allegations. The monitor is further authorized to conduct analysis of department operations and outcomes to identify and recommend improvements to police policies and practices.

The diagram below demonstrates the route a case follows as it is classified by the monitor, investigated by BPD's Professional Standards Unit, and reviewed by the panel. The Chief of Police makes the final disciplinary determination after receiving recommendations from the BPD command staff, the monitor, and the panel.

# Enabling Legislation

## Ordinance 8430

### Complaint and Disciplinary Process under Monitor – Panel Model



## History of Police Oversight in Boulder

### Professional Standards Review Panel (PSRP)

Prior to the establishment of the new Police Oversight Panel in 2021, the Professional Standards Review Panel existed within the Boulder Police Department. The PSRP was created in 1993 and was comprised of 12 members who served two-year, renewable terms. Six of the panelists were non-law enforcement community members selected by the City Manager. The other six were BPD representatives selected by the Chief of Police with input from the police and municipal employee unions.

The role of the PSRP members was to review BPD's Professional Standards Unit (PSU) investigations into allegations of serious misconduct filed against department members and provide recommendations to the Chief of Police. The panel had the authority to provide input and recommendations on the following issues:

- Was the investigation conducted fairly, completely, and reported accurately?
- Based on the material contained in the case file, what is the recommended disposition?

After supervisory review of a PSU investigation of a complaint, each PSRP panelist separately reviewed the records and files of the investigation. The PSRP then met to discuss whether the investigation and materials were sufficiently thorough, discuss the evidence and alleged violations, have an opportunity to question BPD representatives about the investigation, and issue its comments as to whether the PSU's investigation was fair, complete, and accurately reported. It also provided its recommendation on the disposition of the alleged violations. The PSRP was not authorized to make specific disciplinary recommendations.

During 2020, the last year of its existence, the PSRP reviewed seven Class 1 (serious misconduct allegation) investigations. In addition, they were provided a synopsis, as well as the outcome of the investigation for 17 Class 2 (misconduct allegation) investigations.

It should be noted that the PSRP recommendations to the Chief of Police were not always unanimous. In some cases, the Chief of Police agreed with the recommendations and other times the Chief came to a different conclusion, determining more severe or less severe discipline for the officer.

## Establishment of Boulder's Police Oversight Panel

### Task Force – Implementation Team – Selection Committee

On February 2, 2021, the Boulder City Council approved the appointment of the first nine members of Boulder's new all-civilian Police Oversight Panel. This would not have been possible without the dedicated work of the Police Oversight Task Force and Implementation Team, specifically: Todd Conklin, Jr., Michelle Denae, Madelyn Woodley, Shawn Rae Passalacqua, Michele Simpson, and Pam Gignac. The task force also included Sophia Pelecanos, Mike Rafik, Christian Gardner-Wood, James Hill, Shirly White, Sheila Davis, Nami Thompson, and John Gifford. Meetings were facilitated by Dr. Carolyn Love of Kebaya Consulting Services. Their collective efforts resulted in the development and passage of Ordinance 8430, establishing the Police Oversight Panel.

In March of 2019, the Zayd Atkinson incident captured local and national attention, bringing the issues of policing and racial equity to the forefront in Boulder. City Council quickly convened a community meeting to discuss how the Boulder community could move forward with more robust transparency and accountability for police operations. Council subsequently convened the Police Oversight Task Force in May 2019 to assist in developing options for Council to consider.



Zayd Atkinson questions his encounter with Boulder Police on March 1, 2019.

Based on the Task Force's research, analysis, and final report; council adopted an initial ordinance in October of 2019 directing the establishment of a hybrid model to include an independent monitor and an all-civilian panel. In addition, council also established the Police Oversight Implementation Team which was composed of existing Task Force members joined by city staff to focus on finalizing the implementation details for the new model and passing the final police oversight ordinance. The Implementation Team began meeting in early 2020 and included Todd Conklin, Jr., Michelle Denae, Madelyn Woodley, Shawn Rae Passalacqua, Michele Simpson, and Pam Gignac.

These six individuals jumped into the work with passion and seriousness of purpose. They brought different life experiences and perspectives to the discussion, each with their own strengths and each of them contributing to the difficult work necessary to build Boulder's police oversight institutions. While developing the oversight model, they had to process their own trauma, as well as the community's trauma. They were creative, persistent, and not afraid to break new ground. They developed an inclusive and thorough hiring process for the independent monitor and then worked with the new monitor to finalize the police oversight ordinance for ultimate adoption by the Council in November 2020.

Upon adoption of the final ordinance, the Implementation Team then transitioned into the Selection Committee to interview and select the initial nine members of the Police Oversight Panel. The team invited local non-profit organizations to provide representatives to be a part of the Selection Committee – further broadening the team's representation by incorporating individuals from Boulder County's Islamic Center and NAACP into the Selection Committee. This committee then reviewed all 53 applications that were submitted and interviewed a total of 18 applicants before selecting the panel's first nine members. The Police Oversight Panel held its first meeting on February 11, 2021 and their work is now actively underway. The monthly training of the panel members began in February and includes the history of race, policing, and oversight; Boulder Police Department values and ethics; Professional Standard Unit operations; use of force; stop and arrest procedures; search and seizure law; mental health responses; homeless outreach; and investigations.



## Complaint Data: August 2020 – March 2021

From August 2020 through March 2021 there were 40 complaints, involving 53 separate allegations. Of the 53 allegations, 8 were Sustained.

- 16 involved **Use of Force, Rule 6.**
  - 1 allegation was Sustained, and the remaining 15 were either Unfounded, Unsubstantiated, Not Sustained, or Exonerated.
- 21 involved **Violation of Rule 1** ranging from Value of Respect, Report Writing, Customer Service, Arrest Discretion, Testimony, Pursuit Policy, Miranda Warning, Body Worn Camera Policy, Mask Policy, Negligent Taser Discharge, and Supervision.
  - 6 allegations were Sustained, and the remaining 15 were either Not Sustained or Exonerated.
- 8 involved **Police Authority and Public Trust, Rule 5.**
  - All of these were either Not Sustained or Exonerated.
- 7 involved **Respect for Others, Rule 4.**
  - 1 was Sustained, and the remaining 5 were either Unfounded or Not Sustained.
- 2 involved **Truthfulness, Rule 3.**
  - 1 was Not Sustained, and 1 was Exonerated.
- 1 involved **Conduct, Rule 8.**
  - The complaint was Sustained.

Month	Number of Complaints Filed	Allegation Types*	Outcomes
August 2020	3	Rule 1 (Value of Respect)** Rule 1 (Pursuit Violation) Rule 6 Use of Force (3)***	Not Sustained Sustained Exonerated
September	6	Rule 6 Use of Force Rule 6 Use of Force Rule 1 (Report Writing) Rule 6 Use of Force Rule 6 Use of Force (4) Rule 6 Use of Force Rule 1 (Value of Respect)	Exonerated Sustained Exonerated Exonerated Exonerated Exonerated Exonerated
October	3	Rule 4 Respect for Others Rule 6 Use of Force Rule 1 (Customer Service)	Not Sustained Unfounded Exonerated
November	5	Rule 1 (Customer Service) Rule 1 (Customer Service) Rule 6 Use of Force (3) Rule 6 Use of Force (3) Rule 6 Use of Force	Not Sustained Not Sustained Exonerated Exonerated Exonerated



December	5	<p>Rule 4 Respect for Others  Rule 6 Use of Force (3)  Rule 1 (Arrest Discretion)  Rule 4 Respect for Others  Rule 6 Use of Force (3)  Rule 1 (Report Writing)  Rule 4 Respect for Others</p>	<p>Sustained  Exonerated  Exonerated  Exonerated  Exonerated  Exonerated  Unfounded</p>
January 2021	9	<p>Rule 4 Respect for Others  Rule 5 Police Authority and Public Trust  Rule 6 Use of Force (3)  Rule 6 Use of Force  Rule 6 Use of Force  Rule 4 Respect for Others  Rule 1 (Report Writing)  Rule 1 (Testimony)  Rule 6 Use of Force  Rule 1 (Pursuit Policy) (2)  Rule 1 (Pursuit Policy)  Rule 1 (Miranda Warning)  Rule 4 Respect for Others  Rule 8 Conduct</p>	<p>Not Sustained  Not Sustained  Exonerated  Exonerated  Exonerated  Not Sustained  Exonerated  Exonerated  Not Sustained  Sustained  Sustained  Sustained  Not Sustained  Sustained</p>
February	4	<p>Rule 1 (Various) (7)  Rule 5 Police Authority and Public Trust (2)  Rule 5 Police Authority and Public Trust (2)  Rule 5 Police Authority and Public Trust  Rule 1 (Body Camera Policy)  Rule 1 (Mask Policy)</p>	<p>Not Sustained  Not Sustained  Exonerated  Exonerated  Sustained  Not Sustained</p>
March	5	<p>Rule 1 (Negligent Taser Discharge)  Rule 3 Truthfulness  Rule 5 Police Authority and Public Trust  Rule 1 (Supervision)  Rule 5 Police Authority and Public Trust (2)  Rule 1 (Communications &amp; Incident Reporting)  Rule 5 Police Authority and Public Trust  Rule 3 Truthfulness  Rule 5 Police Authority and Public Trust  Rule 1 (Incident Reporting)</p>	<p>Sustained  Exonerated  Exonerated  Unfounded  Not Sustained  Not Sustained  Not Sustained  Not Sustained  Not Sustained  Not Sustained</p>

\*Each complaint can contain more than one allegation.

\*\*Rule 1 allegations can include a variety of violations of the General Order manual. Therefore, the specific type of allegation is provided in parentheses for the Rule 1 allegations.

\*\*\*When the same allegation was made against multiple officers during the same incident, the number of subject officers is noted in parentheses.

## Definition of Findings

**Exonerated:** The incident occurred, but member actions were justified, lawful and proper.

**Unfounded:** The complainant admits to false allegation; the charges were found to be false; the member was not involved in the incident; or the complainant has voluntarily withdrawn the complaint prior to the conclusion of an investigation and the department elects not to continue the investigation.

**Not Sustained:** An allegation is not supported by a preponderance of the evidence.

**Sustained:** An allegation is supported by a preponderance of the evidence.

## Community Inquiries and Referrals

During this period, 40 Community Inquiries were registered, and six other complaints were deemed Referrals. All six Referrals occurred prior to October 2020. The monitor recommended discontinuation of the use of the Referral category which in the past had been used to address minor performance or protocol issues. The monitor recommended that the department simply classify all complaints based on the type of allegation, not the level of seriousness. Since mid-September 2020, no complaints have been labeled as Referrals. See the Monitor's Recommendation section at the end of this report for more information on Referrals.

## Case Summaries

The following case summaries include complaints filed after July 27, 2020 (the beginning of the monitor's tenure) and where the investigation was completed before April 1, 2021 (the beginning of the second quarter of 2021). Going forward, summaries of completed complaint investigations will be published on a quarterly basis.

Date/Allegation/Outcome	Case Summary
<p>August 4, 2020</p> <p>Rule 1 (Value of Respect)</p> <p>Not Sustained</p>	<p>On August 4, 2020 the City of Boulder received a complaint regarding a postcard sent to an individual who had been associated with a prior complaint recently filed against an officer. The postcard was sent to the individual's address and referenced the prior complaint outcome, stating "Thank you for the paid vacay! XOXO." The postcard was signed with the first initial of the last name of the officer involved in the prior complaint. The complainant was concerned about harassment and that the officer may have personally delivered the postcard to the complainant's home. The subject officer was interviewed and indicated that their mother-in-law had sent the postcard without the officer's knowledge and that the officer did not direct the mother-in-law to send the postcard. The officer indicated that their spouse had informed the mother-in-law of the prior complaint and that the officer did not know if their spouse had directed the mother-in-law to do so. The officer learned that the postcard had been sent through subsequent social media postings, according to the officer. The investigating sergeant conferred with the District Attorney's office which advised that there were no relevant criminal statutes to charge and that the actions of the mother-in-law did not fit the criminal definition of harassment. The investigator had the postcard examined by the US Postal Service which was able to confirm that the postcard was sent through the mail and delivered by a mail carrier. They could not determine from where the stamps were purchased. The postcard was then examined by a department criminalist for markings that would not be visible to the naked eye, but no additional information was obtainable from the postcards. The investigator twice requested to interview the mother-in-law, who ultimately declined through an attorney. Because the mother-in-</p>

	<p>law was not a city employee and no criminal allegations were present, the investigator could not compel the mother-in-law to be interviewed or provide a statement. Because the investigation did not prove the officer either sent the postcard or directed someone else to send it, the allegation was not sustained against the officer. It should be noted that the allegation involving the postcard was added to the prior complaint allegation and was not lodged as a separate complaint. The monitor recommended to the department that in such instances going forward, the new allegation should be filed under a separate complaint number because it was a different incident occurring at a later date and at a different location.</p>
<p>August 5, 2020</p> <p>Rule 1 (Pursuit Violation)</p> <p>Sustained</p>	<p>An officer responded to a hit and run call with a possibly intoxicated driver. As they approached the location, they observed the subject vehicle weaving and travel through two red lights. A sergeant asked over the radio if they were engaged in a pursuit, at which point they had already disengaged the pursuit. The allegation was Sustained and resolved with non-disciplinary supervisory coaching and counseling documented in a performance note. The officer's supervisor discussed Colorado law and several General Orders that guide when an attempted traffic stop turns into a pursuit. The officer was receptive to the supervisory instruction and engaged during the training.</p>
<p>August 24, 2020</p> <p>Rule 6 Use of Force (3)</p> <p>Exonerated</p>	<p>On August 22, 2020 an officer on routine foot patrol near the Mapleton Ballfields made contact with several individuals, one of whom had a felony warrant for aggravated robbery. Additional officers were requested to the scene, but the individual had left the area. Officers searched the area and located the individual. As officers approached and informed the individual there was a warrant for his arrest, the individual ran away. As two officers pursued, an officer collided with the individual causing both to fall to the ground. The officer hit his head on the pavement and suffered a concussion. Officers attempted to place the individual into custody, but the individual verbally and physically resisted. One officer delivered a knee strike to the individual's common peroneal nerve, but it did not have any effect. The same officer delivered another knee strike, and the officers were then able to get the individual into handcuffs. The officers placed the individual on their side in a recovery position. Soon after, the individual went into medical distress and appeared to have a</p>

	<p>seizure. The individual appeared to stop breathing and began to turn blue. Officers removed the handcuffs and transitioned to a medical response. An officer performed chest compressions on the individual and he began breathing again. During a standard use of force investigation, the individual stated that they wished to file a complaint against the officers who arrested them, stating that they had been kicked in the side, struck in the head, and that their ribs were injured by the chest compressions, which they did not believe were necessary. The subsequent investigation, including review of body worn camera footage, found that the only strikes to the individual were the knee strikes reported by one of the arresting officers. This use of force was found to be justified and within policy. The chest compressions performed by an officer were also found to have been in accordance with department policy and training. The officers were exonerated of all allegations.</p>
<p>September 2, 2020</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>A worker at a business called police regarding a verbal dispute with a female customer who was visibly pregnant. When the officer arrived, the customer was yelling at the worker in a threatening manner. The officer attempted to deescalate the situation through verbal interaction for several minutes. The customer continued to yell at the worker, so the officer physically escorted the customer out of the business using a firm grip to the upper arms. Once outside, the officer sat the customer on a bench and continued to try to speak to the individual. While speaking, the individual made a swiping motion with her hand towards the officer. The officer reacted by using their own arm to briefly pin the woman's arm across her upper body. The officer released the hold and the woman then got up and continued to yell as the officer asked her to sit back down. The woman was seated on the curb as the officer kept a hand on her shoulder to keep her seated until she calmed down. A witness who was a friend of the woman claimed that the officer pushed the pregnant woman on the ground forcefully with her belly on the ground. A review of the body-worn camera footage indicated that did not happen. The woman remained seated upright while the officer's hand was on her shoulder. The woman was interviewed and provided an opportunity to watch the body-worn camera footage. The investigation found the officer's actions to be appropriate and within policy. The complaint was classified as an</p>

	unsubstantiated complaint and the officer was exonerated of the use of force allegation.
September 5, 2020  Rule 6 Use of Force  Sustained	While conducting a routine review of use of force entries, a department commander reviewed an incident involving an officer that occurred on September 5, 2020. The Use of Force entry documented an incident that occurred when the officer was transporting an arrestee to the Boulder County Jail. While they were in route, the arrestee began to kick at the partition window of the patrol vehicle. The officer pulled over and then extracted the arrestee from the vehicle. In the process, the arrestee's head appeared to strike the door frame and then appeared to strike the curb. Once the arrestee was out of the vehicle, and on the ground, a laceration was visible on the arrestee's forehead. The use of force investigation found that the officer should have waited until additional officers arrived to remove the arrestee from the vehicle to ensure the force used could be more controlled. The use of force allegation was sustained against the officer. The department provided verbal counseling to the officer stressing the importance of being more situationally aware when considering the use of force. The officer was receptive to the counseling.
September 11, 2020  Rule 1 (Report Writing)  Rule 6 Use of Force  All Exonerated	On September 11, 2020, an officer responded to a noise complaint at a college party on Pleasant Street. While talking with the roommates of the house, one roommate provided their identification to the officer while another declined, telling the officer that they did not need to know that. The officer indicated that they would end up going to jail if they did not provide their information. The individual told the officer that they could not be arrested for that or for being on their own property as they turned around and walked away. The officer followed and grabbed the person's arm as they walked away. They appeared to pull away when the officer grabbed their arm, told the officer to stop several times, and stated that they were not resisting as they turned away. The officer told them to put their hands behind their back several times and called for non-emergency cover over the radio. The officer directed the individual to stand up and give the officer their hand (they appeared to be leaning towards the ground). The officer asked them, "What are you doing?" and told them that they were "walking away while I'm trying to talk to you." The officer told the individual to put their hands behind

	<p>their back and asked if there were going to “sit back.” The officer followed this by saying, “Sit down then.” At this point, the officer took control of the person's right arm, and appeared to direct pressure on them, forcing them down towards the ground. The individual ended up with their torso on a chair that was in front of them. The individual then turned around and sat on the chair. The individual filed a complaint alleging that the officer did not have the authority to detain them and used excessive force to push them onto a wooden bench. The investigation found that the officer had legal authority to detain the individual and that the manner in which the officer did so was within policy. During the interview of the complainant, the complainant alleged a discrepancy in the written ticket that the officer issued. The investigation found that while the officer could have better articulated the description of events, the officer’s written words were not intended to mislead. The officer was exonerated on all allegations.</p>
<p>September 14, 2020</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>Officers were called to a business regarding an individual who was working on a vehicle in the business’ parking lot for several hours. When officers arrived, they discovered the individual had an active warrant. When officers attempted to place the individual into handcuffs, the individual tensed their body and raised their arms. The individual was then taken to the ground and hand cuffed. The individual complained that there was no physical attack on the officers so they should not have used force to make the arrest. The individual was offered an opportunity to watch the body-worn camera footage. Investigating personnel explained to the individual that officers can use force to arrest someone when they physically resist. The individual then understood how their actions constituted resistance but indicated that there would have been no resistance had the officers verbally indicated the individual was about to be arrested before placing their hands on the individual. The complaint was closed as an unsubstantiated complaint and the officers were exonerated on the excessive force allegations. The monitor recommended to the department that when possible and safe to do so, officers should inform individuals that they are about to be placed under arrest.</p>
<p>September 18, 2020</p>	<p>Officers were called to a home regarding a domestic violence assault. When officers arrived, the alleged perpetrator was</p>

<p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>asleep. The victim led officers to the room where the individual was sleeping. Officers woke the individual who appeared to be intoxicated. The individual reacted by trying to quickly get up. An officer pushed the man in the chest and officers briefly held the individual on the ground. The officers hand cuffed the individual and sat him down. The individual would eventually be taken into custody and provided medical care for apparent intoxication. The individual made multiple allegations against officers including excessive force with multiple strikes to the body. The individual also alleged that an officer inserted a thumb into the individual's rectum. The entire encounter was captured on multiple body cameras, including the ride in the ambulance. The video evidence demonstrates that no officer struck or otherwise assaulted the individual. The only force used by the officers was the initial push to the chest and the takedown to the floor while handcuffing. The complaint was investigated and deemed an unfounded complaint. The officer was exonerated on the excessive force allegation.</p>
<p>September 21, 2020</p> <p>Rule 1 (Value of Respect)</p> <p>Exonerated</p>	<p>A former county agency employee filed a complaint against a detective. In their professional capacity, the complainant worked with Boulder County law enforcement officers on a regular basis. The complaint involved a Zoom meeting that was attended by the detective and other county agency employees. The complainant reported that the detective failed to remember important information that they had relayed to the detective. The complainant alleged that the detective behaved in a manner that was unprofessional by insinuating that the complainant was lying in front of other professionals on the Zoom call. The complainant reported that the detective had not responded to requests to acknowledge previous emails and that the detective had been 'aggressive' with them during previous conversations and had called them a 'bold-faced liar' in one of their phone calls. The complainant filed the complaint on the same day they were terminated as an employee of the county agency. A thorough investigation was conducted which included interviews with multiple witnesses to the encounter and a review of email correspondence and phone records. None of the other professional partners involved in the Zoom call with the detective and the complainant indicated that the detective did anything disrespectful or inappropriate. Multiple interviewees stated that</p>



	<p>the detective maintained their professionalism and composure with the complainant during the Zoom meeting. Additionally, there was no evidence to support the complainant's assertion that the detective failed to remember important case information or failed to respond to emails. The detective was exonerated on all of the allegations.</p>
<p>October 5, 2020</p> <p>Rule 4 Respect for Others</p> <p>Not Sustained</p>	<p>An anonymous male called dispatch to make a complaint about a dispatcher for being rude during a previous call on a prior evening. As part of the investigation, an audio recording of a phone call into dispatch in which the subject dispatcher speaks to the complainant was reviewed. The dispatcher used a calm, even tone throughout the call. The dispatcher attempted to answer the complainant's questions and remained calm when the complainant was not pleased with the answers and became antagonistic. The dispatcher remained professional, but when the caller told the dispatcher to have a good evening at the end of the call, the dispatcher did not respond. The caller pointed out that he told the dispatcher to have a good evening and the dispatcher stated that they were electing not to respond. The caller then indicated he would be filing a complaint against the dispatcher. Although the dispatcher could have replied and returned the courtesy, the failure to do so did not rise to the level of a violation of Rule 4, Respect for Others. The allegation was not sustained.</p>
<p>October 8, 2020</p> <p>Rule 6 Use of Force</p> <p>Unfounded</p>	<p>An individual contacted police to file a complaint regarding an arrest that occurred several months prior but was unsure of the exact date. The individual claimed that an African American officer used excessive force when the individual was handcuffed, causing a shoulder to pop out of place. An investigation was conducted and found that the individual was confusing two different encounters that occurred within several weeks of each other. The African American officer was involved in the first arrest and no force was used. During the second arrest, the individual was handcuffed behind his back by two officers. Body-worn camera footage indicated that the application of the handcuffs was swift and unexpected, but there was no struggle and minimal force was used to apply the handcuffs. While being handcuffed, the individual claimed that one arm was already broken (there was no cast or sling) and complained that the officers dislocated that shoulder. The officers used two sets of hand cuffs to avoid</p>

	aggravating the reported prior injury. EMTs responded to provide medical care. The allegation of excessive use of force was deemed unfounded.
<p>October 15, 2020</p> <p>Rule 1 (Customer Service)</p> <p>Exonerated</p>	<p>An officer responded to an accident call in the parking lot of Target. The officer met with the drivers, investigated the crash, and then issued a summons to the driver who had struck the complainant's car. The officer then went into the Target store and met with security to review video of the parking lot to see if the collision was captured on video. The video recording did not capture the crash and had no evidentiary value. The officer then told the complainant that there was no video of the crash. The complainant later contacted Target on their own and was told by another employee that video of the crash did exist. The complainant then filed a complaint against the officer for not acquiring the video and for not responding to their calls. The complainant then had an opportunity to review the video and realized although there was video of the time the incident occurred the video did not capture the crash. In regard to responding to the complainant's communications, the officer had talked with the complainant prior to going on emergency leave and then was off for three weeks while sick with Covid. This was during the time frame when the officer did not call the complainant back. The officer was exonerated of all allegations.</p>
<p>November 3, 2020</p> <p>Rule 1 (Customer Service)</p> <p>Not Sustained</p>	<p>The complainant was engaged in a demonstration that involved opposing sides. They called police asking for an opposing demonstrator to be charged with harassment for coughing on them. At the direction of a commander, a sergeant informed the complainant that officers would not be sent because officers would not be baited into a confrontation over something that was not a crime. The caller complained that the sergeant was not doing their job. Earlier that day, a different sergeant who had worked that demonstration scene, had proposed that officers only respond to that location at the direction of a supervisor or if the nature of the call was serious, because this sergeant believed that both sides escalated when officers were on scene and tried to use the officers against opposing demonstrators. The investigation found that the commander's decision was reasonable considering the sergeant's observations of prior interactions with the demonstrators. The department discussed additional customer service options with the sergeant and</p>

	<p>commander, including taking a phone report or providing alternate reporting options instead of responding in person. The allegation against the commander of violating the department's value of customer service was not sustained.</p>
<p>November 11, 2020</p> <p>Rule 1 (Customer Service)</p> <p>Not Sustained</p>	<p>The complainant left their apartment briefly and left the door unlocked. Upon their return, a burglar was exiting the apartment with various items from the household. The burglar ran off and the complainant called the police. Police responded and an officer interviewed the complainant and roommates. Officers conducted a grid search of the area but did not find the burglar. After police left, the complainant drove around the neighborhood searching for the burglar. The complainant ultimately confronted a man the complainant believed to be the burglar while the individual was waiting for a Lyft driver to arrive. The complainant called 911 while confronting the individual. While on the phone with the 911 dispatcher, the complainant was overheard telling the suspected burglar not to move and that the complainant had a gun. The complainant did not have a gun, but the dispatcher indicated to police that he may be armed. The suspected burglar fled as the Lyft driver arrived. Police arrived and engaged again with the complainant. The Lyft driver attempted to assist police by calling the rider back, as the Lyft app indicated the rider was nearby. While police attempted to reach the rider on the phone, the complainant became upset that the police kept their flashing lights on while the rider the complainant believed to be the burglar was nearby. The rider then disconnected from the app. The complainant alleged that officers did not conduct a thorough search, that they treated the complainant like a suspect, and that the burglar escaped because police tried to contact the burglar while their lights were still on which scared off the alleged burglar. An investigation found that the lead responding officer completed all required actions in response to the burglary report and thus did not violate any policy. However, there were several areas where the officer's supervisors found the officer could have improved by being more inquisitive during initial interviews, delegating responsibilities to other officers, and providing more detail to the complainant of what investigative steps were being taken. The allegations against the officer were not sustained. A detective was assigned to continue investigating the burglary.</p>

<p>November 14, 2020</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>An individual who was arrested on a violence-related charge was in the back seat of a police vehicle and was able to move their handcuffed hands from behind their back to the front of their body. Officers removed the individual from the vehicle and brought the individual to the ground where the individual was handcuffed again behind their back. The individual complained of scrapes and abrasions to their legs and hands. Body-worn camera footage was reviewed, and the investigation concluded that the force used to remove and re-handcuff the individual was within policy. The officers were exonerated of the allegation of excessive force.</p>
<p>November 20, 2020</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>Officers responded to a call of a fight between a couple. When officers arrived and knocked on the door, the officers could hear two individuals inside the apartment. A female who answered the door appeared intoxicated and had a small amount of blood in the corner of her mouth. An officer asked her to step out of the apartment and she refused. Aware that the other party to the fight may still be inside the home, officers pulled the woman away from her doorway and into the hallway. Officers held on to her arms and attempted to get her to sit down, but she refused. She eventually sat down and then laid down on the floor as the officers attempted to learn what occurred. Officers asked if the male individual who she had been seen fighting with was inside the home and she said he was not. The door remained open and officers saw the male inside and instructed him to exit the home so he could be interviewed separately. During the discussion with officers, the female made threats of suicide and attempted to reenter the home. Officers took control of her arms and placed her into handcuffs. Officers informed her that she would be detained on a detox hold and she continually tried to get away from officers and reenter the home. While officers held on to her arms to control her, the individual intentionally slammed her head against the floor. Officers stopped her, brought her outside, and eventually placed her into an ambulance. While attempting to escort her, the officers used firm grips and control holds to maintain control of her as she continued to verbally and physically resist the detention. The individual later complained of bruising and pain to her arms and wrists. Body-worn camera footage was reviewed, and the investigation found that the responding officers acted professionally. The limited force used</p>

	by officers was reasonable and within policy. The officers were exonerated on the allegations of excessive force.
<p>November 28, 2020</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>An individual filed a complaint regarding an arrest that happened nine years prior for violating a protection order. The individual complained that during the arrest they were pushed to the ground and the handcuffs were applied too tight (the handcuffs had been reapplied after the individual was able to slip one hand out of the handcuffs). Police reports from the original incident were reviewed as a part of the investigation. Those reports indicated that the individual pulled away from officers while being handcuffed and the individual dropped down to the floor between two bookshelves to avoid arrest. The officers reported pulling the individual up from between the bookshelves and applying handcuffs. While being escorted to a police vehicle, the individual was able to slip one wrist out of the handcuffs so an officer reapplied the handcuffs more securely. During the interview of the complainant, the individual acknowledged not being able to remember exactly what occurred. The officer's actions were found to be appropriate and within policy. The officer was exonerated on the allegation of excessive force.</p>
<p>December 1, 2020</p> <p>Rule 4 Respect for Others</p> <p>Sustained</p>	<p>An Accident Report Specialist (ARS - not a police officer) was dispatched to a traffic crash inside a parking garage. After completing the accident report the ARS approached the exit gate. The ARS contacted an attendant (who was in a different state) through an intercom. The ARS notified the gate attendant that they were a Boulder Police Officer and needed to exit the gate. The gate attendant was very polite and notified the ARS that she needed their name for the record and that she could then open the gate. The ARS refused numerous times to give their first name, and instead made numerous statements that their legal name was Officer. The ARS continued to refuse to provide their first name and told the attendant at least two times that "I need to get out of this f---ing garage." The investigation found that the ARS' tone and manner during these interactions was rude and demeaning to the parking company attendants. The violation of Rule 4 (Respect for Others) was sustained, and a five-year letter of reprimand was included in the ARS' file.</p>
<p>December 7, 2020</p> <p>Rule 6 Use of Force (3)</p>	<p>An individual was arrested on the Pearl Street mall after an officer approached the individual for smoking, littering, and having a dog off-leash. The officer attempted to issue citations,</p>

<p>Rule 1 (Arrest Discretion) Rule 4 Respect for Others</p> <p>All Exonerated</p>	<p>but the individual initially refused to sign the citations. The individual indicated that the dog was a service animal and was thus allowed to be on the mall. The individual initially stated that the dog was used for search and rescue and ski patrol, and then stated it was a service dog for psychiatric service. When the officer inquired to learn more about what kind of service animal the dog was, the individual claimed the officer was violating HIPAA (health privacy) law. The officer concluded that the dog was an emotional support animal rather than a service animal and believed the individual was not going to remove the dog from the mall. Because the officer concluded that the individual was not going to cease the behavior for which the citations were being issued, the officer had the authority to arrest the individual. During the arrest, the individual was escorted by officers using control holds on the individual's arms. While being escorted, a watch band on the individual's wrist was torn. Body-camera footage of the encounter was reviewed, and the investigator consulted with the City Prosecutor's office and BPD legal counsel who indicated there was sufficient cause for arrest and that the officer's line of questioning regarding what type of service the dog provided was in accordance with ADA guidance. The officers were exonerated on all allegations.</p>
<p>December 8, 2020</p> <p>Rule 6 Use of Force (3)</p> <p>Exonerated</p>	<p>An individual filed a complaint regarding an arrest in which the individual was taken to the ground and pepper sprayed by officers. The individual had made threats of harm to others and had previously made reference to having a gun in a vehicle. When officers attempted to pull over the individual while driving a vehicle, the individual did not immediately pull over. An officer blocked the vehicle's path with a police vehicle to affect the stop. As the individual exited the vehicle, an officer ran up to the individual from behind, grabbed the individual, and forced him against the vehicle before taking the individual to the ground. Officers instructed the individual to place their hands behind their back while on the ground struggling, but the individual did not immediately place their hands behind their back and instead tensed their arms. One officer delivered two knee strikes to the individual's leg and another officer deployed pepper spray to the individual's face before officers were able to apply the handcuffs. Body-worn camera footage was reviewed. Due to the threat of violence by the individual and the fact that the individual had</p>

	made prior reference to having a gun in the vehicle, the emergency takedown and force used to get the individual into custody quickly was deemed within policy. The officers were exonerated on the allegations of excessive force.
December 9, 2020 Rule 1 (Report Writing) Exonerated	The complainant was arrested nine years ago for assaulting their spouse. In December 2020, the complainant filed a complaint alleging inaccuracies in the arrest report written by a detective nine years ago. The investigation found that some of the language the complainant disputed was simply documenting the claims of the opposing party. During questioning, the complainant acknowledged that they may have said other things that were attributed to them that they later disputed. The detective did not remember the case but discussed their standard operating procedures that would prevent inaccurate statements from appearing in their written reports. The investigation concluded that the detective did not include inaccurate information in the report and the detective was exonerated of the allegation.
December 23, 2020 Rule 4 Respect for Others Unfounded	An individual accused an officer of harassment for following up on an alleged violation of a protection order. The individual claimed that the officer provided the individual with a business card "forcefully" and that the officer "stands misogynistically." Body-camera footage of the interaction was reviewed and revealed no basis for the allegations. The complaint was deemed unsubstantiated, and the allegations were unfounded.
January 15, 2021 Rule 4 Respect for Others Rule 5 Police Authority and Public Trust All Not Sustained	An officer was working an overtime assignment at an Apple store. The assignment was to be a visual presence while store employees spoke with customers. [Due to COVID regulations, the store had a new protocol in place where customers had to register for a time slot to speak with customer service. Private security was on scene to implement the protocol.] An individual was at the store and became upset that he could not immediately speak with customer service. As private security attempted to provide a store phone to the individual to talk with customer service, the individual offered his ID to the security guard to hold while he used the store phone. The BPD officer accepted the ID instead of the security guard. The officer ran the individual's name to check if there were any notes regarding dangerous behavior. As the officer ran the individual's name over the radio, the individual realized this was happening and became upset. The

	<p>individual asked the officer why they were running his name and called the officer a "b--ch." The officer responded that they needed to document the individual's information for Stop Data purposes. The individual continued to yell at the officer and asked for the ID back. The officer returned the ID within ten seconds of this request. As the individual continued to yell at the officer, the officer replied sarcastically, "You seem very nice," and disengaged from the contact. A friend of the individual complained that the officer ran the identification "illegally." However, officers are allowed to run an individual's name through law enforcement databases for a legitimate law enforcement purpose. The officer was engaged in an on-duty contact with an individual that was upset and yelling in public. The investigation found that the officer had a reasonable and legitimate public safety concern while interacting with the individual. Thus, the allegation of violating Rule 5: Police Authority and Public Trust was not sustained. During the course of the investigation, the officer acknowledged that they became frustrated with the individual and the response of, "You seem very nice," was not the best approach. However, the investigation concluded that the response did not rise to the level of a violation of Rule 4: Respect for Others and was deemed not sustained.</p>
<p>January 18, 2021</p> <p>Rule 6 Use of Force (3)</p> <p>Exonerated</p>	<p>An individual was stopped by police as while was pulling into their driveway after neighbors called 911 to report the individual driving erratically. A sergeant first encountered the individual and explained why they were being stopped. The sergeant asked the individual to step to the back of the car, but the individual refused. The individual further refused to hand an ID to the sergeant and stated that they were going to go inside the house. The sergeant and two other officers grabbed the individual by the arms and said that was not allowed at that point. The individual pulled their arms away and attempted to free themselves. The officers then brought the individual to the ground using a straight arm bar takedown. The individual continued to resist by kicking and moving their body. Officers directed the individual to place their arms behind their back, but they did not. The sergeant placed one knee near the individual's shoulder blade while handcuffing. Officers were able to apply handcuffs successfully and then rolled the individual on their side in the recovery position. The officers did not use any strikes or blows to restrain</p>



	<p>the individual. Once handcuffed, the individual yelled that they had a disability and that the officers were violating their rights [the individual would later indicate that they suffer from PTSD]. The individual filed a complaint alleging officers used excessive force, failed to wear a face covering, and violated the Americans with Disabilities Act by not providing appropriate accommodations. While interviewing the individual for this investigation, it was also alleged that officers laughed at the individual during the arrest. The investigation found that the force used to arrest the individual was reasonable and within policy. Body camera footage was reviewed and confirmed that all officers on scene were wearing appropriate face coverings in accordance with the Public Health Order. The individual did not inform officers of any disability until after being handcuffed. At that point the individual was already in the recovery position. Medical care was immediately requested by officers and provided to the individual. Regarding the allegation that officers laughed at the individual, extensive body camera footage was reviewed, and it was discovered that several officers did slightly laugh when the individual yelled their respective races at each officer as the individual was being wheeled away on the medical pram ["White, white, white, white, white, brown!"] In response, a few officers chuckled and nodded in agreement. The laughter did not appear malicious nor intended to demean the individual in any way. Officers were exonerated of all allegations.</p>
<p>January 18, 2021</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>Boulder Community Health security contacted police and asked for assistance in removing a man who had been discharged and was sleeping in the lobby. An officer responded and contacted the man in question. The officer began to escort the man outside. At the entryway, the man hesitated to leave, and the officer grabbed his arm and directed him outside. After the man tried to walk back into the hospital multiple times, the officer applied a light push on the man's chest, to stop him from re-entering. The officer maintained his composure throughout the contact and continued to ask the man to leave. The man said he wanted to file a victim report and to speak with a sergeant. While speaking with the sergeant, the man indicated that he wanted the officer fired and he wanted one billion dollars in compensation. The officer's actions were within policy and he was exonerated on the allegation of excessive force.</p>

<p>January 25, 2021</p> <p>Rule 6 Use of Force</p> <p>Exonerated</p>	<p>On January 25, 2021, an intoxicated individual was transported by ambulance (with a police officer in the ambulance for security) to Boulder Community Hospital for medical attention. Upon arrival at the hospital, an officer learned that the individual had previously assaulted one of the ambulance crew. As an officer encountered the individual, the individual cursed at the officer and asked to call a relative. As the officer attempted to retrieve the individual's phone from property to allow the individual to make a call, the individual continued to swear at the officer and threatened to strike the officer. The individual then stood up and walked toward the officer. The officer told the individual to step back and pushed the individual in the chest. The individual continued to advance on the officer and the officer pushed the individual again with one hand. The individual advanced again on the officer and the officer then pushed the individual in the chest with two hands, causing the individual to fall backwards on his buttocks. The individual's head made slight contact with a cabinet while falling. The individual complained to a supervisor that an officer pushed the individual down causing a "cracked pelvis" and the individual claimed to have vomited blood. [The individual received medical attention and was approved for release shortly after.]</p> <p>Body-worn camera-footage was reviewed and was consistent with the officer's account of the incident. The officer's use of force was appropriate and within policy. The officer was exonerated of the allegation of excessive force.</p>
<p>January 27, 2021</p> <p>Rule 4 Respect for Others</p> <p>Not Sustained</p>	<p>An individual filed a complaint against an officer regarding an interaction that occurred several years after a prior interaction. During the first interaction that occurred several years ago, the individual was investigated for potentially having committed a crime but was not charged or arrested. The individual had filed a complaint against the officer regarding that interaction. In January 2021, the individual was walking down the street and saw the same officer driving by. According to the complainant, the individual stated to the officer, "Oh, I know you...You're the fella who roughed me up in my alley three years ago." The officer responded, "I never roughed you up." The next part of the exchange was captured on body-worn camera. The officer stated, "You're lucky, you should have gone to jail, but I released you."</p>

	<p>The complainant and a witness responded that the officer was a bully and was traumatizing them. The officer then said to have a good evening and disengaged. The investigation concluded that the officer's comment, "You're lucky, you should have gone to jail, but I released you" was a statement of the officer's perception of the probable cause the officer believed existed in the prior interaction and not an attempt to threaten or intimidate the individual. The department concluded that while it was not necessary for the officer to share this comment, it did not rise to the level of a violation of Rule 4 Respect for Others. The allegation was deemed Not Sustained.</p>
<p>January 27, 2021</p> <p>Rule 1 (Report Writing) Exonerated</p> <p>Rule 1 (Testimony) Exonerated</p> <p>Rule 6 Use of Force Not Sustained</p>	<p>An individual filed a complaint in January 2021 regarding an interaction that occurred on November 26, 2019. An officer was dispatched to a traffic accident and suspected alcohol use of one of the drivers. When the officer went to acquire the second driver's documents, the individual suspected of alcohol consumption began to reposition their vehicle and appeared to be driving away. The individual stopped the vehicle but was now further away down the street. An uninvolved vehicle stopped near the vehicle that had been repositioned. In the darkness and heavy snow fall, the officer was unsure what was occurring and briefly drew their firearm. The officer reassessed and then holstered the firearm. The investigation proceeded and the individual was ultimately arrested for DUI. The individual complained that the officer unnecessarily pointed the firearm, testified falsely under oath in court, and was inaccurate in a written report. The investigation found that the officer's decision to briefly unholster the firearm was not a violation and was thus not sustained. The allegations of false testimony and inaccurate report writing were in response to the officer stating "no" on the stand when asked if the officer had drawn the firearm and in regard to whether the officer read the individual Colorado's Express Consent Law as required. After testifying in court, the officer reviewed the body-worn camera footage from the incident and realized that they had in fact briefly drawn their firearm. The officer immediately contacted the district attorney's office to inform the prosecutor of the error. Body camera footage showed the officer attempted to read the Express Consent Law to the individual while in a disciplinary cell at the jail, but the individual turned around and walked away despite the officer asking, "you</p>

	<p>don't want to hear it?" The investigation concluded that the officer did not intentionally make a false statement on the stand and that, while the officer's report could have been written more clearly, the officer was not inaccurate in writing the report. The officer was exonerated on the allegations of violating the department's general orders for testifying and report writing.</p>
<p>January 28, 2021</p> <p>Rule 1 (Pursuit Policy) (2)</p> <p>Sustained</p>	<p>Two officers engaged in a vehicle pursuit of a suspected stolen auto on December 9, 2020. During the pursuit, a commander directed the officers to terminate the pursuit. The officers did so, but a deputy chief filed an internal complaint to review whether the officer's initial decision to engage in a vehicle pursuit was within policy. Upon further investigation, the officers were found to have violated the department's pursuit policy which prohibits pursuing a vehicle where the only crime is auto theft. The allegations of violating General Order 218 were sustained against both officers. Both officers received verbal counseling documented in a performance note.</p>
<p>January 28, 2021</p> <p>Rule 1 (Pursuit Policy)</p> <p>Sustained</p>	<p>An officer engaged in a vehicle pursuit after conducting a stop of a suspicious driver who fled the scene. There was no evidence a felony had been committed; therefore, the pursuit was in violation of General Order 218. A deputy chief filed the internal complaint. The allegation against the officer was sustained and the officer received verbal counseling documented in a performance note.</p>
<p>January 28, 2021</p> <p>Rule 1 (Miranda Warning)</p> <p>Sustained</p> <p>Rule 4 Respect for Others</p> <p>Not Sustained</p> <p>Rule 8 Conduct</p> <p>Sustained</p>	<p>On January 28<sup>th</sup>, 2021 an Assistant District Attorney notified a police commander of a deficient Miranda warning and inappropriate comment by an officer during the handling of a case. Video of the arrest was reviewed which confirmed that the officer's delivery of the Miranda warning was deficient. That allegation was sustained, and the officer received verbal counseling and remedial Miranda Advisement training. The ADA also provided an email exchange in which the officer made a remark to the ADA regarding the arrestee's immigration status. The investigation found that the officer's remark was inappropriate and violated the department's rule on conduct. However, an allegation of failure to demonstrate respect for others was not sustained because body-worn camera footage showed that the officer was professional and considerate while interacting with the arrestee. The officer received a performance note for the inappropriate remark in the email to the ADA.</p>

<p>February 1, 2020</p> <p>Rule 1 (Various) (7) Not Sustained</p> <p>Rule 5 Police Authority and Public Trust (2) Not Sustained</p>	<p>On February 1, 2021, an individual filed a complaint regarding the manner in which a detective and sergeant conducted an investigation involving a child custody dispute. The complainant made the following allegations: the detective did not respond to attempts to communicate, the complainant was unable to obtain a police report, the detective may have been involved in a reward posted on social media by one party to the dispute, that an officer failed to charge one party with a Violation of a Temporary Protection Order, that the detective violated the state’s Address Confidentiality Program (ACP) guidelines, and that the detective inaccurately told one party that the other party was authorized to contact them based on a misreading of an order issued in another county. The investigation found the following. Phone and email records demonstrated that the detective had been in regular contact with the complainant from 2019 – 2021. The District Attorney’s Office declined to charge the accused party and no supplemental police report was written. The detective was aware of the social media posts but had no role in offering a reward. An investigator consulted with the District Attorney’s Office and charged one party with harassment instead of a violation of the protection order because an arrest for the violation of the protection order would have caused the children to be turned over to social services and placed in foster care. The detective requested the true address of the complainant to establish jurisdiction to investigate but did not enter the true address into any public reports. Lastly, the detective told the complainant that the legal situation was complicated but did not say that the other party was authorized to violate the court order. All allegations of violating department rules and violating police authority and public trust were not sustained.</p>
<p>February 9, 2021</p> <p>Rule 5 Police Authority and Public Trust (2)</p> <p>Exonerated</p>	<p>On February 9, 2021 an individual filed a complaint alleging an officer entered their home illegally and unnecessarily forwarded a report to Health and Human Services (HHS). The incident occurred in December 2020 and was captured on officer body-worn cameras. Police were dispatched to a domestic altercation in which neighbors had reported sounds of fighting that sounded physical and that a child was at the location where screams could be heard. An officer arrived and could hear a male and female voice yelling at each other. The officer knocked on the door, turned the handle, and opened the unlocked door while</p>

	<p>announcing police presence. A female came to the door and told the officer to leave. The officer briefly placed their foot on the door to assess the situation, then allowed the female to close the door. The female exited the location a short time later and told the officer that she is fine. A sergeant responded to the scene to explain why exigent circumstances allowed the officer to enter the home. The responding officer requested that the report be sent to HHS and it was. The investigation found that the officer acted consistent with Colorado law and department policy in responding to the incident. The officer was exonerated of the allegation of violating police authority and public trust.</p>
<p>February 15, 2021</p> <p>Rule 5 Police Authority and Public Trust (2) Exonerated</p> <p>Rule 1 (Body Camera policy) Sustained</p>	<p>On February 11, 2021, an individual filed a complaint against an officer for sending a copy of a domestic violence incident report to Health and Human Services (HHS). The individual alleged that the officer advised a property manager to make a complaint against the individual to HHS and that the act of sending the report to HHS was a malicious act by the officer. The investigation found that the officer responded to a call of a domestic dispute in progress and contacted the individuals in question. The couple did not wish to speak to police, but the female party assured the officer that she was okay. The officer disengaged. This portion of the interaction was captured by police dash camera. The officer then spoke with another officer who had responded to a prior call involving the same couple to gather more information. The officer then contacted the property manager who expressed concern for the welfare of the couple's child and asked what could be done to bring the situation to the attention of someone who could help. The officer indicated that this information would be forwarded to HHS because the officer was also concerned for the child's welfare. The investigation found that the officer did not violate policy or law by making the referral to HHS and the officer was exonerated of the allegation of violating police authority and public trust. The responding officer failed to bring their body-worn camera to the encounter (it was the officer's first call of their shift) so the interaction with the property manager did not get captured on video or audio. The officer immediately reported their failure to bring the body worn camera to their supervisor and returned to the police department to retrieve the body-worn camera to be used for the rest of the shift. The department sustained a violation of the body-worn camera policy</p>

	and directed the officer to review the policy, which the officer did.
February 16, 2021 Rule 1 (Mask policy) Not Sustained	On February 16, 2021 an individual filed a complaint against an officer alleging that the officer violated the city's mask policy while issuing the individual a speeding ticket earlier that day. Body-camera footage was reviewed and indicated that the officer adjusted their mask several times during the interaction, but it was unclear if the mask was ever removed. The officer was interviewed and remembered having to adjust the mask several times but did not believe the mask ever dropped completely off their face. The allegation against the officer was not sustained.
March 1, 2021 Rule 1 (Negligent Taser Discharge) Sustained	On March 1, 2021 an internal complaint was registered against an officer for negligent discharge of a Taser. While on meal break in the Police Department's kitchen area, two officers were joking around, and one accidentally deployed a Taser on the other. The officer who discharged the Taser immediately reported the incident to a supervisor. A violation of Rule 1 Compliance with General Orders was sustained against the officer and a 12-month letter of reprimand was placed on the officer's record.
March 3, 2021 Rule 3 Truthfulness Exonerated	On March 9, 2021, an individual filed several complaints against an officer stemming from their interaction on June 1, 2017. The officer was off duty at the time and driving home. The individual was on a skateboard and made contact with the officer's vehicle. Words were exchanged, a foot pursuit ensued, and the officer ultimately arrested the individual for striking the officer's personal vehicle with a skateboard and for brandishing a knife towards the officer after the officer chased him. The individual disputed several elements of the officer's written report on the incident and accused the officer of being untruthful. In the report, the officer wrote that the individual was standing on the median of the street prior to their interaction; the individual claimed he was actually jumping over that median at a high speed on a skateboard. The officer also wrote that the individual swung his skateboard at the officer's vehicle striking and damaging the rear passenger side panel; the individual claimed that he did not swing his skateboard at the vehicle but rather that he crashed into the front passenger side of the vehicle. Lastly, the individual disputed the officer's claim that the officer announced that he was a law enforcement officer during the foot chase from the car; the individual claimed that the officer only identified himself as an

	<p>officer after the individual drew a knife to conduct what the individual described as a citizen's arrest. Photos of the damaged vehicle show a dent in the rear passenger-side panel consistent with the officer's description of events. A witness contradicted an element of the complainant's description, the complainant acknowledged having memory problems, and the District Attorney's office found the officer's account to be credible. The officer was exonerated of the allegation of untruthfulness.</p>
<p>March 12, 2021</p> <p>Rule 5 Police Authority and Public Trust</p> <p>Exonerated</p>	<p>On March 12, 2021, an individual filed a complaint against an officer in reference to a DUI stop that occurred in January of 2016. The complainant alleged that he passed the roadside sobriety test, but the officer inaccurately claimed the individual failed it. The individual ultimately tested positive for cannabis, but negative for alcohol. The individual further claimed that the officer was discriminatory in making the stop because the individual's first name can be pronounced to sound similar to an ethnic reference and/or slang term for drunk. The investigation found that the officer had justification to conduct the stop and made no reference to the individual's name. The officer was exonerated of the allegation.</p>
<p>March 17, 2021</p> <p>Rule 1 (Supervision)</p> <p>Unfounded</p>	<p>On March 15, 2021, an individual filed a complaint against a supervisor for failing to properly investigate and discipline an officer after the individual had filed a complaint against the officer in 2016. [The officer in question is no longer employed by the Boulder Police Department.] The complainant claimed that the department ignored the prior complaint about the officer and allowed the officer to continue to harass people, leading to a confrontation with another individual in 2019. The complainant also claimed that the officer "stalked" the individual for several days after their initial encounter in 2016. A review was conducted of the supervisor's investigation of the 2016 complaint. The investigation and documentation of that complaint were thorough and complete. The investigation concluded that the allegation was unfounded.</p>
<p>March 23, 2021</p> <p>Rule 5 Police Authority and Public Trust (2)</p>	<p>During the King Soopers shooting on March 22, 2021, an individual called 911 three times making remarks that led dispatchers to believe the individual may be involved as a second active shooter. On the short calls to 911, the individual asked if it was true someone killed one of their "pigs" and laughed, then laughed while remarking on officers being "finished off," and said</p>



<p>Rule 1 (Communications/Incident Reporting)</p>	<p>officers got what they deserved for harassing journalists. Dispatchers could hear sounds from the scene of King Soopers in the background, so they initially believed the individual may be somewhere in the store. [The individual was not at the store, but a live stream of the incident from Facebook was playing in the background.] A police negotiator contacted the individual by phone while SWAT operators were dispatched to the individual's apartment. In the process, the individual's name and address were aired over the police radio. News media responded to the location as well as police. After some negotiation with the individual by phone and in person, officers realized the individual was not involved in the shooting and left the location. The individual filed a complaint with a host of allegations and demands for investigation and charging of reporters, officers, and anyone who posted the individual's information on social media. During the interview, the individual raised complaints about previous encounters with other officers. The complainant believed that multiple police agencies were colluding with the media to harass the individual and violate the individual's parole status. The investigation found no violations of policy by BPD personnel. All allegations were not sustained.</p>
<p>Rule 5 Police Authority and Public Trust</p>	
<p>Rule 3 Truthfulness</p>	
<p>Rule 5 Police Authority and Public Trust</p>	
<p>Rule 1 (Incident Reporting)</p>	
<p>All Not Sustained</p>	

## Monitor's Recommendations from 2020

### Complaint Classification

Before the creation of the Office of the Independent Police Monitor, BPD's Professional Standards Unit (PSU) classified all complaints against members of the Boulder Police Department. The department's classification system included: Class 1/Serious Misconduct, Class 2/Non-serious Misconduct, Referrals, and Inquiries. The department also tracked whether the complaint was filed internally by another department member or externally by a community member.

In the past, "Referrals" were defined as allegations that did not appear to be intentional misconduct, but rather a "minor performance or protocol issue." In recent years, referrals represented a significant portion of the classified complaints. In addition, the category of "Inquiries" was defined as general or specific questions related to department policies and procedures. However, some complaints that were very generalized or appeared unfounded would also be classified as inquiries.

In 2020, the monitor discussed the classification system and practices with the department and the Professional Standards Unit. In those discussions, the monitor recommended renaming Class 2 complaints as simply "Misconduct" instead of "Non-serious misconduct." The monitor also recommended classifying each allegation in a complaint by rule type (i.e. Rules 1 – 10 of BPD's Department Rules).

The new Police Oversight ordinance now requires the monitor to classify all incoming complaints. In August 2020, the monitor began classifying the allegations in each complaint by rule type. At the monitor's recommendation, the department dropped the term "non-serious" from its Class 2 category. Internally, the department now uses the terms serious misconduct and misconduct instead of the Class 1 and 2 terminology. This internal terminology is more relevant to officers for procedural purposes and contractual labor rights, while the monitor's classification by rule type provides more specificity and transparency for the purposes of public reporting. As of January 1, 2021, the department has adopted the internal terminology of Serious Misconduct and Misconduct.

## Use of Force Policy

When the monitor started in July 2020, the department was in the process of revising its Use of Force policy. The department proactively provided a draft of the new Use of Force policy to the monitor and requested the monitor's input and feedback. The monitor reviewed the draft policy and found that it largely reflected national best practices. The policy is based on a strong foundation rooted in the United Kingdom's ICAT system (Integrating Communication, Assessment, and Tactics) and the Critical Decision-Making Model. This model centers the sanctity of all life as its guiding principle and teaches officers to continually assess and reassess an encounter to ensure their actions are appropriate and consistent with the department's ethics and values. The policy also clearly distinguishes between levels of subject resistance and corresponding levels of force options for officers. The policy contains strong and unambiguous language on officers' duty to intervene to stop and report excessive force by a fellow officer. The policy provides rules for the use of each police weapon or tool – including less-lethal options – and clearly states under what circumstances certain forms of force are limited or prohibited. Chokeholds and neck restraints are not permitted under this policy and the pointing of a firearm at someone to gain control or compliance is considered a reportable use of force. The new policy also introduced routine, mandatory investigations for all incidents involving an officer's use of force – a practice that did not exist within BPD prior to this policy.

The monitor provided two recommendations for improvement: the removal of references to excited delirium and the inclusion of clear language that prohibits strikes to the head or neck unless deadly force is justified. The department chose to keep the language regarding excited delirium in the policy. The department did include language prohibiting officers from targeting the head or neck with a baton or impact weapon except in situations where deadly force is justified. However, the department included language that allows officers to strike the head and neck with hard empty hand strikes in response to a threatening assailant or active assailant. The department also included language instructing officers to avoid targeting the head with less lethal impact projectiles and Taser deployments, except when deadly force is justified.

At the request of the department, the monitor revised relevant portions of the policy to include the Office of the Independent Police Monitor in complaint intake, classification, and investigation protocols. The policy was revised to include the monitor as a non-voting member of the police department's Use of Force Review Board which includes commanders, the department's training sergeant and a peer officer who review use-of-force incidents involving a firearm discharge or a serious injury or death to identify tactical or training improvements. With the establishment of the

Police Oversight Panel in February 2021, the department will need to revise department policy to remove the section on the operations of the previous Professional Standards Review Panel and replace it with a section on the role and procedures of the new Police Oversight Panel. The monitor will assist with this revision.

### **Disciplinary Matrix**

When the monitor began work, the Boulder Police Department was in the process of developing a disciplinary matrix to bring consistency and predictability to the disciplinary process. Disciplinary matrices provide structured disciplinary outcomes by outlining the disciplinary options for each possible rule or policy violation and allow departments to impose progressive discipline for an officer's repeated violations of the same policy. The proposed matrix initially included an element that required supervisors to assess the mental state (i.e., intentionality and awareness of wrongdoing) of the officer when the infraction was committed. The monitor and other department members raised concerns over how that assessment could be conducted fairly and accurately. The monitor and others pointed out that disciplinary matrices typically incorporate aggravating and mitigating circumstances to adjust the disciplinary action up or down based on factors that are fact-based and demonstrable. Upon further review and discussion, the department decided to use aggravating and mitigating factors as a part of the disciplinary matrix instead of asking supervisors to assess an officer's mental state.

## How to File a Complaint

To file a complaint against a member of the Boulder Police Department, individuals can contact either the Office of the Independent Police Monitor (IPM) or the Boulder Police Department's Professional Standards Unit (PSU). The IPM can be reached at (720) 376-3980 or at [liparij@bouldercolorado.gov](mailto:liparij@bouldercolorado.gov). A complaint can be accepted in writing, over the phone, or via email. To file a complaint online with PSU, visit <https://bouldercolorado.gov/police/police-commendations-and-complaints>. A new shared online complaint system is being developed and will be used by both the IPM's office and the PSU office. The new online complaint system is expected to be operational by July 2021.

Complaints received by PSU are immediately transmitted to the IPM for classification and then routed back to PSU for investigation. Complaints filed with the IPM are classified and then immediately transmitted to PSU for investigation. Complainants may file a complaint with either entity. The classification and investigative process are the same whether the complaint is filed with the IPM or with PSU. The monitor reviews all complaint investigations, observes the interview process, and serves as an information resource for complainants.

# *In Memoriam*



*Your sacrifice will never be forgotten.*