AUDIT REPORT

Office of the Independent Monitor

Police and Sheriff Civilian Oversight

SEPTEMBER 2025

TIMOTHY M. O'BRIEN, CPA
DENVER AUDITOR

OFFICE OF THE AUDITOR
AUDIT SERVICES DIVISION, CITY AND COUNTY OF DENVER

Audit Team

Jennifer Lim, CIA, Audit Manager
Simon Vakili, CPA, Lead Auditor
Darrell Finke, CGAP, Senior Auditor
Juan Gomez Jr., MSA, CPA, CIA, Senior Auditor
Alexander Muñoz, CPA, Senior Auditor
Shreya Subedi, MPP, Audit Intern

Methodological Support

Chris Wilson, MPA, MH, Audit Analytics Manager
Daniel Summers, MPA, Audit Analytics Lead
Heather Burger, MPA, Audit Analytics Senior
Mayur Dalvi, MS, Audit Analytics Intern

Other Contributors

Stelios Pavlou, Senior Communication and Reporting Specialist
Manda Troutman, MA, Communication and Reporting Specialist
Jeff Neumann, Graphics and Visual Information Specialist

Audit Leaders

Timothy M. O'Brien, CPA, Auditor
Valerie Walling, CPA, Deputy Auditor
Dawn Wiseman, CRMA, Audit Director
Patrick Schafer, CPA, CIA, CFE, MBA, Senior Audit Manager

Audit Committee

Timothy M. O'Brien, CPA, Chairman
Jack Blumenthal, Vice Chairman
Reed Hatch
Frank Rowe
Leslie Mitchell
Florine Nath
Edward Scholz

You can obtain copies of this report by contacting us.

Office of the Auditor
201 West Colfax Ave. #705
Denver, CO 80202
(720) 913-5000

Or download and view an electronic copy by visiting our website at: www.DenverAuditor.org.

Agency responses are unedited and taken directly from the agency's letter, which is available on our website.

Cover photo courtesy of Department of Public Safety.

City and County of Denver

TIMOTHY M. O'BRIEN, CPA
AUDITOR

201 West Colfax Ave. #705, Denver, CO 80202
(720) 913-5000 | www.DenverAuditor.org

AUDITOR'S LETTER

September 18, 2025

We audited Police and Sheriff Departments' civilian oversight by the Office of the Independent Monitor to determine whether the office is effectively carrying out its oversight responsibilities. I now present the results of this audit.

The audit found conflicting mandates and a perceived conflict of interest limits transparency and accountability, the timeliness of misconduct investigations are not comprehensively reported, record keeping does not differentiate between mandatory and discretionary case reviews, and the office lacks a strategic plan.

By implementing recommendations for establishing clearer expectations for conflicting mandates, comprehensive reporting of the timeliness of investigations, improving record keeping, and developing a strategic plan, the Monitor's Office will be better able to carry out its oversight responsibilities.

This performance audit is authorized pursuant to the City and County of Denver Charter, Article V, Part 2, § 1, "General Powers and Duties of Auditor." We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We appreciate the leaders and team members at the Office of the Independent Monitor who shared their time and knowledge with us during the audit. Please contact me at 720-913-5000 with any questions.

Denver Auditor's Office

Timothy M. O'Brien, CPA
Auditor

HIGHLIGHTS
Police and Sheriff Civilian Oversight

SEPTEMBER 2025

Key facts

- The Office of the Independent Monitor is the civilian oversight agency for the Denver Police Department and the Denver Sheriff Department.
- The Monitor's Office provides recommendations to improve the thoroughness of sworn personnel investigations and appropriateness of disciplinary actions, as well as to improve the departments' policies and practices.
- The departments are not required to implement the recommendations of the Monitor's Office.
- The Monitor's Office is required to publish an annual public report summarizing its oversight activities.

The city agreed with all 6 recommendations

What we found

- **CONFLICTING MANDATES AND A PERCEIVED CONFLICT OF INTEREST LIMITS TRANSPARENCY AND ACCOUNTABILITY**. Denver Charter and city ordinance direct the Monitor's Office to publicly report on recommendations it makes on investigations of officer and deputy misconduct cases, disciplinary actions, and policy reviews. However, a conflicting mandate prevents the Monitor's Office from including those recommendations in its public reports. It also significantly limited what we could audit.
- **THE MONITOR'S OFFICE IS NOT COMPREHENSIVELY REPORTING ON THE TIMELINESS OF MISCONDUCT INVESTIGATIONS**. Police and Sheriff Departments' misconduct investigations are made up of multiple phases that contribute to the timeliness of an investigation. The Monitor's Office is only reporting on a portion of the discipline review process.
- **THE MONITOR'S OFFICE'S RECORD KEEPING DOES NOT DIFFERENTIATE BETWEEN MANDATORY AND DISCRETIONARY CASE REVIEWS**. There are certain cases the Monitor's Office is required to review. But without tracking this information, the office cannot demonstrate its compliance with city ordinance and this may be affecting the office's ability to effectively prioritize its workload.
- **THE MONITOR'S OFFICE DOES NOT HAVE A FORMALIZED STRATEGIC PLAN**. Without one, it is unclear how the Monitor's Office will efficiently and effectively meet its oversight responsibilities.

Why we did this audit

We performed this audit due to concerns over the timeliness of the Police and Sheriff Departments' misconduct investigations and the reporting of the Monitor's Office's activities.

Why it matters

For decades, tension has existed between the public and the Police and Sheriff Departments — fracturing the trust placed in the departments that are intended to protect and serve the public. The Monitor's Office has a responsibility to ensure sworn personnel are appropriately investigated and addressed when misconduct occurs to ensure accountability and to increase community trust.

CONTENTS

BACKGROUND 1

FINDING 1 AND RECOMMENDATIONS 7

Conflicting mandates and a perceived conflict of interest limits transparency and accountability

The Monitor's Office is not publicly reporting its recommendations on the sufficiency of investigations and discipline 7

The office is not publicly reporting its review and evaluation of Denver Police and Denver Sheriff Departments' policies and practices. 8

Report review practices present a perceived conflict of interest. 11

FINDING 2 AND RECOMMENDATION 13

The Monitor's Office is not comprehensively reporting on the timeliness of misconduct investigations

FINDING 3 AND RECOMMENDATION 17

The Monitor's Office's record keeping does not differentiate between mandatory and discretionary case reviews

FINDING 4 AND RECOMMENDATIONS 19

The Monitor's Office does not have a formalized strategic plan

OBJECTIVE, SCOPE, AND METHODOLOGY 21

APPENDICES 23

APPENDIX A — POLICE AND SHERIFF DEPARTMENTS' ALLEGED VIOLATIONS 23

APPENDIX B — LOCAL AND STATE LAWS GOVERNING MONITOR'S OFFICE OVERSIGHT 24

APPENDIX C — CATEGORIES OF RECORDS AND INFORMATION NOT DISCLOSED BY THE MONITOR'S OFFICE BASED ON THE DELIBERATIVE PROCESS PRIVILEGE 27

BACKGROUND

The Office of the Independent Monitor is the civilian oversight agency for the Department of Public Safety, partially composed of the Denver Police Department and Denver Sheriff Department.

The Monitor's Office was first created by city ordinance in October 2004. Then in November 2016, Denver residents voted to adopt it into the city charter. Created to ensure effectiveness, accountability, and transparency of the departments responsible for uniformed public safety, the Monitor's Office is responsible for:

- Monitoring investigations into complaints and critical incidents involving sworn personnel.
- Providing recommendations on findings and discipline.
- Publicly reporting on patterns of complaints, findings, and discipline.
- Providing recommendations for improving the department's policies, practices, and training.
- Other responsibilities, such as community outreach and mediation.

Funding for the Monitor's Office to meet these responsibilities comes from the General Fund. Each year, 91-94% of the office's budget is dedicated to funding personnel, as shown in Table 1. Between 2023 and 2025, the Monitor's Office was budgeted for 16 to 16.75 full-time positions, including roles for leaders, monitoring, policy, outreach, and administration.

TABLE 1. Monitor's Office budget, 2023-2025

	2023 (actuals)	2024 (appropriated)	2025 (recommended)
Personnel	$2,249,785	$2,352,628	$2,444,739
Other	$145,436	$246,005	$239,837
Total	**$2,395,221**	**$2,598,633**	**$2,684,576**

Source: *Created by Auditor's Office staff using the city's 2025 budget.*

The Citizen Oversight Board oversees and assesses the effectiveness of the Monitor's Office. The board consists of nine Denver residents who are responsible for performing the Citizen Oversight Board duties outlined in the city ordinance.

Among the duties outlined, four responsibilities drive the work of the board:

- Appointing the independent monitor, with the Denver City Council's approval.
- Assessing whether the office is effectively performing its duties.
- Making policy-level recommendations to the Police Department, the Sheriff Department, and Department of Public Safety.
- Publishing an annual report including its accomplishments, evaluation of the office's effectiveness, general concerns, and recommendations.

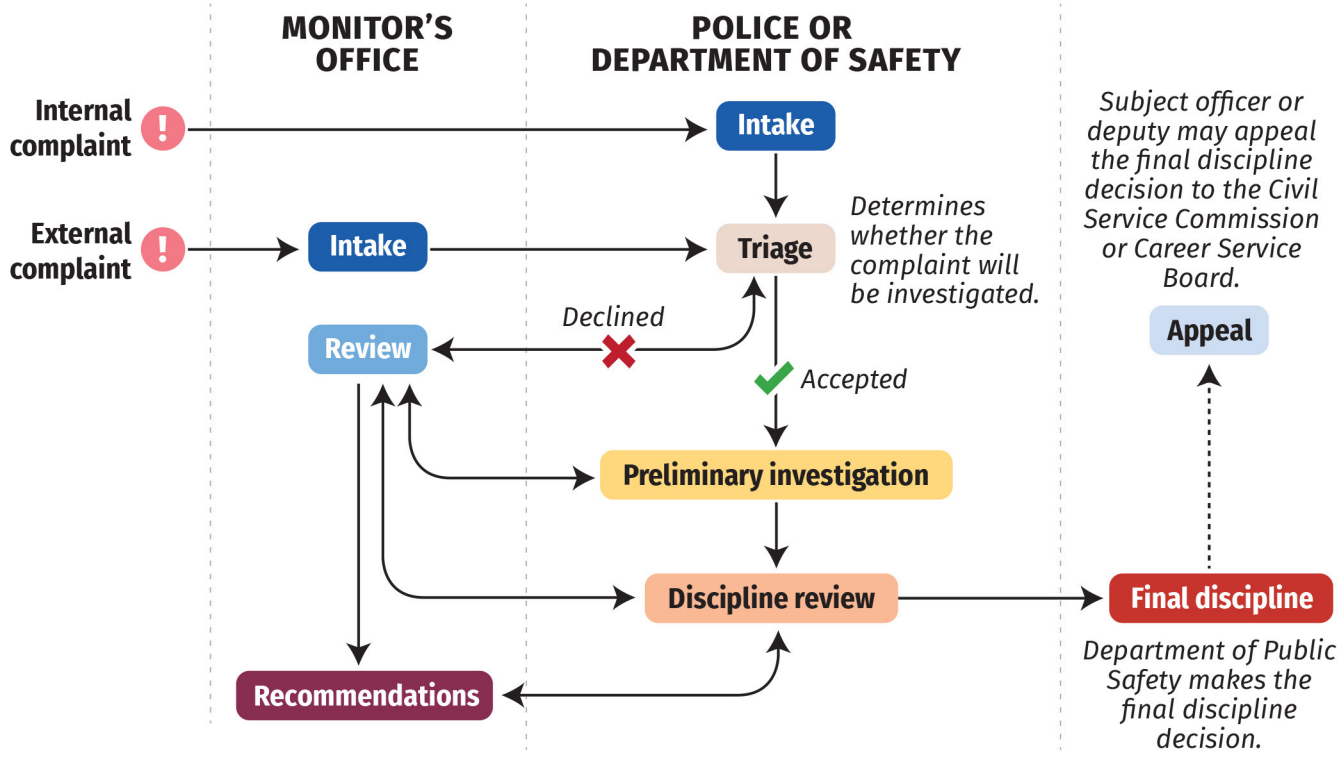
SUBJECT OFFICER OR DEPUTY

The term "subject officer" or "subject deputy" refers to uniformed law enforcement personnel who are under investigation for an alleged misconduct violation.

Discipline review process

Denver's process for investigating complaints of misconduct by sworn personnel is complex and involves multiple agencies. Figure 1 outlines the discipline review process.

FIGURE 1. Police and Sheriff Departments' discipline review process



Source: *Created by Auditor's Office staff.*

The Police and Sheriff Departments are not obligated to implement the office's recommendation.

As Figure 1 shows, the discipline review process has several phases:

- **INTAKE** – the Monitor's Office receives complaints through online submissions, emails, phone calls, and walk-ins, then forwards the information to the Police Department, or the Department of Safety for complaints related to the Sheriff Department.
- **TRIAGE** – The departments determine whether the complaint warrants an investigation, based on a review of initial evidence. At this stage, they may decide not to open a case and forward their decision to the Monitor's Office for review or send the complaint to the relevant internal affairs division for a preliminary investigation.
- **INVESTIGATION AND REVIEW** – The Police and Sheriff Departments are responsible for conducting the preliminary investigation of a case. This may involve interviews with the subject officer or deputy and any witnesses, as well as reviews of documentation and body-worn camera footage.

  The departments may also decline a case. The Monitor's Office reviews these and may recommend that it be formally investigated. However, the departments are not obligated to implement the office's recommendation.

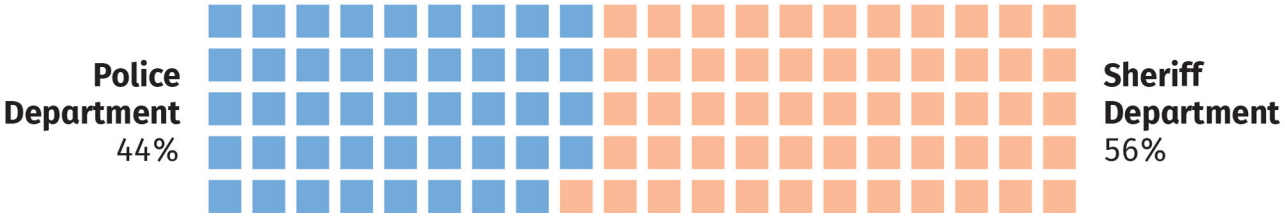
  Once the preliminary investigation is completed, the case is forwarded to the Monitor's Office to review and make recommendations on the thoroughness and completeness of the entire case. Any recommendations are sent back to the Police and Sheriff Departments to review; however, they are not obligated to implement the office's recommendations. In some cases, there may be back-and-forth between the Police and Sheriff Departments and Monitor's Office to address the recommendations provided. This is referred to as subsequent review.

  The Monitor's Office may be involved during the preliminary investigation, as opposed to reviewing the case upon completion. This is referred to as active monitoring.
- **DISCIPLINE AND REVIEW** – After reviewing the details of a case, the Conduct Review Bureau for the Police Department or Conduct Review Unit for the Sheriff Department will make their determination for the appropriate discipline. If the discipline is greater than a written reprimand, an additional hearing may be held with the chief of police or the sheriff. Discipline recommendations from the department and the Monitor's Office are then presented to Public Safety.
- **FINAL DISCIPLINE** – Public Safety considers both sets of discipline recommendations and makes the final discipline decision. Public Safety is not obligated to implement the recommendations from the Monitor's Office.
- **APPEAL** – The subject officer or deputy may appeal the decision. Police officers can appeal to the Civil Service Commission and the sheriff deputies can appeal to the Career Service Board.

2,766 misconduct complaints received between 2023 and 2024

The Monitor's Office reviewed 2,766 misconduct complaints received from 2023 through 2024 for the Police and Sheriff Departments. Of those, 1,225, or 44%, were related to the police and 1,541, or 56%, were related to the Sheriff Department. Figure 2 provides a visual organization of the percentage of complaints received by department.

FIGURE 2. Percentage of complaints received by department, 2023-2024



Note: *This figure is based on closed cases.*

Source: *Auditor's Office analysis of data from the Department of Public Safety.*

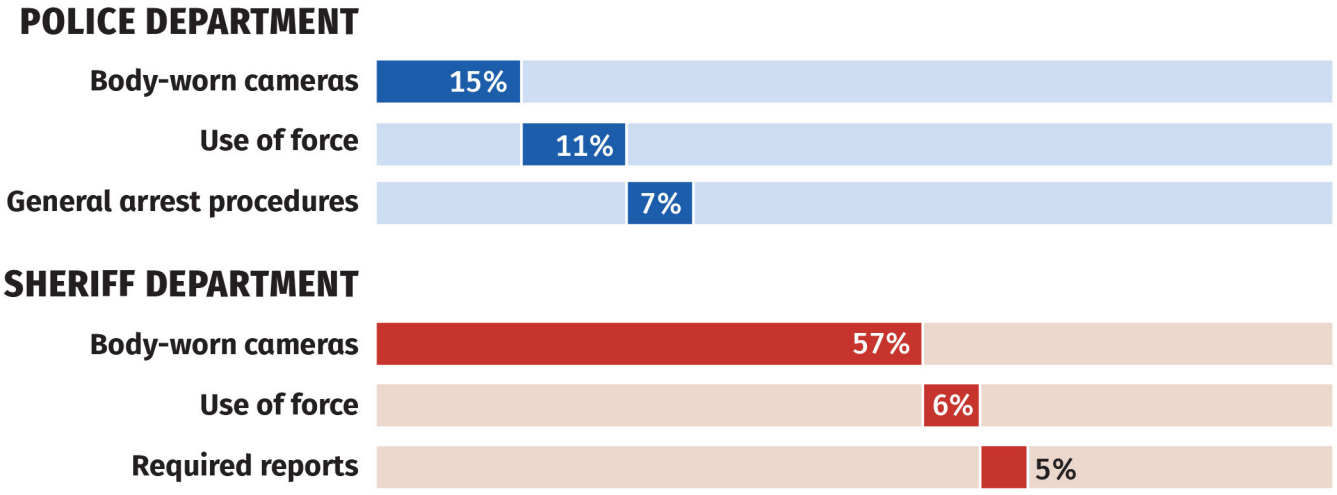
Complaints are investigated based on the specific department directive or policy that was allegedly violated. The top three allegations of misconduct violations for each department are shown in Figure 3.

After a complaint is triaged, the Police or Sheriff Departments may open a formal investigation or decline to review the complaint. Figure 4, on page 5, shows cases by final finding.

APPENDICES

See Appendix A for a list of other alleged department violations.

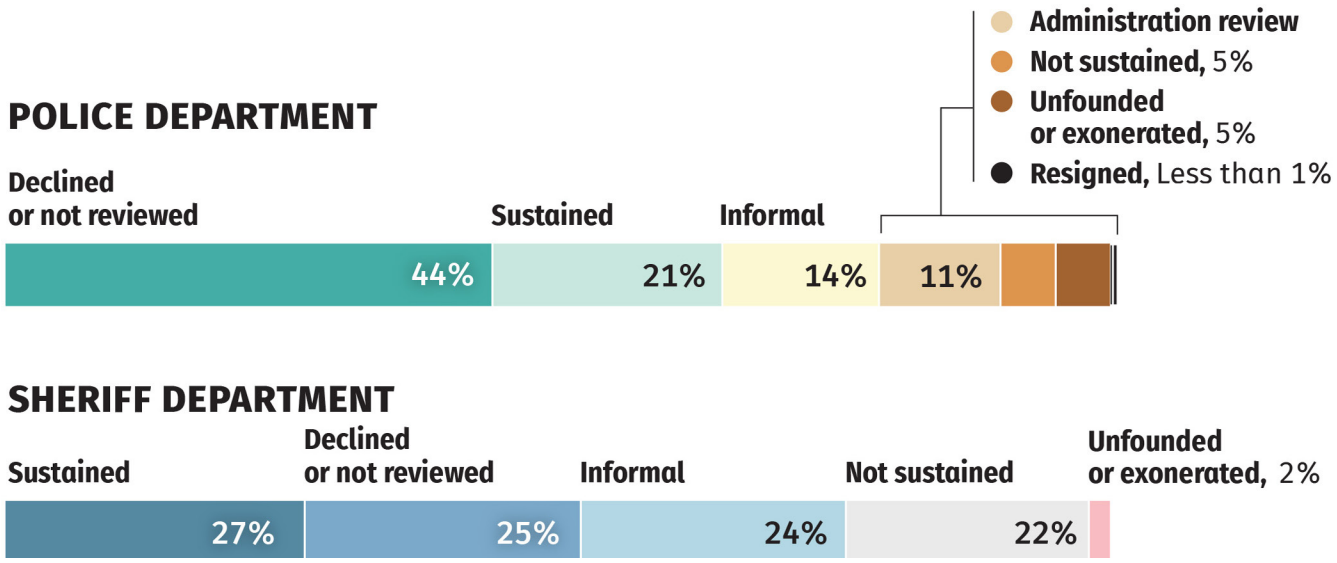
FIGURE 3. Top three specifications by department, 2023-2024



Note: *Specifications are rules under which a subject officer or deputy may be disciplined. This figure is based on closed cases.*

Source: *Auditor's Office analysis of data from the Department of Public Safety.*

FIGURE 4. Percentage of cases by final finding, 2023-2024

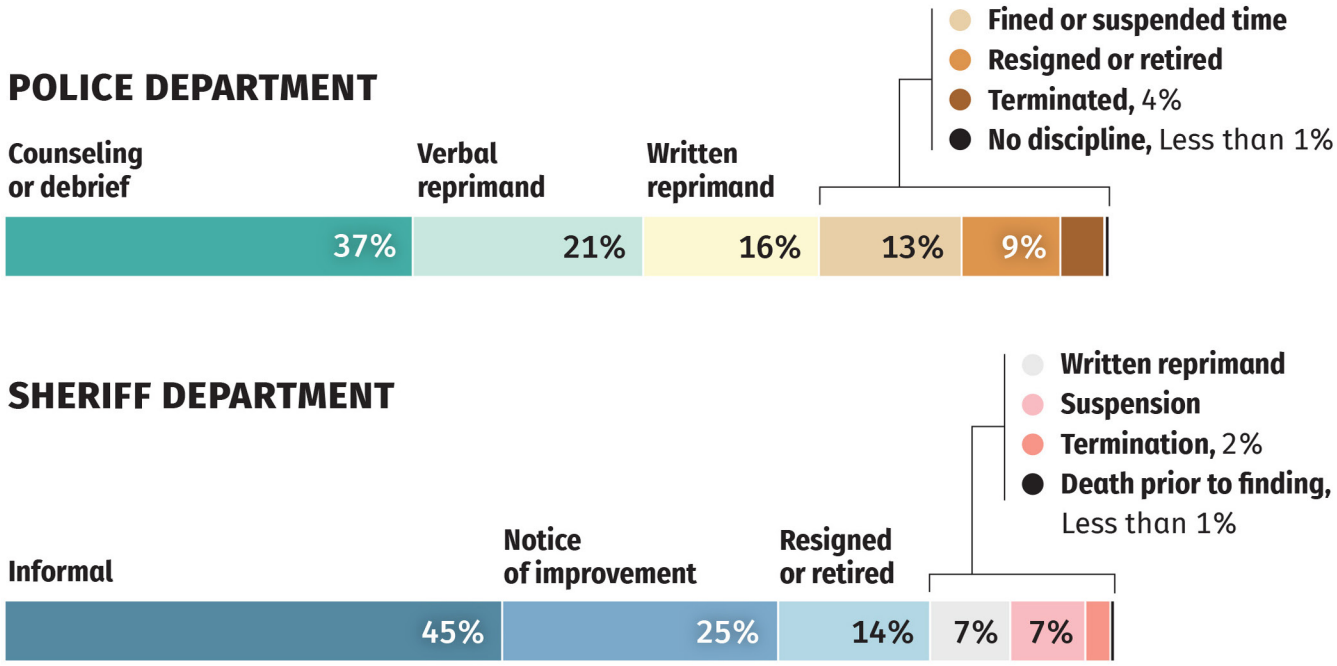


Note: *This figure represents closed cases. Also, the percentages for the police adds to greater than 100% due to rounding.*

Source: *Auditor's Office analysis of data from the Department of Public Safety.*

Public Safety has several options for what type of outcome to apply or discipline to impose. Figure 5 shows cases by outcome.

FIGURE 5. Percentage of cases by outcome, 2023-2024



Note: *This figure represents closed cases that went through discipline review.*

Source: *Auditor's Office analysis of data from the Department of Public Safety.*

INFORMATION SYSTEMS – The Monitor's Office uses two information systems to oversee the Police and Sheriff Departments:

- **IAPRO** – is a system managed by Public Safety and used by the Monitor's Office, Police and Sheriff Departments, and the Citizen Oversight Board. It is used to record and track complaints and investigations — including all evidence used to support the investigation and discipline action. The IAPro system also has analytic and reporting capabilities. It serves as the primary communication channel between the departments and the Monitor's Office.
- **SALESFORCE** – is a system managed by the city and used by the Monitor's Office. It is used to record and track complaints and investigations — including case assignments, investigation issues identified, and recommendations made.

FINDING 1 AND RECOMMENDATIONS

Conflicting mandates and a perceived conflict of interest limits transparency and accountability

The Office of the Independent Monitor was created as an independent agency to support the effectiveness, accountability, and transparency of the Police and Sheriff Departments. To do this, city ordinance Article XVIII Section 2-375(a) and (c) says the Monitor's Office will publicly report on the sufficiency of investigations, appropriateness of disciplinary actions, and changes to policies. See Appendix B.

However, section 2-376(c) also limits the office's ability to publish these recommendations because they are subject to the deliberative process privilege. These conflicting mandates limited the office's ability to provide transparency and hold the Police and Sheriff Departments accountable. This also affected our ability to access all records needed to provide oversight and, as a result, significantly limited what we could audit.

DELIBERATIVE PROCESS PRIVILEGE

Colorado state law allows government agencies to use deliberative process privilege to deny public access to records and information they believe may prevent honest and frank discussion within the government.

City ordinance says the Monitor's Office is part of the city's deliberative process privilege for Public Safety and the Police and Sheriff Departments' investigations and disciplinary actions for sworn personnel. This includes all deliberations and recommendations made by the Monitor's Office in its duties.

Additionally, the City Attorney's Office's involvement in the office's reporting practices creates a perceived conflict of interest, further limiting the office's ability to be transparent in reporting its oversight activities.

The Monitor's Office is not publicly reporting its recommendations on the sufficiency of investigations and discipline

One of the office's main responsibilities is to provide, as needed, recommendations on the sufficiency of the Police and Sheriff Departments' misconduct investigations, including recommendations for any disciplinary actions. However, recommendations made by the Monitor's Office are not disclosed in public reports as required by city ordinance.

On the investigation side, there are a variety of issues with the sufficiency of investigations that the office may identify. Some examples of investigation issues are:

- Relevant questions going unasked during key interviews.
- Asking witnesses leading questions.
- Incomplete documents or evidence.

Using the deliberative process privilege to prevent our access to records makes it difficult to evaluate the impact that the Monitor's Office is having on the discipline review process.

When issues are identified, the Monitor's Office may make recommendations to the Police and Sheriff Departments to address those concerns.

The Monitor's Office may also recommend what discipline should be applied based on the evidence in the case. This recommendation is made to Public Safety, which makes the final discipline decision. Public Safety is not obligated to implement any recommendations.

Denver city ordinance section 2-375 (a) and (c) requires the office to prepare annual reports on its work. The annual report should include its recommendations on the sufficiency of investigations conducted by the departments and the appropriateness of disciplinary actions. We reviewed the office's annual reporting from 2018 through 2024 and determined that this information has not been included in its reporting.

The Monitor's Office does not publicly share any recommendations from its investigation or discipline reviews due to the deliberative process privilege. This includes whether a recommendation was made, even without disclosing the context of the recommendation. See Appendix C for a list of categories of records and information not disclosed by the Monitor's Office based on the deliberative process privilege.

The City Attorney's Office's interpretation of what information cannot be shared publicly directly conflicts with the Monitor's Office requirement to include information on recommendations regarding its investigation and discipline reviews in its annual report.

For this reason, we also encountered significant data limitations while auditing the Monitor's Office. We were not given access to its recommendations related to the sufficiency of investigations or disciplinary actions because of the deliberative process privilege. This limited our ability to compare differences between the office's recommendations and the departments' actions — both on an individual case basis and in the aggregate.

Using the deliberative process privilege to prevent our access to records makes it difficult to evaluate the impact the Monitor's Office is having on the discipline review process.

The office is not publicly reporting its review and evaluation of Denver Police and Denver Sheriff Departments' policies and practices

Another responsibility of the Monitor's Office is to provide recommendations for improving the Police and Sheriff Departments' policies and practices. However, most of the office's work in this area has not been shared with the public as expected by city charter and city ordinance.

A 2021 joint report from the National Association for Civilian Oversight of Law Enforcement, an organization created to support civilian oversight agencies, and the U.S. Department of Justice, which provides a framework for accountability and transparency in law enforcement, stress that analyses of law enforcement policies and practices may be one of the

Leading practices stress that analyses of law enforcement policies and practices may be one of the most critical functions a civilian oversight agency can perform.

most critical functions a civilian oversight agency can perform. These independent evaluations and recommendations can potentially address systemic problems within law enforcement and improve community relationships.

Denver Charter Article XII Section 12.1.1(ii) and city ordinance Article XVIII Section 2-375(a) and (c) require the Monitor's Office to:

1. Discuss whether the Police and Sheriff Departments' policies have been violated.
2. Identify any proposed policy changes by the Police or Sheriff Departments.
3. Report any other issues or concerns it has with the departments' policies and procedures — including any recommendations made based on the Monitor's Office review.

We reviewed the office's public reports from 2018 through 2024 and found limited discussion of policy and practice reviews — including any concerns with existing Police and Sheriff Departments' policies and practices. Furthermore, in our review of the Monitor's Office procedures, we found very little guidance was provided on why, how, and when its evaluations of the Police and Sheriff Departments' policies and practices would be included in public reports.

We requested a list of policy and practice reviews the office completed from January 2018 through April 2025. The Monitor's Office provided a list with 44 of these reviews.

As shown in Table 2 on page 10, we found the Monitor's Office only discussed seven of the 44 reviews, or 16%, in its public reports.

We found the city's deliberative process privilege also affected the results of the office's reviews of the Police and Sheriff Departments' policies and practices. Based on the City Attorney's Office's interpretation of the city ordinance, the Monitor's Office did not publicly share any assessments and recommendations on its review of these policies and practices, as shown in Appendix C.

By not publicly reporting on its policy recommendations and implementation, the Monitor's Office limits its ability to create change at the institutional level.

This is despite leading practices from the National Association for Civilian Oversight of Law Enforcement and Department of Justice stressing that analyses of law enforcement policies and practices may be one of the most critical functions a civilian oversight agency can perform. These analyses can advance the goals of effective civilian oversight by addressing systemic problems, identifying specific deficiencies, and by providing recommendations for improvement. These analyses include specific details, relevant examples and resources, and actionable language to guide proposed actions for the Police and Sheriff Departments.

Because the office does not have the authority to implement policy changes, the Monitor's Office's ability to effect institutional-level improvements lies in its ability to influence the Police and Sheriff Departments and to draw public attention to policy concerns.

TABLE 2. Public reporting of policy and practice oversight since 2018

Oversight topic	Report
Special Report — The Death of Michael Marshall, and Independent Review	2018 Monitor's Office report
Police Contact (Demographic) Data Program	2018 Monitor's Office annual report
Sheriff Visitation Policy and Practice	2018 Monitor's Office annual report
Special Report — The Police Response to the 2020 George Floyd Protests in Denver, and Independent Review	2020 Monitor's Office report
Department of Safety Professional Integrity Division Policies and Practices (Sheriff Investigations and Discipline)	2022 Monitor's Office semiannual and annual reports
Sheriff Body Worn Camera Discipline	2023 Monitor's Office semiannual report
Sheriff Handling of Written Reprimand Appeals	2023 Monitor's Office semiannual and annual reports

Source: *Created by Auditor's Office staff.*

By not publicly reporting on its policy recommendations and implementation, the Monitor's Office limits its ability to create change at the institutional level.

Therefore, the Monitor's Office could greatly improve its operations by clarifying how the deliberative process privilege impacts their oversight responsibilities.

1.1 RECOMMENDATION Determine and document whether requirements can be met

The Office of the Independent Monitor should:

- **Determine whether it can fulfill the city charter and city ordinance requirements to publicly share recommendations for investigations, discipline, and policy reviews.**
- **Document its considerations, conclusions, and any limitations related to the deliberative process privilege.**

If needed, work with the Citizen Oversight Board and the City Council to clarify its authority, responsibility, and limitations in city charter and city ordinance.

AGENCY RESPONSE – AGREE

The Office of the Independent Monitor ("OIM") agrees to reevaluate the city charter and city ordinance requirements to publicly share recommendations for investigations, discipline, and policy reviews, and document its considerations, conclusions, and any limits related to the deliberative process privilege.

— Office of the Independent Monitor

IMPLEMENTATION EXPECTED BY MARCH 31, 2026

Report review practices present a perceived conflict of interest

The Monitor's Office provides its reports to other city agencies for review and input creating a perceived lack of independence and transparency in its oversight of the Police and Sheriff Departments.

INFORMATION NOT DISCLOSED

See Appendix C for a full list of information not disclosed by the Monitor's Office due to the deliberative process privilege.

We found the office's procedures require its annual reports be sent to the City Attorney's Office for a review and feedback before being published. The Monitor's Office then sends its reports to the Mayor's Office and Public Safety for additional reviews and input from these departments.

The 2021 joint report from the National Association for Civilian Oversight of Law Enforcement and the U.S. Department of Justice specifically recommends that civilian oversight agencies not allow any other agency, other than the law enforcement agencies being monitored, to review the contents of its reports.

This guidance also says that because the work of civilian oversight can be politically charged, a perception of political influence can reduce public confidence that the process is independent, fair, and neutral.

The extent of the City Attorney's Office's influence on the office's reporting remains unclear and the reasons for any revisions cannot be evaluated.

The deliberative process privilege also limited our ability to see the City Attorney's Office's review of the Monitor's Office's reports — including the effects those reviews may have had on the final published reports.

Without this information, the extent of the City Attorney's Office's influence on the office's reporting remains unclear and the reasons for any revisions cannot be evaluated.

We found legal guidance from the City Attorney's Office is affecting what the Monitor's Office publicly reports in terms of its oversight of the Police and Sheriff Departments. A significant portion of what city ordinance tells

the Monitor's Office to publicly report is protected by the deliberative process privilege — according to the City Attorney's Office's interpretation.

In our review of the city charter and city ordinance, we found it is not clear whether the Monitor's Office is required to submit its reports to any other agencies before sharing them publicly. Furthermore, the office's procedures do not discuss what its response to this input may be and whether there are impacts to what is shared in its final public reports.

We also found the city charter allows for the Monitor's Office to retain independent counsel to provide legal advice, in place of the City Attorney's Office. Independent counsel can assist the office in performing oversight duties — including when disputes arise.

Transparency and accountability form the foundation of public trust and good governance. Transparency reveals what the government is doing. Accountability ensures something is done about it. Combined, they protect the interests of Denver residents. When done right, it can reveal what is happening within government and ensure that misconduct is properly addressed, effectively build public trust, prevent abuse of power, and improve its systems and performance.

Therefore, the Monitor's Office could greatly improve its functional and perceived independence by working to eliminate or minimize the influence of other city agencies in its public reporting.

1.2 RECOMMENDATION Reevaluate policy

The Office of the Independent Monitor should reevaluate whether its policy of submitting its public reports to the City Attorney's Office for review is required, documenting its considerations, and its conclusions. This may include exercising its chartered right to obtain an opinion from independent legal counsel.

AGENCY RESPONSE – AGREE

The Office of the Independent Monitor will reevaluate whether its policy of submitting its public reports to the City Attorney's Office for review is required and will document its considerations and conclusions.

— Office of the Independent Monitor

IMPLEMENTATION EXPECTED BY MARCH 31, 2026

FINDING 2 AND RECOMMENDATION

The Monitor's Office is not comprehensively reporting on the timeliness of misconduct investigations

Police Department and Sheriff Department misconduct investigations are made up of various phases that contribute to the overall timeliness of an investigation. It is important for parties involved to follow a due process procedure. Due process ensures fairness to subject officers, while also allowing for completing cases in a timely manner.

We found the Monitor's Office does not comprehensively report on the timeliness of completed investigations in its annual reports.

While the office does report on portions of the discipline process — days associated with the Police and Sheriff Departments — it does not include its own review times spent on the intake of cases, investigation reviews, or discipline reviews.

Because the office's annual report only reports on a portion of the overall timeliness of investigations, it leaves out other areas of the process that contribute to the overall timeliness. Without this information, it is unclear how long the whole process takes from start to finish.

The 2021 joint report from the National Association of Civilian Oversight of Law Enforcement and the U.S. Department of Justice recommends civilian oversight agencies publicly report on the average investigation length or percentage of investigations completed within a particular time frame.

We found that police misconduct cases took an average of 221 business days, while Sheriff Department-related cases took an average of 161 days. Figure 6, on page 14, breaks down the discipline review process by phase and responsible party.

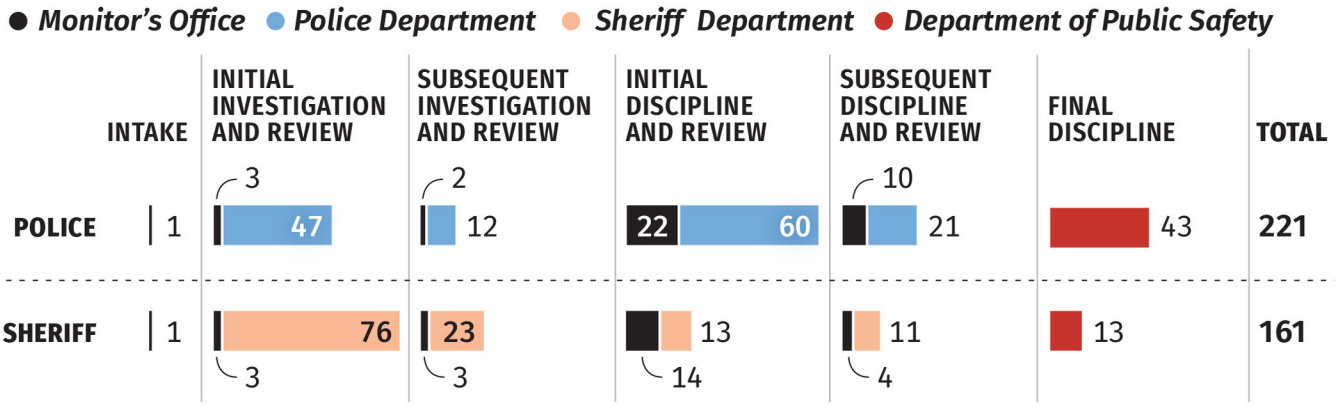
Figure 6 shows the departments each experience longer processing times in different phases of the process. For the police, the longest processing time occurs within the initial discipline phase, averaging 60 days. For the sheriff, the initial investigation phase takes the longest, averaging 76 days.

POSITIVE EFFORTS

840 of the 850 complaints, or 97%, the Monitor's Office received were forwarded to the departments within three days, meeting the office's goal for intake processing.

Similarly, the Monitor's Office completed initial investigation reviews for 1,566 of 1,634 cases, or 96%, within seven days — meeting the office's seven-day goal for completing initial investigation reviews.

FIGURE 6. Average number of days to complete the discipline process, by phase and responsible party



Note: *A case may be suspended if it is under a criminal investigation, or if the subject officer is unavailable for an extended leave (i.e., family, medical, or military leave). A case can be suspended at any point throughout the process. When the suspended days are removed from the total time reported, the total time decreases to 132 days for the Police Department and 92 days for the Sheriff Department.*

Source: *Auditor's Office analysis of Department of Public Safety data.*

We found the Monitor's Office is completing the intake process in one day, which is within its goal to complete intake within three days. It is also completing its initial investigation reviews in three days, which is within its goal to complete initial investigation reviews within seven days.

However, we also found the office's discipline reviews take significantly longer than investigation reviews. It takes 32 days on average to process discipline reviews — including both initial and subsequent reviews — for police cases, and 18 days for Sheriff Department cases.

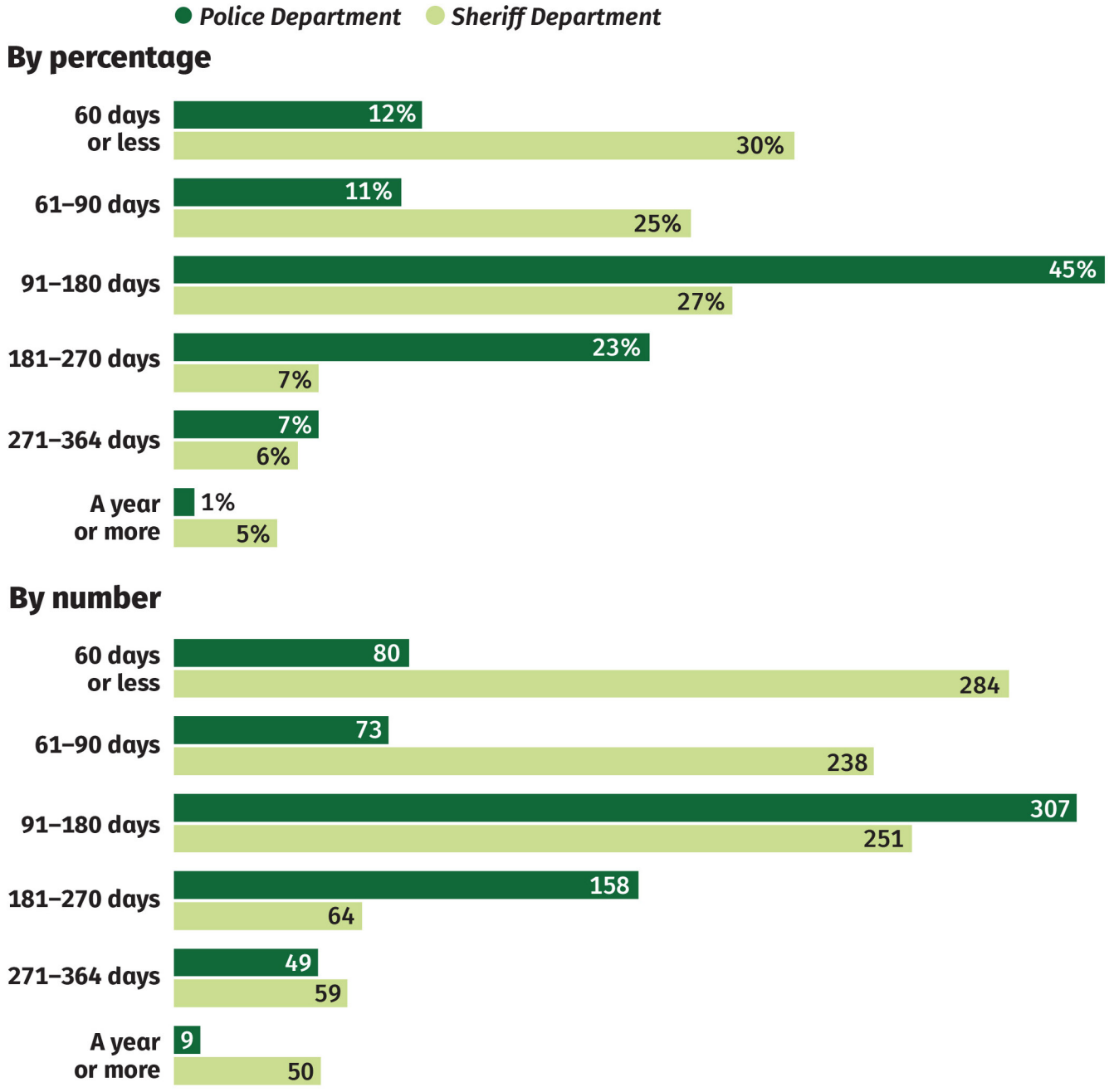
The office typically assigns one staff member to process discipline cases, whereas it has four staff assigned to investigations. This allocation of staffing contributes to the longer processing times in the discipline phase.

Timeliness can be an indicator of process or procedural effectiveness. Identifying which phases of the process takes the longest can provide insight on opportunities to improve process times. This information may also help the Monitor's Office and the departments on how to better use available resources.

Figure 7, on page 15, shows how long it took the Police and Sheriff Departments to complete their discipline review process of misconduct cases for 2023 through 2024.

Most Police Department-related cases — 307 cases, or 45% — take between 91 to 180 days to complete. While most Sheriff Department-related cases — 284 cases, or 30% — take 60 days or less. Another benefit to reporting the data at this increased level of detail is that it aids in data informed process improvements and promotes transparency.

FIGURE 7. Total number of business days to complete investigations from intake to final decision, 2023-2024



Note: *This data includes critical and noncritical incidents. The percentages for the police do not add to 100% due to rounding.*

Source: *Auditor's Office analysis of Department of Public Safety data.*

During ongoing investigations, subject officers typically continue to serve on normal duty. In some cases — like for criminal charges — they may be taken off duty, assigned desk duty, or administrative leave.

Furthermore, during ongoing investigations, subject officers typically continue to serve on normal duty. In some cases — like for criminal charges — these officers may be taken off duty, assigned desk duty, or placed on administrative leave.

Untimely investigations may lead to longer than necessary suspensions and longer periods of uncertainty for subject officers and complainants.

As a civilian oversight agency created to advance accountability and transparency in the discipline review process, the Monitor's Office is uniquely positioned to track, report, and provide valuable insight into the timeliness of the discipline review process.

2.1 RECOMMENDATION — Publicly report investigation timeliness

The Office of the Independent Monitor should conduct a comprehensive timeliness analysis of the review process and include it in its annual report. This analysis should include a breakdown of time spent on each phase and party involved.

AGENCY RESPONSE – AGREE

The OIM does a comprehensive analysis of the review process but only reports on the DPD/DSD/DOS time of review without adding the OIM's time to be fair to the Departments. As noted in the OIM's annual reports, we report their combined time (minus the OIM's initial triage, investigative, or disciplinary review, and the total number of days the case was suspended) to show their timeliness without confusing the average reader on the different nuanced phases that do not apply to many cases. The audit report provides a simplified version of the process that does not reflect all the phases/meetings that can, but do not always take place. Regardless, per the recommendation, the OIM agrees it will publish its time and try to find ways to report the timeliness of each party per phase without adding too much confusion to the average reader.

— Office of the Independent Monitor

IMPLEMENTATION EXPECTED BY MARCH 15, 2026

FINDING 3 AND RECOMMENDATION

The Monitor's Office's record keeping does not differentiate between mandatory and discretionary case reviews

We found the Office of the Independent Monitor's record keeping does not differentiate between mandatory and discretionary case reviews. This makes it difficult for the Monitor's Office to clearly demonstrate its compliance with city ordinance expectations and may affect the office's ability to effectively prioritize its workload.

The Monitor's Office is required to review certain investigations, including cases involving:

- Officer or deputy involved shootings.
- In-custody deaths.
- Any duty related incidents resulting in serious bodily injury or death.
- Certain criminal investigations or charges against an officer or deputy.
- Certain violations involving excessive force.

Because the city ordinance requires the Monitor's Office to review these cases, they are referred to as mandatory case reviews. Mandatory case reviews are required to be actively monitored, meaning the Monitor's Office works with investigators and makes recommendations during the initial investigation of a case to make sure it is complete and appropriate.

Since 2022, the Monitor's Office has increased the number of cases it actively monitors — from 100 cases in 2022 to 227 in 2024. However, because the office does not differentiate between mandatory and discretionary case reviews, they cannot easily determine how many of these reviews were required by the ordinance.

The city ordinance also allows the Monitor's Office to choose additional cases to review outside of these topics or requirements. These are referred to as discretionary case reviews. Examples of discretionary case reviews include cases involving improper force, discrimination, retaliation, or discourtesy. Discretionary cases are not required to be actively monitored, but the office may choose to do so.

POSITIVE EFFORTS

The Monitor's Office reviews all misconduct cases — mandatory and discretionary — which exceeds the office's mandated obligations.

Despite not being required to, the Monitor's Office currently reviews all mandatory and discretionary misconduct cases. This case review workload exceeds its mandated obligations.

However, without tracking more detailed case review data, the office cannot identify how many mandatory and discretionary cases it reviews. This lack of data makes it difficult for the office to demonstrate it is meeting its requirements to review certain cases. It also cannot analyze overall mandatory or discretionary workload for personnel should the office need to prioritize future case reviews.

Over the last several years, the Monitor's Office has experienced an increase in its caseload because it chooses to review all misconduct cases. Staffing levels have not grown and, at times, have slightly decreased because of vacancies, extended leaves, and hiring freezes.

Knowing how much of the office's workload is mandatory case reviews compared to discretionary case reviews can help the office make informed decisions on workload restructuring and prioritization.

3.1 RECOMMENDATION Update database and track results

The Office of the Independent Monitor should, at a minimum, update its database to include a data field to distinguish between mandatory and discretionary case reviews and track the results in its regular internal reporting.

AGENCY RESPONSE – AGREE

The OIM does not manage its database but will work with theu City's Technology Services (TS) to update the database to include a data field that distinguishes between mandatory and discretionary case reviews. The OIM will track the results. It will be up to the City's TS to implement the change since the OIM does not manage the database. With the exception of some scheduled discipline cases, the OIM does review all misconduct cases whether they are mandatory or discretionary.

— Office of the Independent Monitor

IMPLEMENTATION EXPECTED BY MARCH 31, 2026

FINDING 4 AND RECOMMENDATIONS

The Monitor's Office does not have a formalized strategic plan

Strategic planning guides organizations by defining goals and creating a roadmap to achieve them. A formal strategic plan would help the Monitor's Office determine how to best carry out its oversight responsibilities. Without one, it is unclear how the Monitor's Office will efficiently and effectively meet its oversight responsibilities without:

- Establishing short and long-term goals.
- Establishing measurable performance metrics.
- Clarifying how the deliberative process privilege applies to its core responsibilities.
- Tracking whether a case review is mandatory or discretionary.
- Establishing a succession plan to preserve institutional knowledge.

The Office of Management and Budget is responsible for coordinating the federal budget with agencies' procedures and program objectives. Its guidance says a strategic plan should include:

- A mission statement defining the purpose of the agency.
- A vision of values statement.
- Strategic goals and objectives.
- Indicators used to monitor and interpret progress.

The Monitor's Office has not developed a strategic plan, in part because of an extended period of interim leadership from 2020 through 2022. However, the independent monitor position was filled in 2023, and the office is now better positioned to develop and publish a formal strategic plan.

If the Monitor's Office continues to operate without a strategic plan, it cannot:

- Demonstrate its commitment to operating systematically.
- Allocate its resources effectively.
- Measure and report progress toward its goals.

The city's foreseeable budget constraints and Police Department's proposal to adopt the "Education-Based Discipline" policy should make strategic planning

The Citizen Oversight Board has said it intends to oversee the development a strategic plan for the Monitor's Office by mid-2026.

POLICE DEPARTMENT'S "EDUCATION-BASED DISCIPLINE" POLICY

The Police Department proposed a change in department policy that would allow officers accused of misconduct to receive coaching or training instead of more formal discipline. As of July 2025, the proposal is still under consideration.

for the Monitor's Office a priority. A strategic plan will also serve as a valuable tool to communicate with the public about the office's vision and ensure alignment with voter intention.

In its own 2025-2026 strategic plan, the Citizen Oversight Board has said it intends to oversee the development of a strategic plan for the Monitor's Office by mid-2026.

4.1 RECOMMENDATION Develop a strategic plan

The Office of the Independent Monitor should develop and publish a strategic plan that establishes a mission, vision, and strategic goals for the office, including developing metrics to track progress toward those goals.

AGENCY RESPONSE – AGREE

The OIM is a small government office that relies on its governing Charter and Ordinance provisions and procedures to accomplish its goals and directives. That being said, the OIM agrees to create a strategic plan.

— Office of the Independent Monitor

IMPLEMENTATION EXPECTED BY JUNE 30, 2026

4.2 RECOMMENDATION Implement the strategic plan

The Office of the Independent Monitor should implement the strategic plan from Recommendation 4.1 by identifying action plans, assigning roles and responsibilities, identifying timelines, and monitoring progress.

AGENCY RESPONSE – AGREE

The OIM plans to implement a strategic plan. However, the contents of the strategic plan will rely on its governing Charter and Ordinance provisions and procedures.

— Office of the Independent Monitor

IMPLEMENTATION EXPECTED BY SEPT. 30, 2026

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

To determine to what extent the Office of the Independent Monitor has:

- Established independence and objectivity in carrying out its oversight responsibilities.
- Defined methods for assigning cases and ensured that all cases are routed to the office, assigned to office staff, and prioritized appropriately.
- Implemented case management practices to determine compliance with relevant requirements and best practices.
- Met its requirements to make recommendations on policy and training for the Denver Police and Denver Sheriff departments.
- Assessed public reporting to determine compliance with relevant sections of the city charter, city ordinance, and its alignment with best practices.

Scope

We reviewed the Office of the Independent Monitor's case management of Denver Police and Denver Sheriff departments' misconduct cases from Jan. 1, 2023, through Jan. 31, 2025.

We also examined policy reviews and annual reports from Jan. 1, 2018, through Dec. 31, 2024.

Methodology

To accomplish our audit objectives, we:

- Interviewed representatives from the Office of the Independent Monitor, City Attorney's Office, Department of Public Safety, and Citizen Oversight Board.
- Reviewed the Monitor's Office's organizational charts, annual budgets, semiannual and annual reports, internal monitoring reports, trainings attended, and list of policy reviews and information protected by the deliberative process privilege.
- Reviewed the Monitor's Office's policies and procedures and relevant sections of the city charter and city ordinance.
- Reviewed leading practices from the National Association of Civilian Oversight of Law Enforcement, the U.S. Department of Justice, and the Office of Management and Budget.
- Reviewed public reports from comparable oversight agencies from other U.S. cities:
  - Austin Office of Police Oversight.
  - New Orleans Independent Police Monitor.
  - New York City Office of the Inspector General for New York Police Department.
  - San Jose Independent Police Auditor.
  - Seattle Office of the Inspector General for Public Safety.

- Observed a walk-through of the Salesforce and IAPro information systems.
- Analyzed and summarized data from Salesforce and IAPro.
- Watched meetings of the Citizen Oversight Board and Safety, Housing, Education & Homelessness Committee.

APPENDICES

APPENDIX A — POLICE AND SHERIFF DEPARTMENTS' ALLEGED VIOLATIONS

To understand the case volume and characteristics of the Monitor's Office, we summarized data from IAPro including a count of each alleged violation. The most common complaints are discussed on page 4. The full results are presented in Table 3 for the Police Department and for the Sheriff Department.

The complaint counts shown on page 4 differ from the alleged violation counts shown in Table 3 because a single complaint may contain allegations against multiple subjects, or multiple allegations against one subject.

TABLE 3: POLICE DEPARTMENT ALLEGED VIOLATIONS, 2023-2024

Police Department alleged violation	Count	Sheriff Department alleged violation	Count
All other directives	488	Body-worn cameras	601
Body-worn cameras	115	All other directives	313
Use of force	87	Use of force	59
General arrest	55	Human relations/code of ethics and standards of	41
General operation of departmental vehicles	28	Data and technology governance	21
Evidence handling	10	Inmate property	13
Public Safety equal employment opportunity	1	Use of less lethal devices	9
TOTAL	**784**	**TOTAL**	**1,057**

Note: *The "all other directives" violation category refers to other internal department orders that are not included in this list. For example: sexual assault, harassment, impounding procedures, responsibility to provide medical attention, secondary employment, and more.*

Source: *Auditor's Office analysis of Department of Public Safety data.*

APPENDIX B — LOCAL AND STATE LAWS GOVERNING MONITOR'S OFFICE OVERSIGHT

The following citations are excerpts from Denver Charter and city ordinance — identifying requirements relevant to our audit findings for the Monitor's Office oversight of the Police and Sheriff Departments.

ARTICLE XII SECTION 12.1.1 OFFICE OF INDEPENDENT MONITOR.

A. Office created.

ii. The monitor's office shall actively monitor and participate in any investigations as may be prescribed in ordinance of uniformed personnel; make recommendations to the manager of safety regarding administrative action, including possible discipline, for such uniformed personnel; make recommendations regarding policy issues; and address any other issues of concern to the community, the members of the citizen oversight board ("board") created pursuant to subsection (B) of this section, the city council, the manager of safety, the chief of police, or the sheriff. For purposes of this article, "uniformed personnel" means all members of the classified service of the Denver police department, all sworn members of the Denver sheriff department, and members of the Denver fire department who are authorized to carry and use firearms on duty.

ARTICLE XII SECTION 12.1.1 OFFICE OF INDEPENDENT MONITOR.

A. Office created.

v. The monitor may employ or contract for services of an independent general counsel who must be a member of the Colorado Bar. Upon request of the monitor, independent general counsel may serve in lieu of the Department of Law in the following enumerated functions:

a. The monitor may retain independent general counsel to provide legal advice under §6.1.3(B) to assist the monitor in the performance of its duties. Legal advice of the independent general counsel does not constitute a formal opinion under 6.1.3(B).

b. The monitor may use independent general counsel to serve as special counsel if a dispute arises under §6.1.2.

All amounts paid for services shall be from the appropriation to the monitor.

ARTICLE XVIII SECTION 2-375. PUBLIC REPORTING BY THE MONITOR.

a. No later than March 15 of each year, the monitor shall submit an annual public report to the mayor, city council, and the citizen oversight board, setting forth the work of the monitor's office during the prior calendar year; identifying trends regarding complaints, investigations, and discipline of police and sheriff department uniformed personnel, including, but without identifying specific persons, information regarding uniformed personnel who were the subject of multiple complaints, complainants who filed multiple complaints, and issues that were raised by multiple complaints; and making recommendations regarding the sufficiency of investigations and the appropriateness of disciplinary actions, if any, and changes to policies, rules, and training.

b. The report shall present information in statistical and summary form, without identifying specific persons except to the extent that incidents involving specific persons have otherwise been made public by the City and County of Denver.

c. In addition to the annual report, the monitor's office shall publish a status report, which shall be available to the public and which shall include, among other things, patterns relating to complaints and recommendations regarding the sufficiency of investigations, determinations as to whether department rules and policies have been violated, and the appropriateness of disciplinary sanctions, if any. Based upon an analysis of this information and other information available to the monitor, the monitor's office shall make timely recommendations to the chief of police, sheriff, and the manager of safety regarding an early warning system and/or other policy issues.

d. The monitor may publish additional public reports throughout the year about matters within the duties of the monitor's office.

ARTICLE XVIII SECTION 2-390. MONITOR ACCESS TO RECORDS AND OTHER ITEMS.

d. The department of safety, police department, and sheriff department shall provide the monitor or his or her designee with reasonable notice and an opportunity to make recommendations before implementing an existing or adopting a new substantive policy or practice concerning matters within the purview of the monitor's office. When a policy or practice necessitates an immediate revision or implementation due to a change in the law, the monitor will be notified as soon as practicable about the change.

The following excerpts from city ordinance and Colorado state law discuss deliberative process privilege applying to the Monitor's Office oversight of the Police and Sheriff Departments:

ARTICLE XVIII. SECTION 2-376. CONFIDENTIALITY.

c. The monitor's office, the board, and all persons who participate in the department of safety, police, sheriff, or fire department's investigative and disciplinary processes are part of the city's deliberative process regarding investigative and disciplinary procedures for personnel. Furthermore, all deliberations and recommendations learned by any of those persons or groups during the exercise of their duties shall be protected by the deliberative process privilege. For purposes of this subsection (c), "deliberative process privilege" has the same meaning as under Colorado law.

COLORADO REVISED STATUTES

TITLE 24. – Government – State

ARTICLE 72. – Public Records

PART 2. – Inspection, Copying, or Photographing

24-72-204. Allowance or denial of inspection – grounds – procedure – appeal – definitions – repeal.

3.

a. The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that the custodian shall make any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, available to the person in interest in accordance with this subsection (3):

XIII. Records protected under the common law governmental or "deliberative process" privilege, if the material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government, unless the privilege has been waived. The general assembly hereby finds and declares that in some circumstances, public disclosure of such records may cause substantial injury to the public interest. If any public record is withheld pursuant to this subparagraph (XIII), the custodian shall provide the applicant with a sworn statement specifically describing each document withheld, explaining why each such document is

privileged, and why disclosure would cause substantial injury to the public interest. If the applicant so requests, the custodian shall apply to the district court for an order permitting him or her to restrict disclosure. The application shall be subject to the procedures and burden of proof provided for in subsection (6) of this section. All persons entitled to claim the privilege with respect to the records in issue shall be given notice of the proceedings and shall have the right to appear and be heard. In determining whether disclosure of the records would cause substantial injury to the public interest, the court shall weigh, based on the circumstances presented in the particular case, the public interest in honest and frank discussion within government and the beneficial effects of public scrutiny upon the quality of governmental decision-making and public confidence therein.

APPENDIX C — CATEGORIES OF RECORDS AND INFORMATION NOT DISCLOSED BY THE MONITOR'S OFFICE BASED ON THE DELIBERATIVE PROCESS PRIVILEGE

To understand how the deliberative process privilege affects the Monitor's Office work, the City Attorney's Office prepared a list of information they consider subject to the deliberative process privilege and therefore not publicly shared.

1. Internal communications between the Office of the Independent Monitor personnel and external communications between the office and Public Safety personnel regarding open investigations or disciplinary cases.
2. Internal communications between the Office of the Independent Monitor personnel and external communications between the office and Public Safety personnel exchanging predecisional information, thought processes, ideas, assessments recommendations, or opinions related to internal and external complaints. The dispositions of complaints and cases, investigations, internal affairs case summaries, specifications to be charged or sustained, and issues related to discipline, discipline levels, or negotiated resolutions of discipline.
3. Internal communications between the Office of the Independent Monitor personnel and external communications between the office and Public Safety personnel exchanging predecisional information, thought processes, ideas, assessments, recommendations, or opinions related to safety policies, practices, and training.
4. Internal communications between the Office of the Independent Monitor personnel and external communications between the office and Public Safety personnel exchanging predecisional information, thought processes, ideas, assessments, recommendations, or opinions related to negotiated resolutions of disciplinary appeals.
5. Internal communications between the Office of the Independent Monitor personnel and external communications between the office and Public Safety personnel exchanging predecisional information, thought processes, ideas, assessments, recommendations, or opinions related to the Office of Independent Monitor's draft public reports.
6. Verbal information or records reflecting the predecisional information, thought processes, ideas, assessments, recommendations, or opinions described in categories 1-5 above.
7. Information and records that Public Safety deems to be protected by the deliberative process privilege.

Office of the Auditor

The **Auditor** of the City and County of Denver is independently elected by the residents of Denver. He is responsible for examining and evaluating the operations of city agencies and contractors for the purpose of ensuring the proper and efficient use of city resources. He also provides other audit services and information to City Council, the mayor, and the public to improve all aspects of Denver's government.

The **Audit Committee** is chaired by the Auditor and consists of seven members. The Audit Committee assists the Auditor in his oversight responsibilities regarding the integrity of the city's finances and operations, including the reliability of the city's financial statements. The Audit Committee is structured in a manner that ensures the independent oversight of city operations, thereby enhancing residents' confidence and avoiding any appearance of a conflict of interest.

201 West Colfax Avenue, #705

Denver, CO 80202

(720) 913-5000

www.DenverAuditor.org

Our Mission

We deliver independent, transparent, and professional oversight in order to safeguard and improve the public's investment in the City and County of Denver. Our work is performed on behalf of everyone who cares about the city, including its residents, workers, and decision-makers.