

Confidential Internal Draft—Do Not Distribute

Date: September 17, 2020

To: File

Re: Interview of DPD Captain Sylvia Sich on September 17, 2020

From: Kevin Strom, OIM Deputy Monitor

On September 17, 2020, Office of the Independent Monitor (“OIM”) Independent Monitor Nicholas E. Mitchell and Deputy Monitor Kevin Strom interviewed Denver Police Department (“DPD”) Captain Sylvia Sich. It was an in-person interview conducted at the OIM. The interview was not recorded, and this memo summarizes the interviewers’ thoughts and mental impressions of that interview. This memo was prepared by Kevin Strom with feedback from Mr. Mitchell.

INTRODUCTIONS

Mr. Mitchell noted that they had spoken before the interview about the nature of the OIM’s review and the terms of the conversation, and asked if Capt. Sich wanted further discussion about that. She indicated that she understood. Mr. Mitchell asked Capt. Sich about her time in the Command Post including what worked and what did not, and about gathering statements from officers after the GFP many days after the events at issue.

Capt. Sich began not by addressing those topics but by stating her overall view of the GFP and DPD’s response. As she would repeat and emphasize throughout the interview, Capt. Sich said that Denver’s culture is unique in that no one can make suggestions or tell command staff what to do. When she started rising in the ranks, she asked why the DPD doesn’t address problems proactively and was met with obstacles and difficulty, with the attitude that it’s not a problem until it becomes a problem and that it will be addressed once it is a problem.

COMMAND POST CHALLENGES

[REDACTED]
[REDACTED]
[REDACTED] what she called “perishable” skills. She described those as skills that an officer may not use in day-to-day policing that can diminish over time, and it includes Field Force training of how to move forward in a disciplined line, using batons and command presence to successfully move protesters without using force. She said that reaction is the DPD’s nature – they are called for service and respond to a location. Preparation and anticipation are not. [REDACTED]
[REDACTED]

Capt. Sich believed that policing fails in three areas: supervision, leadership, and training. She repeatedly said that those are the areas that are always to blame for bad policing. She described some of the command staff in the Command Post during the GFP as “paralyzed” in decision making and blamed the fact that everyone with stars (meaning Commanders or Chiefs) are appointed positions that could be taken away at any time. She said everyone in that room (meaning those in appointed positions) “could be a lieutenant tomorrow,” so they were scared to make a decision or to contradict the police chief. She described Chief Pazen as pacing constantly, and occasionally telling Cmdr. Phelan to do something but that it might have been with incomplete information since Chief Pazen was not in

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the Command Post the entire time. She said that Chief Pazen “loses it” if he is presented with a differing opinion, and that he was often angry or “paralyzed” during the GFP.

In the Command Post, criticism of officers on the ground was “non-stop.” Capt. Sich said that people outwardly wondered why lines weren’t moving, or why they weren’t disciplined, and she kept thinking, “what are they supposed to do without training or supervision?” They saw so many officers taking rocks and bottles and she knew that this was not what was trained in Field Force. She believed that none of the six district commanders were willing to leave the Command Post and go into the field to lead their officers. Instead, it was the non-appointed “movers and shakers” that got stuff done (she was again referring to non-appointed positions such as lieutenants or captains). And she again said that no one was willing to risk their appointment (or the title and paycheck) that comes with being a commander or chief.

Capt. Sich described Chief Pazen as having been “in over his head” as a lieutenant, and she believed that he had asserted that he completed his undergraduate degree in an application for a police leadership program, which had not, in fact, been true. She indicated that she knew this second-hand because Lt. John Coppedge had applied to the same course. She also felt that Chief Pazen’s position paper when he applied to be chief described certain programs as being successfully implemented in District One that had never actually come to fruition. She checked with District 1 officers (where Chief Pazen was a commander) to see if those programs were truly successful, and the officers described them as ideas that Chief Pazen had had, but not actually put into practice. She said he was not ready to be Chief, and that his whole command staff had experienced the wrath of his tantrums. She gave the example of a debrief involving an Ebola incident, in which Division Chief Joe Montoya started the briefing by expressing his desire to talk about the things the DPD was not prepared for, and Chief Pazen responded by shutting that down and saying that the DPD had done an excellent job and that nothing more could have been done.

After a few days of the protests, Executive Director of Safety Murphy Robinson arrived in the Command Post and was very enthusiastic and outgoing. Unfortunately, he said things that Capt. Sich thought he should not be saying, such as, “we’re not going to enforce the curfew.” She thought the mixed message that officers weren’t going to enforce the curfew, when they had been making arrests within an hour of curfew passing was bad for the officers. She got the impression that maybe the curfew charges were going to be dropped and then it indeed happened. She wondered why he would do that to the officers (which I got the impression meant, undercut their authority).

Capt. Sich commented negatively about DPD command staff’s drive to “make that one arrest” or “get that one protester” especially after things were dying down for the evening. She described a situation where the protest might have all but ended for the evening, but the command staff continued to send specialized teams after the stragglers that were still out in the streets. She described Cmdr. Phelan as frustrated throughout the whole event and at one point she asked him if anyone was giving him orders but he refused to answer. She believed that a lot of officers and protesters may have been injured due to a lack of supervision and command. She remembered prior protests when she was in the field, with lieutenants and commanders shouting orders for officers to move the line or take a field, and it was done and it prevented injuries.

Capt. Sich also described a cultural change, in that the districts ignored commands and requests by command staff at the Command Post for additional resources. She was told to request one car with four

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officers and a sergeant from each district, but had a very difficult time even reaching someone, much less getting the requested resources. Often, the clerk would not be able to put her through to a lieutenant or commander, or the response was that the district had already sent resources. Capt. Sich wondered aloud, “when did we become that department?”

TRAINING INADEQUACIES

Capt. Sich said that Field Force is covered in the academy, but that many of the new officers have never actually worked a protest. The main line of communication was between Cmdr. Phelan and the tactical cars (i.e., mobile units), such as SWAT and Gang Unit, but that it appeared that no one was communicating with the rank and file officers serving in the skirmish lines.

Capt. Sich’s first day at the GFP was Friday, May 29 because she had a regularly scheduled day off on Thursday, May 28, the first day of the protests. [REDACTED]

OUTSIDE AGENCY COORDINATION

By the end of the day on Friday, May 29, Deputy Chief Barb Archer provided a list of outside agencies to Capt. Sich that she was to contact and inquire about the resources they could provide to help the DPD at the GFP. Capt. Sich became the “outside agency coordinator.” Cmdr. Phelan had a specific order in which he wanted them contacted and wanted to know what they could provide so he could decide what agencies to bring. In total, at one time or another, 12 agencies assisted the DPD. All were happy to assist, but the days on which they assisted fluctuated.

The outside agencies were told to follow their own policies regarding force and arrest. [REDACTED]

Capt. Sich said she was not aware of the actual mutual aid agreements or memoranda of understanding between the DPD and the outside agencies. She had never seen one.

Capt. Sich lamented that “I’m-gonna-be-a-chief-Bob-Wyckoff” “stuck his nose in” and was assigned to help her with the outside agency coordination. When the two of them went down to the plaza to brief the outside agencies, Lt. Wyckoff took the lead, gave the spiel, and talked over her. She added the details that he missed.

DPD sergeants who were assigned as liaisons to outside agencies were their guides and drivers. They were not intended to command the outside agencies, but instead to make sure that the outside agencies went where they needed to and could successfully communicate with the Command Post.

OIM DOCUMENT REQUEST

Capt. Sich said that she prepared boxes of materials related to the GFP for internal affairs, the civil liabilities bureau, and the city attorney’s office. [REDACTED]

[REDACTED]

[REDACTED]

TEMPORARY RESTRAINING ORDER

Capt. Sich said that when the TRO was issued, everyone started panicking because it listed “captain and above” as the rank that could authorize chemical munitions instead of “lieutenant and above.” She said they started working to adjust the TRO immediately, but in the meantime, she was told to get ready to go into the field because she was a captain and would have to be out there to authorize the use of restricted munitions. She went to get a turtle suit and a body-worn camera, and when she returned to the Command Post, she said, ok I’m ready, where should I go. She was told she was not going anywhere.

DPD RECORDS: OFFICER STATEMENTS AND MUNITIONS DEPLOYMENT

After the DPD learned that plaintiffs were attempting to obtain a TRO to prohibit the use of chemical agents, Cmdr. Phalen wanted to know when DPD officers had deployed chemical munitions during the GFP. The task was difficult, however, because at some point officers stopped talking about deploying chemical agents including pepperballs. When Capt. Sich reviewed the CAD for Thursday, May 28, there were discussions about pepperball deployments. This follows policy since less lethal munitions are supposed to be preceded by an announcement. By the next few days, such a discussion of deploying pepperballs did not happen. She knew officers were still deploying them because the CAD would say something like, “officers taking rocks,” and then moments later say something like, “officer out of pepperballs.” The safe assumption was that officers deployed pepperballs in response to taking rocks but there were no dispatch entries to reflect that officers said they were deploying pepperballs.

In response to the difficulty learning when officers had deployed pepperball, Capt. Sich began asking about other ways to learn when officers had deployed them. She asked Cmdr. Phelan if she could review the officers’ statements. That’s when she learned that the officers weren’t completing statements each evening. She said that the officers are still human and were working extremely long shifts and would have to be back the next day for another shift, which explained why they did not stay after their shift to complete statements.

Lieutenants Wykoff and Berdahl and Captain Sich were then assigned to collect statements from officers. Lieutenant Berdahl was responsible for getting statements from officers assigned to the patrol division, and Lieutenant Wykoff was responsible for getting statements from officers from the specialized units like traffic, SWAT, and Gang. Captain Sich got a group of detectives to document when each statement said an officer had used chemical munitions, and that’s how she built the chemical munitions deployment timeline.

Capt. Sich admitted she is not sure whether every officer that worked during the GFP or used chemical munitions wrote a report. She similarly did not know whether every officer that used pepperballs at the GFP was trained and certified on the system.