

## ISSUES?

Often times, Board Members are called with complaints from various members who demand an issue be addressed by the DPPA. We are happy to take these complaints forward at any time. In order for us to move forward, we need help from those members making the inquiry. The main thing we need is a written outline of the issue that you are requesting the DPPA help you with.

The written outline is needed so we can have information at our disposal when questioned by the administration. Secondly, and perhaps most important is the clause in our collective bargaining agreement; which makes it clear that we need to have a named individual before we can move forward with an issue. Let's face it; once we discuss the issue with those who have the ability to correct the problem, it is apparent who is making the complaint anyway. So the idea of not using a name is really not fooling anyone.

When we take on one of these member requests there is a progression of events that occur. First, we will try to resolve the issue at the lowest level possible. That is, we will contact the affected/ involved supervisor and if that is a dead-end, we move up the ladder. If all else fails, the topic is discussed at the monthly Labor-Management meetings and if the issue is not resolved at that level, a grievance can be filed. Certainly, this is not the progression for each issue but is normally the path taken and there are exceptions to this like most everything else.

## DIVIDED HEART

I want to apologize to everyone that expected me to express their views as a PPA representative. I did my best in the short time I served on the board to be what was expected of me. I am letting a lot of people down by abandoning my post and the department. The decision to leave has been the most trying event of my life. I will miss every single person I know at the DPD and the reverent love that is shared there. I am most grateful to have been a part of the Police

Many times, a member will bring an issue to us for help in getting it resolved and then, for one reason or another, will call and ask that nothing more is done. When that happens we stop everything and go no further. We will explain to our members the pros and cons of an issue and will explore all possibilities with that member. It is better to fully understand what is going to happen than to say later, "Hey, no one said this or that may happen."

On to a different topic; we have been affiliated with the Legal Defense Fund (LDF) since December 01, 2004. Since that time, numerous officers have asked for, and received, legal representation. What we need to know is; have there been any issues with the Legal Defense Fund and your attorney's? Our members operate under the mistaken belief that the DPPA knows what is happening in individual cases. That is not true. Once you are granted legal coverage, DPPA's involvement ceases. An attorney client relationship and privilege is created and your attorney will not and cannot discuss your case with the DPPA without your knowledge and permission. The DPPA learned of one instance where the Legal Defense Fund was not fully covering an officer's legal bill for various reasons. Once this came to our attention, the administrator for LDF was contacted and this officer's case was discussed in detail, resulting in an increased percentage being paid for the officer's defense. It is imperative issues similar to this be addressed as soon as possible to avoid missed deadlines in our contract with LDF. In another instance, coverage was denied in a particular case, once again, the administrator for LDF was contacted and the case is now covered. The onus is on the officer to let us know what is going on, otherwise we are under the impression all is well.

*By Mike Mosco*

Family and have enjoyed every aspect of this career. Take care of each other, thank you for being a part of my life and I wish you all a safe and brilliant life.

*By Michael Pace  
miwipa@hotmail.com*

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# Payroll Changes

As many of you are aware, the City is going to change the payment method for this and other bargaining units unilaterally. The reason why can be debated later because we, your PPA board, and the City will probably not agree. The City loves the new cliché words of “best practices” and that is merely a warning that whatever the current “best surprise” is, in whatever area of City Administration; you can be assured it will be put in place, irrespective of its impact on its employees.

The real purpose of this article is not to argue the validity or need of the new payroll system; it is more importantly, a notice to the membership that they need to be wary of what exactly is going to happen in the New Year 2006. First, everyone will receive 26 paychecks a year instead of 24. This at first blush sounds like a great deal, you will get paid more frequently and more consistently, every other Friday. There will no longer be 17 to 18 days stretches between paydays due to different lengths of months or whether the payday falls on a weekend day. You will always have your money right before the weekend to spend, for some that is a good thing, and for others that maybe a bad thing.

The need for caution is in the fact that the City is going to reduce each of your checks by about 8%. Now that doesn't sound so bad does it? Human Resources would have you believe that this amount is only “slightly” less than what you are receiving now. Since, I know not everyone has done the math behind this correlation of what exactly “slightly” and 8% is; I already have done the math for you. An 8% reduction is about \$200.68 for a first grade patrol officer. This amount will be for each check, for those of us who operate on a monthly budget, the amount is only \$401.36. Now I don't know about the most of you, but to me \$401.68 is not a slight amount when it comes to making a mortgage payment, car payment, and the many other monthly bills that arrive ever so consistently. The real message for this article is to provide the membership with the dollar amounts so that each and everyone can adjust their own unique financial position to handle this imposition that is destined to happen come the New Year. I have used the position of a first grade patrol officer as an example. If you are not a first grade patrol officer and would like to know what “slightly less” means to you, I would suggest that you look at your pay stub in the section “BEFORE TAX DEDUCTIONS” and for the new hires it is the same as your FPPA-NEW HIRE deduction. For the old hires, just multiply .08 times your bi-monthly regular pay amount and you will have your answer.

So, do not get caught by surprise in the coming year and start your planning now for this mandated change. It is too often that officers postpone things and then our personal lives become a lesson in crisis management 101. Do not let this change force you into an off-duty job you really don't want or miss out on that discretionary spending you now enjoy.

On a personal note, I would like to commend the excellent work done by the Homicide Bureau, and all of the other detectives and officers involved in the identification, support work, apprehension and the certain future conviction of that cowardly rat (his name is not worth mentioning) awaiting extradition in Mexico, THANK YOU.

**By Robert Freund**

## Relief Fund-Donations Desired

The Denver Police Protective Association created a separate and distinct 501 (c)(3); non-profit fund entitled the Denver Police Protective Association Relief Fund. The Relief fund was established for purposes of contributing to and providing financial assistance during time of financial difficulty to active and/or retired Denver Police officers, as well as public safety personnel from any department, who suffer from injury or disability, which prohibits, restricts or limits their ability to meet the financial needs and necessities of either the officer or his or her dependent family members, when the Executive Board determines within its discretion that general financial assistance is warranted. The Relief Fund is maintained by contributions made from Association members as well as outside sources.

Recently, the Relief Fund was used to help pay officers' insurance claims from the downfall of the Police and Fire Health Insurance that left many officers to pay outstanding claims. In efforts to replenish funds, the PPA will be hosting several fundraisers this year, including the Rock Bottom Brewery beer tapping of Flat Foot Copper Ale, raffles, and silent auctions. If you have any items that may be donated so they may be used to help with our fundraisers, please call Shirley Grantham at ext. 201; or, if you would like to make a monetary donation to help replenish the Relief Fund you may speak with any staff member. All donations and contributions are tax deductible.

*The PPA Executive Board  
would like to dedicate this edition of PPA News to  
Donnie Young and his family.*

## Meeting with Mayor Hickenlooper and Members of his Cabinet

Wednesday, June 1st, 2005, the Executive Board of the Denver Police Protective Association, Mayor Hickenlooper, Chief of Staff Michael Bennet, City Attorney Cole Finegan, Deputy City Attorney Michelle Lucero, Manager of Safety Al LaCabe, City Council President Elbra Wedgeworth, and Chief Whitman met at the PPA building. The purpose of the meeting was to discuss workers' compensation, secondary employment and the take home car policy.

The outcome of the meeting was very positive; Mayor Hickenlooper told us that there will be NO changes at this time to secondary employment. Mayor Hickenlooper went as far as saying he would work with the PPA to explain to members of City Council this decision.

Take home cars and the liability faced by officers who drive them have been a concern to the PPA for some time, however, during this meeting; we agreed workers' compensation coverage will be clarified for officers who have take home cars. The Chief will be issuing a revised policy within the next few weeks, however some of the clarifications are as follows: Officers directed to drive Class I cars are covered while driving the City owned vehicle. Class I cars can also continue to be used for personal use. However, if someone other than the officer is injured in an accident, it is clarified that person(s) shall not be covered under any City insurance policy or program. Class II cars (cars assigned to Detectives, Lieutenants and other police department employees) are covered to and from work, as well as to and from authorized secondary employment only when the employee must proceed directly from the police secondary employment to his/her on duty work assignment, or directly from his/her on duty work assignment to the secondary employment. Authorized secondary employment is anything for which you have a pre-approved (per Operations Manual Section 114 – Employment Outside the Police Department) and signed work permit. Class II cars were never allowed for personal use, such as going to the grocery store or a movie, and this condition remains. Medical coverage, in the form of workers' compensation benefits, extends to the employee only. Take home cars are not to be driven by unauthorized personnel or family members. And, in each case when an accident occurs, the officer must be acting within the scope of his employment and not be determined to be grossly negligent.

Unfortunately, we were unable to secure coverage for motorcycle officers who take their bikes home. These officers are covered by workers' compensation for injuries sustained while on duty, or if they are injured while riding their motorcycles off-duty and taking a police action. Other than that, if they are riding home, are involved in a traffic accident, and are injured they are responsible for their medical treatment. Our advice to our motor officers is to park the bikes when commuting to and from work.

Third, we discussed workers' compensation benefits for officers who sustain job related injuries. These benefits are available to any officer injured while on duty or if taking a police action while off-duty. Officers will be treated at the Denver Health Employees Medical Clinic and when required, referred to a specialist. These specialists are all certified to treat workers' compensation claims. Denver Health is the City's initial designated provider for work related injuries and illnesses. Doctors at the Denver Health Employees Medical Clinic will oversee your medical treatment and make sure your treatment is managed as described in the Operating Agreement between the City and Denver Health.

This meeting was productive and both sides agree that we are seeking the same benefits for our members. In addition, this is the beginning of a relationship long overdue. It was apparent both sides realize they need to work together. We applaud the Mayor and the other members of this cabinet for taking the time to meet with us and to come to such a fair resolution of these problems. These problems have plagued our organization for many years. We hope this relationship continues and we can work together in the future on issues of mutual importance.

**By Mike Mosco**

## DPPA now has Nextel Phones

NEXTEL and the DPPA have collaborated and Nextel phone equipment is now available to DPPA members and their families at a reduced rate. For every phone/phone plan signed up through the DPPA, Nextel will donate \$25.00 to the PPA Relief Fund. If you are interested in obtaining NEXTEL phone service and want to take advantage of the packages available through the DPPA, please stop by the PPA office and one of our staff members will gladly assist you. In fact, these plans along with the other cellular phone plans we offer are available to all employees of the City and County of Denver. This is just one of the many corporate partnerships we have formed. Currently, several area automotive dealerships are offering incredible deals to our members. The DPPA has evolved from a small organization to many businesses and we have countless contacts that are more than happy to assist our members. Give us a call and we can help steer you in the right direction.

**By Mike Mosco**

## Coming Soon – Website Enhancements!

DPPA's website will undergo some minor enhancements we feel members will enjoy. Over the next few months, the *Forums* and the Online Store will take on a new look with added features. The *Forums* will have a similar layout in hopes of updating and creating a more user-friendly piece to our website. However, with this change, members of the *Forums* will need to sign up again when the 'new' *Forums* become available.

Please check our website frequently for updates.

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VIA FACSIMILE AND FIRST CLASS MAIL

Commander John Lamb  
Internal Affairs Division  
Denver Police Department  
1331 Cherokee Street  
Denver, CO 80204

RE: Internal/Criminal Investigations

Dear Commander Lamb:

This letter is written at the request of the Denver Police Protective Association (PPA) in the interests of its member officers. Most recent events would suggest that it is appropriate to outline the rights of Denver officers who are the subjects of internal investigation, the opportunity for these officers to be accompanied by an observer, and the role of this office in either internal or criminal investigations.

As you are aware, the Denver Police Department's Operation Manual provides that an officer who is the subject of internal investigation is entitled to be provided and read a written complaint summary of the nature of the investigation, including the name of the Complainant, prior to being compelled to make any verbal or written statement concerning a matter under investigation. (See Denver Police Department Operations Manual 117.01(7).) Additionally, officers who are the subject of investigation may, at their option, be accompanied by an observer. The observer chosen must be able to attend the interview within a reasonable period of time, and the interview cannot proceed unless the requested observer is present. (See Denver Police Department Operations Manual 117.01(8).)

Prior to the commencement of an interview, the officer who is to be questioned is entitled to be informed whether he is being questioned as a witness or a possible subject of an internal investigation (See Denver Police Department Operations Manual 117.01(9).), and further informed that his statement is compelled pursuant to Garrity. Interviews are to be conducted in a professional manner, in a private setting, and at a reasonable hour, preferably during the officer's normal work shift. (See Denver Police Department Operations Manual 117.01(11) through (13).) Lastly, officers are to be given the opportunity to review all prior statements before being asked any questions. (See Denver Police Department Operations Manual 117.01(10).) While in most instances the role of the observer likely will be a fellow officer, the Operations Manual makes it clear that any person chosen by the officer reasonably available to act as an observer may do so. As such, this role may be fulfilled by an attorney from this office with the understanding that the conduct of the observer is regulated by policy. The presence of an observer is, from the perception of this office, in the interest of both the involved officer and your bureau.

Conversely, officers who are the subject of a criminal investigation are not subject to any Departmental order which would require them to appear for purposes of a *Miranda* statement. Their decision to make a statement is governed by their 5th Amendment privilege. So that officers are fully aware of the nature of the investigation, the Operations Manual requires that officers who potentially are exposed to criminal prosecution be given a *Miranda* advisement prior to any inquiry. (See Denver Police Department Operations Manual 117.01(17).) In that regard, you should anticipate that, upon request, this office will appear with any PPA member who is the subject of criminal investigation. As such and as the convenience of all concerned, it is respectfully requested that interviews, which are criminal in nature, be coordinated through this office.

Certainly, each of our offices has historically cooperated with the other in safeguarding both the administrative and criminal rights of Denver officers. Toward that end, your continued cooperation, and that of your staff, is appreciated.

Very truly yours,  
David J. Bruno  
BRUNO, BRUNO & COLIN, P.C.

## Speakout: Off-duty police work of benefit to all

A recent Rocky Mountain News editorial calling for a restructuring of the current off-duty employment system for Denver police officers ("Council must act on workers' comp/Taxpayers shouldn't pay for moonlighters," May 16) did not give a clear understanding of off-duty employment for police officers.

First, it is painfully clear no one understands that the City and County of Denver is the largest employer of off-duty officers.

Consider the number of officers required to staff each Rockies or Broncos game, the needs at Denver International Airport, and every other special event that comes along like the Race for the Cure, Taste of Colorado, Denver Grand Prix, and so on.

Additionally, there are "back fill" days; these are "overtime" days posted in each district that have to be filled to meet minimum staffing levels. Denver Police Department officers voluntarily sign up to work these days during their off time to handle day-to-day calls for service in the district. And there is more time posted to cover grant-funded traffic enforcement throughout the city.

I would suggest that these events and duties are responsible for the lion's share of the off-duty hours worked annually by Denver police officers.

Second, when an officer enters into an off-duty contract with any employer, the employer automatically accepts responsibility for the officer's workers' compensation insurance for any injury not related to a police action. So, if Officer X is walking across the barroom floor and he slips and falls and is injured, the bar is responsible for workers' compensation benefits. If this same officer breaks up a fight or takes any police action while working off-duty and he is injured, the City is responsible for the officer's treatment.

In another example, an off-duty Denver Police officer was employed by a traffic-control company and injured by a drunk driver who ran into the officer's patrol car while he was seated in it, diverting traffic with the overhead emergency lights on. The City denied this claim, saying the officer was not taking a police action when directing traffic off-duty. Because diverting traffic - in uniform, with overhead emergency lighting in operation - is taking a police action, the City was instructed to cover the officer's injuries by the Colorado Division of Labor.

What is a police function? Is it the mere presence of a uniformed officer? Or is it the deterrence his or her presence creates? This is impossible to answer because it is subject to interpretation. We will never know how many crimes are prevented by the presence of a uniformed police officer. A uniformed police officer's "command presence" is far greater than that of a security guard with no arrest powers.

Finally, what is the actual benefit to the City of police officers working in an off-duty capacity? Dividing the total number of off-duty hours worked in 2004 (roughly 400,000) by 2,080 - the number of hours per year worked by a Denver police officer - means the City of Denver would need to hire an additional 192 officers to provide approximately the same level of service provided by the combination of on- and off-duty officers.

Now, consider the staggering costs associated with hiring these 192 additional officers: Aside from the huge jump in pay, benefits and insurance the City would incur, their presence on the payroll would need to be augmented by a proportionate increase in the number of supervisors at various levels, the officers would need to be equipped properly (uniforms, weapons, protective vests, cars, etc.), and so on.

To infer, as the News does, that citizens are supplementing officers' off-duty employment is reckless. To insinuate that citizens would derive no benefit from such employment even if they did "subsidize the risk associated" with an off-duty officer's employment is erroneous. The City and its citizens benefit the most from the presence of these off-duty officers.

Denver police Sgt. Michael Mosco is president of the Denver Police Protective Association.

*By Michael Mosco*

*Printed in Rocky Mountain News June 3, 2005*

## CHAPLAIN'S CORNER

The leaf luscious brilliance of aspen gold makes me revel in our glorious seasons. The aspen may be golden these days, but the truth is the trees aren't nearly as rare as gold. In fact, aspen are the most widely distributed trees in North America, estimated to cover tens of millions of acres from Canada to New Mexico. The reason they are so hardy has to do with the way the trees reproduce. Once it is established, a "parent" tree sends new sprouts up from its own root system called suckers. These sprouts have a better chance of surviving than a single seedling because they feed off the nutrients and moisture of the parent root system, and are protected in their early growth. Scientists estimate that some of the largest aspen groves may be over a million years old.

Besides the obvious "golden" comparison between the leaves and police shields, there are even more parallels between aspen trees and police life. Like ancient aspen groves still vital after millions of years, the spirit of serving God and our fellow citizens is as old as humanity. People of faith everywhere share a religious value system rooted in the desire to care for one another.

Here at the Denver Police Department, that value system of helping those in need is enhanced by a strong system of support for each other from the outpouring of caring we do for another in challenging times. Like little aspen sprouts, a firm spiritual foundation, helps all of us rise to the challenge of putting down blue roots to serve and protect.

*By CHAPLAIN ELIOT BASKIN*

## 2005 Legislative Summary

The 2005 legislative session ended with a surprise! It was two days early! The gavel fell on May 9 after one hundred eighteen days (it usually lasts one hundred twenty days). It was an interesting year in that the democrats controlled both houses. This was the first time in forty years that this happened. It certainly changed the dynamics for everyone involved, but I don't think that it adversely affected law enforcement issues.

We did not run any specific bills this year, but did amend and/or monitor more than 50 pieces of legislation. Some of the more important ones were: **HB-1045** making radar jamming devices illegal; **HB1055**, allows a judge to issue a restitution order to someone who has harmed a service animal; **HB1108**, this is the peer support bill allowing privileged communications in peer support relationships; **HB1110**, regulates the retail sale of methamphetamine precursors; **HB1122**, creates an open container law for the state; **HB 1183** gives immunity to persons who report another who has consumed too much alcohol and remains on scene to inform law enforcement; **HB 1187**, makes it a crime to not yield the right of way to a stationary emergency vehicle; **HB 1306** allows for the suspension of drivers licenses for adults convicted of providing liquor to minors; **HB 1338**, makes it a class 1 misdemeanor to be convicted of multiple violations of patronizing a prostitute; and **SB 34**, bans alcohol without liquid devices; **SB 47**, reduced the time for driver's license renewal from 10 to 5 years and makes out of state suspensions applicable in Colorado courts. It also made Juveniles adjudications the same as convictions for driver's license suspensions so Juveniles may have their licenses suspended by the Department of Revenue.

### Guest Article "WHINY MOPES"

The February/March issue of 5280 Magazine has an article on Chief Gerry Whitman written by Maximillian Potter entitled, "The Chief Concern." To be fair, it was a middle-of-the-road article that highlighted the Chief's perceived weaknesses as well as some of his perceived strengths. The article contained quotes from several people including a former police chief, a member of the Ministerial Alliance, the Chief's wife, and one or two Denver Police Officers. I don't know how many of you have read this article, but one direct quote from Chief Whitman offends me personally and should offend any other officer who reads it. I think this one quote explains why there is real angst among the rank and file of the Denver Police Department about this administration, and why the employee organizations are continually at odds with the Chief. It may also explain why the subheading of the magazine article reads, "Police Chief Gerry Whitman is respected by ministers and reviled by his own cops."

The quote that I am referring to came from Chief Whitman after Mr. Potter asked him what he thought about his detractors. Some of his detractors were listed in the paragraph just prior to the Chief's quote. Many more were evident in the survey conducted by the PPA some time ago. They included statements to Mr. Potter that the rank and file regards the Chief as "a lame cop who happens to be a brilliant careerist." Additionally, they say that "the secret of his success is that whenever Whitman comes to one of those forks in the road where he must choose between being a cop or appeasing political powers, he chooses the latter." He has also "shrewdly ingratiated himself with key minority leaders" that have put "unreasonable expectations on cops and that have made the City unsafe." Former Chief Collier stated that "if the DPD was a radio station our slogan would be 'All Gerry, all the time.'" Chief Whitman's response when asked about his detractors was to call them, "whiny mopos." A term that, if directed at any other citizen, would generate an IAB complaint. In my opinion, this is one indication of the attitude that has caused him to be "reviled by his own cops."

One of the disappointments of the session was the defeat of **HB 1138**. This bill would have made it a primary offense to violate the seat belt law. The debate, as usual, centered on governmental intervention into our lives; police harassment of law abiding citizens, and racial profiling. The bill died on the last day of the session.

Another important bill is **HB 1333**. This bill is a companion to others that will be on the November ballot to attempt to fix the state's budget woes by revamping the TABOR amendments. HB 1333 contains a provision that allows the state to bond \$2 billion to pay for transportation projects, education, and to pay off the \$173M old-hire unfunded liability debt. The \$173M would go to the FPPA fund. This is important to the remaining eight cities that are still paying off old-hire unfunded liability. This is a worthy issue that deserves the support of law enforcement.

This was an uneventful year in that we didn't propose any new legislation. However, we fared well with the new leadership in both houses. We enjoyed representing law enforcement and your issues. If you have questions about these or any other bills please contact Tony Lombard at 303.884.9113, [tony@lombardclayton.com](mailto:tony@lombardclayton.com), or Bill Clayton at 303.884.7618, [bill@lombardclayton.com](mailto:bill@lombardclayton.com).

**By Tony Lombard, Bill Clayton**

I think a further exploration of the Chief's name-calling is justified. Notice that no effort was made by the Chief to qualify his answer. He dismissed Denver officers with hundreds of combined years of experience in police work as nothing more than "whiny mopos" because they dare to express a viewpoint other than his own. **All** detractors of the Gerry Whitman school of policing were promptly labeled and dismissed. This reflects the attitude of a person who believes he is always right and that there is no one else who has anything positive to offer. It also goes along with the last minute requests for input into policies that we get at the district stations or employee organizations only to find out that the policy has already been finalized, or that we were not given enough time to research the request and give an educated reply.

There are other evidences of this "attitude" that the Chief has toward the opinions of other officers. Mr. Potter was discussing the Paul Childs shooting. Officer Joe Costello then related an incident that occurred when he and the Chief were partners. He says that Chief Whitman successfully knocked a knife out of a suspect's hand with his nightstick. Chief Whitman elaborated saying that the first question he asks himself when an incident takes place is, "What would I have done?" I think other police officers also ask themselves that question. The difference is that many others would also recognize that there is more than just "my way" to handle a critical incident and still remain within the law and police department policy. A knife in one incident is not the same as a knife in all other incidents. I venture to say that any officer who has spent a significant amount of time on the street has been confronted with a knife or a gun. Some were disarmed successfully and some were not. Chief Collier stated that his perception was that Whitman believes, "What happened before was all bad and all wrong." If the PPA survey on department morale was correct, there must be a number of officers who don't believe that only the new policies are good.

Finally, the Turney case led to two main outcomes. The first, in my opinion, was a total surrender to the political powers that be and led to the scapegoating of Jim Turney. Mr. Potter reports that "Whitman's hands were tied" because of the City's rules about Comparative Discipline. The Chief's response was to "out-smart the system," in the opinion of Mr. Potter. Whitman agreed that the use of deadly force was acceptable, but that Turney violated tactical rules of "efficiency and safety." Turney should have "stepped back and let the front door close." Intentionally breaking contact with an armed suspect was never given as an option in any class I was ever in **up to the time that Paul Childs was killed**. It is listed as an option now. Turney was judged by rules that were instituted retroactively, and solely because of real not "perceived" political pressure.

## Conclusion of "WHINY MOPES"

The other desired outcome would be to discredit The Civil Service Commission. Instead of doing the right thing according to the law and Denver Police Department policies in place at the time, a suspension was imposed knowing that Civil Service would have no option but to reverse it, which they did. Now the administration can go to the public and blame the Civil Service Commission for the reversal and then push for a Charter change that would de-claw Civil Service and give them complete power and control over personnel decisions. When and if that happens, I believe this City will experience a rise in the crime rate like we have never seen before.

A recent Rocky Mountain News article, To Serve and Protect, cites a 42% rise in violent crime and a 49% rise in Burglary in the last five years in Denver. The article also cites a 44% rise in the number of sex offenders reported in Colorado during the same time period. (The same period that Whitman has been chief). At the same time, "other large central cities have continued to achieve steady declines in their crime rates." Officers will continue to do their job, but officers are being hamstrung by feel-good policies that put them at risk. If this trend continues, no officer will be willing to take extra risks that might put their future or their family's future in the hands of one man.

The real travesty, however, is that the people right here in this administration, who are being paid to make unpopular decisions, took the easy way out and let the Civil Service Hearings Officer do what had to be done. Chief Whitman, you will not achieve your goals without the men and women of the Denver Police Department on board. The approval of only certain segments of the community will not get you there... unless your only goal was to become chief and not a successful chief.

Until next month, this is one "whiny mope" signing off.

**By James D. Ponzi, Denver Police Brotherhood**  
Re-printed from "The Dragnet."

## Guest Article - COMPSTAT or COMPSCAM?

Shannon Schieber was alive in 1994 when Commissioner William Bratton introduced his Compstat Program to New York City. It was widely praised as the best way to reduce crime. In 1998, Shannon Schieber was raped and murdered and the lawsuit that her parents filed against the Philadelphia Police Department was instrumental in shedding light on the practice of downgrading sexual assault complaints. Her parents lost the suit, but it began a downward spiral for Compstat as it turned into Compscam for departments caught "cooking" statistics to show declining crime rates. The Denver Police Department has recently started its own Compstat Program in an effort to curb its own rising crime rates in the categories of (among others) Burglary (up 49%), Violent Crime (up 42%), and a 44% rise in the number of registered sex offenders. A computer term came to mind as I noted the demise of Compstat in America. The term is "GIGO," or garbage in garbage out. Compstat numbers are entered by humans and I am sure you have all heard about "lies, damn lies, and statistics."

In March, 2004, Valeria Treves wrote that the Policeman's Benevolent Association in New York City accused various precinct commanders and other officials of "cooking the books" on crime statistics. It came to light when the commander of the 50th Precinct in the Bronx got promoted for his crime reduction program and went to Brooklyn. **Newsday** reported that his precinct reported a 26% drop in crime during his tenure. Crime went up 11% in the weeks following his departure. Further investigation showed that reports were often "mis-catalogued and understated." Felonies were classified as misdemeanors, rapes were logged as "inconclusive incidents," and supervisors were charged with aggressively reviewing crime complaints to see if they could be downgraded.

Nicholas Stix writes in "Disappearing" **Urban Crime** that a former New York Police Commissioner, John F. Timoney, took over the Philadelphia Police Department in 1998. Timoney is regarded as one of the principal architects of NYPD's success in reducing crime in New York City. In **US News and World Report**, April 24, 2000, Frank McCoy reported that "facing political heat to cut crime in the city, investigators in the PPD's Sex Crime Unit sat on (thousands of) reports of rapes and other sexual assaults." Captain Rich Costello, president of the local chapter of the Fraternal Order of Police, stated that, "The way crime was solved was with an eraser."

In 2000, Nicholas Stix reported in **A Different Drummer** that the FBI conducted a limited investigation and discovered that PPD had "failed to report between 13,000 and 37,000 major crimes." FBI Investigators randomly selected 1000 records and interviewed 300 complainants. They compared the complaint with the officer's report. They found that many "Lost or Stolen Property reports (non-crimes) were routinely filed as cover stories for felonies like grand larceny or breaking and entering" (felonies). They reused complaint numbers which automatically erased the old incident.

A 2000 Philadelphia Inquirer report called the "Rape Squad Files" noted that from 1997-1999, 300,000 sex crime reports were reviewed. They write that "The reports include several thousand incidents that were deemed 'investigation of persons' or 'investigation, protection, and medical examination'- two non-crime codes in PPD's classification system. This put one in four rapes in a non-crime category.

On October 23, 2003, five New Orleans cops were fired for downgrading statistics. AP reports that one Captain and several officers had previously been presented crime-reduction awards for 2002 and 2003.

The **Miami Herald** reported that on January 8, 2005, a scandal involving the manipulation of crime statistics by the Broward County Sheriff's Office led to the resignation of senior officers and the reassignment of several others. The Herald reports that "Four of the sheriff's command staff—trusted members of his inner circle—are out. Twenty-nine detectives and sergeants have been transferred, mostly to road patrol. A controversial accountability system known as Powertrac—may have badgered deputies into "cooking the books." Many crimes such as burglaries and car break-ins were reported as "suspicious incidents." In other cases, a suspect would admit to dozens of crimes but only be charged with one. Only the one charged would be tallied in crime statistics.

In Atlanta, administrators have admitted leaving 22,000 crimes out of their reports, according to the UK's online newspaper *The Inquirer*. In New York, the crime rate doubled in a precinct when the proper classification was applied by the police union. The list goes on. What is happening? How do we know that Compstat ever worked now that these statistical fixes are showing up?

A dilemma of the modern police administrator is to balance community policing with keeping the crime rate in check. Let me first say that I am an advocate of Community Policing as it was originally conceived. It promoted connections between police departments and communities and initially lowered the crime rate. (If it still works, why the phony reports?). The problem is that **some administrators** have taken it too far. They now preserve their bond with the "community" by siding with them even when they are wrong. The unwritten policy is not to tell the community the truth if it will upset them. The "partnership" has become a dictatorship. Suddenly the community has the same amount of expertise as trained police officers. They do not have input into what we do, they tell us what to do. That very policy explains why crime is going up in some cities of comparable size while it is going down in others. The cops try to do their job, but they are handcuffed by some feel-good administrators who will not back them and bow to the "community" on every controversial issue. Why is it that only the vocal segment of the community becomes the "community?"

## Conclusion of COMPSTAT or COMPSCAM?

So what are we left with? The cops are alienated and even though they try to do their jobs, they never buy into the program, a primary tenet of Community Policing. The administration becomes an enemy instead of an ally. A natural consequence is that the crime rate begins to rise, and chiefs are presented with a choice. They must change and support their officers, which loses them the support of vocal segments of the community; or they can begin a program like Compstat. Compstat deals with numbers, but it also relies on intimidation. Some personnel, under the intense pressure, will "cook the books" and administrators will not investigate any numbers that make them look good. Everyone is happy except the citizens who get nothing but a false sense of security about the safety of their cities.

Is it going on in Denver? I see the signs, don't you? I know that there have been many changes in the recent past. School Resource Officers are directed to handle violence without arrest. Gang shootings are not labeled gang shootings anymore. Gang members are not listed as gang members anymore. Drive-bys become Criminal Mischiefs when no one is injured. Is this an attempt to make it appear that we don't have a gang problem in Denver when every street cop and detective knows that we do? Arrests are down even though the crime rate and warrants are up, and, administrators, if you are touting Compstat, don't blame the crime rate on the economy or staffing shortages. Commissioner Bratton, Compstat's originator, has stated many times that chiefs cannot blame the rising crime rate on either one.

A word of caution to detectives, data specialists, street supervisors, crime analysts, and station commanders, especially those in appointed positions. In all my research, I didn't find any city where a chief was removed when the "cookin'g" came to light. What I did find were demotions for detectives and sergeants, firings of department and bureau heads, and sanctioning of street officers. These statistical misrepresentations are very easy to find once a department comes under scrutiny. If you are asked to alter reports, reclassify crimes into categories that do not seem correct, or use your "eraser" to lower crime statistics, remember that a primary tenet of Compstat is intimidation. Administrators do the badgering and you suffer the consequences. Chiefs of police are not going to step forward when Compstat comes to light and say that they ordered you to do it.

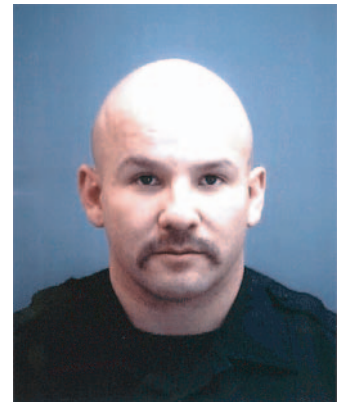
Finally, the attempt to document police work with statistical data is as old as police work. Compstat is just a more sophisticated method with a few added twists. There is more to being a cop than statistical output and stats will never define a good police officer. The words of Albert O'Leary of the NYPD Police Union are appropriate here. He told residents, who wanted to use Compstat to gauge whether it was safe to move into a neighborhood, not to live their lives "based on numbers like the department."

**By Lt. James D. Ponzi, Denver Police Brotherhood**

## OFFICER OF THE QUARTER BRUNO, BRUNO & COLIN

On the evening of January 15, 2005, a robbery occurred at 2985 W. Evans. The victim told officers that the suspect had a handgun and demanded money from her. She described the suspect and the vehicle. Technician Rudy Suniga observed a car matching the description, traveling at a high rate of speed, fleeing the general area of the robbery. Tech. Suniga aird the location of the vehicle and that he was going to follow it at a safe distance pending the arrival of a cover car. He also requested that dispatch notify Lakewood as it was possible they would reach that jurisdiction before he would get cover. Tech. Suniga prepared for a possibility of a chase by requesting supervisory approval over the radio. Before approval could be obtained however, the suspect vehicle ran a red light at Kipling and crashed. Both driver and passenger fled on foot. Tech. Suniga chased the driver on foot into an apartment complex, where he was able to take him into custody without incident. Lakewood officers later arrested the passenger in the same area. The victim positively identified the driver as the robber. Further investigation revealed the suspect vehicle had been stolen out of Lyons, Colorado, earlier that day. Tech. Suniga is commended for his attention to duty and tenacity, which resulted in the arrest of two dangerous felons and the recovery of the stolen car.

*Note: The Editor of the Newsletter chooses the Officer of the Quarter. The Officer can pick up his \$100 gift certificate to the Trinity Bar at the PPA Office, compliments of Bruno, Bruno & Colin.*



**Technician Rudy Suniga  
92061**



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