

Approved August 15, 2022

Law Enforcement Transparency and Advisory Commission (LETAC)

Colorado Springs, Colorado

**Recommendation to Colorado Springs City Council regarding
Assessment of Colorado Springs Police Department Use of Force,
by Transparency Matters LLC (April 25, 2022)**

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RECOMMENDATION

LETAC recommends that Colorado Springs City Council fully support the Colorado Springs Police Department in its efforts to prioritize, fund, and implement the eight recommendations included in the *Assessment of Colorado Springs Police Department Use of Force*, a report prepared by Transparency Matters LLC and distributed publicly on April 26, 2022. In line with its charter and mission, LETAC especially endorses those recommendations and action items that aim to:

1. enhance transparency and trust through timely release of details and data about use of force;
2. improve training, supervision, and accountability regarding use of force, including enhanced use of de-escalation tactics and reduction in frequency of pointing of firearms events;
3. increase collaboration between CSPD and the community to address racial/ethnic disparities where they exist.

BACKGROUND

On January 4, 2021, the Colorado Springs Police Department (CSPD) announced that it had secured the services of Transparency Matters LLC (TM LLC) “to conduct a comprehensive assessment of the police department’s use of force” ([CSPD Partners with Transparency Matters LLC](#)). CSPD commissioned this review of its own accord. On February 7, 2022, LETAC communicated to City Council a set of action steps that would comprise the Commission’s own review of the study when released, as follows:

1. LETAC affirms its invitation to CSPD leadership to discuss the study with the full Commission. LETAC requests a meeting with CSPD to determine a timeline and format for these meetings. We hope such meetings will occur periodically as the department’s response to the study progresses.
2. LETAC will review all progress reports and press releases issued by CSPD regarding the TM LLC study. We hope such communications will be comprehensive, frequent, and easily accessible to the public.
3. LETAC will send Commissioners to public briefings held by CSPD, City Administration, City Council, and TMC LLC regarding the use of force study.
4. LETAC will place on its agenda its own review of the TM LLC study.
5. Through its review of CSPD’s reports and LETAC’s discussions with CSPD, the Commission will seek to learn the following: a. CSPD’s own understanding of and reaction to the TM LLC assessment; b. CSPD’s next steps, if any, in response to specific findings and recommendations by TM LLC; c. CSPD’s rationale for no action on any specific recommendations; d. CSPD’s accounts of the results of any actions CSPD takes in response to recommendations.
6. LETAC will encourage additional input from Colorado Springs residents regarding the study.
7. As a result of the above steps, LETAC may a) make formal recommendations to City Council in accordance with its charter; and b) may offer its own assessment of CSPD’s response to the study.

LETAC has completed its own review of the report (May-August 2022) and now submits this general recommendation with individual commissioner comments. This recommendation is not LETAC’s final engagement with CSPD’s efforts to improve use of force policies and practices. LETAC will follow CSPD’s progress in a variety of ways, including reviewing updates CSPD has already begun to post on its website ([Transparency Matters Report | Colorado Springs](#)) and holding discussions with CSPD leadership and representatives during Commission meetings.

LIMITATIONS OF LETAC'S REVIEW

LETAC's recommendation to City Council is not a technical evaluation of TM LLC's approach, methods, or conclusions. While commissioners have professional, academic, and personal backgrounds that have informed its review, the TM LLC team has nationally-recognized expertise and experience. TM LLC also had direct access to data, official forms and reports, focus group participants, survey results, and other resources, much of which is summarized, paraphrased, quoted, or presented in table or chart form in the report. Commissioners assume that:

- this study was undertaken by TM LLC with the full cooperation of CSPD;
- the data and other resources provided by CSPD are reliable and comprehensive;
- the quantitative, qualitative, and analytic methodologies employed by TM LLC are valid, reflecting best practices in the social sciences in this area of research.

Given these assumptions, LETAC accepts in good faith that the study's eight recommendations are justified and that the associated action items will advance the goals of those recommendations.

KEY TAKEAWAYS FROM TM LLC'S STUDY

1. LETAC recognizes **the wide range, depth, and complexity of the study and the 255-page report that conveys its findings.** Commissioners note TM LLC performed both extensive quantitative and qualitative analysis. Data was collected and assessed from numerous official forms and reports. Policies and practices were reviewed. Surveys were conducted and focus groups convened that gathered the personal opinions and experiences of members of the police department and city residents. TM LLC explored a range of topics, including (in order of the eight recommendations) use of de-escalation tactics; department policy on use of force; pointing of firearms; use of force training; community trust through transparency and engagement (including timely public release of information); supervision, accountability, and oversight related to use of force; data collection; and collaboration with the community to reduce racial/ethnic disparities where they exist. The report incorporated supporting research in the form of 274 footnotes and a 14-page bibliography.
2. **The report both commended the Police Department and identified areas for improvement.** At a public briefing on April 26, 2022, the TM LLC authors observed that "CSPD is [a] professional, progressive agency seeking opportunities for continuous improvement" ([TM LLC PowerPoint \(coloradosprings.gov\)](#)). In a comparison of use of force policies with other peer agencies, TM LLC recognized CSPD for meeting or leading best practices in seven of eight aspects ([TM LLC PowerPoint \(coloradosprings.gov\)](#)). The report's eight recommendations propose changes that TM LLC asserts "will assist the CSPD in continuing to proactively improve officer-decision making, ensure fairness during encounters with the public, reduce the use of force and injuries to officers and members of the public, and increase transparency and trust with the community that it serves" ([CSPD Use of Force, Final Transparency Matters Report April 2022 \(coloradosprings.gov\)](#), p. 214).

3. **The study identified some disparities between racial/ethnic groups in the use of force. Bias as a cause of such disparities can neither be confirmed nor discounted.** To quote from the report itself: “The findings...suggest the racial/ethnic disparities in use of force range from no (or modest) disparities, to moderate. Where racial/ethnic disparities do exist, they are concentrated in particular locations, involve specific types of police-citizen encounters, or specific types of force. While our data cannot rule out the possibility of individual officer bias in decision-making, it is unlikely that widespread bias across officers is driving these findings” (p. 212). At briefings for the Colorado Springs public and press (4/26/22) and for City Council (6/21/22), Robin Engel, Ph.D., one of the study’s primary authors, asserted that it is not possible to make definitive claims about the presence or absence of bias based on the data collected and analyzed by the team.
4. Depending on how CSPD and City Administration prioritizes the recommendations and related action items, **full implementation will take many years, with significant impact on CSPD’s budget and human resources.** According to CSPD, “There are some recommendations, such as better data collection on pointing firearms, that could be implemented quickly. Other recommendations, such as conducting an audit of CSPD use of force training [Recommendation #4], will take more time” ([Transparency Matters Report | Colorado Springs](#)). Specifically, this recommendation may ultimately advocate substantial changes in curriculum, the schedule and delivery of training, personnel assignments, etc. (pp. 203-05), all of which would likely require additional budgetary and human resources. This recommendation is just one of several which are complex and multi-faceted.
5. **LETAC has neither the knowledge nor the resources to research or propose specific changes to the CSPD’s budget or human resources.** At the time of the writing of this recommendation, LETAC has not been made aware of projected costs or personnel impacts of implementing any of the study’s recommendations or action items. The Commission notes that TM LLC does not offer granular proposals in budget or human resources, though TM LLC recognizes that implementing its recommendations will affect such resources. Needs must be prioritized, and the costs and benefits of possible changes will have to be balanced.

INDIVIDUAL COMMISSIONER COMMENTS

The Commission consists of a highly diverse group of Colorado Springs residents, each with their own professional and personal backgrounds. While the proceeding recommendation reflects the consensus position of LETAC, the comments that follow are those of individual commissioners and are offered so that City Council and others have insight into the perspectives of LETAC members which may reflect the views of those in their Council districts and/or the demographic characteristics of each commissioner. These opinions belong to the identified Commissioner and were not subject to the approval of the Commission as a whole. Not all Commissioners chose to offer comments.

Commissioner Janice “JJ” Frazier (Chair)

I applaud the efforts of the Colorado Springs Police Department (CSPD) seeking proposals for a virtual reality training system that instructs officers on de-escalation measures. My understanding is this initiative will allow officers to “experience real-world training through virtual environments” several times per week. In addition, I applaud the decision to include representatives from the LETAC to serve on the selection committee and the Use of Force Community Group. This is a positive step toward bridging the gap.

Also, I appreciate that citizens of the Colorado Springs community will have a chance to actively participate in these virtual reality de-escalation trainings, providing them insight into the split-second decisions officers must make.

However, my primary interest lies with any virtual reality scenarios that warrant the fatal shooting of an unarmed suspect multiple times while running in the opposite direction and how that in particular, would pose a threat to officer safety.

Furthermore, communication and transparency are essential to bridging the divide that exists between law enforcement and the citizens of the Colorado Springs community. Therefore the Transparency Matters LLC-Recommendation #5: Enhance transparency through the timely release of information to the community to improve public confidence and trust appears to be in alignment with CSPD’s initiatives moving forward.

Commissioner Nikki Hernandez

The scope of this study claims to include, “the context of police encounters with the public, from BOTH the community and officer perspectives,” (Transparency Matters, page i). However, it is strikingly obvious that officer perspectives are prioritized in this study through both extensive analysis of officer-created reports and officer feedback through surveys and focus groups. Meanwhile, community perspectives were reduced to a single, self-selecting online survey that collected a total of 863 residents (less than .002% of the total Colorado Springs population).

Though I understand the difficulty in engaging community members in soliciting feedback, and do believe that this survey has some use, I also believe that it is imperative that future data collection in use of force incidents provides an opportunity for those community members directly affected by use of force to express their perspectives of the situation. Without this opportunity, any data collected with either the current forms or revised forms, will fall flat against the goals of increased transparency and improvement to use of force policies.

Thus, I would urge you to expand on Recommendation 7, regarding reviewing and making changes to use of force data collection, to include identifying a method for collecting data directly from community members who have had force used against them by CSPD. Doing so would not only allow CSPD to present a more comprehensive view of both the impact and perspectives of use of force in their reporting but would also demonstrate a true commitment to working with community members on the issue of CSPD use of force.

Commissioner Steve Kern (Vice Chair)

Recommendation 8 / Action Item 4 advises CSPD “to work collaboratively with community leaders...to 1) share information... and 2) develop plans (that extend beyond CSPD) to assist in reducing racial/ethnic disparities” (Assessment, p. 214). TMLLC found no more than “modest racial/ethnic disparities” regarding use of force in arrestee and suspect sub-populations, but based on overall census data Black residents in Colorado Springs are five times more likely than White residents to experience use of force. The reasons for this difference are complex, but TMLLC’s assessment identifies factors such as “systemic disparities in education, health, poverty, etc.”, none of which CSPD can easily influence – and certainly not on its own. The study recommends that our City come together to address these inequities. It would be helpful to know of any such efforts in other jurisdictions that Colorado Springs could learn from.

A key question is whether City government and community leaders would support and participate in this recommendation. Those who doubt that systemic racism exists would probably resist such an undertaking. Even some who acknowledge the presence of racism may argue that government’s role should be limited to enforcing anti-discrimination laws. Leaders who believe such problems are too complicated or intractable may feel their examination offers little upside and much risk. Nonetheless, whether considered through the lenses of poverty, education, or public safety, racial disparities are real, and discounting or ignoring them brings risks to all Colorado Springs residents.

Commissioner D’Ontay Roy & Luis Velez

Recommendation 6/ Review and continue to enhance supervision, accountability & oversight related to use of force. Conduct an audit on Supervisor Training Requirements to review and identify areas for improvement. Various aspects of UOF training (e.g., Supervisory Training, etc.), in-service settings may not reflect best practice. “Interviews with command staff revealed that there is a perception that supervisors need additional training to evaluate use of force reports more critically and conduct investigations with more objectivity. Many supervisors’ natural tendency is to give their officers the benefit of the doubt. These administrators indicated that a good supervisor could take these opportunities for mentoring officers and correcting behaviors early before they become problematic

and result in disciplinary action. Interviewees from CSPD Command Staff indicated that the course content for supervisory training is currently being revamped.” (p. 208-209).

I would like to see the cases where officers were viewed to not have used appropriate force, or that they escalated the situation unnecessarily. How many cases did they highlight in this manner? I think that whoever views these instances may categorize them differently based on their life experiences and/or academic background. Depending on how the review form is worded, or the options available to supervisors; marking them as "objectively reasonable" may not seem so strange. A review of the form itself, and what other insights the supervisor can add may be prudent, along with associated training for supervisors. This is an area where I believe the new Supervisory training could help by establishing guidelines, protocols or procedures, that would assist supervisors in becoming better leaders, mentors and be able to further develop overall character.

Now “training” is different from “education” and an emphasis needs to be equally distributed. The supervisor must also integrate training throughout day-to-day operations. Training will be the budgetary implication as far as this recommendation is concerned. Well-trained workers liken to higher production and positive morale. The demand for training costs the City thousands of dollars annually, and for good reason. Another inter-related issue is that when you have more training mandates it requires you to pull personnel from their respective duties. That causes more problems than most people think in a police department – because their greatest priority is to ensure and provide for the public safety needs of the community. The CSPD is already at a deficit for police officers, and they are finding it more difficult than ever before to recruit qualified candidates. The budgetary implications here deal with the addition of more police officers (each officer costs about \$100,000 in the budget), and the continued acquisition of technology (body cameras, less lethal munitions, vehicles, etc.). Prioritization is imperative in acquiring these items, but technology should not outweigh the importance of well-trained personnel.

In conclusion prioritizing objectives in order to create effect and know that all activities can't solve all challenges. The end result, "effectiveness" is a matter of culture. Discussions concerning effectiveness tend to quickly get caught up in technicalities. In questions regarding data sources, measurements, metrics, methods, calculations and figures, or specific reports and studies. Anyone who wishes to take effectiveness seriously should be thorough in matters of details and methods. However, one must also be conscious enough to not lose sight of the big picture. Albeit effectiveness will be a difficult but not insurmountable criteria to measure. It is incremental in nature, and invariably, does get caught up in technicalities.

Commissioner Brent Windebank

The recommendations provided by the research team of Transparency Matters LLC, at the request of the Colorado Springs Police Department (CSPD), are concise and purposeful. Each recommendation holds unique weight in making CSPD a better organization to serve the public, given the continued effort to provide regular, open channels for community-minded improvement. There are notable obstacles that will prove difficult to create and maintain such public communication channels. There is an apparent barrier for non-law enforcement professionals to tangibly understand the internal operating

procedures of CSPD that several recommendations address, specifically around supervisory practices, training guidelines, and organizational structure. Likewise, the reported gap in lived experiences of law enforcement officers and members of the community, highlighted in Section 7 and Section 8, creates further challenges to fostering shared understanding around the use of force. The need for bridging these gaps is paramount. Recommendation 8, a collaborative community effort, will only be possible if the same language can be used in constructive dialogue that yields accountable and transparent results from law enforcement and the rest of the community. I implore CSPD leadership to continue actively engaging individuals in our shared community with core initiatives of humanizing and dignifying the experiences of Colorado Springs residents, including its officers. City Council, the Mayor's Office, local organizations, and individuals must also take Recommendation 8 as an invitation to actively address the multifaceted issues faced by Colorado Springs.