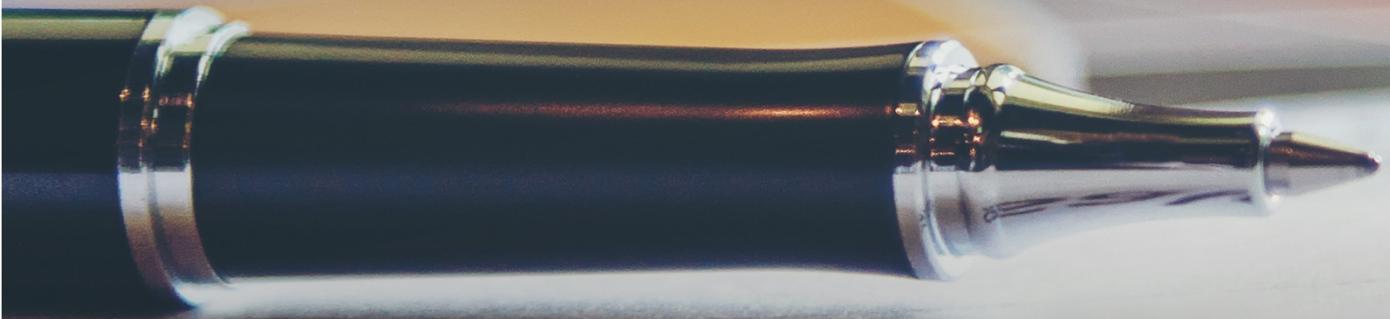


*City of Loveland, Colorado*

An Independent Organizational Assessment of the Loveland Police Department

FINAL REPORT

January 1, 2022



JENSEN HUGHES



January 1, 2022

Ms. Julia Holland  
Director of Human Resources  
City of Loveland  
500 E 3rd Street  
Loveland, Colorado 805367

Dear Director Holland:

Please find attached the final report detailing the results of Jensen Hughes's independent organizational assessment of the City of Loveland, Colorado Police Department. We assessed the Department's strategies and practices and provided a roadmap and vision for its future.

We determined that the Loveland Police Department (LPD) should review its policing philosophy and put a renewed emphasis on community policing and internal and external communications. The LPD and its officers have historically earned much respect from the Loveland, Colorado community; however, recent events have raised concerns regarding the Department's oversight and accountability. By following our recommendations, the LPD can reestablish its relationship with the community, improve its internal operations and increase its accountability to the City's residents.

We place enormous value on the trust that you have extended to us in this matter, and we look forward to supporting you in the future.

Sincerely,  
Jensen Hughes

Senior Vice President and Global Service Line Leader  
Law Enforcement Consulting



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## Introduction

### Strategic Context and Assignment

In 2021, national attention focused on the City of Loveland and the Loveland Police Department (LPD or Department) as news outlets and social media shared video footage of an officer-involved use of force during the arrest of Karen Garner, who has dementia. Another video showed officers laughing while watching the original video. Although most anger focused on the LPD, the Garner case impacted the entire city government. City employees were inundated with emails and phone calls – some of which were rude, violent and profane. The calls and other negative attention exhausted city employees, and some employees expressed frustration at the LPD for not recognizing that this attention impacted other city employees as well.

The City of Loveland hired Jensen Hughes to deliver an independent organizational assessment of the LPD policies and practices to help ensure the Department is on the right path to building the community's trust and credibility. This report provides the findings and recommendations from the organizational assessment.

The City of Loveland and the LPD have made clear that an independent professional standards investigation is an important step to address community and LPD concerns arising out of the Garner arrest and use of force. Moreover, supplementing those efforts with a transparent, comprehensive and independent review of the LPD's policies and procedures is a way to help ensure the Department is on the right path to earning, building and maintaining legitimacy in its policing practices and community confidence.

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#### Special Note

A Jensen Hughes team composed of individuals who were not involved in this organizational assessment completed a professional standards investigation of the use of force that occurred on June 26, 2020.

### What We Set Out to Achieve

Our objective was to conduct an independent assessment of the LPD's law enforcement operations. Our assessment included:

- + An overall look at the Department's policies and procedures, particularly regarding calls for service, arrests, investigations, the use of force, bias and social media.
- + An evaluation of supervisor and leadership expectations and engagements and LPD professionalism, focusing on oversight responsibilities, training, performance review processes and early intervention.
- + A review of the processes and protocols for complaints against LPD personnel, including training, community engagement, transparency, reporting and discipline.



## Methodology and Approach

During this engagement, we completed the following tasks in support of our assessment:

- + Conducted a virtual project kickoff meeting with key City stakeholders and LPD command staff.
- + Developed an understanding of the Department's mission, vision and values, as well as its history, organization and cultural environment.
- + Assessed through a review of protocols, procedures and interviews of key personnel the level of supervisory responsibility and engagement, operational practices and reporting standards for response to calls for service, investigations, community interactions, arrests and uses of force.
- + Interviewed relevant parties with information and insights about practices and issues that address LPD personnel's professional conduct and supervision, as well as the policies and procedures that address the sufficiency of investigations.
- + Interviewed key community stakeholders identified by the City and the LPD.
- + Interviewed key personnel and stakeholders, such as elected City officials, the City Manager and his leadership team, the Chief of Police and representative members of all ranks and employee groups within the LPD, leadership and officials of any existing Police Officer associations, community leaders from faith-based organizations, school district officials, and non-profit organization leaders.
- + Interviewed sworn, telecommunications and civilian LPD personnel regarding the Department's strengths and areas of needed improvement.
- + Reviewed policies, practices and procedures regarding employee social media representation of the Department and the community.
- + Held an open community session and a virtual community forum for community members and the general public to provide feedback on their expectations of the LPD.
- + Assessed the performance review process for LPD officers, including any early warning systems that help identify officers at risk of engaging in potential misconduct.
- + Evaluated the LPD's ability to gain and maintain the trust and respect of those who live and work in the communities it serves.
- + Reviewed and assessed the LPD's approach to public complaints with a focus on internal affairs training, citizen access and interaction, investigative process, outcomes, discipline process, reporting and transparency.
- + Reviewed supervisor and leadership training and performance expectations, given the critical roles LPD's leaders play when helping to ensure all LPD personnel adhere to the Department's professional policies, procedures and practices.



## The Jensen Hughes Assessment Team

Jensen Hughes is one of the leading law enforcement and public safety consulting firms in the United States and the world. Since 2004, we have helped drive critical advancements in public safety at the international, federal, state and local levels that are changing how police departments view and execute their missions and collaborate with communities to keep residents safe and officers fulfilled and secure in their careers. In addition to guiding dozens of agencies, our team has helped foster the critical advancements in policing called for in the Final Report of the President’s Task Force on 21st Century Policing. We served as the U.S. Department of Justice’s sole service provider for the Community Oriented Policing Services (COPS) Office Collaborative Reform Initiative for Technical Assistance (CRI-TA). As subject matter experts, we developed the seminal U.S. DOJ COPS Office’s publication, “Law Enforcement Best Practices: Lessons Learned from the Field,” a guide for modern police reforms throughout the United States. The biographies of our team members who contributed to this engagement are in **Appendix A**.



## *Key Findings*

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**1. Many in the Loveland community have had positive interactions with the Loveland Police Department (LPD).**

Generally, LPD officers are well regarded within the Department, as well as by the community. Community satisfaction and public safety surveys conducted by the Department as recently as 2020 indicate that nearly 94 percent of respondents are satisfied with the city's general level of police services. Respondents noted that officers are hardworking, professional, courteous and respectful, and responsive to calls for service. These findings are consistent with the input we received from residents that we interviewed or who participated in public listening sessions.

When asked what is going well within the LPD, many LPD members spoke positively about the dedication and professionalism of their fellow officers. However, some residents who we interviewed had a negative impression of the Department, largely due to their perception that the LPD is overly aggressive, is not inclusive with the community and does not hold officers accountable.

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**2. The LPD has demonstrated its commitment to following best practices and national standards by maintaining its Commission on Accreditation of Law Enforcement Agencies (CALEA) accreditation since 1992.**

CALEA's accreditation process focuses on ensuring law enforcement agencies and their policies follow best practices related to life, health and safety. Agencies must conduct a self-assessment and participate in web-based file reviews and an on-site assessment to confirm they comply with the standards. In addition to obtaining CALEA accreditation, law enforcement agencies must continue to demonstrate ongoing compliance by tracking their performance and completing appropriate reports, analyses, reviews and other mandated activities for the accreditation period.

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**3. The LPD invests in and emphasizes leadership training, which helps improve succession planning and the supervision of Department members.**

The LPD created initiatives to develop leaders throughout the Department. It is a best practice for police agencies to provide leadership training to current and aspiring supervisors and managers to help prepare them for their jobs and improve their ability to lead their subordinates. The LPD sends its members to the International Association of Chiefs of Police (IACP) Leadership in Police Organizations (LPO) course, the Northwestern School of Police Staff and Command, the FBI National Academy and Lead Loveland training. We encourage the Department to continue this effort.



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**4. The LPD's policies for investigating internal complaints align with best practices in many respects, but we identified opportunities to enhance investigative integrity and create more consistency and fairness in the application of discipline.**

The LPD's methods for informing Department members and the public of the Department's philosophy for internal affairs investigations and the process for filing a complaint are transparent and align with best practice. The LPD accepts and investigates all complaints, no matter how they were received, including complaints filed anonymously. LPD members who fail to accept or interfere with or divulge complaint information may be subject to discipline. The Department could enhance the complaint investigation process by re-establishing the PSU lieutenant position and introducing safeguards to ensure investigative integrity, consistency and transparency in the discipline process.

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**5. The LPD demonstrates its commitment to responding appropriately to people experiencing mental health crises through its partnership with SummitStone Health Partners and its focus on providing Crisis Intervention Team (CIT) training to all Department members.**

SummitStone Health Partners provides co-responders who partner with the LPD when behavioral health or crisis situations arise. These co-responders participate in post-crisis planning and placement decisions, where appropriate. The program is well received by the community and Department members. The City is moving forward to increase capacity and has committed to hiring two additional full-time and a half-time position to support this program.

Additionally, the LPD has focused on ensuring all officers complete CIT training, which prepares them to respond safely and compassionately to people in crisis and helps officers connect these individuals to mental health services.

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**6. The LPD recently enhanced its review of Blue Team reports following certain officer-involved incidents such as use of force resulting in injury, officer injuries, pursuits and firearms discharges.**

We commend the LPD for taking the initiative to enhance oversight and accountability of use-of-force incidents and other reportable matters that require the completion of a Blue Team report. The Blue Team report review period for Sergeants has been reduced from 30 days to 14 days. The City Attorney's office and Human Resources Department have also been added to the review chain for Blue Team reports. However, the LPD should evaluate further the impact of the expedited review timeframe required of Sergeants to ensure they also have sufficient time to engage with, support and observe officer activity in the field.



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**7. Communication issues within the LPD are leading to a degree of mistrust of Department leadership.**

Frequent, open and honest communications from LPD leadership to members is essential to create an environment where Department members clearly understand and support organizational values and strategies. Internal communication was the most common area identified for improvement by interviewees across the LPD. Department members noted a lack of effective communication between the upper levels of the Department and officers on the street.

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**8. The LPD's policy on use of force aligns with best practices in many respects; however, the LPD's policy does not espouse a commitment to the sanctity of all human life.**

Police departments are increasingly recognizing and including within their policy statements officers' duty to honor the sanctity of life, value and protect all human lives, and only use force when no other reasonable alternatives exist. The Police Executive Research Forum (PERF) underscores this philosophy in its "Guiding Principles on Use of Force," which recommends that "the sanctity of human life should be at the heart of everything an agency does." Memorializing the sanctity of all human life within policy, training and operations may have a meaningful impact in building public trust and dispel perceptions of an "us against them" mentality.

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**9. Although the LPD's focus on data-driven policing is laudable, an unintended consequence of such a philosophy is that many officers tend to focus more on numbers than on quality policing activities.**

The Data-Driven Approaches to Crime and Traffic Safety (DDACTS) strategy drives the LPD's policing strategy, as does the Department's focus on officers generating numbers related to enforcement activities in identified zones. As a result, officers often do not see an incentive or motivation to respond to calls for service that do not result in a citation. By focusing on numbers, the Department may create a situation wherein the LPD does not encourage officers to engage in problem solving, develop relationships in the community, or resolve situations without resorting to an arrest or citation.

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**10. Shortages in sworn and non-sworn positions are increasing the LPD officer overtime and contributing to officer fatigue and frustration.**

Although we did not conduct a staffing workload study during this assessment, most Department members indicated that the LPD is short of the optimal number of staff needed to provide services to the community effectively. A 2017 workload analysis conducted by the Communications Center and a Patrol Workload Analysis conducted by the LPD in 2020 validate this perception. The LPD reports that while its authorized strength of sworn personnel is 118, they have 16 vacant sworn positions.



Additionally, the LPD is down 6.5 non-sworn positions from an authorized strength of 52. The 2020 patrol workload analysis revealed the Department needs between six and 16 additional members assigned to patrol to meet minimum staffing requirements and workload demands.

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**11. The LPD does not have a documented strategic plan to guide officers' community policing efforts.**

Although the LPD has a two-member Community Resource Unit that participates in some community partnerships and organizes community events, the Department does not have a strategic plan to guide its community policing and community engagement efforts. Community policing and engagement should be a department-wide effort – it should not be limited to a single unit or individual. Most LPD employees have not received formal guidance on their role in community policing and engaging the community in problem-solving efforts.

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**12. The LPD does not have a meaningful communications strategy to increase transparency and to engender trust in the community.**

Although the LPD has been more proactive and transparent in its public communications following critical incidents, such as in the case of the most recent fatal officer-involved shooting, the LPD should develop a formal communications strategic plan. The plan should ensure that communications to the public are informative, relevant and timely and should guide personnel to disclose as much information as possible to address critical incidents and other matters of public concern.

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**13. Loveland's Police Citizens Advisory Board (PCAB) members are committed to improving the LPD; however, the PCAB's structure does not adequately support its intended purpose.**

The PCAB was created to support communication and education between the community and the LPD. It also serves as an advisory body to the LPD and the City Council concerning police policy, planning and program issues. Although a citizen advisory board can be a good tool to gain input from the public regarding a police department's activities, the PCAB's structure and operations do not always support its intended purpose. The PCAB does not consistently provide meaningful advice to the Department from the community.



## Overview of the City of Loveland and the Loveland Police Department

### The City of Loveland

The City of Loveland is in northern Colorado, 46 miles from Denver, the state capital. Loveland is about 35 square miles in size with an estimated population of 79,150 in 2019.<sup>1</sup> The city is the 14th most populous municipality in Colorado. The median income in Loveland is \$80,724. Nearly all of its residents (95.6 percent) have a high school diploma and 36.7 percent have a bachelor's degree or more. About 8.4 percent of the population live in poverty. According to the U.S. census, the city's demographics are as follows:<sup>2</sup>

<b>White</b>	84.0%	<b>American Indian and Alaska Native</b>	0.6%
<b>Hispanic or Latino</b>	12.3%	<b>Black</b>	0.5%
<b>Two or More Races</b>	2.9%	<b>Native Hawaiian and Pacific Islander</b>	0.1%
<b>Asian</b>	1.0%		

The City of Loveland has seen a steady decline in reported Part 1 crimes, from a high of 2,574 in 2016 to 1,955 in 2020.<sup>3</sup> According to the LPD 2020 Annual Statistical Report, Total Part 1 crimes were down 7.2 percent from 2019 and 24 percent since 2016. Part 1 property crimes have continued to decline from a high of 2,343 in 2016 to 1,750 in 2020. Part 1 violent crimes have fluctuated, however. Reported violent crimes totaled 281 in 2017, 213 in 2018, 255 in 2019 and 205 in 2020. A select category of Part 2 crimes saw significant changes in 2020. Domestic violence arrest and criminal trespass violations increased from 2019 to 2020 by 34 percent and 39.8 percent, respectively. Although juvenile arrest and traffic citations decreased from 2019 to 2020 by 63.6 percent and 18.5 percent respectively, those reductions took place during a national pandemic and stay-at-home orders and may not be indicative of enforcement efforts or crime patterns.

Calls for service (CFS), citizen-generated and officer-initiated incidents remained virtually the same from 2019 to 2020. In 2020, there were 103,300 CFS, slightly fewer than the 103,714 logged activities in 2019. However, citizen-generated CFS were down 8.4 percent from 2019 – a difference that may relate to the stay-at-home orders associated with the onset of the pandemic in 2020. Calls deemed non-emergency accounted for the highest percentage of CFS (64.1 percent, or 66,264 calls), while calls prioritized as emergency and urgent represented 0.05 percent and 4.6 percent, respectively. Consistent with best practices and the efficient allocation of resources, communications staff continued to handle and resolve 24.9 percent of citizen-generated CFS not warranting police dispatch.

<sup>1</sup> City of Loveland, Annual Data and Assumptions Report 2020

<sup>2</sup> <https://www.census.gov/quickfacts/fact/table/lovelandcitycolorado/INT100219#INT100219>

<sup>3</sup> Part 1 Crimes are the eight index crimes as defined by the FBI's Uniform Crime Reporting program. They are comprised of two categories of four crimes each: violent crimes (i.e., aggravated assault, forcible rape, homicide and robbery), and property crimes (i.e., arson, burglary, larceny-theft, and motor vehicle theft).



## Loveland Police Department

### Staffing

The LPD's 2021 authorized full-time equivalent (FTE) is 170.5 personnel. This represents 118 authorized sworn personnel and 52.5 civilian personnel. As of the date of this report, the Department's FTE is 102 sworn officers, including the chief and command staff, and 46 civilian employees<sup>4</sup>. Aside from the chief, the Department's sworn supervisory staff includes one deputy chief, two assistant chiefs, five lieutenants, and 19 sergeants. Civilian staff serve in numerous capacities within the Department, such as communications personnel, a CALEA Accreditation and the Northern Colorado Law Enforcement Training Center (NCLETC) manager, records personnel, crime analyst, public information officer, and victim services coordinator.

### Organizational Structure and Management

The LPD chief leads the Department and reports to the City Manager. The chief oversees a deputy chief, who has oversight of the Professional Standards Unit, Special Operations, Traffic Safety Unit, Community Resource Unit and the Northern Colorado Law Enforcement Training Center. Two assistant deputy chiefs, one with oversight of the Operations Division, and the other, who oversees the Support Services division, report directly to the chief. The Operations Division includes all patrol operations, including the Department's crime analyst. The Support Services Division includes the Criminal Investigations Unit, Special Investigations Unit, Forensic Services, Records Unit and Communications Center. We provide the LPD organizational chart in **Appendix B**.

### Policy Environment and Accreditation

The LPD's operational policies and organizational chart are publicly available on the Department's website. In accordance with best practice, we commend the Department for engaging in this level of public transparency. The LPD has received certification from the Commission on Accreditation for Law Enforcement Agencies (CALEA) since 1992. The process for accreditation focuses on ensuring law enforcement agencies and their policies follow best practices related to life, health and safety.<sup>5</sup> To obtain accreditation, participating agencies must conduct a self-assessment, subject themselves to web-based file reviews and a site-based assessment to confirm they comply with the standards. In addition to obtaining accreditation, law enforcement agencies must continue to demonstrate compliance by tracking their performance and ensuring completion of the appropriate reports, analyses, reviews and other mandated activities for the accreditation period.

An accreditation manager assigned to the Professional Standards Unit ensures the LPD maintains compliance with the professional standards for accreditation. We commend the Department for obtaining and maintaining its CALEA accreditation. Maintaining accreditation is a continuous effort

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<sup>4</sup> As of January 2022, the authorized head count for the LPD totals 171, of which 115 are sworn and 60 are civilians. The department was authorized for two over-hires for sworn personnel and two over-hires for non-sworn communications personnel.

<sup>5</sup> For more information about CALEA, see [www.calea.org](http://www.calea.org)



that provides the Department a framework for addressing high-risk issues and meeting community expectations. Although accreditation is important and ensures the Department's policies meet national standards, the LPD must tailor its policies to ensure they have appropriate emphasis and context that aligns with agency and community expectations.

### **Mission and Values**

The LPD's Policy and Procedures Manual begins with the Department's mission statement and values. The LPD developed its mission statement in the past few years. The mission statement is "Save Lives, Fight Crime, Survive." Many of the LPD's publications and some letterhead include the mission statement. However, people can interpret these words in many ways.

We understand that when the Department developed this statement, its focus of the word "survive" was to recognize officer wellness issues and acknowledge that officers strive to return home from work in good physical and mental health. Some officers view the mission statement as acknowledging victims of crime and ensuring they survive as well. Although these are sensible interpretations and may have been the Department's original intent, some members of the public believe the mission sends the wrong message. They believe the words "survive" and "fight" encourage officers to use force and have an "us against them" mentality. As the Department attempts to improve its relationship with the community, it should consider revising this mission statement to ensure the statement does not inadvertently appear offensive to the public or encourage inappropriate behavior.

The LPD's values statement is much clearer and not subject to a negative interpretation by the public. The values statement is "RISE to Excellence."

- + Respect – We treat people with respect, civility and dignity.
- + Integrity – We adhere to the highest ethical standards and believe integrity is the cornerstone of our department.
- + Service – We exist to serve our community and make a difference.
- + Excellence – We promise to give our best pursuing excellence every day.

This is a strong values statement that recognizes the LPD's role in serving the public. We interviewed 48 LPD personnel – the four command staff members, 15 supervisors, 19 detectives and patrol officers, two community services officers and eight civilian employees. Although many interviewees discussed problems and concerns about the Department, most interviewees understood the importance of the values statement and were interested in continuing to improve the LPD's adherence to these values.



## *Community Perspectives*

An important aspect in assessing the LPD's performance was soliciting residents' opinions and insights and evaluating the degree to which they have trust in the Department and are satisfied with the police services it provides. To this end, we hosted two listening sessions for residents and Loveland community stakeholders and interviewed other community stakeholders and city officials. We also reviewed the results of the LPD's 2020 Combined Citizen Satisfaction and Public Safety survey.

The LPD administered the survey during summer 2020 and released the results in January 2021, several months before media coverage of the arrest of Ms. Garner made international news. Since the last survey in 2017, residents expressed increased public satisfaction with the level of police service received, the LPD's response to emergencies and its crime-control capabilities. The 2020 survey results reflected higher ratings related to LPD officers' interpersonal skills, specifically with respect to officers' professionalism, courteousness, knowledge, trustworthiness, approachability and fairness. Perceptions of safety increased, and fearfulness decreased.<sup>6</sup> Just over ninety-eight percent of respondents acknowledged that improving public safety and quality of life was a shared responsibility of the community and the LPD. Respondents ranked police visibility as the most effective method for improving public safety. Slightly more than 10 percent of respondents noted dissatisfaction with the LPD relative to providing fair and equal treatment to all and handling citizen complaints.<sup>7</sup>

More than a year after the LPD administered the survey, we heard from many listening session attendees and interviewees who continued to describe officers as professional, respectful, friendly and responsive to calls for service. Several other positive comments related to the Department's co-responder program and its relationship with SummitStone mental health services, although some noted that the program needed to expand to provide care on a 24-hour basis.

Many listening session participants and interviewees, however, did not speak favorably of the Department as a whole. For some, their opinions of the LPD shifted after witnessing the arrest of Ms. Garner and the fatal August 2021 officer-involved shooting of Alex Domina, a young man experiencing a mental health crisis, while others never held the Department in high regard. Dissatisfaction and concern revolved around communication and transparency, community engagement, enforcement and policing philosophy, accountability and oversight, bias, and engaging people with mental and behavioral challenges.

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<sup>6</sup> Seventy-three percent of respondents reported that they were not at all or not very fearful.

<sup>7</sup> Loveland Police Department 2020 Combined Citizen Satisfaction & Public Safety Survey



## Communication and Transparency

Residents felt the Department failed to provide meaningful communication about matters of public concern, and when the LPD did, it was untimely, reactionary and lacked transparency. Some residents characterized the Department's unwillingness to inform the public proactively in a transparent way as a "cover up," and others said it contributed to their lack of trust in the Department. Even those who recognized legal barriers may prohibit transparency around certain issues felt the Department could be more proactive, timely and forthcoming with the information that it could share. Interviewees and participants noted enhanced communication and transparency following critical incidents, a new policing strategy and initiatives and announcements of things the Department is doing well as areas for improvement that would enhance and build community trust.

## Community Engagement

Interviewees spoke positively about the Department's Citizen Police Academy and its interactions with youth. However, the interviewees discussed the Department's unwillingness to listen with "empathy" to residents' concerns. Many felt the Department and its leadership were unwilling to listen and allow residents to air grievances and to ask questions about policing strategy or tactics. Residents expressed concern that the LPD espoused an "us against them" mentality and said that without communication and understanding of each other's perspectives and differences, it would be difficult to build trust and confidence in the Department.

## Aggressive Enforcement and Policing Philosophy

Many of those with whom we engaged during our community listening sessions were critical of what they viewed as an overly aggressive policing style. Some commented that they felt that Department members were "too quick to go hands-on," and that Department members resorted to force if anyone objected or questioned their authority. Others characterized the LPD as "militarized." Many felt the Department needed to move away from such an aggressive policing style and receive additional training in de-escalation techniques, as existing training has not changed officer behavior. A few residents commented that the change in Department's motto from "protect and serve" to "fight crime, save lives and survive," was contrary to community policing ideals.

## Bias

Interviewees and participants less frequently made observations and expressed concerns related to biased policing practices toward BIPOC members of Loveland. Examples included asking for citizenship papers when encountering people who speak with a Spanish or Latinx accent. Residents spoke specifically about over-policing and harassment of young men of color on and off school property. Some BIPOC residents expressed fear of the LPD and feared retaliation if they filed a police



misconduct complaint. Residents recommended creating opportunities for BIPOC members to meet and engage with Department members in a non-enforcement manner and to have conversations to discuss how to improve police encounters. These residents viewed such engagements as positive methods for increasing the BIPOC community's trust and reducing their fear in the Department.

### **Oversight and Accountability**

Residents acknowledged that they questioned the Department's leadership or the thoroughness of the oversight and accountability process following a use-of-force incident after watching video of the arrest of Ms. Garner. Many felt the Department was aware of the inappropriate use of force and condoned it, knew it was wrong and covered it up, or did not have a system in place to identify problematic use-of-force incidents. Residents expressed concern about Department leadership's unwillingness to hold officers, including supervising and command personnel, accountable for performance deficiencies and misconduct.

### **Engaging People with Mental and Behavioral Challenges**

Most residents were aware of and lauded the Department's co-responder program and partnership with SummitStone. However, nearly all expressed that the LPD should provide more training to assist officers in their response and engagement with people in crisis. Moreover, they noted the Department should expand the co-responder program to provide responses on a 24-hour basis.

### **Conclusions**

Although a significant number of residents we engaged during our stakeholder interviews and community listening sessions felt strongly that a change in leadership was necessary to move the LPD forward, most residents felt that trust and confidence could be both restored and improved if the Department addressed the concerns and observations noted above.



## 01 *Operational Practices*

### **Data-Driven Strategies**

By far, the biggest concern we heard from LPD members at all levels was the Department's focus on the Data-Driven Approaches to Crime and Traffic Safety Program (DDACTS). DDACTS, a creation of the Department of Transportation's National Highway Traffic Safety Administration, integrates location-based crime and traffic crash data to establish effective and efficient methods for deploying law enforcement and other resources. By using DDACTS, police departments leverage data to identify high incidences of crime and traffic crashes and employ targeted traffic enforcement strategies to those areas. The goal of DDACTS is to reduce the prevalence of crime, crashes and traffic violations in the community. DDACTS draws on the deterrent value of highly visible traffic enforcement and the knowledge that crimes often involve motor vehicles.

According to the LPD's 2019-2021 strategic plan, through its use of DDACTS, the Department strives to reduce crime, crashes, driving under the influence (DUI) incidents and crashes, and traffic violations, including seatbelt violations. The LPD states that DDACTS projects include information and direction provided by citizens, and problem-oriented and community-oriented policing components.

To identify DDACTS zones, the LPD mapped its Part 1 crime and traffic crash data over the last several years. The Department then identified areas where traffic crashes overlap the most with crime. The LPD identified two DDACTS areas to focus its efforts. The LPD evaluates DDACTS annually to determine its impact. The last evaluation covered the 2019 calendar year and showed mixed results, with some property crimes going down, but some person crimes going up in one of the two DDACTS zones. Although the nuances of the data are important to review, the key point is that the Department regularly analyzes the data to evaluate DDACTS' effectiveness, and it should continue to do so. The LPD should consider analyzing the data more frequently so the Department can be more flexible and adjust to circumstances. However, we recognize that additional analyses can be time consuming, and the Department may not have enough analytical staff to conduct these analyses.

Policing agencies across the country have adopted DDACTS, and we encourage the use of data-driven strategies. Data-driven strategies can provide an objective framework for deploying resources and focusing enforcement actions. However, the LPD's implementation and focus on DDACTS as its primary patrol strategy has produced some degree of unintended consequences and at times impacts officers' ability to develop community relationships and engage in problem solving with community members. Although the LPD notes that DDACTS includes information and direction provided by citizens and problem-oriented and community-oriented policing, we saw no evidence that the Department incorporates citizen input or problem solving into its DDACTS analyses.



### **Focus on Citations**

The LPD's implementation of DDACTS creates a culture focused on traffic enforcement and DUI arrests. Many interviewees told us that although the LPD does not have an official quota system, the Department expects officers to engage in 10 activities per day with an emphasis on traffic stops in DDACTS zones. To be clear, the Department does not expect every traffic stop to result in a citation. However, this emphasis on data creates a culture of officers accumulating arrests and traffic citations rather than engaging in other quality policing activities. Officers told us that they resent this focus on statistics because they do not have time to engage in other proactive activities, such as engaging with the public. For example, they noted statistics do not measure officers' efforts to resolve situations before they result in an arrest.

### **Personal Interactions with the Community**

The emphasis on the DDACTS approach that the LPD takes impacts officers' ability to develop positive personal interactions with the community. The national DDACTS operational manual recognizes the importance of the community understanding the purpose of the program and recognizes that increased enforcement activity can impact community members' perceptions of the police. In addition, the focus on data reduces the opportunity for officers to engage with the community in a positive manner and work with them on solving recurring issues.

A focus on data can incentivize officers to generate numbers through tickets, arrests and handling traffic crashes. Officers do not receive credit for assisting a resident with a quality-of-life issue or urgent need or for conducting a quality preliminary investigation of an incident. This emphasis of enforcement over community engagement is not consistent with the Department's stated philosophy of a focus on "an interactive, results-oriented partnership between the police and the community."

### **Teamwork**

The LPD's implementation methods of DDACTS reduces teamwork and leads to competitiveness among officers, as disagreements sometimes occur regarding the credit officers receive for certain actions. For example, an officer may avoid responding to calls that may only require the completion of an incident report so they can be available to make traffic stops. Additionally, the focus on data causes officers to spend as little time as possible assisting other officers because they need to ensure that they meet their daily expectation of ten activities. Spending less time on calls for service wherein officers are encouraged to take time to speak with a citizen can result in the community perceiving that LPD officers do not care about residents' issues.



### **Accountability**

The elimination of geographic district assignments reduced officer accountability for crime and disorder in their districts. In the past, the LPD assigned patrol officers to one of five districts. Officers could bid on shift and district assignments every six months. The district boundaries still exist, but the Department no longer assigns officers to districts. Instead, officers can respond to calls citywide and the Department encourages officers to engage in activities in the DDACTS zones. When police departments assign officers to specific geographic boundaries, such as the LPD districts, officers have more opportunities to meet and get involved with neighbors, business owners and other individuals, and apply problem-solving methods to reduce crime and disorder. Due to the LPD's focus on DDACTS zones, officers are now no longer accountable to specific districts and neighborhoods. This adversely impacts officers' ability and willingness to engage the public proactively and feel a sense of ownership over solving the problems in the district to which they are assigned.

### **Role of Community Members and Stakeholders**

The LPD's implementation of DDACTS does not provide a role for community members and other stakeholders. One of DDACTS' key guiding principles is partner and stakeholder participation. The national DDACTS guidance notes that "partnerships among criminal justice agencies, law enforcement agencies and local stakeholders are essential to the success of the DDACTS model. Stakeholders may contribute data and other information, help promote the initiative to the community, and provide important feedback on how the community is reacting to increased traffic enforcement." We did not find any indications that the LPD has engaged stakeholders, especially community members, to provide their input during the development of its DDACTS model.

### **Information Sharing and Outreach**

Another guiding principle of DDACTS is information sharing and outreach, which calls on law enforcement agencies to share their progress with stakeholders and gather feedback from community members, partners and stakeholders. The LPD reports some DDACTS information to the Citizen Police Advisory Board and the City Council, but we found no evidence that the Department shares this information directly with community members. The LPD should consider holding community meetings to share its DDACTS strategy and results with the community and to listen to the community's feedback about the program. Such information could also be shared on a regular schedule on the Department's website. The LPD should continue to share data regularly about the effectiveness of DDACTS with all Department members.



## Response to Persons Experiencing Mental Health Crises

Since 2016, the City of Loveland has had a contract in place for SummitStone Health Partners employees to assist the LPD when behavioral health emergency or crisis situations arise and to participate in post-crisis planning and placement decisions, if appropriate. This program includes two co-responders assigned to the LPD. In response to a call from dispatch or an individual officer, a SummitStone Mental Health Clinician arrives independently to the scene to provide crisis intervention, stabilization, referral, follow-up and outreach. These co-responders respond to officer's calls for advice on handling various situations. The two co-responders work from 9 a.m. to 7 p.m., but if officers need assistance during other hours, they can contact a mobile assistance team operated by Rocky Mountain Health Partners.

The LPD partnership with SummitStone appears to be well regarded by the community and Department members. In addition to the improvement of services to those experiencing mental crises, the co-responders free up time for officers, who can return to being available for calls for service once the co-responder considers the scene to be safe while the co-responder continues to speak with the subject. SummitStone reports that in 2020, its program provided services in 2,569 cases, only about 40 percent of the calls for service where mental health issues arose. The LPD recently sought to expand this program by adding two co-responders to increase the availability of co-responders. At the time of our assessment, the city advised they planned to move forward with an expansion of this co-responder program in 2022. This is a good example of a partnership to improve the LPD's response to people experiencing a mental health crisis.

We commend the LPD for providing Crisis Intervention Team (CIT) training to its officers. To date, over 84 percent of LPD officers have completed CIT training. "CIT programs are community-based programs that bring together law enforcement, mental health professionals, mental health advocates (people living mental illness and their families), and other partners to improve responses to mental health crises."<sup>8</sup> CIT training prepares officers to respond safely and compassionately to people in crisis and helps them connect these individuals to mental health services. Among other benefits, CIT training teaches officers to have an increased understanding of mental illness and other health conditions, additional de-escalation skills and services available to assist people experiencing mental illness. Many police agencies provide CIT training, and it is considered a best practice. The LPD's goal is for every Department member to complete CIT training.

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8 Crisis Intervention Team (CIT) Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crises. CIT International. August 2019.  
[https://www.citinternational.org/resources/Best%20Practice%20Guide/CIT%20guide%20desktop%20printing%202019\\_08\\_16%20\(1\).pdf](https://www.citinternational.org/resources/Best%20Practice%20Guide/CIT%20guide%20desktop%20printing%202019_08_16%20(1).pdf)



## School Resource Officer Program

The LPD and the Thompson School District R2-J have operated a school resource officer (SRO) program since 1990. The SRO program assigns seven LPD officers and one LPD supervisor to provide services to nine schools in the district.

According to the National Association of School Resource Officers:

“The goals of well-founded SRO programs include providing safe learning environments in our nation’s schools, providing valuable resources to school staff members, fostering positive relationships with youth, developing strategies to resolve problems affecting youth and protecting all students, so that they can reach their fullest potentials. NASRO considers it a best practice to use a “triad concept” to define the three main roles of school resource officers: educator (i.e., guest lecturer), informal counselor/mentor, and law enforcement officer.”

In response to concerns about SROs disproportionate enforcement actions against students of color and draft legislation in Colorado that would have impacted the SRO program, the Thompson School District Board reviewed the SRO program and suggested changes for the 2021-2022 school year. It implemented those changes pursuant to the new Intergovernmental Agreement (IGA) between the City of Loveland, the Thompson School District R2-J and the LPD. In addition to the IGA, a memorandum of understanding (MOU) provided further information regarding the hiring guidelines for SROs, the SRO’s role, and the SRO’s involvement in student conduct, discipline and training. In addition, the MOU created:

- + A new expectation for performance evaluations and program assessment, including the development of a comprehensive performance evaluation and recognition system
- + A mechanism to collect feedback from students, families and other school staff for SRO evaluations
- + A monthly review of data with SROs
- + A district-wide review of data with the SRO supervisor
- + An annual assessment of the MOU

The MOU provisions were intended to address some of the main national concerns about SRO programs, especially the concern about SROs becoming a pipeline to prison. The new MOU between the Thompson School District and the City of Loveland on behalf of the LPD is innovative and a positive step to improve the SRO program. It clearly describes the SRO’s roles and expectations while in the schools and creates strong accountability mechanisms to ensure the program creates a safe and healthy environment in the schools, rather than focusing on the LPD’s enforcement mission.

However, the description of the SRO program on the LPD’s website does not necessarily reflect the important details of the role of the LPD SROs. The website states:



“Our School Resource Officers are dedicated to providing visible and active law enforcement in our schools. It is important to us to partner with our community (parents, students, schools, and other agencies) in an effort to maintain a safe environment where our children can learn and grow. Our goal for this site is to provide our citizens with information and ideas to better protect our community's children.”

Although the description talks about partnerships, it seems to reinforce the LPD's enforcement role, rather than assisting faculty's roles in conducting specialized classes, establishing rapport with students and other important elements of the SRO program. The LPD should consider amending its description of the program on its website to reflect these roles.

### LPD Staffing

Many interviewees in sworn and non-sworn positions expressed concerns that the Department was understaffed, which impacted their ability to do their jobs. Understaffing can result in increased overtime costs, contribute to officer fatigue and impact officers' efficiency in conducting their primary duties. As of the date of our assessment, the LPD stated that although its authorized strength of sworn personnel is 118, it has 16 vacant sworn positions. Additionally, the Department indicated that it is down 6.5 non-sworn positions from an authorized strength of 52. Understaffing in the LPD's Communications Center, which handles all the dispatching services, results in significant overtime costs to ensure that the minimum number of dispatchers and call takers staff the dispatch center at all times. Patrol officers told us that because of staffing shortages, they run from call to call without time to engage in proactive community engagement activities. They indicated that the informal requirement of engaging in 10 enforcement activities per day makes the staffing shortages even more problematic. Some non-sworn staff members indicated they do not have time to do all their duties in an efficient and timely manner.

Many sworn Department members at all ranks are assigned to collateral duties through assignments to duties beyond the member's regular duties, such as the Special Weapons and Tactics Team (SWAT), Honor Guard, training instructor and crime scene investigator. For example, the sergeant assigned to the Professional Standards Unit is the liaison to the Senior Volunteer, Citizen Police Academy and Police Chaplain programs. This takes time from the vital duties of investigating complaints against LPD officers. The training sergeant takes on roles such as backup for the LPD public information officer, quartermaster responsible for issuing equipment, and the Peer Support Team. This takes away from the sergeant's primary function of ensuring that Department members receive the required training.

Requiring collateral assignments is common for a department the size of the LPD. Most of the functions of collateral assignments are necessary to maintain a well-functioning department, but these collateral assignments are not large enough nor is it appropriate to justify hiring a full-time person for these assignments. Given the Department's staffing levels, the Department should



carefully review its method for making collateral assignments and ensure those assignments do not significantly impact the employee’s ability to conduct their primary duties.

The LPD conducts a patrol workload study every three to five years. The Department collects and analyzes data to understand the demand on patrol officers and assess staffing levels and scheduling to increase the efficiency of the patrol function. The LPD’s crime analyst completed the most recent patrol workload study in 2020 using a well-accepted methodology for police staffing studies. The study used 2019 data and concluded a compliment of 60 officers dedicated to patrol would both meet the workload demand and provide time to increase proactive enforcement and visibility in the community.

The Department operates with minimum staffing levels to ensure that at least five officers are assigned to patrol at any given time. However, to meet these minimum staffing levels the Department relies upon overtime and/or cancellation of training. To satisfy the current minimum staffing benchmark, the Department would need at least 50 officers allocated to patrol. The number of officers assigned to patrol at the time of the workload analysis was between 40 and 44. The last time the Communications Center conducted a workload analysis was in 2017. The LPD should consider conducting a workload study that includes patrol and also considers all of the other Department functions in the Operations Division, Support Services Division, Professional Standards Unit, Special Operations, Traffic Safety Unit and the Community Resources Unit. The staffing study should include a data analysis as conducted previously for the workload analyses for patrol and the Communications Unit and consider the Department’s policing priorities. This includes the Department’s expectations as to how much time it expects patrol officers to spend responding to calls for service and how much time it expects those officers to conduct proactive activities.

## Recommendations

Rec #	Recommendation
1.1	Review and consider revising the mission statement to ensure that it does not inadvertently appear offensive to the public or encourage officers to engage in inappropriate behavior.
1.2	Increase efforts to involve citizen input and problem solving in the DDACTS program. This includes holding community meetings to share DDACTS strategy and results with the community and to listen to feedback about the program, as well as regularly posting DDACTS impact results on the Department’s website.
1.3	Re-evaluate how the Department measures officer performance related to DDACTS and to incorporate non-enforcement problem solving efforts, community policing engagements and support for the enforcement efforts of fellow officers.
1.4	Continue to share data about the effectiveness of DDACTS regularly with all Department members.



<b>1.5</b>	Consider reinstating geographic assignments for officers to increase accountability for crime and disorder within specific districts.
<b>1.6</b>	Consider evaluating the effectiveness of DDACTS more frequently than annually to be more flexible and adjust to circumstances.
<b>1.7</b>	Consider conducting a workload study that includes not only patrol, but all other Department functions in the Operations Division, Support Services Division, Professional Standards Unit, Special Operations, Traffic Safety Unit and the Community Resources Unit. The staffing study should include a data analysis as conducted previously for the workload analyses for patrol and the Communications Unit and consider the Department's policing priorities.
<b>1.8</b>	Amend the description of the SRO program on the LPD website to align more closely with the SROs' many roles in the schools and the goals and objectives as outlined in the MOU.
<b>1.9</b>	Carefully review collateral functions to ensure that they do not significantly impact the employees' ability to conduct their primary assignments



## 02 *Supervision, Leadership and Professionalism*

First-line supervisors play an essential role within a police department. They communicate job expectations to the personnel under their supervision, provide feedback about their subordinates' job performance and are responsible for translating into practice leadership's vision, direction, message and intent. If first-line supervisors do not buy into or understand directives from command staff, they cannot translate those directives to the personnel charged with enacting them.<sup>9</sup> Before tasking first-line supervisors with the responsibilities of their roles, police departments should ensure they provide newly hired or promoted supervisors with adequate, comprehensive and appropriate training, direction and mentorship.

### Training

The LPD facilitates the comprehensive Officer in Charge (OIC) training program to offer on-site field training to officers interested in advancing to the position of sergeant. The program provides insight and expectations of the role, associated demands and distinctions from the role of an officer. Interested applicants must have five or more years of law enforcement experience and at least one year of service with the LPD and submit a letter of interest to attend the OIC program. The LPD compensates officers who successfully complete the OIC program at sergeant's pay when actively serving as an OIC during the absence of a sergeant.

The program includes traditional instruction, on-the-job experience and weekly performance evaluations regarding officers' job knowledge, communication, tactical decision-making skills and leadership. During this four-week training, participants are assigned a primary FTO sergeant and then partner and shadow with a sergeant from each shift. During the last week of the OIC program, participants perform as a sergeant, shadowed by their primary FTO, who submits the final training evaluation for review by the Operations lieutenant.

The LPD memorialized the OIC program in writing and provides structured content and method of delivery for the training segments. The Department established oversight responsibilities for the program and requires documentation to assess regularly officer performance through defined and measurable performance expectations. We strongly encourage the LPD to continue this program and expand this training model for all subsequent ranks. As noted in the OIC Program Overview, the LPD created this program to assist in LPD officers' career development. Expanding this program for all promotional ranks may enhance the Department's internal leadership capabilities.

One of LPD's strategic initiatives is to develop leadership skills throughout the sworn and professional staff by sending these individuals to the International Association of Chiefs of Police (IACP) Leadership in Police Organizations (LPO) course, which it hosts twice annually. "The three-week LPO course explores leadership at different levels of the organization: Leading individuals, leading groups,

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<sup>9</sup> Law Enforcement Best Practices Manual



and leading organizations.”<sup>10</sup> The LPD attempts to send one professional and sworn staff member per year to the Lead Loveland training, an ongoing management training series for Loveland employees. The Department provides these training opportunities to supervisory staff, as well as employees who have not yet become supervisors. The LPD attempts to send supervisors to the Northwestern School of Police Staff and Command and the FBI National Academy. This ongoing professional development provides current and aspiring supervisors the opportunity to improve their leadership and supervisory skills.

## Use of Force

Determining whether to use force is one of the most difficult decisions an officer can make and one of the most challenging responsibilities of a law enforcement agency. A law enforcement agency’s use-of-force policy should not be overly detailed and complex. However, these policies must be sufficiently clear and provide ample guidance to ensure an officer’s use of force:

- + Complies with state and federal law
- + Values the sanctity of life
- + Addresses de-escalation and the duty to intervene and report excessive force
- + Includes objective reasonableness and proportionality

Use-of-force policies must provide clear and succinct direction following the use of force including reporting, oversight and accountability to align with best practices.

We reviewed the LPD’s use of force policy, LPD Policy 11.04, which includes reporting requirements, oversight and accountability. We also reviewed the 2020 Annual Use of Force report.<sup>11</sup> We found the LPD’s use of force policy aligns with best practices in some areas but needs improvement in others.

## Policy Statement

The Department’s policy statement makes clear that justified uses of force increase community confidence and reinforce legitimacy in an officer’s authority, while unjustified uses of force expose the City and the officer to civil and criminal liability. The policy statement notes that the use of force must be objectionably reasonable and comply with federal and state constitutions and laws. These affirmations align with best practices, but the LPD should consider emphasizing the importance of de-escalation and sanctity of life in the policy statement.

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10 <https://www.theiacp.org/LPO>

11 We review of use of force incidents in the Supervision section.



## De-Escalation

A “key factor in enhancing an agency’s legitimacy in the eyes of the community is reducing the need for use of force through the practice of de-escalation whenever possible.”<sup>12</sup> The LPD commenced a concerted effort to ensure officers are well trained in de-escalation techniques. As part of new hire onboarding training, all officers receive an initial two hours of de-escalation training. To supplement that initial training, the Department integrates de-escalation tactics and techniques in annual in-service training on arrest control and in firearms training modules. The Department recently began administrating Integrating Communications, Assessment and Tactics (ICAT) training, which is a nationally recognized training that aims to equip officers to respond more effectively to volatile situations in which they encounter people acting erratically or dangerously.<sup>13</sup> The Department plans to incorporate scenario-based learning and the ICAT critical decision-making model within its de-escalation training in 2022. We commend the LPD for its commitment to provide de-escalation training grounded in best practices.

Despite the emphasis that the Department devotes to de-escalation training, we did not find sufficient emphasis on de-escalation in its written use-of-force policy. The policy’s references to de-escalation are incorporated in such a manner that officers may undervalue the importance of de-escalation.

An emerging trend in law enforcement is to develop a standalone de-escalation policy to exemplify the importance of the concept or to devote a section on de-escalation within the use-of-force policy. By including the concept of de-escalation in such a manner, police officers and the communities they serve understand the department’s expectation for officers to defuse police encounters before exercising force whenever possible. The Police Executive Research Forum (PERF) notes in its report “Guiding Principles on Use of Force” that the emphasis on de-escalation is about changing the mentality of an officer from what can be done legally to what should be done. Placing greater emphasis on the value and benefit of de-escalation may directly impact an officer’s decisions and tactics during citizen encounters and may result in fewer uses of force and mitigate the community’s concerns that officers are too quick to engage physically. Moreover, such emphasis to the value of and commitment to the practice of de-escalation may reduce force incidents and increase officer safety.

## Sanctity of Life

Police departments are increasingly recognizing and including within their policy statements officers’ duty to honor the sanctity of life, value and protect all human lives, and only use force when no other reasonable alternatives exist. The IACP’s “National Consensus Policy and Discussion Paper on Use of Force” notes, “It should be the foremost policy of all law enforcement agencies to value and preserve human life.”<sup>14</sup> PERF underscores this philosophy in its “Guiding Principles on Use of Force,” which recommends that “the sanctity of human life should be at the heart of everything an agency

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<sup>12</sup> Department of Justice, Law Enforcement Best Practices: Lessons Learned from the Field

<sup>13</sup> <https://www.policeforum.org/icat-training-guide>

<sup>14</sup> IACP, National Consensus Policy and Discussion Paper on Use of Force 2020.



does.”<sup>15</sup> Below are two examples of law enforcement agencies’ written policies that have incorporated and embraced their commitment to the value and sanctity of the lives of all people.

- + **Arlington County, Virginia Police Department:** “The Arlington County Police Department’s highest priority is the sanctity of human life. In all aspects of their conduct, sworn officers will act with the foremost regard for the preservation of human life and the safety of all persons. The Department is committed to accomplishing its mission with respect and by using communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible.”<sup>16</sup>
- + **Las Vegas Metropolitan Police Department:** “It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.”<sup>17</sup>

It cannot be understated that police engagements can escalate quickly and that force, including deadly force, may be necessary, reasonable and proportional to the threat presented at the time. However, PERF notes, “[a]gency mission statements, policies, and training curricula should emphasize the sanctity of all human life – the general public, police officers and criminal suspects – and the importance of treating all persons with dignity and respect.”<sup>18</sup> Strengthening the LPD’s use-of-force policy to emphasize the sanctity of human life may similarly help reduce incidents of force, increase officer safety and enhance public trust. Some members of the public felt the Department’s mission statement encouraged the use of force and the phrase “survive” did not include the survival of the subject of the encounter. Memorializing the sanctity of all human life within policy, training and operations may have a meaningful impact in building public trust and dispel perceptions of an “us against them” mentality.

### Reasonableness and Proportionality

We find that the Department’s policy guidance within “Factors Used to Determine Reasonableness of Type of Control and Use of Force” provides good and clear direction on factors for officers to consider in assessing if force would be objectively reasonable under the totality of the circumstances. This policy clarifies that officers should only apply force after considering non-violent means and deeming them ineffective. The policy notes that officers must evaluate each encounter on its own and provides a list of objective factors that officers should consider. Consistent with best practice, this section of the policy notes that officers should use time, distance and a plan to de-escalate the situation to the extent circumstances permit before applying force. PERF notes in “Guiding Principles on Use of Force” that use-of-force training should focus on creating distance and cover to create “reaction gaps or safety zones.”<sup>19</sup>

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15 PERF, Guiding Principles on Use of Force, 2016

16 <https://public.powerdms.com/ARLVAPD/tree/documents/137>

17 <https://www.lvmpd.com/en-us/Documents/LVMPD%20Use%20of%20Force%20Policy%20072121.pdf>

18 PERF, Guiding Principles on Use of Force, 2016

19 PERF, Guiding Principles on Use of Force, 2016



## Documenting and Reporting Use of Force Incidents

LPD Policy 11.04 details the Department's reporting requirements following a use of force and refers to key aspects generally accepted as best practice. Specifically, this section includes:

- + The duty to notify the supervisor promptly, report the use of force and complete a Blue Team report, except in instances involving *di minimis force*<sup>20</sup>
- + The duty of officers who witness or are on scene during a use-of-force incident by a Department member to complete an offense or supplemental report.
- + The completion of a Blue Team report following display of a firearm or conducted electrical weapons (CEWs) as means of control<sup>21</sup>
- + Supervisor responsibilities
- + The duty of an officer who witnesses physical force that is excessive to report that force to their supervisor
- + A duty of officers to intervene if they witness excessive force
- + Disciplinary action taken against any officer who fails to intervene or report
- + Prohibition of retaliation against any officer who intervenes, reports unconstitutional conduct or fails to follow what the officers believes is an unconstitutional order

The policy allows too much time to elapse before an officer who witnesses excessive force must report their observations to a supervisor. The 10-day period before an officer must report excessive force undermines accountability and creates an opportunity for excessive force to go unreported. The LPD should require officers who observe excessive force to notify their supervisors as soon as possible but not later than the end of their shifts.

The policy appropriately requires that upon notification of a use of force, the supervisor must ensure that medical treatment is provided, photos of injuries are taken and that reports, such as the Blue Team report, are completed. However, the policy does not detail a supervisor's duty to respond on scene. The LPD policy should clearly articulate use-of-force incidents that require a prompt, on-scene response by a supervisor to ensure proper oversight, scene management and accountability. PERF states:

“Supervisors should immediately respond to any scene where a weapon (including firearm, edged weapon, rocks, or other improvised weapon) is reported, where persons experiencing mental health crises are reported, or where a dispatcher or other member of the department believes there is potential for significant use of force.”<sup>22</sup>

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20 Blue Team is a part of IAPro software and is a web-enabled application that enables complaints, uses of force, vehicle accidents and pursuits to be entered and managed in a uniform manner by officers, supervisors and command staff.

21 As defined in LPD Policy 11.04, conducted electrical weapons (CEW) are less-than-lethal weapons that conduct electrical energy to overcome resistance and stop aggression. CEWs are designed to safely incapacitate potentially dangerous people from a distance that minimizes the danger to the officers and suspects involved.

22 PERF, Guiding Principles on Use of Force, 2016



## Report Supervision and Blue Team

LPD's Policy Number 11.39 – Blue Team Reporting and Review establishes the procedure for reporting incidents that require supervisory review, tracking or special notification of the command staff and the City Attorney's Office. The incidents subject to Blue Team reporting are:

- + Use of force
- + Officer injuries
- + Vehicle crashes
- + Damaged property
- + Pursuits
- + Firearm discharges outside of training

On-duty employees must complete Blue Team reports in the following circumstances, among others:

- + Discharge of a firearm
- + An action that results in injury or death to another person
- + The application of or attempt to apply force using a lethal or less-lethal weapon
- + The use of physical force
- + An attempt to use various weapons
- + The display of a firearm or CEW as a means of control

On-duty employees must complete the report by the end of their shift, unless they receive supervisor approval for a delay. They must attach or link the entire case file, including body-worn camera (BWC) evidence to or within the Blue Team report. To enhance oversight and accountability, the LPD policy should not limit Blue Team reporting requirements to only on-duty officers. The LPD should require off-duty officers who act in their official capacity and engage in a reportable use of force to complete a Blue Team report.

Supervisors must review all subordinate Blue Team reports and associated police reports, video records including BWC footage, medical reports and other critical evidence, and prepare a written summary report within 14 days of the incident. The summary report and scope of review at each level of command through the chief assesses:

- + Adherence to policy, procedure and law
- + Appropriateness of the use of force
- + Training failures
- + Policy failures
- + Exemplary conduct



Following the arrest of Ms. Garner, the LPD amended the Blue Team policy to reduce the timeframe in which a supervisor must review these reports from 30 to 14 days. The Department also enhanced the scope of review and increased the type of incidents warranting a Blue Team report. We applaud the Department for taking proactive steps to enhance oversight and accountability of reportable incidents. During our assessment, however, many supervisors expressed considerable concern that the compressed timeframe came at the expense of officer supervision. The LPD should work in concert with supervising officers and the police legal adviser to assess the feasibility of alternative review schedules, such as a tiered review schedule, to allow for more serious incidents to be reviewed faster than others. For instance, use-of-force incidents and civilian injuries requiring medical treatment that occurred during an arrest would still be reviewed within 14 days, while all property loss, property damage and traffic crashes not associated with a vehicle pursuit would be subject to a longer period of review.

The policy appropriately allows anyone in the review chain to refer an “appropriate incident” to the Professional Standards Unit (PSU) and grants the assistant chiefs and deputy chief the sole discretion to assign an incident for legal review. The LPD should provide more direction to help guide the decision to refer an incident to PSU or the city attorney. Providing examples of actions or behaviors that trigger non-compliance with policy would help the reviewer identify use-of-force matters suitable for referral to PSU. Similarly, the LPD should work with the city attorney to identify incidents suitable for review or referral to the city attorney.

We learned that since Ms. Garner’s arrest, the City’s Department of Human Resources reviews Blue Team reports, including those involving the use of force, and that the City Attorney’s Office also has a taken a temporary role in the review of these reports. The Department of Human Resources has assigned this task to a part-time, temporary employee who received preliminary one-on-one training by staff from the City Attorney’s Office. The scope of review involves identifying incidents that could trigger civil liability, policy violations, discrepancies between the report and BWC, patterns and customer service concerns. Matters of concern are referred to the City Attorney’s Office and if the City Attorney’s Office agrees with that concern, Human Resources follows up with the LPD. This redundancy in the review process, while time consuming and resource intensive, affords a level of external review. To optimize the benefit of this external review, the LPD, the city attorney and the Department of Human Resources should work together to develop transparent processes that memorialize the goal, objectives, scope and outcomes of these external reviews.

### **Analysis of Uses of Force**

In accordance with LPD Policy 11.04, the Department completes an annual report analyzing its use of force data. This report compares use-of-force incidents to the prior three years to “identify essential elements which may reveal patterns or trends that could be predictive, indicate program effectiveness, or identify the need for additional training, equipment upgrades and policy modification.”<sup>23</sup> Data and analysis in this report includes, but is not limited to:

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<sup>23</sup> Loveland Police Department Use of Force Review/Analysis 2020



- + Total number of force incidents
- + Type of force applied and associated reason justification
- + Race, ethnicity and gender of the involved civilian
- + Fluctuations in use-of-force occurrences
- + Fluctuations in the instruments used in a force incident
- + Taser deployment effectiveness
- + Use of force complaint-related data, including the outcomes of those complaint investigations
- + Use of force reporting compliance
- + Citizen data on arrests, injuries, and criminal charges

The report describes observed trends; the outcome of any policy reviews conducted; changes in use-of-force policies or practices, including how the LPD reviews use-of-force incidents; and any related training officers received. The documentation of uses of force and the subsequent review and analysis of force data are widely accepted best practices. This includes the review and analysis of all uses of force, including the pointing of a firearm and CEW when done as a threat of force. We commend the LPD for engaging in a meaningful review of its data regarding the use of force.

### Transparency

Consistent with best practices, the LPD's policies on the use of force are publicly available on the Department's website, and the Department inserts excerpts from the annual use-of-force analysis into the annual report that is also publicly available on the website.<sup>24</sup> The LPD should supplement its annual report on the use of force by completing reports quarterly and making them publicly available. The "Final Report of the President's Task Force on 21st Century Policing" states that memorializing in use-of-force policies the type of information that will be publicly released, when and under what circumstances is a best practice. Given the Loveland community's concerns regarding transparency in use-of-force matters, the LPD should include in its policy criteria governing public comment and the release of use-of-force-related materials. The "Final Report of the President's Task Force on 21st Century Policing" notes that "when serious incidents occur, including those involving alleged police misconduct, agencies should communicate with citizens and the media swiftly, openly, and neutrally, respecting areas where the laws require confidentiality."<sup>25</sup>

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<sup>24</sup> Final Report of the President's Task Force on 21<sup>st</sup> Century Policing  
<sup>25</sup> Ibid.



## Performance Review Process

LPD Policy 3.16 Performance Evaluations outlines the Department's implementation of the City's performance evaluation system. The policy states that "performance management is ongoing evaluation, coaching, and mentoring to help employees understand the nature and quality of their performance." The LPD's performance evaluation forms link the City's goals with officer performance. Although an employee's supervisor completes the performance review, the process allows other supervisors who may supervise the officer's performance while engaged in collateral assignments to provide input to an employee's review. The performance evaluation process requires the LPD employee and supervisor to identify goals for the next year with a focus on career development. This focus on identifying employee goals is consistent with promising practices.<sup>26</sup>

As the Department reviews its policing strategy, it should continue to train supervisors and officers on developing goals that relate to officers' job duties and the City's core values. The LPD should ensure all supervisors establish open communications with their direct reports during the performance review process and throughout the year to help their direct reports accomplish their goals.

## Early Intervention

LPD Policy 3.17 Early Intervention System describes the Department's system to assist supervisors in identifying employees who may need intervention. An early intervention system (EIS) is a management process that law enforcement agencies use to monitor employee performance or behavior via administrative data. An EIS is meant to be a non-disciplinary system that identifies employees in need of assistance early so the law enforcement agency can intervene with the appropriate support to prevent a future incident that would harm employees, their careers or the public. An EIS can be a valuable supervisory management tool to increase agency accountability and help employees meet the agency's values and mission statement.<sup>27</sup>

The LPD inputs and maintains EIS data in the Blue Team system, and the PSU sergeant is responsible for maintaining the EIS. According to LPD policy, EIS criteria "are comprised of those events or behaviors that have the potential to produce negative results, arouse community attention, result in injury or death, or generate potential liability." The LPD policy identifies criteria for entry into the Blue Team system, including mentions of officers in special reports, complaint investigations, uses of force and pursuits; however, the policy notes that criteria are not limited to these categories.

The EIS alerts when an employee reaches four criteria incidents in three months or other defined specific criteria thresholds. The PSU sergeant then notifies the employee's supervisor to initiate a review and conference. The employee's supervisor has several options to assist the employee in resolving issues, including counseling, remedial training, referral to a staff psychologist and the

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<sup>26</sup> Branley, Shannon, Andrea Luna, Sarah Mostyn, Sunny Schnitzer, and Mary Ann Wycoff. 2015. *Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook*, Washington, DC: Office of Community Oriented Policing Services.

<sup>27</sup> Law Enforcement Best Practices Manual



initiation of a Performance Improvement Plan. The policy appropriately notes that the EIS is not disciplinary and that no one should make negative inferences about an officer's behavior as a result of an EIS report or notification.

However, the LPD's EIS has not functioned effectively for the past year. One issue is that as the Department required more types of incidents to be reported through Blue Team, such as a show of force, the number of alerts generated by the system increased significantly, making the system less effective in identifying employees who may need intervention. This occurred because of a change in how the EIS counts certain incidents. In addition, supervisors and officers have different interpretations as to how and when to complete Blue Team reports, which caused inconsistency in reporting, often unnecessarily increasing the number of reports put into the EIS. The Department has recognized the issue and begun efforts to improve its EIS.

As the LPD works to correct its EIS, the Department should make several additional changes to enhance the program's efficiency. Many EIS programs collect more data than the LPD policy requires. Data collection systems should provide an EIS with a variety of types of data. The dataset should include positive and negative performance indicators, such as awards and commendations, performance evaluations, community and internal complaints, disciplinary actions, uses of force, sick days, failure to appear in court, firearm discharges and failures to qualify, attendance, and preventable traffic collisions.<sup>28</sup> The LPD should consider convening a cross section of the Department to review the EIS criteria and evaluate whether the existing support, intervention or training options continue to be effective and appropriate.

## Peer Support Program

Police departments throughout the country have widely adopted peer support programs and provide opportunities for officers to share their experiences with other officers. Peer support programs can help allay officers' fears about seeking help by creating a safe space to share concerns and issues.

LPD Policy 3.11 provides guidance about the Department's psychological and peer support services that are available for sworn and civilian Department members and their families who experience personal and work-related stress. The program provides support during and following critical or traumatic incidents resulting from the performance of duty. The Peer Support Team is comprised of sworn and civilian LPD volunteers who are supervised by an on-staff, on-site licensed mental health professional.

Operational guidelines provided within LPD Policy 3.11 address clinical supervision, confidentiality, regularly scheduled meetings and referrals to professional counseling services, among other things. Promulgating a policy and establishing operational guidelines and supervision by a licensed mental health professional are actions consistent with IACP Peer Support Guidelines.<sup>29</sup>

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<sup>28</sup> Law Enforcement Best Practices Guide

<sup>29</sup> <https://www.theiacp.org/sites/default/files/2018-09/Psych-PeerSupportGuidelines.pdf>



The Peer Support Team Utilization and Outcome Survey assessed the LPD's peer support program and the Fort Collins Police Department's similar program.<sup>30</sup> *Police Chief Magazine* highlighted information about the results of the program.<sup>31</sup> The survey found:

- + Peer support was helpful for the majority of professional staff that used it.
- + Sixty percent of survey respondents who had not participated in peer support interactions said they would seek peer support in the appropriate circumstances.
- + Employees are confident that peer support interactions are confidential.
- + The peer support teams have communicated the availability of peer support and offering peer support well, when appropriate.

Although our interviews did not focus on the peer support program, many interviewees mentioned the program when asked about the LPD's positive aspects. The LPD should continue its efforts to support the peer support program and continue to examine the program to ensure its continued effectiveness.

## Internal Communications and Leadership

Frequent, open and honest communications from police department leadership to members is essential to create an environment wherein members clearly understand and support organizational values and strategies. One of the most common concerns raised by interviewees who we asked about areas that needed to improve at the LPD was the lack of effective internal communications.

LPD members indicated that they want to hear clear messages about the Department's priorities and expectations and ensure everyone receives the same message. Members indicated that they regularly heard from the chief and command staff in the past, but direct connection from command staff to the field has not occurred often during the last few years, if at all. Interviewees complained that command staff members are not proactive in communicating with them and are unavailable to meet with officers regularly. Many interviewees noted that the chief and command staff are not visible in the office and believe the chief and some command staff members spend too much time out of the office. They noted the chief and some command staff members deliver training elsewhere rather than engaging the rank and file and ensuring they provide them with clear, timely and appropriate messaging.

This is not to say that the chief and LPD leadership always need to be the ones delivering the Department's messaging. Some responsibilities fall on the LPD lieutenants and first-line supervisors. Command staff conducts regular staff meetings that include division heads and managers and has regular operational meetings with lieutenants. However, some Department members indicated that despite those meetings, they do not receive clear messages on priorities and expectations. They

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30 Jack A. Digliani, "Appendix A: Peer Support Team Utilization and Outcome Survey," Peer Support Team Utilization and Outcome Survey Report (2017), 34–35

31 <https://www.policechiefmagazine.org/rib-le-peer-support-does-it-work/>



indicated that the messages sometimes never reach the field or change as the message passes down through the ranks.

Department members would like more information about strategies and to understand the rationale behind important policy decisions. They would like to provide input and want to feel that the command staff listens to them regarding some important policy decisions. Creating a mechanism for soliciting regular input from Department members would help create support and understanding of the LPD’s philosophy and strategy. The LPD has solicited input from Department members in the past, including when it developed the Department’s strategic plan. Although it was a good practice to involve line staff members in the development of a strategic plan, officers still feel like leadership does not listen to their concerns. By creating more opportunities for line staff to provide input to the chief and command staff, the LPD can create a healthy and productive environment wherein employees feel like they can share their concerns, respectful dissent is valued, and critical thinking is encouraged.

The chief and command staff should take advantage of opportunities to engage the rank and file directly. The chief recently sent video messages to Department members in an attempt to provide his perspectives and ensure Department members receive the same message. Although this effort had good intent, many officers did not react positively to this message and thought a video should not replace in-person interaction, especially for a department of the LPD’s size. Creating a regular series of video briefings is an acceptable practice, but the chief and command staff should increase their efforts to engage personnel in person when possible, such as at roll calls and briefings. This provides an opportunity to discuss and explain policy decisions and a mechanism for the chief and command staff to engage in informal conversations about concerns raised by the rank and file.

The LPD recently hired a consultant and assigned a full-time public information officer to assist the department to enhance its communication efforts. To ensure the Department has a comprehensive approach, it would be appropriate for the LPD to develop an internal communications strategic plan that creates goals, objectives and strategies to ensure that Department members feel as though they are working in an environment wherein decisions are equitable and transparent when possible.

## Recommendations

Rec #	Recommendation
2.1	Continue to offer opportunities for leadership training to Department members.
2.2	Develop a standalone policy to emphasize the importance of de-escalation or devote a section to de-escalation within the use-of-force policy.
2.3	Amend Policy 11.04 to memorialize the LPD’s commitment to the sanctity of all human life.
2.4	Amend Policy 11.04 to require officers who observe excessive force to notify their supervisor and document their observations as soon as possible.



<b>2.5</b>	Amend Policy 11.04 to identify with specificity those use-of-force incidents that require a prompt on-scene response by a supervisor.
<b>2.6</b>	Ensure LPD policy reflects that off-duty officers acting in their official capacity must complete Blue Team reports when they engage in a reportable use of force.
<b>2.7</b>	Share the results of the annual analysis of uses of force to inform the community of trends, sufficiency of training, use-of-force complaint data and the existence of any evidence of bias or discriminatory practices.
<b>2.8</b>	Continue efforts to restore the EIS' functionality. Once functionality is restored, consider convening a cross section of the Department to review the EIS criteria and evaluate whether the support, intervention or training options continue to be effective and appropriate.
<b>2.9</b>	Supplement the annual use-of-force report with quarterly reports and make them publicly available.
<b>2.10</b>	Continue efforts to support the peer support program and examine the program to ensure its continued effectiveness.
<b>2.11</b>	Develop an internal communications strategic plan that creates goals, objectives, and strategies to ensure Department members feel like they work in an environment wherein decisions (e.g., policy changes, special assignments, discipline) are equitable and transparent when possible.
<b>2.12</b>	Establish within written policy criteria governing the release of information to the media and the community following a critical incident or matters of high public concern, including those involving the use of force. The policy should address, but not be limited to, the types of incidents classified as critical, the timing of release, people authorized to release information, types of information that will be released, when the information will be released, the manner of release and to whom.
<b>2.13</b>	Collaborate with supervisory staff and the LPD legal adviser to discuss the feasibility of implementing a tiered incident review structure for first-level review supervisors.
<b>2.14</b>	Collaborate with the PSU and City Attorney's Office to identify and memorialize in written policy criteria governing referral of Blue Team reports to PSU and the City Attorney's Office.
<b>2.15</b>	Ensure the LPD, City Attorney's Office and the Department of Human Resources jointly develop a policy that governs the external review of Blue Team reports by the Department of Human Resources, then reference this policy within LPD policy and make it publicly available on the Department's website.



## 03 Processes and Protocols for Complaints against LPD Personnel

### Internal Affairs Unit Protocols and Procedures

The LPD Professional Standards Unit (PSU) is under the direction of the deputy chief and includes the accreditation manager and the PSU sergeant. Consistent with best practice, the PSU sergeant is directly responsible to the Chief for managing and investigating all complaints and the complaint process. Complaints involving low-level violations (e.g., rudeness, tardiness, insubordination) are typically classified as supervisory complaint investigations and investigated by a supervisor in the employee's chain of command. More serious complaints (e.g., intentional misrepresentation, corruption, misuse of force, breach of civil rights, criminal matters) are defined as internal affairs investigations and are investigated by the PSU sergeant.

It is critical to select the individual best suited to manage internal affairs investigations. The selected individual must have the respect of the Department's rank and file, possess substantive patrol and supervisory experience, and have advanced investigative skills like that of a criminal investigator or detective.<sup>32</sup> Although exceptions exist, sergeants with limited investigative experience may not be perceived as possessing the necessary skills or the respect needed for officers to view them as being capable of managing the Department's complaint process. Selecting personnel senior to a first-line supervisor helps build confidence in a police department's accountability system. To this end, the LPD should consider supplementing the management of the complaint process and re-establish management under a lieutenant. The lieutenant would be supported by the PSU sergeant and report directly to the chief. Adding a lieutenant would support the PSU's role in the review of Blue Team reports. By adding this level of command, the LPD could demonstrate the importance of the complaint investigation process and send a clear message to Department members and the community about the chief's commitment to oversight and accountability.

LPD Policy 5.05 Complaint Investigations and Policy 5.12 Compliments and Complaints govern the acceptance, investigation, report and resolution of complaints of employee misconduct. Policy 5.12 provides direction on the process for accepting complaints and affirms that all complaints will be fairly and impartially investigated. It states that the Department will accept complaints from any individual, including anonymously, in any form and manner; and that Department members who fail to accept, interfere with or divulge complaint information are subject to discipline. In "Building Trust Between Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement," the Department of Justice states, "It is incumbent on the police department to make its citizens aware that a complaint process exists, how to file a complaint, and how the agency processes and investigates complaints."

The LPD complaint process is readily available, accessible in multiple ways and provides direction on how to file a complaint, the complaint engagement process and how a notice of resolution will be provided. The Department's brochure "Compliments and Complaints" is in a FAQ format and explains

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<sup>32</sup> Department of Justice, Building Trust between Police and the Citizens They Serve.  
<https://cops.usdoj.gov/RIC/Publications/cops-w0724-pub.pdf>



who can file a complaint and how, when and what happens after they file a complaint. Prominently displayed on the Department's website homepage is an icon labeled "submit a complaint." This link goes to the Professional Standards webpage, which acknowledges that the public may take exception with the Department and/or a member's actions, explains how to file a complaint and provides links to the Compliments and Complaints brochure and to the page used to submit a complaint online and receive a digital copy of the complaints or compliment form.

The LPD's methods for informing Department members and the public of the Department's philosophy for internal affairs investigations and the process for filing a complaint are transparent and align with best practice.<sup>33</sup> However, our assessment of the entirety of the LPD complaint process identified opportunities to enhance existing processes, as described below.

### **Complaint Processing, Engagement and Investigation**

In accordance with best practices, LPD Policy 5.05 and 5.12, as well as the brochure, make clear that the Department will notify complainants when it assigns their complaint for investigation, provide the complainant updates every 30 days until the case is completed, and provide the complainant with the investigative outcome at the conclusion of the investigation. Best practice dictates that police departments should promptly notify subject officers in writing when an investigation concludes.<sup>34</sup> However, beyond written notice to the officer that a complaint has been made, the Department's policy does not require that the officer be updated during the investigation or to be notified at the investigation's conclusion or disposition. The LPD should memorialize within policy the duty to inform the involved officer of the conclusion and disposition of complaint investigations in which they are the accused.

LPD Policy 5.05 and 5.12 distinguish between a citizen complaint (i.e., an allegation of alleged misconduct) and a citizen concern (i.e., an issue regarding an action or inaction capable of being resolved by an explanation of policy, procedure and the specific circumstances giving rise to the matter of concerns).<sup>35</sup> Classifying certain inquiries as concerns prevents frivolous, minor, non-consequential public opinions, gripes or observations from draining Internal Affairs resources away from serious complaints. However, to enhance oversight and accountability, the LPD should require that Department members bring all concerns to the attention of a supervisor to resolve. The Department should also require the creation of a record of all concerns, including the manner in which it was resolved.

LPD Policy 5.05 and 5.12 make clear that all complaints, including anonymous complaints, will be accepted, forwarded to PSU, logged and forwarded to the chief, who has sole discretion to determine if the complaint will be investigated, at what level (i.e., supervisor level or PSU) and by whom. The

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<sup>33</sup> Department of Justice, Building Trust between Police and the Citizens They Serve.

<https://cops.usdoj.gov/RIC/Publications/cops-w0724-pub.pdf>

<sup>34</sup> Department of Justice, Law Enforcement Best Practices, Lessons Learned from the Field

<https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>35</sup> LPD Policy 5.05



chief has the discretion to refer a complaint to an outside agency for investigation. LPD Policy 5.05 provides guidance in reaching determination of whether a complaint will be investigated at the supervisory level or by PSU. However, the LPD does not have guidance or transparency about which complaints are appropriate for assignment to an external body or how complaints involving the chief or command staff will be handled. The LPD should amend Policy 5.05 to clarify which complaints an external body should investigate and who is responsible for investigating complaints involving superior officers. Providing clarity to the handling of all complaint categories will enhance the community's and Department members' confidence and trust in the Department's complaint system.

LPD Policy 5.05 identifies the basic investigative steps of an investigation; however, it does not provide sufficient direction to ensure that the complaint investigation process is comprehensive and conducted with integrity. As reported in the IACP's "Protecting Civil Rights," published in 2006, "the civilian complaint process succeeds to the extent that it is – and is perceived as being – comprehensive, accessible, fair and transparent."

Interviewees who we asked about areas that needed improvement frequently noted their perception that command staff was not held accountable to the same standards as other Department members. The LPD should memorialize within policy its commitment to ensuring complaint investigations are investigated thoroughly, objectively, without bias, absent any actual or apparent conflict of interest, and without prejudice, regardless of rank.

## Discipline

LPD Policy 3.09 and City Administrative Regulation AR-12, Conduct, Performance and Discipline (AR-12) govern discipline within the LPD. LPD Policy 3.09 cites the Department's discipline philosophy, defines each level of discipline that can be imposed and identifies who has authority to issue specific levels of discipline. This policy identifies that coaching, training and additional counseling may serve as a function of discipline.

Transparency and consistency in the discipline process was a concern raised consistently during officer interviews and is an area on which the Department can improve. Members expressed concern that the LPD does not always evenly distribute discipline among the ranks and it over relies on coaching, training or mentoring for behaviors that warranted discipline in certain instances. We acknowledge that each situation warranting some level of corrective action is unique and that a police chief must have sufficient discretion. However, policing agencies must have a process to ensure discipline is fair and consistent. The LPD should consider adopting a discipline matrix to distinguish penalty options and ranges more clearly. Discipline matrices have been implemented by police departments to promote fairness and consistency in the issuance of discipline.<sup>36</sup> Policy violations fall within a penalty range on the matrix and may be adjusted based on aggravating or mitigating circumstances, past discipline of the officer, precedent, consistency and non-disciplinary options.<sup>37</sup>

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<sup>36</sup> Department of Justice, Law Enforcement Best Practices, Lessons Learned from the Field

<sup>37</sup> Department of Justice, Standards and Guidelines for Internal Affairs



Moreover, the LPD should memorialize within policy that deviations from the discipline matrix must be justified and documented.

### Transparency

The LPD includes certain complaint data within its annual report that it releases publicly on the Department’s website. The Department lists the aggregate number of complaints received and investigated over a four-year period by type of investigative body (i.e., complaint investigation handled by a supervisor or by the PSU). The Department provides data on whether a person external to the department, such as a civilian complainant, or a fellow officer or supervisor filed the complaint and the complaint investigation disposition (i.e., sustained, not sustained, unfounded or exonerated). Finally, the LPD provides data on bias-based policing complaints, which involve allegations that an officer made decisions based on a person’s race, sex, age or other identifiable basis. Although making this complaint data public is consistent with best practice, the Department should substantively enhance its transparency by sharing additional information regarding complaints with the public.

Confidentiality laws prohibit the disclosure of certain specific information relative to complaint data or the involved parties; however, whenever possible, law enforcement agencies should be as open and transparent as possible.<sup>38</sup> A growing trend among law enforcement agencies is the development of dashboards wherein complaint data is searchable by the nature and type of complaint, date, police district, demographics of the employee and complainant, complaint disposition, and age of the investigation upon closure.<sup>39</sup> To enhance the transparency of the Department’s complaint data, the LPD should provide information such as, but not limited to, specificity into the nature of the complaint; date of incident; officer details such as rank, assignment, location of incident by district; open or closed status; complaint outcome; and discipline data.

### Recommendations

Rec #	Recommendation
3.1	Establish within policy the obligation to provide periodic updates to a subject officer during an investigation and at its conclusion, including the findings.
3.2	Establish within policy the obligation to document all citizen concerns, including the resolution.

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<sup>38</sup> Department of Justice, Law Enforcement Best Practices, Lessons Learned from the Field

<sup>39</sup> See <https://nopdnews.com/transparency/dashboards/> and <https://app.powerbigov.us/view?r=eyJrjoiZGFjYzZmYjktNTIxMC00YT11LTkxZWQ0ODg5YjM2NmZyNmI3liwidCI6ImRhMDFjYTNmLTZhMjctNGNmYS1hYmY4LTFjYjYwMzY1YmEyYSJ9&pageName=ReportSection>



<b>3.3</b>	Establish within policy criteria to identify the type of complaints that may be referred to an outside agency for investigation and the process for handling complaints involving the chief and other command staff.
<b>3.4</b>	Establish within policy the following principles: <ul style="list-style-type: none"><li>+ Complaint investigations will be void of actual or perceived conflicts of interest.</li><li>+ Complaint investigations will be conducted without prejudice or bias to the complainant or officer.</li><li>+ Complaint investigations will be subject to a thorough investigation, including the duty to review all pertinent documents, records and audio-video material and to seek independent corroborating evidence to support the statements of all parties.</li></ul>
<b>3.5</b>	Adopt a discipline matrix to guide disciplinary decisions and require that any deviation be justified and documented.
<b>3.6</b>	Enhance complaint data transparency and provide information to the public on, but not limited to, the nature of the complaint and allegation, permissible information about the accused and the complainant, incident location by district, investigation status, investigation disposition, the length of time it took to complete an investigation, and discipline outcomes.
<b>3.7</b>	Re-establish the position of PSU lieutenant to lead the management of the internal complaint investigations and other matters handled by the PSU.



## 04 Community Engagement

### The LPD's Stated Policing Philosophy

Building and maintaining community trust is the cornerstone of successful policing in law enforcement.<sup>40</sup> Although there is no one-size-fits-all approach to building community trust, police agencies that have integrated a community-oriented policing philosophy have had success building and maintaining public trust.

The LPD codified its Philosophy of Policing in its Policy and Procedural manual, which states:

“Policing is an interactive, results-oriented partnership between the police and the community. This partnership identifies problems affecting the quality of life in the community, develops strategies to address those problems, and takes the responsibility to implement solutions using all available resources.”

The LPD's stated policing philosophy is consistent with the tenets of community policing, which has been defined as “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime.”<sup>41</sup> Through this definition, three key ingredients of community policing emerge:

- + Community partnerships
- + Engagement of the community in problem solving strategies
- + A policing infrastructure that embraces partnering with the community to address crime and safety issues

Community policing strategies have been successful in reducing crime, improving public satisfaction with their police department and positively impacting a person's sense of safety.<sup>42</sup> Although the LPD appropriately states a community policing philosophy and identifies key components of community policing, we find that the LPD is not effectively engaged in problem-solving efforts with the community, nor does it have an overall written community policing and engagement strategic plan to guide its community policing efforts. Additionally, the manual states that the Department's philosophy is community based, but our interviews indicate that most of the Department's overriding policing philosophy revolves around data-driven policing (i.e., the DDACTS), rather than a philosophy based on community engagement and community policing. The following sections address specific ways in which the LPD can renew its emphasis on community policing.

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40 IACP: Building trust between the Police and the Communities they serve

41 Department of Justice: Community Policing Defined

42 Reisig, Community and Problem Oriented Policing



## Community and Problem-Oriented Policing Plans and Policies

LPD Policy 9.01, Community/Problem Solving-Oriented Policing provides guidelines for the Department's crime prevention efforts and assigns the development, implementation and maintenance of community crime prevention and awareness programs to the Community Resources Unit (CRU). The CRU is comprised of a crime prevention officer (CPO) under the direction of a CRU sergeant, who is led by the deputy chief. Although crime prevention and the programs identified in the policy are important elements of policing, the policy focuses on awareness programs and other activities, but it does not provide guidance to Department members about working with the community to engage in problem solving efforts. The policy requires the CRU to develop and coordinate a community relations plan that:

- + Establishes liaison with formal community organizations and other community groups
- + Assists in the development of community relations policies for the Department
- + Publicizes the Department's objectives, problems and successes
- + Conveys information from citizens and citizen organizations to the CPO
- + Improves agency practices for police-community relations
- + Establishes community groups as needed and where community members have the will and means to participate

The requirement of a planning effort is a good practice, but this policy focuses on community awareness rather than emphasizing the importance of community partnerships and successful problem-solving activities. The LPD did not provide us with a written community relations plan. The development of a written strategic plan to support and guide community policing principles has long been recognized as a critical aspect to successful community policing strategies.<sup>43</sup>

The LPD policy appropriately acknowledges that improving community relations is a shared responsibility among all Department personnel. It is no longer appropriate for police agencies to relegate community policing responsibilities solely to a specialized unit. Every employee can and should embrace and carry out their responsibilities in accordance with the philosophy of community policing.<sup>44</sup> The policy says that LPD members are responsible for promoting and supporting Department crime prevention programs, bringing community concerns or issues to the attention of the CPO, and developing community contacts to promote positive and supportive relations. However, as we heard repeatedly during officer interviews, most officers reported that they have not received formal guidance on working with the community. They feel as though the Department is understaffed and that they are pressured to generate numbers pursuant to DDACTS and therefore do not have the time to work on community policing activities. Interviewees commonly stated that the LPD has a community relations officer for those purposes. They report that the LPD does not recognize or reward community policing activities like it does for enforcement activities.

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<sup>43</sup> Connors and Webster, "Transforming the Law Enforcement Organization to Community Policing"  
<sup>44</sup> Department of Justice: Law Enforcement Best Practices



## Training

The LPD conducts training regarding community policing to meet the minimal training hours required by the State of Colorado. All new officers receive online training on community policing, bias and other topics as part of their pre-service onboarding training. Incumbent officers receive two hours of community policing and anti-bias training through an online training provider every five years. Although this base level of training is important, the Department should incorporate new training requirements within its community engagement plan to ensure all members understand their community policing and community engagement roles and have the skill sets to develop relationships with community members and engage in problem-solving activities.

## Community Programs and Partnerships

The LPD operates several programs through its CRU that can have a positive impact on the community. The LPD provides crime prevention strategies and offers education programs to prevent, detect and support the Department's investigative efforts to fight crime within the Loveland community. The LPD's website provides awareness, prevention tips and resources on a host of crime-related matters, including but not limited to information about Crime Stoppers, burglary tips, scams, safety for seniors and active shooter situations.

For example, the LPD offers Sexual Harassment and Rape Prevention (SHARP) training several times throughout the year. SHARP training is an eight-hour block of instruction that teaches women basic defensive tactics to help them manage and cope with issues and situations associated with sexual harassment and assault. Providing crime-fighting strategies that enlist the community in crime prevention and the identification of community issues is an effective community-oriented policing strategy that can increase public safety, reduce fear of crime and positively impact the community's perception of the LPD.

However, the LPD's efforts do not routinely engage the community in conversations to identify crime and safety issues or work together to develop solutions. Collaborations and community partnerships that engage residents in "free-flowing, bidirectional communications" are best practices.<sup>45</sup> Not engaging in such ongoing efforts with the community represents a lost opportunity as the LPD could leverage the resources of external community groups, nonprofits and social service agencies in the effort to reduce crime and provide enhanced services, among other goals. An example highlighting how the LPD has succeeded in such an effort is its work with SummitStone Health Partners when responding to calls for service involving those suffering from mental health crises. Engaging in more community partnerships such as this should be a goal.

The LPD's CRU officer submits quarterly and annual reports on community involvement activities to the CRU supervisor. These reports discuss:

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<sup>45</sup> Department of Justice: Law Enforcement Best Practices



- + Community concerns
- + Potential problems that have a bearing on law enforcement activities
- + Recommended actions that address previously identified concerns and problems
- + Progress made toward addressing previously identified concerns and problems
- + Community education activities

This reporting is helpful to measure the extent of the CRU's community engagement but does not include whether the recommended actions to address community concerns and problems were developed in partnership with the community.

The LPD encourages its members to participate in community events and hosts numerous opportunities to support Loveland community members in need, to develop positive relations with the young people of Loveland, to nurture career paths in law enforcement and to familiarize residents with LPD's policing practices. We describe some of these programs below.

- + **Citizen Police Academy:** This program, geared toward adults, is an interactive engagement among Department members and the community to enhance their understanding of the LPD's processes and procedures. The goals of this effort are to reduce crime and fear of crime, improve traffic safety and educate the community.
- + **Fishing Derby:** The LPD, in conjunction with several Loveland community organizations, participates in the annual Fishing Derby for youth in the community.
- + **Senior Volunteer Program:** This program provides opportunities for Loveland residents who are at least 50 years old to assist the LPD with various duties, including administrative tasks, public relations tasks and some crime-prevention activities.
- + **Youth Cadet Program:** This law enforcement career orientation program is co-sponsored by the LPD and Law Enforcement Explorer Post Advisors Association of Colorado in which teens and young adults become familiar with and safely participate in law enforcement activities.
- + **Santa Cops:** The LPD and surrounding police agencies provide gifts to underprivileged children in Larimer County. The program's mission is to promote a positive law enforcement image with children by showing them that officers are caring people who are willing to provide positive support.
- + **Loveland Community Night Out:** The LPD organizes this program that provides an opportunity for the community to meet LPD officers, firefighters, EMS personnel, City Council members, City staff and volunteers.
- + **Bike Patrols:** During summer when school is not in session, the LPD assigns SROs to bike patrols downtown so they are visible and officers can make positive contacts with the community.



- + **Satellite Office:** The LPD has a satellite office at the Foundry, a mixed-use development in downtown Loveland, to increase officer involvement in the downtown area. However, due to COVID-19 restrictions, the Department has used this space minimally since it opened.

Collaborating with the community to identify, prioritize and resolve issues of crime and quality of life matters is an important component of an effective community policing program. The LPD's crime prevention initiatives are notable and can have a positive impact on Loveland residents. The programs and partnerships with which the LPD is involved are well received by the community and provide the Department with some level of community engagement and awareness.

However, during our assessment, we did not find evidence that the community routinely has a collaborative role in the development and identification of the LPD's crime fighting priorities or strategies or that these programs are helping build trust between the community members and the LPD. Community policing requires police department members to work with community members to identify problems and engage in efforts to address those problems. Further, community policing should be ingrained in a police department's philosophy, and every department member should play a role, including those working as criminal investigators, who could leverage community resources to address issues such as domestic violence, child abuse and financial fraud.

### Concerns Involving People Experiencing Homelessness

A persistent concern in Loveland is the population of people experiencing homelessness. Interviewees expressed concerns about issues related to unhoused individuals in the parks and in business areas. Many expressed special concern about encampments, where needles and other drug paraphernalia are sometimes found. Homelessness is not a quality-of-life issue to be remedied solely by a police response. Rather, it should be addressed through a multidisciplinary team response in which law enforcement is a critical participant. The Municipal Court that serves Loveland developed an alternative sentencing option for persons experiencing homelessness. The Jumpstart program begins with an offender pleading guilty to an ordinance or traffic violation and then being assigned by the Municipal Court judge to participate in Jumpstart, wherein the individual works with a case manager to identify their needs and receive services. LPD officers are aware of this program and issue citations to offenders who are experiencing homelessness to get them connected with appropriate services. Although alternative options for sentencing, such as Jumpstart, are commendable, the ability of an individual to obtain services should not require an enforcement citation. We encourage the LPD to, where appropriate, engage collaboratively with local community service providers in their response to issues related to unhoused individuals in lieu of an enforcement response. We note that the city's encampment team, prioritizes health and safety concerns and works with the LPD and the Community Partnership Office prior to noticing encampments for cleanup/removal.

The City recently funded the Homeward Alliance to provide services in Loveland. The Alliance provides a coordinating body for the city to coordinate services to the unhoused population. The Alliance will serve as a facilitator for services offered through other providers and will include



seasonal sheltering, employment assistance and other programs. Although this program is in its infancy, it should reduce some of the LPD's calls for service related to homelessness and reduce the need to issue citations to get people experiencing homelessness into Jumpstart. The Alliance's program provides the LPD with another helpful tool when it receives calls related to homelessness.

### **Community Policing Plan**

The Department would be well served by developing a written community policing plan that ties together its current programs and focuses on increasing community engagement and problem solving. The plan should include goals, objectives and performance measurements to ensure the Department regularly evaluates its programs and services to evaluate whether they are achieving their purposes. LPD Policy 9.01 directs the CRU to administer an annual evaluation of the Department's crime prevention programs for up-to-date content, impact, popularity, quality, quantity and validity, and to make appropriate recommendations. The LPD's 2020 Combined Citizen Satisfaction and Public Safety survey indicated that more than 85 percent of respondents awarding ratings of very important or important to the Department's programs on gang prevention, sexual harassment and rape prevention, and crime prevention programs, while fewer than 60 percent of the respondents rated the Citizen Police Academy, Santa Cops and Police Fish Derby as very important or important. Although these programs appear to be popular with the public, the LPD should review each program and ensure they are linked to goals and objectives in the strategic plan, rather than continuing them just because they are popular.

### **Public Opinion**

It is clear from our interviews that while some issues exist and some community members have had what they define as bad experiences with LPD officers, many good LPD officers are on the street and are approachable. In fact, Department community surveys show that a high number of community members support the LPD. We heard from community members phrases such as "officers project confidence and exemplary service." Even those critical of the Department as an organization said many positive things and expressed that they were impressed by individual officers. This is positive, and the LPD should continue to reinforce its efforts to continue the trust with this part of the community, but the LPD needs to recognize that there is still a significant number of community members who have concerns.

### **Community Outreach**

Community members indicated that although they are aware of some of the LPD's community outreach efforts, the Department needs to increase its outreach, especially to youth and members of the BIPOC community. Community members want the LPD to communicate more about what they are doing and why they are doing it and talk to community members about what community members identify as key issues and potential solutions. Our interviews with LPD staff revealed that they would like to be more involved with community members and community organizations, but do not have time to engage in these activities or problem solving because of the Department's emphasis on its data-driven strategies and the need to produce daily numbers of enforcement actions.



Because of the way that the LPD focuses on data-driven strategies and its low staffing numbers, the LPD misses opportunities to work with other government agencies to address issues and to develop relationships in the community, especially with youth. For example, people experiencing homelessness often spend time in the parks, creating public safety concerns for other park attendees. The LPD should consider increasing their collaboration with the Loveland Park and Recreation Department to enhance opportunities for engagement with persons patronizing the parks in a non-enforcement manner and to ensure public safety needs in the parks are addressed. More importantly, LPD members should more regularly visit the parks and interact with residents during events and in areas such as the skate park, where many young people congregate and some reportedly engage in bullying, drinking, smoking and other inappropriate behaviors. This would provide Department members an opportunity for one-on-one engagement with community members and for the youth to develop trust in the LPD. Some officers informed us that they used to have time to go to parks and meet people at soccer games, but recently have not had the time to engage in these activities.

## Communication and Transparency

Key elements of building and maintaining community trust are communication and transparency. However, a significant number of those we interviewed during our assessment, including sworn and civilian personnel, noted an “unwillingness” by the LPD to engage in meaningful dialogue or proactively provide meaningful information following critical incidents.

Law enforcement agencies should consider the community impact following major events, changes in crime patterns or the introduction of new policing strategies. These agencies should create opportunities to engage the community proactively in dialogue to gain input, co-develop strategies and address community concerns.<sup>46</sup> Interviewees frequently mentioned a desire to be directly engaged following critical incidents, such as matters involving the use of force, and to discuss policing strategies impacting quality-of-life issues. Proactive and direct communication was one of the most often mentioned areas to improve trust in the police department and its leadership.

Although confidentiality laws and the necessity to ensure investigative integrity is not compromised may prohibit certain information from being discussed or publicly released, the LPD should adopt a philosophy to disclose proactively as much information as possible on matters of public concern. The LPD’s communications should include social media, television, audio, print and grassroots-level interactions with community organizations. Working in concert with the newly hired consultant and the public information officer, the LPD should develop a communications policy or plan that clearly articulates the nature of information that it will share, how it will share the information, who will share that information, the substance of the information shared, when the information will be shared and how often.

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<sup>46</sup> Department of Justice, Law Enforcement Best Practices: Lessons Learned from the Field



## Recommendations

Rec #	Recommendation
4.1	Develop a formal, community policing and community engagement plan with goals, objectives and measurable outcomes to assist the Department in establishing formal collaborative relationships with community members and community stakeholder groups. This would enhance the Department's ability to incorporate the concepts of community-oriented policing in all its operations and should be a part of its overall strategic plan.
4.2	Use the information gleaned from surveys to engage the community in a problem-solving discussion to build strategies to address areas noted for improvement and to underscore the value and importance of community feedback and shared responsibility to improve public safety.
4.3	Provide Department members with basic, advanced and refresher training related to community policing, community engagement and problem-solving.
4.4	Create mechanisms to reward and measure the performance of officers and command staff for their work in the community.
4.5	Continue to engage in and expand community engagement activities such as the Citizen Police Academy and Loveland Community Night Out. Make more intentional efforts to engage residents during those community events. Evaluate each of these activities and efforts to ensure they are furthering the goals of the written community policing and community engagement plan.
4.6	Develop a comprehensive public information and communication strategy that ties the Department's communication efforts with its broader goals and objectives and identifies the target audiences. This strategy should ensure members engage in purposeful efforts to keep the public fully informed of its strategies and tactics to improve community members' understanding of the Department and seek their input.



## 05 Citizen Advice and Oversight

### Establishment and Goals of the PCAB

The City of Loveland established the Police Citizen Advisory Board (PCAB) in the Municipal Code in 1996. The duties, as established 25 years ago, remain unchanged. The code states:

“A. There is established a police citizen advisory board consisting of nine members appointed by the city council. The term of office of each member shall be three years.

“B. The purpose of the police citizen advisory board shall be to support communication and education between the community and the Loveland police department. Additionally, the board shall serve as an advisory body to the Loveland police department and the city council concerning police policy, planning, and program issues.”<sup>47</sup>

PCAB members are civic-minded individuals committed to improving the LPD, and they take their responsibility seriously. Although no further guidance into the role of PCAB members exists beyond that stated above, many PCAB members reported that their role was to represent the community interests in police matters that would be presented to the City Council for official action. The work that PCAB is intended to perform has value, but we identified several challenges to PCAB achieving its intended purpose.

### Appointment Process

The process for soliciting interested PCAB members and the subsequent appointment process are not strategically designed to ensure PCAB members reside in each of the wards within Loveland, include members with diverse backgrounds, or include members from or representatives of marginalized or underserved communities. Once appointed, PCAB members may be reappointed ad infinitum. Although the Municipal Code sets the term of office for each member to three years, nothing prevents an incumbent from reapplying and being reappointed. One member has served on PCAB since 1996 and three others have served for more than 15 years.

The LPD chief, the PCAB chair and the Council Liaison participate on an interview panel to determine whether the interested candidate should be nominated for appointment by the City Council. Four PCAB members are former law enforcement, and one is a civilian police employee from another police department. PCAB membership should be strategically established to ensure its members come from a cross section of the city and have diverse professional backgrounds. The PCAB should include members from Loveland’s BIPOC community, have sufficient member turnover to incorporate new voices and perspectives, and ensure its membership selection is void of any appearance of bias toward law enforcement.

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<sup>47</sup> Loveland Municipal Code 2.60.220 Other



To fulfill its intended purpose as outlined in Municipal Code, the City Council should make substantive changes to the way PCAB members are appointed, the length of PCAB member terms, and the scope of the PCAB's review of policies and operations.

## **PCAB Process**

Operationally, PCAB members have found the LPD chief to be engaging and open to input on matters to be presented to City Council. Matters addressed by PCAB typically include, but are not limited to, budgets, equipment, technology, hiring, promotions and crime statistical data. Before the arrest of Ms. Garner, the most significant matters PCAB members felt they addressed involved decisions associated with the purchase of body-worn cameras and the building of the Northern Colorado Law Enforcement Training Center. Following the arrest of Ms. Garner, the Department has provided presentations on its use-of-force policy and related training. However, the decision of what information is presented to PCAB for advisement rests, almost exclusively, with the LPD. Moreover, PCAB members are frequently expected to vote on matters presented before them on the same day, leaving no time for them to assess fully the information provided or to solicit community input. The PCAB's role is to provide advice on LPD policy, planning and program issues and support communication and education between the community and the LPD. To accomplish this goal in a meaningful manner, the PCAB must not be wholly reliant upon the Department to determine which policies and programs warrant PCAB advisement, and members must be afforded sufficient time to review and solicit community input prior to rendering advisement or vote. The City Council should consider amending the Municipal Code regarding how matters requiring review and advice by PCAB are established.

Moreover, the PCAB should develop a strategic plan for facilitating communication and education between the community and the LPD. PCAB members take seriously their responsibility, and each expressed their commitment to providing meaningful advice to the Department and their desire to serve as a bridge between the Department and the community. As constructed, PCAB is not positioned to provide what may well be the most meaningful advice on police operations nor to serve as a vehicle to improve police community relations.

## **Scope and Authority**

During our assessment, residents, City Council members and City officials discussed whether the City should consider expanding the scope and authority of PCAB. They also discussed whether a new police oversight body with broader oversight of the LPD, including its citizen complaint process, was an appropriate next step to enhance public trust, confidence and accountability in the LPD.

The City of Loveland is not unique in pondering these questions as state and local entities nationally are having this same discussion about whether more oversight of the police department needed and, if so, what is the best oversight model for the community. According to the National Association for



Civilian Oversight of Law Enforcement, there are over 150 civilian police oversight agencies providing some form of independent civilian review within their police department's citizen complaint review process and none operate exactly the same.<sup>48</sup> Generally, and at a high-level, civilian police oversight bodies focus on one of the models described below<sup>49</sup>

- + **Review:** The police agency conducts the investigation, and the oversight body reviews completed investigations to assess their quality and sufficiency. Volunteers staff this model, which is the most common civilian oversight model in the United States.
- + **Auditor or Monitor:** This model focuses its efforts on systemic change, analyzing patterns, trends, deficiencies and gaps in policy and procedures. It does not include the investigation of citizen complaints. This recently has become the second most common oversight model. It is costlier than the review model but not as costly as the investigative model.
- + **Investigation:** The oversight agency employs people trained to conduct citizen complaint investigations independent of the police department. This is the third most common model in the United States and the costliest of all models.
- + **Hybrid:** Some hybrid oversight models involve an agency that encompasses elements of one or more of the above models. Hybrid models are more complex and involve multiple oversight agencies each with its own distinct function.

The authority granted to an oversight body varies greatly depending on the model. For instance, the review model described above relies upon the policing body to conduct the investigation, with the reviewing body obtaining the records of the investigation through an intergovernmental agreement. Other oversight models sometimes require the city to authorize the body to subpoena investigative records, documents and testimony. While this subpoena authority can provide broad access to information, it can be a costly and time-consuming effort to enforce these subpoenas as the city is often obligated to represent both entities or one of the entities must hire outside counsel. Selecting the right oversight model for the City of Loveland requires further research and analysis that was beyond the scope of our assessment. The development of a model suitable for Loveland should be established in concert with the community and its police agency which can increase public trust and confidence in police, strengthen police community relations and ensure accountability.<sup>50</sup> Some factors that must be taken into account include the level of oversight the community desires over its police force, a thorough independent qualitative review of completed complaint investigations, a statistical review of the number, nature and outcome of complaint investigations. In addition, privacy impacts and legal implications of providing an outside entity with access to personnel records or to employees should be considered. We encourage the City, the newly formed Trust Commission and the LPD to work in concert with the community to assess the suitability and feasibility of establishing one of the noted models of civilian police oversight to supplement the work of PCAB or to restructure PCAB to incorporate aspects of these models that would enhance their efforts. More information

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48 National Association for Civilian Oversight of Law Enforcement, Report on the State of Field and Effective Oversight Practices, 2021

49 National Association for Civilian Oversight of Law Enforcement, Report on the State of Field and Effective Oversight Practices, 2021

50 [https://www.nacole.org/civilian\\_oversight\\_basics](https://www.nacole.org/civilian_oversight_basics)



about the different civilian police oversight models is located on the website of the National Association of Civilian Oversight of Law Enforcement.<sup>51</sup>

## Recommendations

Rec #	Recommendation
5.1	<p>The City should consider revising the PCAB membership criteria and commit to ensuring the PCOA is diverse and represents a cross section of community by establishing:</p> <ul style="list-style-type: none"> <li>+ A specific number of members to represent the BIPOC and/or marginalized communities</li> <li>+ Limits on the number of members who can be former law enforcement officers or have worked for a law enforcement agency</li> <li>+ Inclusion of at least one member from each ward within the City of Loveland</li> </ul>
5.2	<p>The City should consider establishing term limits for PCAB members.</p>
5.3	<p>The PCAB should consider developing bylaws expressly requiring review and advisement by PCAB to ensure its members provide meaningful review and advice on police matters of high public interest. These bylaws should require at a minimum:</p> <ul style="list-style-type: none"> <li>+ Review of all use-of-force-related policies and trainings and notice and justification when changes are made</li> <li>+ Review of all police oversight and accountability policies and trainings and notice and justification when changes are made</li> <li>+ Review of all hiring and promotional policies and notice and justification when changes are made</li> <li>+ Briefings on critical or newsworthy incidents</li> <li>+ Provisions to ensure members have sufficient time to review information provided before rendering a vote</li> </ul>
5.4	<p>The LPD should more meaningfully engage the Loveland community by providing more public notice and awareness of PCAB's monthly meetings, agenda items, decisions and outcomes, including holding special meetings to support communication and education between the community and the LPD on matters of public importance.</p>
5.5	<p>In conjunction with a group of civilian stakeholders, the City of Loveland and the LPD should consider analyzing civilian police oversight models and make a recommendation on the appropriateness and feasibility of establishing civilian police oversight within the City.</p>

<sup>51</sup> <http://www.nacole.org>



## *Appendices*

### **Appendix A: The Jensen Hughes Assessment Team**

#### **Project Leadership and Oversight**

##### **Robert L. Davis, Senior Vice President and Practice Lead, Law Enforcement Consulting**

Robert is a highly regarded and innovative national leader in policing and public safety with extensive experience assessing federal, state and local law enforcement agencies across the U.S. Robert served in a variety of capacities during his 30 years' career with the San Jose Police Department, including as the Chief of Police for seven years. During his time as chief, Robert also served as the President of the Major Cities Chiefs Association. He provided consulting services for the U.S. State Department, traveling on numerous occasions to Central and South America to provide training in community policing methods addressing gang prevention, intervention and suppression.

Since retiring from San Jose, Robert has been involved in numerous assessments of police departments across the nation, including projects in the cities of San Francisco, California; Baltimore, Maryland; Milwaukee, Wisconsin; Memphis, Tennessee; Miami, Florida; Denver, Colorado; Seattle, Washington; Fort Worth, Texas; Commerce City, Colorado; Boulder, Colorado; and Sunnyvale, California, among many others. He also has over 4,000 hours of experience delivering law enforcement training across the country.

#### **Project Management and Subject Matter Expertise**

##### **Robert Boehmer, Vice President, Law Enforcement Consulting**

Robert is an experienced facilitator, trainer and public speaker, with expertise in collaborative problem solving, community policing, partnership development and information sharing. For the past several years, he has been facilitating sessions for the Department of Homeland Security's Building Communities of Trust Initiative, focusing on developing trust among law enforcement, fusion centers and the communities they serve. As a Vice President in the Law Enforcement Consulting practice at Jensen Hughes, Robert manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.



## **Subject Matter Expertise and Technical Support**

### **Sydney R. Roberts, Senior Director, Senior Subject Matter Expert**

Sydney R. Roberts brings over three decades of experience to her role as Senior Consultant at Jensen Hughes. A proven social justice leader, Sydney has provided insight and guidance on civil and human rights matters impacting law enforcement, including illegal search and seizure, denial of counsel and officer-involved shootings. In addition to her career in law enforcement and police reform, Sydney has built and lead diverse and inclusive high-performance teams on multi-million-dollar enterprises in public safety, compliance and community advocacy. Before joining the Jensen Hughes team, Sydney served as Chief Administrator for the Civilian Office of Police Accountability (COPA) in Chicago, Illinois, the Director of the Illinois Secretary of State Department of Police, and previously had dedicated 12 years to the New Jersey, Essex County Prosecutor's Office – first as Coordinator of the Office of Victim Witness Advocacy, then as Investigator and later Internal Affairs Lieutenant.

### **Michael Dirden, Esq, Senior Subject Matter Expert**

Michael joined Jensen Hughes as a senior subject matter expert following a long and successful career with the Houston Police Department. As the Executive Assistant Chief of Police, Michael provided leadership and oversight for the department's Investigative, Strategic and Field Operations, including accountability for Patrol Operations, Traffic Enforcement, the Mental Health Division, Apartment Enforcement and Differential Police. Michael holds a Juris Doctorate from South Texas College of Law (Houston, Texas), a Master of Science from Sam Houston State University (Huntsville, Texas) and a Bachelor of Arts in Economics from the University of Texas (Austin, Texas).

### **Ed Medrano, Senior Subject Matter Expert**

Edward "Ed" Medrano was appointed Chief of the Gardena Police Department in 2007 and also served as the Director of the Police, Streets, and Development Services Department. In this capacity, Chief Medrano led 150 dedicated law enforcement personnel, and an additional 100 city employees in the areas of public works, community and economic development (planning, engineering, building services, code enforcement, and permitting and licensing). He also maintained budget oversight of the aforementioned operations totaling approximately \$28 million. Ed subsequently served as the City Manager for the City of Gardena and as the Chief of the Division of Law Enforcement for the California Department of Justice.



## **Appendix B: Loveland Police Department Organizational Chart**