

To Whom It May Concern,

I am currently employed as a Colorado Springs Police Department (CSPD) police officer for nearly 20 years. Recently, I was subjected to an internal affairs (IA) complaint which was initiated by another police officer that I worked closely with for multiple years. By CSPD's own policy, IA exists to conduct full and impartial investigations of allegations involving misconduct. In reality, that is not happening. Instead, police officers are being intimidated by the use of these IA investigations which are extremely biased and one-sided. In the case of my IA investigation, I found that the complaining officer maintained a very close personal relationship with those in higher ranking positions who had direct influence on the outcome of my investigation.

Near the end of my IA investigation, I was able to receive a copy of the investigation itself which detailed each interview conducted by the investigator. I quickly observed that IA only interviewed half of the individuals present during my incident and purposefully excluded those who they believed would not have been helpful in reaching the conclusion that they already had set for me. Additionally, with those who they did interview, I observed that the IA investigator guided their responses. Furthermore, the IA investigator repeatedly asked each interviewee their opinion on the matter. Since when has it been appropriate to input one's opinion, especially when CSPD policy itself states that all investigations are to be done impartially?

At the conclusion of my investigation, I was stripped of my position within my specialty unit, which I held for nearly ten years, and was pushed out back to a patrol position. It should be noted that this was decided after our scheduled shift-pick session, which solidified me a position on a shift typically held for those officers with lower seniority. This punishment was done without any progressive discipline prior. Immediately upon being notified of my punishment, our Human Resources (HR) supervisor sent out a department-wide email which detailed my transfer within the department, which is routinely done for internal transfers. The fact that the department allows such emails to be sent following matters such as mine not only subjects the individual to public embarrassment, but it also creates an unfavorable, toxic environment for the involved by subjecting them to negative gossip and rumors.

After some time passed following my transfer, I attempted to report misconduct done by the police officer who initiated the IA complaint against me. I was notified by my superior that even with solid evidence in the form of witness statements and photographs, that an individual holding a command staff position advised him that he would make sure that my complaint would be ignored and that I would, "just be made out to be a disgruntled employee".

I will end this by stating that I am in full support of this bill. It is the start to holding those within command staff accountable for their actions, along with dismantling the "good ole' boy" system that has run rampant within this department for far too long, causing those who are in this field of work for the right reasons to leave in fear of being bullied and retaliated against without just cause.

Respectfully,

Anonymous

Riley Thomas (she/her)
Regarding HB24-1460
April 23, 2024

To the Members of the House Judiciary Committee,

My name is Riley Thomas, and I am writing to you today as a concerned citizen and advocate for justice in our community, but also as a social worker working with the unhoused population. As such, I am deeply invested in both the safety and wellbeing of the members of our society, with particular interest in advocating for those who have historically faced systemic injustices. It is with this perspective in mind that I urge you to support and pass HB24-1460.

HB24-2460 addresses critical issues related to misconduct and criminal behavior within law enforcement agencies; it establishes clear guidelines for the investigation of various allegations against peace officers, while mandating reports of these allegations to the appropriate authorities to ensure accountability amongst law enforcement. This is absolutely essential. Law enforcement must be held accountable for their actions, ensuring that incidents of misconduct are properly addressed, especially considering the disproportionate impact that current policing practices have on marginalized communities.

As a social worker working with the unhoused population in Fort Collins, I have personally witnessed how interactions with law enforcement can exacerbate vulnerabilities and perpetuate cycles of trauma and marginalization within our communities. Far too often, individuals experiencing homelessness are subjected to harassment, discrimination, and even emotional or physical abuse at the hands of police officers, with usually no recourse. This bill is an absolutely necessary step towards rectifying these injustices, and making sure that all members of our community are treated with respect by law enforcement, regardless of their socioeconomic background, housing status, race, or gender.

Furthermore, it is absolutely paramount that we, as Coloradoans, take concrete measures to secure the well-being and safety of Black and Brown people living here; according to the most recent census, only 4% of Colorado's population is African American. According to the [Colorado Coalition for the Homeless](#), racial minorities are overrepresented in Colorado's unhoused population – in 2020, Black Coloradans comprised 23.5% of Metro Denver's unhoused population despite only being 5.3% of the population. These statistics are indicative of segregation, and shows how deeply our systems are rooted in racism and dehumanization. Colorado has an incredibly racist history, from the merciless massacres and murders of the Indigenous in the 19th century, to the Ku Klux Klan's control of Colorado state politics in the 1920s. We must make this state safe for people of color; HB24-1460 is one small step towards reaching this goal. HB24-1460 not only enhances accountability within law enforcement agencies, but strengthens protections for whistleblowers and mandates the maintenance of reports and investigation files regarding officer misconduct. These regulations are imperative for promoting transparency, accountability, and trust between law enforcement and the communities they supposedly serve, particularly communities that Colorado law enforcement has damaged, hurt, taken from, and torn apart.

House Bill 24-1460 represents an opportunity for Colorado Legislature to take a meaningful step towards addressing systemic injustices within our systems, particularly for those who have been marginalized and underserved by not only law enforcement, but by the state of Colorado as a whole. I urge you to prioritize the passage of this legislation and to stand in solidarity with the Coloradoans who are most vulnerable.

Thank you for both your time and consideration,

Riley Thomas

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March 2, 2022

VIA EMAIL AND FEDERAL EXPRESS

Chief Paul. M Pazen
1331 Cherokee Street
Denver, CO 80204
Paul.Pazen@denvergov.org

Re: *Monica DeOssie/Denver Police Department*

Dear Chief Pazen:

Monica DeOssie has retained KILLMER, LANE & NEWMAN, LLP to represent her with respect to issues arising out of her employment with Denver Police Department (“DPD”). Despite Ms. DeOssie’s successful eight-year career, DPD constructively discharged Ms. DeOssie in August 2021 after unjustifiably failing to promote her three times in favor of white, straight, male officers. Based on the facts and circumstances as I understand them, I have advised Ms. DeOssie that she likely has meritorious legal claims against Denver for, among other things, gender and sexual orientation discrimination in violation of Title VII of the Civil Rights Act and the Colorado Anti-Discrimination Act.

FACTS

Ms. DeOssie was employed with DPD as a police officer for almost eight years, starting in 2013. Before that, she had worked for eight years as a military police officer with the United States Air Force, with her ultimate goal always being to become a police officer for Denver. Throughout her career with DPD, Ms. DeOssie received glowing performance reviews. She was also awarded the Attorney General Excellence in Law Enforcement award for 2018, and received other commendations and awards including from the Mayor’s Office. Ms. DeOssie led her District in self-initiated arrests and actions.

In November 2016, Ms. DeOssie was assigned as a patrol officer to District 4. Almost immediately after her transfer, Ms. DeOssie’s superior officer, Lt. Marshall, began discriminating against her because of her gender, her sexual orientation, and possibly her race (Ms. DeOssie is Latina). For example, Lt. Marshall consistently made sexual comments about

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female officers in front of Ms. DeOssie, making her extremely uncomfortable. Most offensively, when speaking about Ms. DeOssie's divorce, Lt. Marshall told another officer that "he was so sick and tired of [Ms. DeOssie's] gay drama."

Lt. Marshall further discriminated against Ms. DeOssie by refusing to promote her to corporal despite her success as a patrol officer. Lt. Marshall denied Ms. DeOssie a promotion to corporal each of the three times she applied, even though she passed her exam each time and already had experience training recruits. Lt. Marshall promoted a total of eight other officers to corporal instead of Ms. DeOssie, all of whom are straight, white males. Indeed, Lt. Marshall was so determined not to promote Ms. DeOssie that he told a sergeant to keep any documentation against her he could so it could be used to justify not promoting her.

Lt. Marshall stated that one reason he did not promote Ms. DeOssie is because she comes across as, and looks, aggressive. No basis exists for Lt. Marshall's assertion; in fact, Ms. DeOssie's performance reviews and other performance metrics demonstrated that she did not act or react to situations aggressively. Lt. Marshall's perception of Ms. DeOssie was based entirely on his stereotypical opinion of gay female police officers.

Lt. Marshall was not the only biased officer in District 4; implicit bias pervaded the office. There were no female officers with ranks higher than patrol officer except for one detective who has since retired. When Ms. DeOssie questioned another lieutenant about the lack of female officers with higher ranks, the lieutenant responded that he had never noticed. Ms. DeOssie was the only officer in District 4 who identified as LGBTQ+.

In September 2020, Ms. DeOssie reported Lt. Marshall's harassment, including his statement about her "gay drama," to a sergeant, who reported it to internal affairs. Ms. DeOssie was interviewed twice by internal affairs about the situation with Lt. Marshall, but she was never told the result of the investigation. DPD offered her the option to transfer to another district away from Lt. Marshall, stating that that would fix the problem.

Around April 2021, a former girlfriend of Ms. DeOssie apparently filed a complaint against her. In response, DPD essentially threatened Ms. DeOssie that if the complaint and related alleged misconduct were sustained, DPD would report her to the POST Board, and under the new law (SB 217), she would lose her POST certification, and thus be unable to work as a police officer anywhere in Colorado. Given that Ms. DeOssie had lost all faith in the Department at this point due to its failure to address the discrimination and harassment she faced, she believed that it was unlikely the investigation into the complaint against her would be fair, and so she felt that she had no choice but to resign her employment so that she would not lose her POST certification. After Ms. DeOssie resigned in August 2021, she learned that there were at least two other male officers who had complaints against them for similar alleged misconduct, yet DPD did not threaten them with the loss of POST certification.

Based on these facts, Ms. DeOssie's constructive discharge likely violated federal and state laws, and she likely has meritorious legal claims against Denver under Title VII and the Colorado Anti-Discrimination Act.

LEGAL CLAIMS

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, as amended, prohibits an employer from discriminating, with respect to the compensation, terms, conditions, or privileges of employment, because of an employee’s sex, sexual orientation, or race. 42 U.S.C. § 2000e-2(a)(1); *see also Bostock v. Clayton Cty.*, 590 U.S. ___, 140 S. Ct. 1731 (2020) (holding that Title VII protects against discrimination based on sexual orientation or gender identity). Similarly, the Colorado Anti-Discrimination Act (“CADA”) provides that it is “a discriminatory or unfair employment practice...[f]or an employer to...discharge..., harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any person otherwise qualified because of... race, ...sex [or] sexual orientation.” Colo. Rev. Stat. § 24-34-402(1)(a). Because the language of CADA parallels that of Title VII, claims of discrimination brought under CADA are analyzed the same as claims of discrimination under Title VII. *St. Croix v. Univ. of Colo. Health Scis. Ctr.*, 166 P.3d 230, 236 (Colo. App. 2007); *see also Lawley v. Dep’t of Higher Educ.*, 36 P.3d 1239, 1247 (Colo. 2001) (explaining that the supreme court has adopted the “*McDonnell Douglas* framework” in analyzing CADA claims).

Both Title VII and CADA also prohibit employers from retaliating against employees for engaging in protected opposition to discrimination. *See, e.g., Hertz v. Luzenac Am., Inc.*, 370 F.3d 1014, 1015-16 (10th Cir. 2004); *see also* Colo. Rev. Stat. § 24-34-402(1)(e)(IV).

In refusing to promote Ms. DeOssie and threatening her with POST decertification if she did not resign, DPD, “by its illegal discriminatory acts,...made working conditions so difficult that a reasonable person [Ms. DeOssie’s] position would feel compelled to resign.” *Derr v. Gulf Oil Corp.*, 796 F.2d 340, 344 (10th Cir. 1986). DPD thus constructively discharged Ms. DeOssie from her employment. *See id.* The circumstances surrounding Ms. DeOssie’s constructive discharge raise an inference that DPD’s conduct was based on discrimination against Ms. DeOssie because of her gender, sexual orientation, and/or race. The timing of Ms. DeOssie’s constructive discharge after she had made a complaint about the discrimination likewise raises an inference that DPD retaliated against Ms. DeOssie for reporting the discrimination.

Accordingly, evaluating the adverse treatment Ms. DeOssie sustained in her employment with DPD, it appears that Ms. DeOssie has compelling Title VII and CADA claims against Denver.

CONCLUSION

Ms. DeOssie stands to suffer profound losses and damages, both financial and non-economic, from the unjustified constructive discharge of her employment with DPD. Ms. DeOssie is determined to secure a fair resolution of her claims, but she is willing to explore efforts to resolve this matter short of commencing formal legal action. Please contact us on or before March 18, 2022, if you wish to pursue this avenue of discussion. We look forward to hearing from you.


Chief Paul B. Pazen

March 2, 2022

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Sincerely,

KILLMER, LANE & NEWMAN, LLP

A handwritten signature in black ink, appearing to read "David A. Lane". The signature is fluid and cursive, with a large initial "D" and "A".

David A. Lane

Liana Orshan

cc: Monica DeOssie

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