

Appendix 1: Off-Duty Denver Police Hired at “Cleanups”

In addition to the on-duty police officers, there is also a surprising use of off-duty police officers hired by Environmental Hazmat Services Inc., EHSI, to provide security during the “clean ups”. With such a strong on-duty officer presence, why is there a need for additional security? What is their role and who or what are they there to protect? The city contracts EHSI for “clean up efforts” and the company invoices for the following: hazmat foreman, technicians, service trucks, trash bags, gloves, miscellaneous items, and security guards (figure 6).

| | | | | | |
|----------|---|----|------|-------|--------|
| 7/2/2020 | Clean up efforts at various locations and storage | | | | |
| | 4A - Hazardous Materials Foreman, Site Supervisor, or Specialist | 11 | hour | 54.00 | 594.00 |
| | 10A - Technician, Laborer | 4 | hour | 45.00 | 180.00 |
| | 10A - Technician, Laborer | 4 | hour | 45.00 | 180.00 |
| | 1B - Service Truck, small (pick-up, flatbed, cube <17ft) | 11 | hour | 22.00 | 242.00 |
| | 2B - Service Truck, large (ex. Enclosed trailer, flat bed/stakebed > 17ft) - per hour | 4 | hour | 35.00 | 140.00 |
| | 2D - Gloves, Inner, Nitrile/Latex | 8 | pair | 0.50 | 4.00 |
| | 13A - Security Guard | 4 | hour | 68.00 | 272.00 |
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• **Thursday 7/2:**

Tony Martinez 12-2pm
Vince Lombardi 2-4pm
Tony Martinez 4-6pm

Figure 6. EHSI invoice 20-1004-13 for July 2, 2020 including three security guards. For this day, the three shifts were worked as follows: Tony Martinez (12:00 - 2:00 pm), Vince Lombardi (2:00 - 4:00 pm), and Tony Martinez (4:00 - 6:00 pm). Due to the contract, each filled shift is paid a minimum of 4 hours (\$200) for each 2 hour shift. Why not schedule 1 officer 12:00-6:00 for 6 hours, instead of 2 officers for 3 shifts totaling 12 hours of security pay?

The security guards are off-duty Denver Police Officers. The officers are being paid \$50/hr for a minimum of 4 hours. Most only work 2 - 2.5 hours. EHSI is then invoicing these hours back to the City with a 36% upcharge. For example: On March 10, 2020, Officer A worked 2.5 hours, EHSI paid the officer \$200 (4 hour min) and invoiced the City \$272 (table 1).

| | Off Duty Officers | EHSI Markup | Billed to the City |
|------------------------|-------------------|-------------|--------------------|
| Hours Worked | 2.5 | | |
| Min. Hours Paid | 4 | | |
| Rate | \$50 | | |
| Total | \$200 | 36% | \$272 |

Table 1. Pay and rate break-down for off-duty police officers hired as security by EHSI

Based on information provided by the City, it appears a single person, Sergeant Tony Martinez, has been in charge of scheduling the officers for EHSI since at least September 2017. He receives a \$400 administration fee on each invoice for scheduling officers and also schedules himself to work off-duty hours. What justifies the 36% markup by EHS? If they are paying the off-duty officers as independent contractors? They are not paying benefits or associated employment costs (workers comp, payroll taxes, insurances). This has been reported on in the past by [Unicorn Riot](#).

During a December 12, 2020 Town Hall with the NAACP Denver Branch, Mayor Hancock said there isn't an annual cost for the sweeps because "these are folks doing their everyday job." However, if this was simply the cost of doing business for officers, why must the city hire a third-party company to hire additional officers as off-duty security guards? If these are just city workers doing their everyday jobs, why must the city hire an outside cleaning company to do that same job, at a premium price?

Major concerns and unanswered questions regarding this practice:

- Who assumes liability for the conduct of an off-duty police officer hired by a third party?
- Who is responsible for supervising off-duty independent contractor police officers when they are hired to work a sweep?
- What is the official Denver Police Department policy on off-duty police officers working as independent contractors? Are uniformed, off-duty police officers subject to DPD rules of conduct and subject to the same disciplinary procedures as on-duty DPD police officers?
- Does the third-party vendor assume liability for any injuries sustained by an off-duty police officer contracted to work at a sweep?
- Which departments and City budget lines are responsible for these costs?
- Further, there is an inconsistency on protocol in releasing officer information. DPD stated they could not provide past schedule detail for the on-duty officers in order to protect officers, but this information was provided multiple times for off-duty officers. What is the difference?