



# Colorado Springs Police Department Standard Operating Procedure

## DL-600-10 IA Findings Notifications

### Section 600 – Complaints & Internal Investigations

Effective Date: 4/2/2026

Supersedes Date: 10/16/2025

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#### **.01 Purpose**

The purpose of this directive is to outline reporting requirements for certain misconduct allegations and substantiated policy violation findings, in accordance with applicable Colorado statutes, municipal ordinances, and local jurisdictional requirements.

#### **.02 Cross-Reference**

[GO 121 Fair and Impartial Policing](#)

[GO 400 Employee Conduct \(Sworn and Civilian\)](#)

[GO 500 Use of Force](#)

[GO 502 Use of Sedatives Prohibited](#)

[GO 504 Body Worn Camera](#)

[GO 510 Reportable Force](#)

[GO 600 Complaints and Internal Investigations](#)

#### **.03 Definitions**

*Civilly Liable:* A finding utilized in accordance with CRS §24-31-904, meaning: a final judgment of civil liability entered against a Peace Officer Standards & Training (POST) certificate holder, or any finding of fact by a judge or jury that the certificate holder is civilly liable, in a court of competent jurisdiction, for a revocable event occurring after July 6, 2021.

*Clear and Convincing Evidence:* An evidentiary standard used in a burden of proof analysis in which the evidence is highly and substantially more likely to be true than untrue.

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*Credibility Disclosure Notification:* A notification made by Internal Affairs (IA) to the Fourth Judicial District Attorney's Office (DAO) regarding exculpatory or impeaching information that may impact the credibility of a peace officer, in accordance with CRS § 16-2.5-502 and in compliance with the requirements of *Brady v. Maryland*, 373 U.S. 83 (1963).

*Dishonesty or Untruthfulness:* Conduct that involves a knowing misrepresentation, including but not limited to knowingly or intentionally untruthful statements, knowing omissions of material information, and knowingly providing or withholding information with an intent to deceive or mislead **except as lawfully utilized as part of an investigatory procedure.**

*Discovery Notification List (a.k.a. Brady List):* A list maintained by the DAO containing the names of all employees for whom there is exculpatory, impeaching, or bias information which is required by law and Colorado Rules of Criminal Procedure Rule 16 to be provided to defense counsel or other entities.

***Inappropriate Actions:* As defined in POST Rule 1, any action by an officer that a reasonable person would find to be intentional wrongdoing or misconduct.**

***Termination for Cause:* As defined in POST Rule 1, means the officer was terminated for intentional wrongdoing or misconduct.**

## **.04 Procedure**

### **Process of Notifications and Removal Requests**

All sworn personnel assigned to IA will be knowledgeable of and able to complete the disclosure notification process outlined in this policy. **For efficiency, the IA Lieutenant will select an investigator within IA as the main point of contact for notifying the DAO and POST of credibility disclosure notifications, Brady notifications, POST certifications, and POST database information.**

#### *Initial Credibility Disclosure and Brady Notifications*

Credibility disclosure notifications and **Brady notifications** will be made via the CSPD Peace Officer Credibility Disclosure Notification form maintained by IA. At a minimum, the Credibility Disclosure Notification form will contain the following information:

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- The sworn officer’s name; and
- The name of the law enforcement agency that employs or employed the sworn officer at the time of the sustained findings or at the time of the criminal or administrative investigation; and
- The following statement:
  - “This notification is to inform you that there is information in the law enforcement agency’s possession regarding [*name of peace officer*] that may affect the department member’s credibility in court.”
- The applicable statutory provision identifying the basis for the credibility disclosure notification, including whether the notification is based on an administrative sustained finding or whether the notification relates to an open criminal or administrative investigation or relates to other potential *Brady* material.

IA will submit the completed credibility disclosure notification form, either electronically or by mail, to the DAO and to the City Attorney’s Office (CAO). IA will place a copy of the notification letter in the related investigative case and provide a copy to the affected employee(s) via e-mail.

*7-Day Notice for Credibility Disclosure*

Unless it is not practicable to do so, based upon an impending trial date, IA will notify the involved officer at least seven (7) calendar days prior to sending the credibility disclosure notification to the DAO and CAO.

*3-day Notice for Brady*

IA will notify the DAO and CAO of any Brady Notification information within three (3) business days of CSPD becoming aware of the incident, situation, or information.

*Removal of Credibility Disclosure and Brady Notifications*

If the department determines, through its administrative process, that the criminal or administrative allegations are not sustained (e.g., unfounded, exonerated, not sustained), IA will promptly notify the DAO and CAO, in writing, of the investigative findings, no later than three (3) business days after obtaining the completed investigation from the chain of command. IA will request, via an updated Credibility Disclosure Notification form, that the DAO remove the form from its records.

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IA will send a copy of the removal request to the involved employees(s) and place a copy in the related investigative case.

The DAO's policy is to remove credibility disclosure notifications from their records as follows:

- After submission of an initial IA disclosure notification of an open criminal or administrative investigation, and a subsequent written notification from CSPD to the DAO office that allegations were not sustained and a request the notification be removed from DAO records; or
- When the DAO makes an independent determination, based upon a review of the underlying records (if granted by CSPD, the sworn officer, or by court order) that removal is appropriate or lawful.

#### *Process for Certification Notifications to POST*

CSPD has a statutory requirement to report certain allegations, findings, and/or convictions to the Colorado Peace Officer Standards & Training (POST) board. IA will make these notifications within fifteen (15) business days of IA being notified of the reportable information. IA will notify POST via the Disqualifying Incident forms on the POST website. POST will utilize these notifications to determine whether a particular peace officer's certification is to be suspended or revoked, in accordance with statute requirements.

IA will provide completed POST notification forms (digital or otherwise) to the involved officer's commander, the involved officer's deputy chief, the Chief of Police, and the POST board. All POST notifications will be signed by the Chief of Police and notarized prior to submission. IA will place a copy in the IA investigative case related to the disclosure. If the sworn officer is still employed, IA will notify the officer.

IA will send requests to remove an employee from the POST database when the case is updated and no longer fits the POST database criteria. When IA receives emails from POST which confirm requests to remove an employee were received and appropriate action was taken, IA will attach them to the appropriate investigative case and notify the officer.

## **.10 Types of Notifications**

### **Credibility Disclosure Notifications to the DAO and POST**

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### *Sustained Findings*

Pursuant to C.R.S. 16-2.5-502(2)(c)(I) Internal Affairs will notify the DAO and POST, in writing, of any sustained finding of any peace officer who on or after January 1, 2022, has:

- Knowingly made an untruthful statement concerning a material fact, knowingly omitted a material fact in an official criminal justice record, or knowingly omitted a material fact while testifying under oath or during an internal affairs investigation or administrative investigation and disciplinary process; or
- Demonstrated a bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class; or
- Tampered with or fabricated evidence; or
- Been convicted of any crime involving dishonesty, been charged with any felony or any crime involving dishonesty.

### *Allegations*

Pursuant to C.R.S. 16-2.5-502(2)(c)(II) Internal Affairs will also notify the DAO (but not POST) when the department receives allegations:

- A peace officer is a potential witness in a pending criminal prosecution in which a criminal defendant has been formally charged; and
- The peace officer is under a concurrent criminal or administrative investigation regarding an allegation related to the peace officer's involvement in the defendant's pending criminal case; and
- The result of the concurrent criminal or administrative investigation, if sustained, would require disclosure [as per C.R.S. 16-2.5-502(2)(c)(I), see *Sustained Findings* above].

### **Brady Notifications (Sworn & Civilian) to DAO**

In addition to credibility disclosure notifications required by CRS §16-2.5-502, CSPD has an affirmative duty to report the following issues to the DAO in accordance with *Brady v. Maryland* as potential exculpatory or impeachment materials that may contain evidence material to the guilt or innocence or punishment of the defendant:

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- If a department member is charged with any misdemeanor traffic offense, petty offense, or criminal misdemeanor not related to dishonesty which is under the jurisdiction of the El Paso or Teller County Courts; or
- If a department member is charged with a petty offense or misdemeanor offense not related to dishonesty in any jurisdiction; or
- If a department member is found by a judge to have testified falsely under oath; or
- If the department member has a sustained administrative finding for a criminal offense for which the POST board may deny certification (per CRS §24-31-305; see *Certification Notifications to POST* below), or a sustained violation for the use of excessive force; or
- If a department member has a previous conviction for any misdemeanor traffic offense, petty offense, criminal misdemeanor, or felony offense; or
- If CSPD receives a report of misconduct as described in this document that may otherwise be considered impeachment or exculpatory information pertaining to a specific pending criminal case.
  - This includes if CSPD receives an allegation related to excessive or inappropriate use of force or the failure to intervene in an excessive or inappropriate use of force.

## **Certification Notifications to POST**

IA is required to make the following notifications to POST:

### *Disqualifying Incident Notifications*

CSPD is required to notify POST on actions by a peace officer that may impact the officer's certification. These actions include:

- Disqualifying Criminal History
- Findings of Untruthfulness
- Unlawful Use of Physical Force, or Failure to Intervene
- Unlawful Use of Body Worn / Dash Camera
- Use or Direction or Administration of Ketamine

### *Notification of Disqualifying Criminal Incidents*

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CSPD will notify POST of any applicable felony or misdemeanor conviction for certification revocation in accordance with the provisions of CRS § 24-31-305(2)(a). This notification will also include sentencing information in accordance with the statute.

#### *Notification of Finding of Untruthfulness*

CSPD will notify POST in accordance with CRS § 24-31-305(2.5), when a currently employed or previously employed (within six months of the department becoming aware) peace officer has:

- Knowingly made an untruthful statement pertaining to a material fact or omitted a material fact:
  - On an official criminal justice record; or
  - While testifying under oath; or
  - During an internal affairs investigation, administrative investigation, and/or disciplinary process.

Additionally, IA will include that:

- CSPD completed an administrative process in accordance with the policy in effect at the time of the untruthful statement or omission; and
- Through that administrative process, CSPD determined by a clear and convincing standard of evidence that the peace officer knowingly made an untruthful statement or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or other comparable administrative investigation; and
- Certify the affected peace officer has elected not to exercise, or has exhausted, the internal disciplinary appeals rights provided by CSPD.

If a peace officer is the subject of an untruthfulness investigation and they resign or refuse to cooperate with the investigation, CSPD will complete the investigation with or without the peace officer's cooperation.

#### *Untruthfulness Standard of Proof Review*

Colorado POST standard of proof for a sustained finding of untruthfulness is *clear and convincing evidence*, which is higher than the department's typical standard of preponderance of the evidence. As a result, the department will conduct an additional review prior to notifying POST to determine whether the evidence meets this higher standard, for cases on or after August 2, 2019, involving the peace officer knowingly making an untruthful statement or omission.

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This additional review will take place after all appeals have been exhausted and the peace officer is notified of and receives a final sustained finding of untruthfulness.

The clear and convincing evidence standard review includes the officer's deputy chief submitting a recommendation to the chief of police, within fourteen (14) days from the date of the final investigative determination, regarding whether the sustained finding meets this higher evidence standard.

If the standard of proof has been met, the IA Lieutenant or designee will notify POST by utilizing the appropriate form to be signed by the **Chief of Police** and notarized. The original will be scanned and emailed to POST. A copy of the determination form will be included in the IA investigative case.

#### *Notification of Unlawful Use of Physical Force or Failure to Intervene*

CSPD will notify POST when a peace officer receives a court, administrative, or criminal finding related to use of force as outlined in CRS § 24-31-904. This includes when a peace officer:

- Is convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use of physical force or a crime involving the failure to intervene in the use of unlawful force; or
- Is found civilly liable for the use of **excessive or unconstitutional** physical force, or is found civilly liable for failure to intervene in the use of **excessive or unconstitutional** force;
- Has a finding by an administrative law judge, hearing officer, or internal investigation that a peace officer used unlawful physical force, failed to intervene, or violated CRS § 18-1-707; or
- Has a finding by an administrative law judge, hearing officer, or internal investigation that a peace officer failed to intervene pursuant to CRS § 18-8-805 (5); or
- Has a finding by an administrative law judge, hearing officer, or internal investigation that a peace officer violated CRS § 18-8-805 (1) or (2)(a)(I).

For purposes of this section, **the POST standard of** unlawful physical force or a violation of CRS § 18-1-707 **is met only** if an employee is charged with a criminal offense related to use of force.

#### *Notification of Unlawful Use of BWC or Dash Camera*

Pursuant to CRS § 24-31-902(1)(a)(IV)(B), CSPD will notify POST via the applicable form, when any officer is found, by an internal investigation, a court, or an administrative law judge/hearing

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officer, to have intentionally failed to activate a body-worn camera or dash camera or tampered with any body-worn or dash camera with the intent to conceal unlawful or inappropriate actions or obstruct justice.

### *Notification of Use or Direction or Administration of Ketamine*

Notifications of findings associated with a peace officer using, directing, or influencing another to administer ketamine and failure to intervene in the administration of ketamine will be provided to POST to determine the certification status in accordance with applicable statute requirements.

CSPD will make ketamine-related finding notifications through the Benchmark records management system.

## **Peace Officer Database Notifications to POST**

Pursuant to CRS § 24-31-321, CSPD will notify POST of any incidents that contain information related to any of the following actions, for potential inclusion into a public-facing database.

- (a) Untruthfulness;
- (b) Three or more failures to follow POST Board training requirements within ten consecutive years;
- (c) Revocation of the certification by the POST Board, including the basis for the revocation;
- (d) Termination for cause by the peace officer's employer;
- (e) Resignation or retirement while under investigation by the peace officer's employing organization or another law enforcement agency in which the alleged misconduct, if sustained, would more likely than not result in being entered into the database pursuant to this section;
- (f) Resignation or retirement following an incident that leads to the opening of an investigation by the peace officer's employing organization or another law enforcement agency in which the alleged misconduct, if sustained, would more likely than not result in being entered into the database pursuant to this section, within six months after the peace officer's resignation or retirement;
- (g) Resignation in lieu of termination for cause;
- (h) Being charged with a crime that could result in revocation or suspension of certification pursuant to section 24-31-305 or 24-31-904. The employing organization shall notify the POST Board of the filing of criminal charges as soon as practicable, in a manner prescribed in POST Board rule.

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- (i) Actions as described by the applicable statutory provision identifying the basis for the credibility disclosure notification as set forth in section 16-2.5-502 (2)(c)(I); (see the *Credibility Disclosure Notifications to DAO and POST, Sustained Findings* section, above).

For the above subsection (b), notification will be completed by the Training Academy.

For the above subsections (d), (e), (f), or (g) if the officer was under a Level 2 investigation, then the requirement will be met for a POST notification.

Pursuant to CRS § 24-31-321 the Chief of Police must certify the accuracy of the information prior to any notification being sent to POST.

## **.20 Retention and Review**

### **Notifications File Retention**

#### *District Attorney Notifications*

Any IA investigation pertaining to any department member being placed on the discovery notification list must be retained by CSPD IA indefinitely and not transferred in whole or in part to the DAO without approval from the Chief of Police.

#### *POST Notifications*

In accordance with Colorado law, all materials related to IA investigations remain the property of CSPD. These materials are not subject to public release by POST, except that they may be provided to the certificate holder's legal counsel as part of the discovery process.

### **Review of District and City Attorney Files**

On a quarterly basis, the IA Lieutenant or other IA members will meet with representatives from the DAO and CAO to review the credibility disclosure, Brady, and other related notification lists in the possession of DAO. IA will ensure all lists are in compliance with CSPD records and bring any discrepancies or disagreements to the Director of the Professional Services Bureau.

Also on a quarterly basis, IA will review the Colorado POST Peace Officer Database to confirm all CSPD employees entered into the database are correct.

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## **Release of Internal Affairs Files & Information**

CSPD, IA, the CAO, and other related city and police department entities often receive records requests related to an employee's IA records or specific internal investigations. All such requests **and requested records** will be reviewed by the **CAO** prior to release. If the **CAO releases the record**, the IA Lieutenant will notify the affected employee and their commander via e-mail **and note the record disclosure in the employee's IA record.**

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