



# **COLORADO STATE LODGE** **FRATERNAL ORDER OF POLICE**

2701 West 84<sup>th</sup> Avenue Suite #211 Westminster, CO 80031-3800  
Phone (303) 426-1733 • Fax (303) 426-1567

**Stephen Schulz**  
**President**

**David Acunto**  
**Secretary**

March 3, 2018

The Honorable Governor John W. Hickenlooper  
Governor of Colorado  
136 State Capitol  
200 E. Colfax Avenue  
Denver, Colorado 80203

Dear Governor Hickenlooper,

The Fraternal Order of Police (FOP), the largest organization representing law enforcement in both the United States and Colorado, has watched with concern for some time the course of public safety in Denver under the direction of Mayor Michael Hancock, Safety Director Stephanie O'Malley, Chief Robert White, and Sheriff Patrick Firman.

The FOP understands the critical role public trust plays in maintaining an effective law enforcement organization. This trust is earned and maintained through professionalism and having a fair and transparent process for investigating allegations of misconduct.

Recent incidents involving several high-ranking officials with the City of Denver, the Denver Police Department, and the Denver Sheriff Department have shown an apparent pattern of obfuscation and poor leadership that has severely eroded public trust and has degraded the morale of the Officers and Deputies of the two departments past the point they were at when they passed a no confidence vote against Chief Robert White in October, 2017, and the administration decided to begin a general reform effort in the Denver Sheriff Department 3 ½ years ago.

The FOP is gravely concerned about the following issues:

## **Denver Police Department**

- The citizens of Denver have waited over a year for resolution to the investigation into Chief White and Chief Matt Murray's handling of an open records request from the Denver Police Protective Association. We join with the PPA and the Colorado Latino Forum in expressing concern about the veracity of the independent investigation commissioned by the city. Sadly, the pattern of delay and obfuscation continues under the new Director of Public Safety Troy Riggs (who has a previous working history with Chief White). Inexplicably Director Riggs recently announced the investigation will run into the "summer".
- Director of Public Safety Stephanie O'Malley was subject of an ethics complaint when she warned (via text message) Denver Fire Department Captain Harold Johnson that he was subject of an internal investigation. It was disclosed that Stephanie O'Malley and Capt. Johnson (who was later fired) were "friends" who had also dated. This was clearly a violation of Denver Ethics regulations but, not surprisingly, Mayor Hancock found that O'Malley had acted "honestly and earnestly".

- In September, 2017, Chief White was involved in a pursuit of a hit and run driver that resulted in a crash in Aurora. Since that time there have been allegations that Chief White both violated the pursuit policy and made inappropriate comments toward the suspect that were captured on Aurora Police Body Worn Cameras. Despite five months having passed there has still been no determination on these allegations – or release of the body camera footage.
- A Denver Police Commander was recently suspended for inappropriate sexual comments toward civilian subordinates but has inexplicably returned to his same position.
- There have been recent allegations of malfeasance by a Denver Police commander who may have misused a take home city vehicle and incurred significant highway tolls that were paid by the citizens of Denver.
- Recently there are revelations that a Denver Police Detective working as part of the mayor’s security detail was sexually harassed by both Mayor Hancock and one of his aides, Wayne McDonald. The citizens of Denver paid \$275,000 in a settlement over the matter that, perversely, paid more money to the perpetrator than to the female victim. At no time were the citizens of Denver told of Mayor Hancock’s involvement in the harassment until the detective came forward.
- Most concerning is the recent admission by the Denver Police Department that over 1,000 police reports were wrongly “re-classified”. This “re-classification” directly affected the crime statistics provided to the citizens of Denver and clearly misled them and other key stakeholders into believing that Denver had less crime. These false crime reports could have affected the allocation and hiring of police resources and played a role in public safety decisions in Denver. It is the opinion of the Fraternal Order of Police that this “re-classification” is the direct result of the Chief White’s autocratic leadership and the pressure put on commanders (appointed by Chief White) to provide more favorable crime statistics during department CORE (Command Operations Review and Evaluation) meetings.

### **Denver Sheriff Department**

- The Denver Sheriff Department has been undergoing a process of reform that was instituted by the Hancock administration over 3 years ago and it is obvious from the current state of the agency that this reform plan and effort are a complete failure.
- Increase in violence incidents in the jails against staff and inmates has risen to an unprecedented level and is approximately 700% higher than it was 4 years ago before the administration’s reform plan and effort began.
- The amount of overtime is excessive and out of control. Overtime costs over each of the past 3 years have consistently been 10-14 million dollars per year over the costs they were 4 years ago. This excessive overtime continues despite the hiring of almost 200 additional Deputies in a one-year period beginning in 2016 and ending in 2017. In an attempt to stem the high overtime costs the Mayor’s appointed Sheriff has now directed that more staff posts in the jail be unfilled thereby creating concerns over safety and security in facilities already plagued by excessive violence.

- There is an unprecedented high turnover of Deputies leaving the agency in numbers that are impossible to keep pace with the current recruiting and hiring capability. The FOP requested to review copies of the exit interviews of Deputies leaving the department but were not provided copies of the complete information. The information we have received through our own sources indicates a sense of hopelessness and helplessness by Deputies and concerns regarding safety and security.
- The new use of force policy that has been implemented by the administration is confusing to the Deputies due to the lack of any real and meaningful training on the new policy. Deputies are not completely sure when they are authorized to use force in a given situation, or how the process of determining to use force works. This again effects security and safety in facilities where violence is increasing daily.
- The amount of disciplinary cases against Deputies has been steadily increasing over the past 3 years and Internal Affairs case investigations are instituted for even the most minor situations that most other agencies would handle at the unit level. One of the goals of the administration's reform effort was to reduce incidents of misconduct by Deputies and over 3 years into the reform it would be expected that discipline cases would be significantly reduced. However, 3 years later it would seem from the amount of discipline being imposed and Internal Affairs cases being investigated that there has been no reduction. If you look at the numbers of disciplinary cases and ongoing investigations then one could conclude there has been a significant increase since the reform effort began 3 years ago. Because of the failures of the reform effort as well as those who have been leading the effort, it must be questioned whether all of these disciplinary cases are appropriate? If discipline is being managed appropriately in the agency then there should be a reduction in discipline after 3 years of a reform plan being implemented, not a continual increase.
- There is retaliation against anyone who offers a differing viewpoint from the administration and this is evidenced by the fact that the members of the local board of Denver Sheriff Lodge 27 FOP have all been individually and continually under Internal Affairs investigation and the threat of discipline and termination since the reform effort began. All members of the Denver Lodge 27 FOP board have been the subject of at least 2 Internal Affairs investigations during the previous year, and some have been the subject of as many as 6. This is just an attempt by the administration to intimidate the Lodge 27 FOP leaders from vocally and publicly opposing the failed programs and efforts of the administration. In addition, the administration retaliated against Lisa Calderon and the Community Re-entry Project who was a service provider at the jail. Ms. Calderon was responsible for administering inmate re-entry services for Denver jail inmates as well as other inmate programs for over 10 years in Denver. After she became critical of the administration and the failures of the reform effort, the contract she and her organization had with the city was put out to bid in an unfair process designed to install a less competent group to perform those services. Currently no one is providing the services that were being provided by Ms. Calderon since the beginning of the new contract on January 1<sup>st</sup>. Recently some Denver City Council members began an inquiry into this matter and the personal interests of some people involved in the decision-making process and their connection to the new organization that was awarded the contract.

- The process of how promotions are handled in the agency has come under scrutiny after the Denver Sheriff Lodge 27 FOP filed a complaint with the city's ethics board over a high-level manager that had been allowed to be involved in the development of a new Captain's test, even though it was clear that his immediate family members would benefit from his involvement. The ethics board issued a decision indicating that there were problems with the way the agency management handles promotions but concluded that because the agency had determined that there was no misconduct they could not sustain a violation of the city's ethics code. As is the case with all of the boards and commissions in Denver, Mayor Hancock appoints all or the majority of the Ethics Board.
- The general lack of leadership, problem solving, and lack of confidence in the administration has resulted in the overall low morale in the Denver Sheriff Department and add to the picture of a public safety crisis in Denver.

### **Conclusion**

It is no secret that since January 2018, Denver has observed an alarming increase in violence. Denver has seen an unprecedented number of homicides since the beginning of the year and scarcely a day goes by without a shooting or armed robbery being reported somewhere in the city. Governor Hickenlooper, the violence and crime should be no secret to you or other Colorado law makers who have been witness to shootings, assaults, and drug trafficking in the very shadow of the State Capital.

With the admission that police reports were falsified (and not truly knowing the scope of the falsification), there can be no way of accurately tracking the true course of the increase in crime and violence in Denver.

We believe that it should be painfully apparent to any neutral observer that there is an ongoing pattern of corruption and malfeasance at the Mayor's office, Department of Public Safety, and with some of the leadership at the Denver Police Department and Denver Sheriff Department. The citizens of Denver and the men and women of the Denver Police Department and Sheriff Department who serve them are clearly less safe now than they were prior to Mayor Hancock appointing Stephanie O'Malley as Director of Safety, Robert White as Chief of Police, and Patrick Firman as Sheriff.

Governor Hickenlooper, due to the increasing crime and violence being observed in Denver, and the clear lack of ethical leadership at the Denver Police Department and Sheriff Department, the Fraternal Order of Police respectfully requests that you use your authority and appoint the Colorado Attorney General to create a commission to investigate the Denver Police Department and Sheriff Department. We believe that only a State level independent investigation will ensure impartiality and transparency.

The Fraternal Order of Police also calls for the immediate resignation of Mayor Michael Hancock. The mayor has abjectly failed in his duty of keeping the citizens of Denver safe and, as graphically illustrated by his abhorrent sexual harassment of a Denver Police Officer, providing ethical leadership.

Denver is at a crossroads in its public safety decision making. With the level of violence increasing against both citizens and law enforcement officers (both in Denver and statewide), the Fraternal Order of Police believes it is critical for Denver to change course toward ethical leadership that realistically recognizes the public safety challenges facing both the community and the officers who serve that community daily – often at great risk.

It is clear that Mayor Hancock, Chief White and some of his command staff have broken faith with both the citizens of Denver and the officers who look to them for guidance and leadership. We believe that only an investigation by the Colorado Attorney General will restore the public's trust in the City of Denver's handling of public safety issues and in the leadership of the Denver Police Department and Sheriff Department.

Sincerely,



Stephen Schulz,  
President - Colorado State Lodge  
Fraternal Order of Police

*cc*  
*Attorney General Cynthia Coffman*  
*Mayor Hancock*  
*Troy Riggs*  
*Patrick Firman*  
*Chief White*  
*Denver City Council*

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