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August 11, 2016

Ryan Bosveld, S07054
Deputy Sheriff
Downtown Division
Denver Sheriff Department

Re: DSD IAB Case #S2015-0247

Deputy Bosveld:

This is official notification that, after an independent review by the Office of the Executive Director of the Department of Safety, you are being suspended without pay for ten (10) days (80 hours). Your ten (10) day suspension will begin on September 21, 2016 through and inclusive of September 24, 2016, as well as September 28, 2016 through and inclusive of October 1, 2016. You may return to work on October 1, 2016 at 1:26 pm to complete the remainder of your shift, or use your own time. During this suspension, you shall not wear the Department uniform, or exercise any power or authority granted to you as a deputy sheriff, including but not limited to using your identification card to gain entry or access to City and County of Denver facilities or entering City and County of Denver facilities for reasons other than to conduct personal business. You are further not authorized to work for the City and County of Denver for the duration of your suspension. This suspension is for misconduct that violated the Career Service Rules set forth below and is discussed more fully in the section of this letter entitled Departmental Determinations of Discipline (pgs. 4 - 9).

Career Service Rule 16-60 Discipline and Dismissal:

The following may be cause for discipline or dismissal of a Career Service employee:

- A. Neglect of Duty
- L. Failure to observe written departmental or agency regulations, policies or rules.

As it pertains to:

Denver Sheriff Departmental Rules and Regulations

PREAMBLE

Deputies shall obey all Departmental rules, regulations, duties, procedures, instructions, and orders; the provisions of the Operations Manual; Mayor's Executive Orders; and Rules of the Career Service Authority. Failure to comply with any of these shall be construed as a violation. Members in violation shall be subject to disciplinary action. The following provisions of conduct shall be construed as a rule violation of the Operations Manual and Directives and Orders of the Denver Sheriff Department, but not by way of limitation.

RR-200.24 – Discourtesy

Deputy Sheriffs and employees shall at all times be courteous and civil when carrying out the performance of their duties.

Under the DSD disciplinary matrix, a violation of DSD Rule 200.24 is a Conduct Category B through C violation.

RR-400.9 – Handling of Mentally Ill Inmates

Deputy Sheriffs and employees shall take reasonable precautions in handling mentally ill inmates or persons reasonably believed to be mentally ill.

Under the DSD disciplinary matrix, a violation of DSD Rule 400.9 is a Conduct Category A through F violation.

CONTEMPLATION OF DISCIPLINE (FORMERLY KNOWN AS PRE-DISCIPLINARY) MEETING

You were served with a contemplation of discipline letter regarding this matter on June 20, 2016. A contemplation of discipline meeting was held on July 21, 2016 at approximately 11:00 am, in the Denver Sheriff Department (DSD) Downtown Detention Center (DDC) administrative conference room, located at 490 West Colfax Avenue, Denver, Colorado.

The purpose of this meeting was to allow you to correct any errors in the Agency's information or facts, to tell your side of the story, and to present any mitigating information as to why possible disciplinary action should not be taken against you. Present at this meeting was Sheriff Patrick Firman and Division Chief Paul Oliva. Present from the Conduct Review Office (CRO) was Captain Stephanie McManus and Ms. Rachelle Wright. Present from the Executive Director of Safety's Office was Ms. Shannon Elwell. Present from the Office of the Independent Monitor was Mr. Gregg Crittenden. Present from the City Attorney's Office was Ms. Jennifer Jacobson. You attended this meeting with Mr. Reid Elkus as your attorney.

The pre-disciplinary meeting was transcribed and is contained in the IAB file, incorporated by reference herein. A summary of the pre-disciplinary meeting follows.

You began by addressing the two complaints that were made in this case, the first being the alleged comment "just die." You stated that this comment "isn't in my personality. I wouldn't have said that to the inmate." You then addressed another allegation in the matter pertaining to showing an inmate something on the TAG computer system. You then addressed the comment of "I'd rather go fuck your mother" that you brought to Major Bruning's attention and admitted.

Your attorney then made various arguments on your behalf with respect to the purposes of discipline and issues pertaining to a determination by Major Bruning in January of 2016. Your attorney provided the panel with a copy of that determination.

Chief Oliva asked you some questions pertaining to the comment of "I'd rather go fuck your mother," and you told Chief Oliva that you were just having a bad day and made a poor judgment call. You informed the panel that, if faced with the same situation today, you would just walk away.

Your attorney then stated that you have approximately nine years on the Department with no prior discipline. Your attorney argued that for you to have brought to Major Bruning's attention and self-reported that you made the comment "I'd rather go fuck your mother" to an inmate demonstrates your "honesty and integrity" and "speaks volumes of who this deputy is." The meeting then concluded.

Your previous discipline includes: None.

The Department has concern regarding your ability to act responsibly and to conduct yourself appropriately while on duty. Your conduct has been in violation of the Department's policies and procedures. There is an immediate need for improvement in this area. Further rule violations shall be dealt with appropriately.

Please be advised that you may appeal the discipline imposed and these determinations in accordance with Career Service Rule 19, Appeals. You may also initiate dispute resolution pursuant to Career Service Rule 18, Dispute Resolution. Please note that pursuing dispute resolution does not toll your time for filing an appeal.

Finally, please be reminded that you are not to take any retaliatory action against anyone as a result of this disciplinary action. If any such action is taken, further discipline may be contemplated and taken, up to and including dismissal.

Sincerely,



Shannon Elwell
Civilian Review Administrator

cc: Career Service Authority, Records Management Division
IAB File
Administration

DEPARTMENTAL DETERMINATIONS OF DISCIPLINE

Deputy Sheriff Ryan Bosveld, S07054
S2015-0247

After a thorough review of the Denver Sheriff Department (DSD) Internal Affairs Bureau (IAB) investigation, the Executive Director of the Department of Safety's Office has made the following findings of fact and determinations of discipline.

SUMMARY OF FACTS

The preponderance of evidence establishes the following summary of the facts and circumstances surrounding the conduct upon which discipline is being imposed.

Deputy Bosveld has been a Deputy Sheriff with the DSD for approximately nine years. On the date of the incident, October 17, 2015, Deputy Bosveld was assigned to the Downtown Detention Center (DDC) on the third floor, in the medical unit (3 Medical). Deputy Bosveld's main job duties, as reflected in the DSD Mission, are to "provide safety and security for the community by ensuring care, custody, transportation, and re-entry services for detainees by operating safe, secure, efficient and humane facilities that adhere to federal, state, and local laws." The Guiding Principles under which Deputy Bosveld operates are Honesty, Respect, Fairness, Openness, Teamwork, Judgment, Sensitivity, Personal Leadership, Integrity, Accountability, and Professionalism.

On October 20, 2015, TA¹, a registered nurse for Denver Health who works at the DDC and has been working in a correctional context for approximately 17 years, submitted an email, entitled "Need Direction Please," to her supervisors that alleged misconduct by Deputy Bosveld.² In pertinent part, this email stated:

About three days ago I witnessed an unprofessional situation with Deputy Bosveld. I was walking toward the dark side hall and heard him say "Just die." Then when I breached the corner [sic], Bosveld said "That wasn't very professional was it?" I said "What wasn't?" He laughed and said "The inmate (on suicide watch) asked me 'what to do' and I told him "just die." . . . I love my job here and I am not trying to step on toes, do I say anything to anyone or just keep on doing my thing?

This email was forwarded to DSD IAB, which subsequently conducted an investigation of this incident. The contents of the DSD IAB investigative file have been reviewed, including but not

¹ The nurse is referred to by her initials.

² In addition to the allegation above, Nurse TA's email also alleged that on October 19, 2015, Deputy Bosveld had inappropriately shown an inmate another inmate's personal information on the TAG computer system, causing a "security risk." This allegation was substantiated by video and admitted to by Deputy Bosveld. This misconduct qualified as a violation of RR-400.1, Prohibited Discussions with Prisoners, a pre-determined Conduct Category A violation. Deputy Bosveld subsequently received an entry in his PEP file—the functional equivalent of a Conduct Category A penalty—for this misconduct.

limited to video surveillance evidence, emails, interviews, and other documentation, and are incorporated by reference herein.

Video surveillance footage shows Deputy Bosveld and Nurse TA working in 3 Medical on October 17, 2015. During her interview with DSD IAB, Nurse TA identified a portion of the video surveillance footage depicting the hallway of 3 Medical where she stated the conversation between herself and Deputy Bosveld took place. This identified portion of 3 Medical is the area that specifically houses suicidal inmates in four floor flush cells³, 119, 118, 117, and 116, wherein deputies and nurses closely monitor inmates who are claiming to be suicidal or demonstrating suicidal tendencies. On the date in question, all of the inmates in cells 116 through 119 were designated as suicidal. Nurse TA further identified herself and Deputy Bosveld on the video surveillance footage engaging in the conversation reproduced above at approximately 11:12:53. In that portion of the video, Nurse TA and Deputy Bosveld are seen near to and passing one another in the hallway.

Nurse TA confirmed to DSD IAB what she had written in her email and explained that the "dark side hall" was a nickname that the deputies have for the area where all the suicide floor flush cells are. During his DSD IAB interview, Deputy Bosveld referred to it as the "suicide watch corridor." Nurse TA told DSD IAB that this "dark side hall" where the suicide floor flush cells are located is the hallway on the left when first entering 3 Medical, and that the four cells located in that hallway are suicide floor flush cells. Although Nurse TA could not identify which specific inmate Deputy Bosveld had been referring to, she was able to state that Deputy Bosveld was located in that "dark side hall," where only the suicide floor flush cells are located, at the time at which she heard him make the comment "Just die."

Additional video surveillance shows Deputy Bosveld stopping at a cell on that hallway and engaging in an activity outside of the cell door. When asked in his DSD IAB interview what he is doing at that time, approximately 11:12:33, Deputy Bosveld identified the cell as cell 116 and stated that he was writing on the suicide watch log, as he was required to do every 15 minutes, affirming that he visually inspected the cell to ensure that the inmate inside was okay. Video surveillance footage from inside of cell 116 at approximately 11:12:33 shows a naked inmate in a crouched position at the cell door, with his face close to the door flap, appearing to be engaged in conversation.⁴ Video surveillance footage from inside of the other three floor flush cells—119, 118, and 117—prior to 11:12:53 shows inmates laying down and/or not otherwise appearing to speak with anyone.

³ A floor flush cell does not contain the same items as a regular detention cell; rather, it is a cell that only contains a bed, so as to minimize the ability for the inmate to cause harm to himself or herself. These are cells specifically reserved for suicidal inmates.

⁴ When asked by DSD IAB if he had had a conversation with the inmate in cell 116, Deputy Bosveld replied "Not that I can recall." The DSD IAB investigator stated to Deputy Bosveld that it appeared as though the inmate in cell 116 was "talking to someone," and Deputy Bosveld was then able to recall that the inmate in cell 116 "had been sitting that way most of the day." Deputy Bosveld was then asked two more times by the DSD IAB investigator whether he had spoken to the inmate in cell 116 and Deputy Bosveld twice replied that he didn't remember. Deputy Bosveld similarly replied that he could not remember when asked if he had had a conversation with any of the inmates in cells 119, 118, or 117.

When asked by DSD IAB what happened, Nurse TA told DSD IAB that she believed that she was going to the ice closet, but could not be sure. Nurse TA explained that the ice closet is located in the same hallway where the suicide floor flush cells are located. Nurse TA stated

I was starting to walk around the corner and I heard him [Deputy Bosveld] say something, and I wasn't really sure what I had heard at first and so he sees me and he kind of starts giggling and he said "Well, that wasn't very professional, was it?" And I said "What's that?" And he said "The inmate asked me what he should do," and he [Deputy Bosveld] said "I told him just die." And I said "No, not really," and you know, just kept walking on my own.

When asked by DSD IAB what she thought when she heard that comment, Nurse TA stated

I figured that that probably wasn't the safest thing to say to any of our suicidal patients. If they're in the floor flush, there's a reason and that we're monitoring them closely. I mean that's between the nurse and the deputies. That's all they have to talk to for 24 hours a day generally and a few visits from mental health or whatever, but I figured, you know, they're counting on you. If they're really asking you what you want to do—what I should do in this instance, and you tell them "Just die" then whether they heard it or not, it was just not professional. I was concerned.

When asked what type of deputy Deputy Bosveld is, Nurse TA replied "Just the couple of instances where—that I documented, he wasn't—what I know of from other facilities, that wouldn't be acceptable so I assumed it wasn't a professional thing to do at Denver Sheriff Department as well. So that's why I sent a note to...my boss." When asked why she sent the email, Nurse TA replied "I was concerned over the professionalism that I had witnessed from him on two separate occasions, and so I...just thought maybe he could use maybe a little bit of a reminder that we have to be professional at all times in caring about our inmate patients."

Deputy Bosveld's interview with DSD IAB, when asked if he had told an inmate to "just die," Deputy Bosveld replied "Not that I can recall at all. It's not in my personality to do that. I mean, I told you about the incident earlier⁵, but it's not in my personality to say that, so—" Throughout his interview with DSD IAB, Deputy Bosveld maintained that he could not recall making the comment "just die," or speaking with any of the inmates in the suicide floor flush cells. Also, when asked why Nurse TA would report that he did make the comment "just die," Deputy Bosveld replied "I have no idea." Deputy Bosveld told the DSD IAB investigator that he and Nurse TA had no prior problems or issues, and that their working relationship was normal.

⁵ Deputy Bosveld disclosed and admitted that he had had a prior incident with an inmate around the same time as the incident in the instant matter. That incident involved an inmate in the medical unit who persisted in telling Deputy Bosveld "Go fuck yourself." Deputy Bosveld stated that he became frustrated and responded "I'd rather go fuck your mother." This comment is not included for the purpose of disciplining Deputy Bosveld for the comment, as it has already been addressed elsewhere; rather, the comment "I'd rather go fuck your mother" is included in this case to show Deputy Bosveld's propensity for exhibiting poor judgment and behavior by making inappropriate comments to inmates.

Based on the review of the record, a preponderance of the evidence establishes the following acts of misconduct in violation of the following departmental rules and policies.

ANALYSIS AND CONCLUSIONS

Career Service Rules 16-60 A, Neglect of Duty; L, Failure to observe written departmental or agency regulations, policies or rules as it pertains to DSD RR-200.24, Discourtesy and DSD RR-400.9, Handling of Mentally Ill Inmates

Deputy Bosveld violated these Career Service Rules and the above Departmental Rules when he neglected his duty to "be courteous and civil when carrying out the performance of [his duties]." Deputy Bosveld likewise neglected his duty to "take reasonable precautions in handling mentally ill inmates or persons reasonably believed to be mentally ill." Deputy Bosveld also neglected his overall duties to treat inmates, especially suicidal, mentally ill, and extremely vulnerable inmates, in the humane manner expected of a law enforcement officer entrusted with that inmate's care and custody. Deputy Bosveld's abhorrent behavior also demonstrated a neglect of his duty to abide by many of the Department's Guiding Principles, including Respect, Judgment, Sensitivity, Integrity, and Professionalism.

A preponderance of the evidence indicates that Deputy Bosveld was standing in the 3 Medical unit hallway in which suicidal inmates are housed in floor flush cells when he engaged in conversation with one of those suicidal inmates. It is more likely than not that the suicidal inmate he spoke to was the inmate housed in cell 116; however, it is unnecessary to determine precisely which inmate Deputy Bosveld was speaking to, as any inmate in that vicinity would have been designated as suicidal. Deputy Bosveld further would have been aware of that inmate's suicidal status, as he was working in the 3 Medical unit and specifically described that portion of the hallway to DSD IAB as the "suicide watch corridor."

It is also more likely than not that Nurse TA's version of events is more credible than that of Deputy Bosveld. Nurse TA, via email, reported this incident to her supervisor three days after it occurred, after having witnessed another act of misconduct by Deputy Bosveld. This second act of misconduct was also investigated, and Deputy Bosveld admitted to the misconduct. The second act of misconduct was also corroborated by video surveillance footage. It makes absolutely no sense that Nurse TA would be credible as to one act of misconduct that she observed and not as to the other. Further, Nurse TA had no motivation to lie. In fact, Nurse TA stated in her email that she was reluctant to "step on toes" and "say anything to anyone." In her DSD IAB interview, Nurse TA indicated she was also afraid of retaliation. Clearly, Nurse TA believed that she was taking a risk in reporting Deputy Bosveld's behavior. Additionally, Nurse TA never had any prior problems with Deputy Bosveld, so she would have no motivation to fabricate one of two allegations against him. Moreover, as a medical caretaker of suicidal inmates, when Nurse TA observed Deputy Bosveld tell one of her patients to "Just die," she was concerned from a professional standpoint. She characterized Deputy Bosveld's statement as unprofessional and unsafe behavior. Lastly, video surveillance footage, and even some statements by Deputy Bosveld, corroborate Nurse TA's version of events. It is therefore more likely than not that Deputy Bosveld engaged in conversation with a suicidal inmate in which the inmate asked Deputy Bosveld what to do and Deputy Bosveld replied "Just die." It is also more likely than not that Deputy Bosveld and Nurse TA subsequently engaged in conversation, during which Deputy Bosveld admitted what he had said to the inmate, "giggled," and stated that his conduct "wasn't very professional."

In contrast, Deputy Bosveld comes across as incredible. In his DSD IAB interview, Deputy Bosveld maintains that he “does not remember” or “does not recall” speaking to a suicidal inmate or having the conversation with Nurse TA. He is able to recall, however, that the specific inmate in cell 116 on October 17, 2016 had been sitting at the door to his cell all day long. When pressed by DSD IAB if he spoke to that inmate, however, Deputy Bosveld reverts back to his response of “I don’t remember.” Furthermore, Deputy Bosveld maintained to DSD IAB that, although he cannot recall if he said “Just die,” it’s “not in [his] personality to do that.” However, Deputy Bosveld admitted to telling another inmate in the medical unit that he would “fuck [the inmate’s] mother.” Such vulgar behavior demonstrates Deputy Bosveld’s propensity for engaging in inappropriate verbal exchanges with vulnerable inmates for whom he is responsible.

After being asked by a suicidal inmate who was “counting on [Deputy Bosveld]” what the inmate should do, and replying “Just die,” Deputy Bosveld’s behavior was, at the very least, discourteous, uncivil, and unreasonable treatment of, as well as a reprehensible, callous, and inhumane response to, a mentally ill individual. Deputy Bosveld’s response was an endorsement for a suicidal inmate to kill himself while in DSD custody. The seriousness and potential risk for harm and liability, as well as this Department’s disgust, cannot be understated.

The Department expects that its deputies maintain the highest levels of integrity, respect, judgment, sensitivity, and professionalism with the community it is entrusted to serve. If the Department fails to ensure that its deputies abide by these principles in the everyday performance of their duties, it breaks faith with and erodes the already tenuous trust it has with the public. Such an utter disregard of the human condition of one of the community’s most vulnerable members is entirely antithetical to the expectations of a law enforcement officer, especially one working closely with the medical staff in a facility. Deputy Bosveld’s behavior was not only seriously risky, but also shameful, to the Department and the City.

Under the DSD disciplinary matrix, a violation of DSD Rule 200.24 falls in Conduct Categories B through C. Under the DSD disciplinary matrix, a violation of DSD Rule 400.9 falls into Conduct Categories A through F. In determining the appropriate conduct category, section 15 of the disciplinary matrix has been considered. Deputy Bosveld’s behavior was found to be “substantially contrary to the guiding principles of the department [and]...substantially interferes with its mission, operations or professional image, [and]...involves a demonstrable serious risk to deputy sheriff, employee, or public safety.” As such, DSD Rule 400.9 is a Conduct Category D violation. DSD Rule 200.24 is a Conduct Category C violation.

In his approximately nine years on the Department, Deputy Bosveld has no prior instances of discipline. Therefore, the presumptive penalty for a Conduct Category D, level 5 offense is a ten (10) day suspension. The mitigated penalty is a four (4) to six (6) day suspension, and the aggravated penalty is a fourteen (14) to sixteen (16) day suspension. The presumptive penalty for a Conduct Category C, level 3 offense is a two (2) day suspension. The mitigated penalty is a written reprimand to one (1) day suspension and the aggravated penalty is a three (3) to four (4) day suspension.

In analyzing the appropriate penalty, sections 19 through 23 of the disciplinary matrix, pertaining to considering and weighing mitigating and aggravating factors, have been considered. After an examination of the circumstances of the case, nature of the misconduct, and Deputy Bosveld’s

record, there are present mitigating factors that include positive performance evaluations and history with the Department. However, aggravating factors are also present. Deputy Bosveld jeopardized the Mission of the DSD as well as its relationship with Nurse TA and her supervisors. Moreover, the endorsement for a suicidal inmate to kill himself while in DSD custody creates the existence of an actual and demonstrable legal or financial risk to the Department and the City as well as endangerment to that inmate.

After considering the above mitigating and aggravating factors, none are sufficiently weighty to justify a departure from the presumptive penalty. Accordingly, the presumptive penalty of ten (10) days suspension is hereby imposed for violations of CSA rules 16-60A, L, and DSD Rule 400.9, to run concurrently with all other penalties imposed herein. The presumptive penalty of two (2) days suspension is hereby imposed for violations of CSA rules 16-60A, L, and DSD Rule 200.24, to run concurrently with all other penalties imposed herein.

SUMMARY OF DISCIPLINARY DETERMINATIONS

CSR 16-60 A, L, as it pertains to DSD RR-200.24 and 400.9					
Conduct	Finding	Category	Level	Range	Penalty
Neglect of Duty; Discourtesy	Sustained	C	3	Presumptive	2 days suspension
Neglect of Duty; Handling of Mentally Ill Inmates	Sustained	D	5	Presumptive	10 days suspension
TOTAL					10 days suspension



Shannon Elwell
 Civilian Review Administrator



Date