

Police Oversight

First Quarterly Report Independent Police Monitor Joseph Lipari January – March 2022 Panel Co-Chairs Ariel Amaru and Daniel Leonard

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Purpose of Quarterly Reports

Boulder's Office of the Independent Police Monitor and the Police Oversight Panel were established by City Council in February 2021. The enabling legislation (ordinance 8430) directs the monitor and the panel to publish annual public reports that summarize the panel's findings and recommendations. Such annual reports are the primary means by which the monitor and the panel provide transparency to the public on police disciplinary cases. In an effort to increase the timeliness of this transparency, the monitor and panel shall also publish regular quarterly reports that provide summaries of all misconduct complaints and their outcomes. The quarterly reports will be published when the cases from that quarter have been fully adjudicated.

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 Boulder native who recently left corporate law to pursue a career in public policy. She received her law degree from the University of Colorado and her undergraduate degree from The George Washington University. Her undergraduate thesis on Black's women's experience of

domestic violence won the outstanding undergraduate research of the year award. Ariel has

served on the advisory board for a racially conscious reading organization and volunteers regularly at a local domestic violence shelter.



Bwembya Chikolwa

Dr. Bwembya Chikolwa is Senior Manager of Property Tax at Lumen Technologies, Inc. He earned a Ph.D. in Real Estate Investment and Finance in 2008 and is currently pursuing a MS in Organizational Leadership at the University of Colorado, Boulder. Before moving to Boulder, Dr. Chikolwa

practiced as a registered Property Valuer in both private and public sectors for over 12 years before joining academia. In 2007, he joined Queensland University of Technology in Brisbane, Australia, teaching and researching property investment and finance, and project and infrastructure finance.

No photo available

Sarah Holt

Sarah Holt 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.



Boulder County.

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



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.



Hadasa Vilalobos

Hadasa Villalobos 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 Wilson 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 Leglislation

<u>Ordinance 8430</u> 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.



Complaint and Disciplinary Process under Monitor – Panel Model

Case Summaries

All complaints filed between January 1, 2021 – March 31, 2021

Misconduct Cases

Case #MI2022-001

Panel Action: Full case file review conducted; panel recommended to Sustain the Rule 5 allegation, recommended additional investigation for two other officer's actions, and retraining for two dispatchers. BPD conducted the additional investigation recommended by the panel and conferred with the dispatch supervisor regarding the dispatchers performance.

Allegation: Rule 5 Police Authority and Public Trust Outcome: Not Sustained

Case Summary:

A young woman who is a tenant at an apartment complex engaged in a verbal confrontation with several people who were playing tennis at the North Boulder Rec Center. There was a tennis tournament and the players were using parking spots that were only authorized for the apartment tenants. The tenant had previously told the tennis players that they were not allowed to park there. One of the tennis players told the Rec Center employees to call police after the tenant began yelling at someone. When police arrived, the responding officer initally believed the tenant was in the right, but then viewed a cell phone video recorded by the tenant that showed the tenant verbally confronting one of the tennis players. In the video, the tenant had boxed in a woman's vehicle in the parking spot with her vehicle and began yelling at the woman. She accused the tennis player of white privilege and said she would get her Taser if the woman did not move her vehicle. The driver of the vehicle said she would move it if the tenant would move her vehicle from blocking her in. Upon viewing the video, the officer realized the tenant had actually committed the violation of harrassment (by indicating that she would get a Taser). When the officer begins asking her questions about blocking the other driver in, she asks if she could have a Black or Latino officer "that knew she had rights." The officer asks what he did to offender her and she indicated that the officer's questions around blocking the other driver in were offensive. The tennis player decided not to press charges for the harrassment. The tenant wanted the tennis players' vehicles to be towed. The parking dispute was on private property and was thus a civil matter for the apartment complex managers to resolve.

The next day the tenant called police to identify the tennis players who were back at the tournament. She stated that one of the men had yelled at her in front of her child. The responding sergeant explained that the apartment complex would have to take action. The

tenant accused the officer of not wanting to help her because he was offended she had previously used the word "cracker."

While the sergeant spoke with the tenant, two other officers went to speak with the tennis players to tell them not to interact with the tenant. At the conclusion of that interaction, a female tennis player laughingly asks the officers if they can report the tenant to Child Protective Services "to take care of her baby." It should be noted that the police report completed the day before concludes with the note that "a two year old child...was present during the conflict and a copy of this report will be forwarded to HHS for review."

The panel review committee recommended sustaining the Rule 5 allegation, additional investigation regarding the HHS referral, additional investigation regarding an officer's remarks about an individual's mental health condition, and retraining for two dispatchers who the committee felt lacked empathy when interacting with the caller. The department conducted the additional investigation recommended by the panel and concluded that no violations were committed. The department concluded that the officer's interaction with the complainant, while at times unproductive, did not rise to the level of being unprofessional. The department did not sustain the Rule 5 allegation against that officer. Further investigation was conducted on the panel's concern that the HHS referral was inappropriate. The additional investigation found that the child was inside the vehicle when the mother used the vehicle to block another vehicle from backing out, thus placing the child in danger and necessitating the referral to HHS. Additional legal research was conducted by BPD and confirmed that HIPPA regulations do not apply to police officers, thus no policy, rule or law was violated.

Case # MI2022-002 Panel Action: No case file review Allegation: Rule 5 Police Authority and Public Trust Outcome: Unfounded

Case Summary:

A complainant whose prior complaint was sustained against a retired officer for applying for an arrest warrant that was ultimately invalid filed another complaint against a sergeant in the Professional Standards Unit. The complainant alleges that the PSU sergeant was once the supervisor of the officer who applied for the invalid warrant and that the sergeant "signed off" on the invalid warrant. This was not the case. The sergeant's name was on the associated police report simply because he happend to be the supervising patrol sergeant for that shift (the original incident occured in 2018). It was not his responsibility to confirm the information for the warrant. It was the responsibility of the officer who completed the warrant application. The complainant further alleges that the sergeant "deceived a federal investigation" and attempted to coerce the complainant by attempting to schedule an interview with him. He alleges that the sergeant intentionally gave him the "run around." The sergeant that he is accusing of giving him the "run around" recommended that his first complaint about the invalid warrant be sustained against the retired officer.

Case #: MI2022-003 Panel Action: No case file review Allegation: Rule 5 Police Authority and Public Trust Outcome: Exonerated

Case Summary:

An individual sitting in his van was approached by police who were dispatched to the location in response to a 911 caller complaining of a person sleeping in a vehicle. As officers approached the vehicle, they shined their flashlights into the van. The individual complained about the officers shining their light on him and then the individual shined his own flashlight back at them. The individual was verbally confrontational with officers. Officers gave him a warning for violating the city's ban on sleeping in a vehicle and one officer repeatedly attempted to connect the individual with services. The complainant has stated that the officers pointed their guns at him, but it is clear from the body-worn camera footage that no officer ever unholstered or pointed their firearm. The complainant also requested to have the violation issued against him so he could take it to court and fight it.

Case #: MI2022-004

Panel Action: Full case file review conducted; panel recommended to ExonerateAllegation: Rule 5 Police Authority and Public TrustOutcome: Exonerated

Case Summary:

An individual called the monitor to state that he was detained unlawfully during a 2021 arrest. He described being tackled to the ground when he got up to leave. Body worn camera footage and police reports were reviewed and the following was observed. Officers were dispatched to a residential area in response to a white moving truck that was parked in front of a residence for 10 hours. There were several people sleeping in the back of the truck and congregating near the truck. As officers approached and explained to the owner of the truck that he could not remain parked there, the owner became verbally confrontational and said he wanted to charge harassment against the person who called the police. While investigating, the officers discovered that the truck owner had an active arrest warrant. The individual continued to be verbally antagonistic, telling officers that he would fight them and calling them deragatory names. When the individual attempted to put his hands in his pockets, the on scene sergeant told him several times to stop. When he refused officers' direction to sit down, two officers grabbed his arms to detain him. He attempted to pull his arms away and was placed into handcuffs. He was informed he was under arrest for Obstructing and then intentionally hit his head against the side of the police vehicle and laid down refusing to get into the patrol vehicle. While struggling with officers, he attempted to bite them and kicked his legs around. To avoid injuries, officers applied a leg restraint device to control him. He was medically cleared by paramedics and transported by ambulance to the jail. The panel review committee recommended to exonerate the officer and the department exonerated the officer.

Case #: MI2022-005 Panel Action: Full case file review conducted, panel recommended to Sustain Allegation: Rule 4 Respect for Others Outcome: Sustained

Case Summary:

Officers were dispatched to a scene for a reported dispturbance. A man was screaming in a residential area during the early morning. Officers attempted to get him to leave the area. The man became verbally antagonistic and refused to stop yelling. He repeatedly accused officers of protecting pedophiles. In response, as the individual is walking away from the encounter, an officer asks the man four times if he is a pedophile. The panel review committee recommended to sustain the allegation and impose a written reprimand. The department sustained the allegation and issued verbal counseling to the officer.

Case #: MI2022-006 Panel Action: No case file review Allegation: Rule 1 (Customer Service Value)

Outcome: Exonerated

Case Summary:

A woman was involved in a minor vehicle accident. While the officer was issuing her a ticket, she asked multiple times if she could be let off with a warning. The officer explained that he could not do that. Her father, a metro-area fire fighter, arrived on scene and interacted with the officer. He became upset when the officer would not give his daughter a warning instead of a ticket. The father said he knew the officer could excercise discrection if he wanted to, "especially for a fireman's daughter." The officer again explained that he could not do that. The father filed a complaint with the following concerns: the officer did not let his daugher sit in the patrol vehicle despite the cold weather, the officer was unprofessional (errors on the ticket) and discourteous, the officer did not have a business card to give him, and the officer sent the daughter a text that the father thought was harassment (he thought this was inappropriate and suspicious). The monitor classified this complaint as an allegation of violating BPD's customer service value. The officer attempted to provide his contact information to the father on scene but he was out of business cards. The officer started to write his contact information down on a piece of paper, but the father realized the information was on the report and said he thus did not need the officer to write it down. So there was no violation of the rule to identify. An officer did mix up the names on the tickets and put the wrong name on the report for the fireman's daughter. The error was corrected and a new ticket was issued, which caused the additional text message to the daughter. The department exonerated the officer.

Case #: MI2022-007

Panel Action: Full case file review conducted, panel recommended to ExonerateAllegation: Rule 1 (Customer Service Value)Outcome: Exonerated

Case Summary:

An individual filed a complaint against a Property and Evidence technician alleging the following: the technician incorrectly denied the individual access to a car title document; when the individual attempted to explain to her that she needed to accommodate her hearing impairment appropriately, and, that her name was on the document, therefore it should be released to her, the technician aggressively put her palm in the individual's face to silence her. The individual asserted that this was a violation of the Americans with Disabilities Act. The investigation determined that the Property and Evidence technician put her hand up to slow down the exchange so that she could read and understand what was being written by the person assisting the complainant. The car title was ultimately provided to the complainant. A panel review committee recommended to exonerate the Property and Evidence technician. The department exonerated the employee.

Serious Misconduct Cases

Case #SM2022-001

Panel Action: Full case file review conducted, panel recommended to SustainAllegation: Rule 1 Compliance with Values, Rules, and General Orders (specifically GO309-6 (A). Notifications) and Rule 3 TruthfulnessOutcome: Sustained

Case Summary:

An officer noticed damage to the front grill and push bar of his police vehicle as he was about to start his shift. When he started the vehicle, multiple warning lights illuminated on the dash. He reported the vehicle damaged. An investigation was conducted to determine how the damage occurred. It was discovered that another officer had used the vehicle and claimed to have "found" damage and reported it to a Sergeant. That Sergeant asked the officer who reported it if he had struck anything. He said he had not. Review of security camera footage confirmed that the vehicle was not damaged when that officer took it out and that it was damaged when he returned it. An accident investigator interviewed the officer and reminded him that there were a multitude of ways to figure out who caused the damage. The officer then acknowledged that he had lost control of the vehicle and "spun out" near the intersection of 23rd and Meadow due to snowy conditions. The accident investigator was able to identify a large landscaping boulder that the officer's vehicle had struck while traveling approximately 10 mph. No other vehicles or people were involved in the collision, and no one was injured. A panel review committee recommended to sustain the allegations and terminate the officer's employment for the violation of untruthfulness. The department sustained the allegations against the officer and the officer was terminated from employment.

Case #SM2022-002

Panel Action: Full case file review conducted, panel recommended to SustainAllegation: Rule 1 (405-2 Investigative Accountability)Outcome: Sustained

Case Summary:

An individual who had an active arrest warrant for filing a false complaint against an officer called 911 to report that his wife had been sexually assaulted the night before. Officers arrived at their apartment, entered the building vestibule when another tenant entered, and waited for the husband to come down the stairs into a common area. They spoke with him about the reported sexual assault, then informed him that he was under arrest for the warrant. They arrested him, told him they would go back to speak with his wife about the assault, but left without speaking to the wife about the sexual assault. After placing the man in the patrol vehicle, one officer went back to the apartment to speak with the wife but the door to the common area was locked. The officer left without making any further attempt to contact the wife. In the arrest report, the officer indicates that the sexual assault was unfounded and said that it appeared that the husband was having a mental health episode. Subsequently, a supervisor was informed of the outcome of the officers' response and sent a detective to conduct the sexual assault investigation. The panel review committee recommended to sustain the allegation against the officer and impose a five-day suspension without pay, a written reprimand, and retraining. The department sustained the allegation and imposed a one-day suspension without pay.

Complaint Data

January 1 – March 31, 2022

Nine complaints were filed involving ten separate allegations. Seven complaints were classified as Misconduct, and two complaints were classified as Serious Misconduct. Of the ten

Nine complaints were filed involving ten separate allegations. Of the ten allegations, four were Sustained. The represents a sustain rate of 40% for the first quarter of 2022.

were within policy and law.

allegations, four were Sustained.

Community Inquiries

In the first quarter of 2022, seven submissions were classified as Community Inquiries by the monitor. A Community Inquiry is defined by BPD as an allegation or concern regarding department policies, procedures, protocols or actions and complaints regarding employee actions that

Complaints, Allegations and Outcomes

January 1 – March 31, 2022

Month	Number of Complaints Filed	Allegation Types*	Outcomes
January	3	Rule 4 Respect for Others	Not Sustained
		Rule 1 (309-6 (A) Notifications) *	Sustained
		Rule 3 Truthfulness	Sustained
		Rule 5 Police Authority and Public Trust	Unfounded
February	6	Rule 5 Police Authority and Public Trust	Exonerated
		Rule 5 Police Authority and Public Trust	Exonerated
		Rule 4 Respect for Others	Sustained
		Rule 1 (Customer Service Value)**	Exonerated
		Rule 1 (Customer Service Value)	Exonerated
		Rule 1 (405-2 Investigative Accountability)	Sustained
March	0	-	-

*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.

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.

Data Analysis & Allegation Types

January 1 – March 31, 2022



*Each complaint can contain multiple allegations.





Boulder Police Department Rules

Rule 1. Compliance with Values, Rules, and General Orders

Except as otherwise approved by the Chief of Police, members of the department perform their duties in accordance with city and department rules, policies, and procedures, and conduct themselves within the framework of the department's values.

Rule 2. Conformance with Laws

Members obey the laws of the United States of America and of any state or local jurisdiction. Employees have a duty to report any custodial arrest, criminal summons or receipt of a restraining/protection order they are served to an on-duty supervisor. A conviction for violation of law is prima facie evidence of a violation of this rule.

Rule 3. Truthfulness

Members are truthful in matters associated with or related to department business or responsibilities, except as recognized for legitimate investigative purposes.

Rule 4. Respect for Others

Members treat others with fairness and respect.

Rule 5. Police Authority and Public Trust

Members are entrusted to effectively, helpfully, and non-abusively use the authority and public trust vested in them. Members do not take any police action which they know, or reasonably should know, is not in accordance with the law, and always use their position and credentials appropriately. Members appropriately utilize city equipment, resources, and public monies.

Rule 6. Use of Force

Members only use a level of force that is lawful and reasonable under given circumstances.

Rule 7. Adherence to Orders

Members obey lawful orders and directives.

Rule 8. Conduct

Members use reasonable judgment and refrain from conduct which reflects unfavorably on the department. This type of conduct includes that which:

- causes embarrassment to the department or its members or compromises the department's reputation;
- reflects discredit upon the individual as a member of the department; or
- tends to impair the operation, effectiveness, credibility, or efficiency of the department or its members.

Rule 9. Cooperation in Investigations

Members assist and cooperate with any department-authorized investigation.

Rule 10. Security of Police Information

Members treat the official business of the department as confidential. Members do not:

- access, disseminate, or remove any official report or record for other than authorized purposes;
- communicate any information which may jeopardize an investigation, arrest, police action, or prosecution, or which may aid a person to escape, destroy, or remove evidence; or
- communicate any information which may endanger the safety or well-being of others or jeopardize the operation of the department.

In addition to the ten rules above, violation of the following department values can be the basis for a complaint:

Customer Service

We are dedicated to exceeding the expectations of our community and our co-workers by demonstrating consistent and professional service with a solution-oriented approach.

Respect

We champion diversity and welcome individual perspectives, backgrounds, and opinions. We are open-minded and treat all individuals with respect and dignity.

Integrity

We are stewards of the public's trust and are committed to service that is transparent and consistent with city regulations and policies. We are honorable, follow through on our commitments and accept responsibility.

Collaboration

We are committed to organizational success and celebrate our shared dedication to public service. We believe community collaboration and the sum of our individual contributions leads to great results.

Innovation

We promote a forward-thinking environment that supports creativity, calculated risks and continuous improvement. We embrace change and learn from others in order to deliver leading edge service.

Race and Sex of Complaints





*For the purposes of this graph, self-identification on complaint forms as well as demographic indicators from police documents were used. No complainants self-identified or were identified in police documents as non-binary. Only external complaints received by members of the public are included in the graph. Internal complaints filed by members of the police department or DA's office are not included in the graph.

How to File a Complaint

A complaint can be accepted in writing, over the phone, or via email.

In 2021, the monitor worked with BPD's Professional Standards Unit and Information Technology officer to build a new on-line complaint form. The new form prompts complainants

A complaint can be filed with the Office of the Independent Police Monitor or the Boulder Police Department's Professional Standards Unit. to provide a more thorough and detailed account of their complaint, includes space for a preferred name, and contains the ability to include the complaint's gender identity. Complaints filed through the new online form are immediately transmitted to both the Independent Police Monitor (IPM) and BPD's Professional Standards Unit (PSU). The new form also allows complainants to file a complaint anonymously.

Complaints received are immediately reviewed by the IPM for classification and then routed back to PSU for investigation. Complainants may file a complaint with either the IPM or PSU. 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, makes investigative recommendations during the course of PSU's investigation, and serves as an information resource for complainants.

To file a complaint online visit <u>https://bouldercolorado.gov/police-commendation-and-complaint-</u> form.

Independent Police Monitor, Joey Lipari Phone: 720-376-3980 Email: <u>liparij@bouldercolorado.gov</u>. BPD Professional Standards Unit Phone: 303-441-1802 Email: <u>PSU@bouldercolorado.gov</u>