

Risks and Impacts of Adopting Education-Based Discipline in Denver, Colorado



By Denver Justice Project

Table of Contents

Executive Summary	2
History and Origins of Education-Based Discipline	2
Denver’s Proposed EBD Model and Oversight Concerns	4
Timeline of Officer Accountability in Denver	7
Evidence and Research: Does EBD Make Policing Safer?	8
Risks of Misconduct Escalation Under EBD	9
Denver and Colorado Policing Context	9
Comparison of EBD vs. OIM & COB	10
EBD in Other Workplaces	11
Conclusion	12
References	14



Executive Summary

Denver’s proposed Education-Based Discipline would quietly remove up to 80% of officer misconduct cases from independent oversight and public view. Misconduct like minor use-of-force violations and body-cam failures would be handled internally with educational plans, leaving no public record and no true accountability.

This model was created by the Los Angeles County Sheriff’s Department under Sheriff Lee Baca—later convicted for obstructing a federal investigation into systemic abuses. In Los Angeles, EBD erased 72% of suspension days for excessive force and allowed repeat offenders, sexual harassment, and dishonesty cases to avoid real consequences. Oversight experts ultimately warned the system protected problem officers and undermined public trust.

EBD sends the wrong message: that rule-breaking won’t result in formal discipline. Research is clear—minor misconduct predicts serious misconduct later. DOJ investigations and academic studies show that failing to discipline “small” violations creates a culture of impunity. EBD would hide these early warning signs and embolden repeat offenders.

The stakes in Denver could not be higher. Colorado ranks top five for fatal police shootings per capita. Black residents are 3.6× more likely and Latino residents 2.3× more likely to be killed by police than white residents. In Denver, Black residents are just 9% of the population but nearly 30% of all use-of-force victims. Nearly half of Denver’s shootings from 2017–2023 involved someone in a mental health crisis or with a disability.

EBD is a rollback of accountability that Chief Thomas, Mayor Jonston, and Denver officials must reject. Instead of gutting oversight, fix delays in the current process by investing resources where they’re needed. Training should be used to strengthen discipline, not erase it. The time to shut down EBD is now.

In July 2025, DPD is attempting to rebrand the policy as "Education-Based Development" following scrutiny from the community, the Office of the Independent Monitor, and the Civilian Oversight Board; however, for the purposes of this report, we will continue to refer to it as Education-Based Discipline.

History and Origins of Education-Based Discipline

Origins of EBD: Education-Based Discipline was first introduced in April 2009 by the Los Angeles County Sheriff’s Department under Sheriff Lee Baca. Baca touted EBD as a “modern” alternative to suspensions: deputies who violated policy could attend department-run classes, write essays, or give presentations instead of being taken off duty without pay. The philosophy, according to Baca, was that traditional discipline did not improve performance, and that “education and encouragement in lieu of punishment” could correct officer behavior ([here](#)).

Federal Investigations into Civil Rights Violations: Unbeknownst to the public at the time, the U.S. Department of Justice was investigating LASD in the late 2000’s for systemic brutality and civil rights violations in the county jails, including deputy gangs and cover-ups of inmate abuse ([here](#)). In 2011 – just



two years after launching EBD—Sheriff Baca and his top deputies actively interfered with an FBI probe, hiding an informant and threatening federal agents ([here](#)). Baca was eventually convicted of obstruction of justice and lying to federal investigators. In 2017, he was sentenced to three years in federal prison for leading the scheme to derail the jail abuse investigation ([here](#)).

Created in a Culture of Corruption: It is within this culture – a department described by a judge as having a “corrupt culture” in which the Sheriff “had no problem using his office to further his own agenda” ([here](#)) – that Education-Based Discipline took shape. The policy served a department eager to project a reformist image (more training! fewer suspensions!) even as it fought external oversight at every turn. By 2013, LASD had expanded EBD and was touting its benefits to other agencies. Sheriff Baca even presented it at Harvard as a “New Era for the Discipline Process” ([here](#)). But behind the scenes, the impact of EBD on deputy behavior—and public safety—was anything but positive.

Failures of EBD in Los Angeles: A Warning for Denver

The following data comes directly from the 2013 ([here](#)) and 2014 ([here](#)) Semiannual Reports of the Special Counsel overseeing the Los Angeles County Sheriff’s Department—the only publicly available reports that provide in-depth evaluation and outcome data on an Education-Based Discipline model in practice. These reports expose a system that streamlined the protection of violent officers, rewarded repeat misconduct, and failed the public. These early outcomes from EBD show that the model itself is structurally flawed and easily exploited. We cannot assume a safer version will emerge in Denver, especially at a time when officer-involved shootings, use of force, and community distrust are at an all-time high. It’s not enough to promise stricter guidelines or tighter controls. Making specifications around who or what qualifies for EBD is meaningless when the model itself was built to be manipulated, internalize accountability and discipline structures, eliminate transparency, and prioritize officer morale.

- **Use-of-Force Qualified for EBD:** LASD allowed 23 out of 27 deputies found guilty of *unreasonable force* to complete their discipline through EBD classes instead of suspension. Fifteen of those avoided all suspension time. In total, 166 out of 229 suspension days (72%) for use-of-force violations were erased through EBD.
- **Lying Under Oath Qualified for EBD:** Deputies found to have falsified records or made false statements were granted EBD credits.
- **Repeat Offenders Qualified for EBD:** One LASD deputy committed six violations and received EBD in place of a suspension—then went on to commit four more, again satisfied with EBD. Another committed nine violations across four cases and served just one unpaid suspension day.
- **Sexual Harassment Qualified for EBD:** Of 16 deputies charged with sexual harassment, 8 were allowed to take EBD classes to replace all or part of their suspension.



- **Alcohol Violations Qualified for EBD:** For alcohol-related violations, deputies were referred to the Employee Support Services Bureau where they could be assigned EBD in lieu of suspension.
- **Domestic Violence Qualified for EBD:** For domestic violence cases, deputies were referred to the Employee Support Services Bureau and assigned an off-duty “treatment program,” which included EBD classes in lieu of suspension.
- **Officer Takeaway from EBD:** In a survey conducted by LASD of those who completed the EBD program, a majority of participants expressed “relief” at avoiding suspension and “gratitude” toward the department—rather than remorse for violating policy or reflection on what they learned in the program.

Chief Ron Thomas has suggested DPD can implement EBD with stricter limits, for example, they’ve listed categories of misconduct that would not be eligible, like serious excessive force, dishonesty, sexual misconduct, etc. ([here](#)). But making a longer list of disqualifying infractions does not change the inherent dynamics of this model:

- It still relies on secret, unilateral decisions by the department to divert cases.
- It still excludes the community and independent monitors from the process.
- It still places officer development above victim impact.
- It still creates perverse incentives—officers will prefer and seek out EBD, and commanders sympathetic to their colleagues will find borderline cases to be “EBD-appropriate.”

Sheriff Baca sold EBD as a way to “reduce suspensions and increase morale,” and indeed suspensions plummeted in LA—but not because misconduct stopped. It was because misconduct was being handled off the books. Ultimately, LASD’s own oversight experts recommended EBD be used only in conjunction with real discipline, not as a substitute ([here](#)).

Denver’s Proposed EBD Model and Oversight Concerns

According to Chief Thomas, approximately 85% of DPD’s disciplinary caseload involves low-level infractions that would be eligible for the EBD program ([here](#)). These are cases that currently might result in an oral or written reprimand, a short suspension, or “fined time” (forfeiture of vacation days) – generally Category C or D violations in Denver’s discipline matrix. Under the EBD model, instead of those outcomes, an officer would have the option to complete an individualized training or reflection plan. If they do so, no official discipline would be entered on their record for that incident.

How EBD Would Work as proposed by DPD:

- The officer is offered the choice of traditional discipline or an “Education-Based” plan.
- DPD’s training staff (or a supervisor) creates a tailored list of tasks. This could include courses on decision-making, policy refreshers, scenario-based trainings, community service, or writing a reflective essay about the incident. Chief Thomas gave an example: an officer who failed to write



a report might be assigned a 10-hour course on decision-making and a 4-hour report-writing class, then deliver a presentation to peers on the importance of proper reporting.

- The officer usually has about 60–90 days to complete the program. The misconduct investigation is marked “resolved through education.”
- If the officer completes all tasks, the case is closed with no disciplinary action.
- Only if the officer fails to complete the requirements would the process revert to a disciplinary hearing and possible penalties (this is similar to how L.A. structured it — EBD is an alternative that holds a suspension “in abeyance” until the education is done).

Ineligible for EBD: Chief Thomas has emphasized that certain “serious” violations would not be eligible for EBD, these include ([here](#)):

- Violations that foreseeably cause death or serious bodily injury, or that indicate serious dishonesty or bias (Category F level misconduct).
- Criminal offenses (e.g. any felony arrest of an officer, certain misdemeanors that could cost an officer their state certification).
- Sexual misconduct.
- Assault on a fellow officer.
- Altering or destroying official records (falsifying reports).
- On-duty alcohol or drug impairment.
- EEO (equal employment opportunity) violations like discrimination or harassment – unless the EEO Bureau and Chief specifically approve EBD in a particular case.
- Use of force that is unlawful (any excessive force complaints would presumably stay in the normal discipline system).

It’s worth noting that this list of exclusions closely mirrors the abuses seen in LASD’s early EBD experience—suggesting Denver is trying to learn from L.A.’s mistakes by pre-emptively disqualifying those categories. That is an implicit admission that EBD can easily be abused. However, even if those exclusions are ironclad (and there is skepticism that they will hold over time, which we discuss later), the 85% of cases left would be handled entirely internally. That 85% figure includes thousands of incidents such as:

- Discourtesy or disrespect to the public (profane language, etc.).
- Minor use of force or tactic violations (that don’t cause severe injury or death).
- Failure to follow procedures (report writing, not activating body-cam, missing court, etc.).
- Driving violations or preventable accidents.
- Attendance issues or insubordination (being tardy, disobeying orders).

These are not trivial instances of misconduct—they form the day-to-day fabric of police-community interactions and internal discipline. Under EBD, up to 85% of such incidents would never reach the independent monitor for review and would never be reported to the public.

What EBD Would Replace: Currently, Denver’s Disciplinary Matrix ([here](#)) governs how misconduct is handled. The Matrix assigns presumptive penalties for different categories of violations, from A (least serious) through F (most serious). For example, a first-time Category C violation might carry a written



reprimand; a Category D might carry a 1-3 day suspension. The Office of the Independent Monitor reviews all sustained findings to ensure the investigation was sound and the discipline fits the matrix. The final discipline is then a matter of public record and is subject to appeal or grievance by the officer.

Under EBD in Denver:

- **Course of the Case:** The case would effectively stop after the “sustained” finding of misconduct. Instead of forwarding to OIM and proceeding to disciplinary recommendations, the officer’s chain of command could offer EBD.
- **Role of the OIM during EBD Proceedings:** OIM would not review EBD cases in real-time. The Monitor might be notified that a case was resolved via education, but they would not evaluate the adequacy of the “sentence” because there technically is no sentence. (Denver’s OIM has already pointed out this sidesteps their charter-mandated role ([here](#).)
- **OIM’s Ability to Report on EBD:** Currently, the OIM’s annual report might list how many officers got a written reprimand for “Conduct unbecoming” or “Inappropriate force” etc. If those are done via EBD, they may show up simply as “educational outcome, case closed.” Denver police have not committed to any specific public reporting of EBD usage.
- **Challenges Pattern-Tracking Bad Officers:** If an officer in 2025 gets an EBD for a preventable accident, and in 2026 an EBD for a profanity complaint, and in 2027 an EBD for a failure to turn on bodycam—the system might view each in isolation (three low-level incidents, none repeated). But a human observer would see a pattern of carelessness and disregard. Under the current system, each of those would appear in the officer’s record and OIM could flag a trend. Under EBD, the officer’s slate is essentially wiped clean for that incident.

Bypassing the Independent Monitor: Denver’s Independent Monitor, Liz Castle, has been unequivocal: “The Office of the Independent Monitor does not support Education-Based Discipline. We do not agree with the approach or believe it is necessary. Additional training can and should be provided when deficiencies are identified—but it must be in addition to discipline, not instead of it. Without accountability, there is no community trust. EBD removes accountability from discipline. This is a not-so-veiled attempt to eliminate accountability for officers and to sideline the Office of the Independent Monitor.” ([here](#)).

Citizen Oversight Board: The COB, a civilian panel that advises on discipline, was similarly blindsided. According to COB Chair Richman, the Board only learned of EBD at the very end of 2024 and was told it would be implemented imminently. She criticized that “the model addresses a symptom rather than root causes” of the slow discipline process, and that if training is needed, it can be done without creating an alternate process ([here](#)). The COB is particularly concerned that community voices are excluded: as Richman put it, “it can’t be done without the people who are the subject of that abuse having a voice.”([here](#)).

Denver Police Department: Chief Thomas frames EBD as beneficial for officers and efficiency. He argues it will reduce case processing time from months to weeks, getting officers “back to work” more quickly and complainants an answer sooner. He also suggests it will reduce bitterness and improve compliance, since officers won’t feel punished but rather educated ([here](#)).



However, missing from these justifications is any explanation of how EBD benefits the public or the victims of misconduct. Denver’s community has seen numerous reform efforts in policing—body cameras, implicit bias training, de-escalation training, new use-of-force policies—yet our state remains among the nation’s leaders in police killings and misconduct incidents ([here](#)). Now is not the time for policy changes that remove consequences for misconduct that harms the community.

Timeline of Officer Accountability in Denver

To understand why the Education-Based Discipline proposal is such a problem, it’s important to look at how Denver’s current system was built, and how EBD threatens to dismantle it.

2004 – 2008: Building a Community-Driven Discipline Matrix

- In the early 2000s, public outrage over repeated police misconduct pushed the City of Denver to reform how officer discipline was handled.
- The City created the Disciplinary Advisory Group, which brought together roughly 80 stakeholders: community activists, clergy, civil rights advocates, police union reps, command staff, city attorneys, and national experts with guidance from the Police Executive Research Forum.
- After years of work, Denver implemented its first Discipline Matrix in 2008 ([here](#)). The matrix standardized penalties and built oversight into the process by formally integrating the Office of the Independent Monitor, which had been created in 2005.
- The stated mission was to create a “fair, rational, efficient, consistent discipline system” that balanced officer accountability with community trust.
- The 2008 matrix already allowed for training and education as corrective measures, but always in addition to a formal acknowledgment of the violation (e.g., a written reprimand plus remedial training). Liz Castle, the current Independent Monitor, has emphasized that the ability to add training was never the problem: “DPD already has the option to use education in discipline. They are simply choosing not to use it. Creating a whole separate system to erase discipline is unnecessary and undermines the matrix itself.” ([here](#))

2017: Updating Use-of-Force Policy With Community Input

- In 2017, DPD revised its use-of-force policy. The department published the draft publicly ([here](#)), held community meetings ([here](#)), and worked with the OIM to refine the policy.
- The OIM (then led by Nicholas Mitchell) publicly analyzed the draft and pushed for stronger language on de-escalation and accountability ([here](#)).
- DPD incorporated some of those recommendations before the policy was implemented ([here](#)).

Late 2024: EBD Introduced Behind Closed Doors

- In October 2024, DPD presented a slide show to a small group of community members, without public notice. No draft was made available, and the OIM and COB were not involved.
- COB Chair Julia Richman later said the board was “essentially presented with a nearly finished concept and told it would be implemented at the beginning of [2025].”



- On January 2, 2025 DPD provided the draft policy to the OIM for the first time just days before they planned to roll it out.

January 2025: Silencing Oversight with Deliberative Process Privilege

- When OIM finally received the draft, Deliberative Process Privilege kicked in, legally barring the OIM from discussing EBD publicly.
- Independent Monitor Liz Castle told City Council that this put her office in an impossible position: “We could not inform the community or solicit their input on a major change, while the department was already presenting it as a done deal” ([here](#)).
- Meanwhile, Chief Thomas was free to promote EBD to the community and media.
- Eventually, after public pressure, DPD agreed to delay implementation, but it is abundantly clear that the initial rollout of EBD was a covert attempt to eliminate oversight in order to boost officer morale.

“The adoption of the matrix was a contract between law enforcement and the community. To change that model unilaterally is a betrayal of trust and a betrayal of the agreement.”

– Liz Castle, Denver’s Independent Monitor

Evidence and Research: Does EBD Make Policing Safer?

There is no peer-reviewed or independently verified research showing that Education-Based Discipline reduces misconduct, excessive force, racial bias, or civil rights violations, or that it enhances public safety or builds community trust.

Chief Thomas has claimed “there’s lots of evidence, inside and outside policing, that shows this is a better way to change behavior.” ([here](#)). Denver Police Department has not provided the media, City Council, or the community with any citations, studies, or data supporting this claim.

No Endorsement from DOJ or Law Enforcement Best Practice Experts: Typically, when a reform is genuinely showing promise, the U.S. Department of Justice or groups like the Police Executive Research Forum will highlight it in reports or guidance. For example, body-worn cameras were studied and cautiously endorsed as useful for evidence and sometimes reducing force. In the case of EBD, however, the silence is telling. The DOJ’s and PERF’s guidance on best practices for internal affairs and discipline makes no mention of replacing discipline with education. The National Association for Civilian Oversight of Law Enforcement has even warned against informal resolutions that bypass oversight, noting that they can lead to under-reporting of misconduct and lack of public trust ([here](#)).

The Facade of Success From Departmental Self-Reporting: The only “evidence” we’ve heard in favor of EBD comes from police departments that implemented it reporting lower suspension numbers and claiming reduced recidivism internally. LASD reported on saved suspension days and improved officer morale ([here](#)). Of course suspensions go down if you stop giving suspensions, and of course officer



morale improves when there is no accountability for misconduct. That's not proof of improved officer behavior or public safety, it's just proof you changed the accounting method.

Risks of Misconduct Escalation Under EBD

Warning Signs of Serious Misconduct: One of the strongest arguments against EBD is what it fails to catch: the early warning signs of more serious misconduct.

- **University of Chicago:** A comprehensive analysis of over a decade of Chicago Police Department records found that even relatively minor prior incidents—such as complaints or unsustained allegations—are predictive of future serious misconduct. Officers in the top 1% of predicted risk based on prior minor issues were 6.7× more likely to engage in on-duty misconduct than the average officer, and 6.2× more likely to engage in off-duty misconduct ([here](#)).
- **U.S. Department of Justice:** Investigations in Ferguson, Baltimore, and Chicago have repeatedly flagged the failure to discipline minor infractions like discourtesy, unlawful stops, or internal non-compliance as a causal factor in creating a broader culture of impunity ([here](#)).

Diminished Early Intervention: DPD does have an early intervention system that is supposed to alert supervisors if an officer hits certain thresholds (for example: X number of uses of force, complaints, or traumas in a span of X months). Will EBD cases count towards those thresholds? If they categorize an EBD outcome as something other than a sustained violation, which EBD is explicitly an alternative for, will it slip by? EBD could allow an officer to skate under the radar until something really bad happens – at which point the department might say “this was a first serious offense” when in reality there is an iceberg of minor offenses unseen by the public.

The Message EBD Sends: EBD tells officers that rule-breaking carries no real consequences. If misconduct is handled quietly with a class or peer coaching, some officers will stop taking policies seriously. Incentives matter, and when the threat of formal discipline is removed, officers become more violent, departments turn a blind eye to misconduct, and public safety is put at risk.

Denver and Colorado Policing

It is important to frame the EBD debate within Denver's and Colorado's broader policing context. Adopting a lenient disciplinary model here and now is a horrifying decision given these realities, following data from the Police Scorecard ([here](#)) and Campaign Zero ([here](#)):

Colorado's Rate of Police Killings: Colorado consistently ranks among the top five states for fatal police shootings per capita ([here](#)).

Disparities in Fatal Law Enforcement Encounters:

- Black residents make up only about 4% of Colorado's population but account for 12–13% of those killed by police. This means a Black individual is around 3.6x more likely to be killed by police than a white person.



- Latino residents make up about 22% of Colorado’s population but account for 30–35% of those killed by police. This means a Latino individual is around 2.3x more likely to be killed by police than a white person.
- White residents make up about 70% of Colorado’s population and account for 48–50% of those killed by police.

Use-of-force Against Black Residents: Black residents are around 9 % of the Denver’s population but were subjects in 29.7 % of all DPD force incidents (2019-2023) ([here](#)). Per-capita, a Black resident is $3.3 \times$ more likely to have force used against them than a white resident.

Latino Drivers Face More Intrusive Stops: In the Stanford Open Policing Project’s 2018-2022 dataset, Latino drivers were searched in 6.2 % of traffic stops vs. 3.8 % for white drivers, yet contraband was found 8 % less often on Latino drivers, and Latino drivers are more often subjected to “fishing-expedition” searches that turn up less illegal material ([here](#)).

Mental-Health Crises Escalate to Deadly Force: The Denver Citizen Oversight Board’s 2024 report shows 18 of 38 officer-involved shootings (47 %) from 2017-2023 involved a person in mental distress or with a documented disability ([here](#)).

Why this matters for EBD: If EBD reduces transparency and accountability, these disparities will worsen or become harder to confront:

- Patterns of racial bias or unnecessary force could disappear from disciplinary statistics, making it even harder for OIM/COB to intervene.
- Officers who repeatedly escalate on Black and Brown populations may never face formal consequences visible to the public.

Comparison of EBD vs OIM & COB

	EBD (Proposed)	Denver’s Current System (OIM/COB)
Who decides the outcome?	Internal DPD leadership. Officers’ chain of command and Training Division devise the “education plan.” The Chief signs off. The officer can opt in or choose traditional discipline.	Independent oversight plays a role. Internal Affairs and Conduct Review recommend discipline per the Matrix, but OIM reviews investigations and can dispute findings. The Department of Safety makes final discipline decisions with OIM input.
Public Transparency	None required. EBD cases are handled as administrative coaching. No requirement to publish which officers did EBD or for what. The incident might not appear in any public report except perhaps as a statistic.	Mandatory reporting. All sustained complaints and their disciplines are summarized in OIM public reports. The COB and City Council receive data on discipline. High-profile cases’ files can be released with redactions under public records law.



Role of Community/Victims	Excluded. The complainant is not part of the process after filing the complaint. They are notified only that the officer will get training. The community has no voice in determining the response or any restorative steps.	Included via oversight and sometimes direct input. OIM and COB represent community interests in discipline discussions. In some cases (mediated complaints, restorative justice), the victim or community members engage in the resolution.
Oversight Checks and Balances	Minimal. OIM is notified of EBD resolutions but does not approve them. The COB has no formal role. Essentially, DPD polices itself. OIM might do after-the-fact audits, but those would rely on DPD's internal records and could be difficult if patterns are hidden.	Robust (comparatively). OIM monitors investigations start to finish. They can insist on more investigation if incomplete. They make disciplinary recommendations. COB can make policy recommendations and hold public meetings where discipline cases are discussed.
Consequences for Officer	Non-punitive. The officer likely sees no loss of pay and no official mark on their disciplinary record. It's framed as learning, not punishment. Only if they fail to complete training would discipline kick in.	Punitive and corrective. Depending on severity: written reprimand (goes in file), suspension (loss of pay days), demotion, or termination. Often coupled with corrective action like training or counseling, but the formal penalty still applies.
Handling of Repeat Issues	Narrowly focused. Only repeated instances of the identical policy violation are flagged to exit EBD. Officer could have multiple EBDs across categories. DPD says it will monitor "patterns," but that is discretionary and internal.	Broadly focused. Under the matrix, any prior sustained violation can elevate the penalty for a new violation, even if unrelated. Patterns across violation types are examined, and OIM tracks all complaints per officer and can flag concerning clusters to DPD and COB.
Ultimate Accountability	Centered on Officer development. Success is defined by officers "learning" as judged by their own supervisors. There is no formal accounting of whether the outcome was sufficient to deter future misconduct.	Centered on Public interest. Success is defined by sustained change in officer behavior and justice for misconduct. The officer faces tangible consequences. There is a public record that can be pointed to in order to uphold standards.

- **Office of the Independent Monitor:** [2024 Annual Report](#)
- **Civilian Oversight Board:** [2024 Annual Report](#)

EBD in Other Workplaces

Another way to evaluate EBD is to ask: Would this approach be acceptable in other professions, especially those with high public trust? The answer is generally no. While employee development is emphasized in many fields, outright replacement of discipline with internal education for misconduct is virtually unheard of when that misconduct could harm others.

- **Nurses/Doctors:** If a nurse violates patient confidentiality, they can expect formal reprimands, possible suspension, and even loss of license for egregious cases. They may be retrained on privacy protocols, but that's in addition to discipline. The incident is reported and on record with the state nursing board.



- **Teachers:** If a teacher is found to verbally harass a child, there is a clear expectation of formal consequences—a write-up, a meeting with the principal and parents, possibly suspension or mandatory leave. Additional training on classroom management might be assigned, but again, not in lieu of acknowledging the misconduct.
- **Airline Pilots:** Safety rules are paramount. If a pilot neglects a procedure, even something less immediately dangerous, like failing to follow an air traffic control instruction promptly, they face investigation by the Federal Aviation Administration. The airline and FAA track these incidents, and a pattern could cost them their job or license.

Accountability to an external standard is common across fields, especially where others could be harmed. Nurses, teachers, and pilots are subject to independent oversight when their actions risk harm.

Police, however, occupy a unique position of power. They are armed agents of the state, authorized to use lethal weapons, exercise force, and curtail individual liberty. This is one of the most extreme power imbalances in our society. Logically, officers should be held to at least as high a standard of accountability as these other professions—if not a higher one.

EBD represents a double standard that would not be tolerated if made public in other domains. It sends a message that police are a protected class who should be able to handle their own discipline internally without consequence even if that means putting members of the public at risk.

Conclusion

Denver’s plan to adopt Education-Based Discipline is being sold as a progressive reform, but all evidence indicates it is a step backward—a dangerous regression to a time when police misconduct was handled in-house and away from public scrutiny. This proposal, if implemented, will:

- **Weaken oversight** by sidelining the Independent Monitor and Citizen Oversight Board in the majority of cases.
- **Reduce transparency**, meaning the public will be kept in the dark about how most officer misconduct is resolved.
- **Embolden problem officers** by replacing meaningful consequences with what amounts to a free pass for first (and second, third...) offenses.
- **Undermine public trust**, especially in communities of color and others who experience disproportionate policing, by signaling that the department prioritizes coddling officers over delivering justice for misconduct.
- **Betray the commitments** Denver made in establishing its current accountability system, effectively tearing up the social contract forged between the police, city officials, and community back in 2008.

We have to ask: Who is this reform for? It appears to primarily benefit the police institution and its officers—fewer suspensions, happier rank-and-file, less external interference. It does not clearly benefit the public, and there’s no evidence it will reduce incidents of misconduct or improve service. It does the



opposite by removing deterrents. It is far easier to not make this mistake in the first place than to undo it later. The time to halt EBD is now, before it becomes policy.

We call on Denver officials, Mayor Johnston, and Chief Thomas to reject EBD and instead focus on genuine solutions:

- Speed up the existing discipline process by adding resources, not by removing cases from it.
- Use training as a complement to discipline, as OIM suggested, not a replacement.
- Engage the community in dialogue about how to improve accountability, rather than devising plans in isolation without input.
- Double down on early intervention and supervision to catch issues early, within the current oversight framework.

Making specifications around who or what qualifies for EBD is meaningless when the model itself was built to be manipulated, to internalize accountability and discipline, to eliminate transparency, and to prioritize officer morale over community safety. We should fix what needs fixing in our current system, not throw the system out.

“Do we really want to hire or retain officers who don’t want to be held accountable?”

– Liz Castle, Denver’s Independent Monitor



References

Special Counsel, Los Angeles County Sheriff's Department, Semiannual Reports (2013, 2014).

University of Chicago Crime Lab. *Early Intervention Systems and Officer Misconduct* (2022).

U.S. Department of Justice Civil Rights Division. *Investigations of the Ferguson, Baltimore, and Chicago Police Departments* (2015–2017).

Denver Office of the Independent Monitor, *Annual Report* (2024).

Denver Citizen Oversight Board, *Annual Report* (2024).

DPD Use-of-Force Dashboard (2019–2023).

Stanford Open Policing Project, Colorado Stop-Level Data (2018–2022).

Police Scorecard (2024).

Campaign Zero, *Police Violence in Colorado* (2024).

Denverite, CPR News, Denver7 – Public testimony and reporting on EBD proposal (2024–2025).

