



2022

Response to Resistance, Anti-Bias Policing and Complaints Report

Mission

The members of the University of Colorado Boulder Police Department (CUPD) are dedicated to providing the highest quality services in order to enhance community safety, protect life and property, and reduce crime and the fear of crime. We pledge to develop a partnership with the greater campus community, to improve the overall safety and quality of life for all CU affiliates through fair and impartial, transparent, and consistent policing.

Vision

The University of Colorado Boulder Police Department (CUPD) is committed to being a leader among university police departments.

Core Values

Collaboration, Competence, Humility, Integrity, Passion

Purpose

The purpose of the University of Colorado Boulder Police Department is to support the university and its mission by providing public services that meet the unique needs of its constituents.

Commitment to Accountability

CUPD holds with the highest regard our commitment to be forthcoming with our community in all our contacts. Our policies encompassing use of force (300.1.), Law Enforcement Code of Ethics, Senate Bill 20-217, and CUPD's Mission and Core Values, all provide footing to ensure our staff provide fair and impartial services.

Best Practice in Documentation and Early Intervention

The CU Boulder Police Department strives to be a leader amongst police departments. Aligned with best practice publications from The National Police Foundation and the Police Executive Research Foundation, CU Boulder's Police Department Institutes Early Warning Systems (EWS) to identify performance indicators of interest. Just as CUPD strives to prevent crime from occurring in our community, CUPD takes a similar approach with our officers, and strives to address any performance issues before they impact the positive relationships we work so hard to foster with our community. It is important to note these early warning systems (EWS) do not serve as disciplinary tools, but serve to detect training deficiencies, challenging personal circumstances, excessive stress, underlying medical conditions, safety risks to officers, and to allow for early detection and intervention.

Body-Worn Cameras and In-Vehicle Cameras

Body worn cameras and in-car cameras provide documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation; and provide for greater transparency and accountability in policing. Officers use these camera systems to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity. The use of body-worn cameras and in-car cameras is intended to enhance the mission of the police department by accurately capturing contacts between members of the police department and the public. They also serve to enhance the accuracy of officer reports and testimony in court.

Video Quality Assurance Program

CUPD's video quality assurance committee randomly audits recordings in coordination with the Department's Digital Media Specialist. This committee is composed of four CUPD members; two commissioned and two non-commissioned and includes the Digital Media Specialist and the Support Services Division Commander. The quality assurance committee looks to identify training issues, looks to identify use of force, effectiveness of resolving citizen complaints, and ensuring compliance with department policies and procedure as part of their review.

Complaint Management

Any complaint can be made at any time to a member of the CUPD team in writing, by email, phone or in person. The complaint summary will immediately be sent to the members supervisor and captured in CUPD's complaint management system for reference. The immediate supervisor will evaluate the elements to discern what level of review appears applicable. Complaints that appear more serious in nature, including potential for criminal impacts, the supervisor will complete a memorandum and notify both the Patrol Division and Professional Standards & Training Division Commanders. Complaints will typically be reviewed at the lowest appropriate level to ensure timely and responsive resolution and documentation. In support of this process the department's performance management system includes Early Intervention Warning Data that each supervisor reviews for each employee to ensure appropriate adjustments can occur in a timely manner for proactive support or training.

In five (5) instances the department initiated a formal Internal Affairs Investigation for possible policy violations. In two (2) Internal Affairs Investigations the outcome was a Sustained finding for unprofessional conduct. In one (1) Internal Affairs Investigation a Sustained finding of untruthfulness. All three (3) had an outcome with a separation of employment. One (1) Internal Affairs Investigation concluded with a Sustained finding and an outcome of a detailed performance training plan for the department member. Of the five (5) Internal Affairs Investigations, one (1) of the employees was in a non-commissioned support position and resigned prior to completion of investigation.

CUPD Community Oversight Review Board

To ensure accountability and transparency, the CUPD Community Oversight Review Board (CORB) reviews outcomes and dispositions on bias-based police community complaints to provide feedback to both the Senior Vice Chancellor for Diversity, Equity and Inclusion and Associate Vice Chancellor for Integrity, Safety and Compliance. For one (1) department-initiated internal affairs incident, the CUPD Chief of Police met with the CORB to provide an overview of the investigative process and possible disciplinary outcomes. Upon

conclusion of the process, Associate Vice Chancellor for Integrity, Safety and Compliance, met with the CORB to explain the disposition.

Critical Incident Investigations

One (1) officer-involved critical incident was investigated by the Boulder County Critical Incident Team (BCIT) after a shooting. The case was presented to the Boulder County District Attorney's Office and the CU Boulder Officer was cleared of criminal wrongdoing. A subsequent internal department policy review found the officer to be compliant.

Anti-Bias Policing

The CU Boulder Police Department's Bias-Based Policing policy can be found in Section 401 of the Department's policy manual. Bias-Based Policing standards are based upon the United States Constitution, Colorado Revised Statutes, and University of Colorado discrimination policy directives. Based upon the information contained in department performance management databases, there was one (1) allegation of Bias Based Policing made in the 2022 calendar year. The complaint was made against the broader University of Colorado based upon systems and process that included an exclusion of a non-affiliated person and involvement by the police department in serving the exclusion. The complaint is pending resolution by an external reviewer.

Statistical Snapshot

The University of Colorado Boulder Police Department's Response to Resistance policy can be found in Section 300.1 of the Department's 2022 policy manual. Response to Resistance standards are based upon the United States Constitution, Colorado Revised Statutes and Department policy directives. The reporting and documentation required when a response is used are addressed in section 300.2.2 of the Department's policy.

Response to Resistance reports for 2022 were analyzed to identify trends, improve training, increase employee safety, and provide information for the agency addressing the Response to Resistance incidents. All reports were reviewed for policy compliance, statute adherence, and individual rights as well. The Response to Resistance incidents included in this report are encompassing of those defined by policy Section 300.3.

The analysis and application of evidence-based and data-driven strategies within the Department, specifically as it relates to significant policing-related occurrences, including Response to Resistance actions, enhances accountability and transparency for our department to examine training practices and personnel performance management and adjust, which better serve our community and the CU Boulder Police Department.

The data points captured in this report are based off national standards and requirements from the FBI and CBI for CJIS reporting purposes. The information contained in this annual report has been obtained through a review of entries in CUPD's performance management database for 2022 Response to Resistance reports.

Pursuant to policy if an officer is involved in a response to resistance, each officer must complete their own report. Department personnel were involved in a total of eighteen (18) Response to Resistance uses in calendar year 2022. Of the eighteen (18) Response to Resistance incidents, seven (7) of those were involving a CU Boulder Police Officer assigned to a specialty assignment on the Special Weapons and Tactics (SWAT) team. The remaining eleven (11) non-SWAT team responses occurred within the department's patrol division.

In review of the eleven (11) non-SWAT Response to Resistance Reports department personnel displayed a conducted energy weapon (TASER) seven (7) times to gain compliance of the individual without using the device. In two (2) instances a 40mm less lethal projectile weapon was displayed to gain compliance without using the device. In five (5) instances a handgun was displayed to gain compliance from the subject. In four (4) instances the department members used control hold measures to take the individual safely into custody. In some instances, multiple officers were involved in the same call and displayed several types of weapons systems, including less lethal, to ensure that an appropriate response could occur at the lowest possible level of force.

In review of the seven (7) SWAT team responses involving a CU Boulder Police Officer assigned to the team involved one (1) use of a 40mm less lethal projectile to the leg of a subject to gain compliance, one (1) use of a less lethal pepper ball device to saturate an area around the subject with oleoresin capsicum (OC) powder to gain compliance, in two (2) instances a 40mm less lethal device was displayed to gain compliance, in two (2) instances a rifle was displayed to gain compliance, and in one (1) instance a handgun was displayed.

In a review of subject data from the eighteen (18) Response to Resistance incidents there were a total of nineteen (19) individuals. Of those nineteen (19) people there were seventeen (17) individuals who identified as male, and two (2) individuals who identified as female.

Further examination of the subject data showed that of those individuals twelve (12) identified as white male, two (2) as white female, two (2) as Pacific Islander male, two (2) as black male, and one (1) as an Asian male. Of the nineteen (19) individuals listed in the Response to Resistance reports two (2) were identified as university students and seventeen (17) were not affiliated with the university. Of the nineteen (19) individuals listed in the Response to Resistance reports zero (0) incurred physical injuries and five (5) were evaluated by medical personnel as a precautionary measure and in accordance with department policy.

All eighteen (18) instances, involving nineteen (19) individuals, were reviewed by supervisors at several levels within the CU Boulder Police Department and where appropriate within the SWAT team based out of the Boulder Police Department and found to be within policy and legal requirements. In one (1) instance additional training was recommended by the first line supervisor to assist with performance improvement and this training was completed and documented.

A review of the circumstances further revealed that with ten (10) of the subjects it was unknown by the officer if the individual was under the influence of alcohol or drugs. The additional nine (9) subjects involved the officer reported the person appeared to be under the influence of alcohol and/or drugs.

Of the eighteen (18) instances with Response to Resistance reports the location occurred seven (7) times within the university's Clery Act Geography and eleven (11) times outside of the university's Clery Act Geography.

Recommendations

As recommended in the 2021 Response to Resistance a new non-categorical response to resistance capturing field was created to allow more accurate entry for responses that did not fall within a specific pain compliance technique but raised to the level of a Response to Resistance entry. This new process addressed the previous notations in that year's report and was not necessary to clarify data for 2022.

In review of the 2022 Response to Resistance incidents, the following recommendations are made to provide clarity to line level officers when entering their resistance used, as well as supervisory staff reviewing the justification of response and approval of the officer's response to resistance entry.

1. Further refinement of the processes within the department's performance management system to address reporting structures, ensuring full reviews occur with SWAT incidents by the Boulder Police Department and then incorporating those findings with the CU Boulder Police Department's findings to ensure full reporting transparency.
2. Continued training for supervisory personnel on the flow process requirements as it pertains to findings and actions taken criteria needed in a report. This will include training and use of a new department accredited policy manual at the beginning of the 2023 calendar year.
3. Work with the department's software provider to build the performance management system's next generation platform. Integrate a new feedback software platform for community members receiving services from the department that feeds robust data gathering into the performance management system.

