



DENVER

CITIZEN OVERSIGHT BOARD

2017 Annual Report



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DENVER CITIZEN OVERSIGHT BOARD 2017 ANNUAL REPORT

2017 CITIZEN OVERSIGHT BOARD MEMBERS

The Citizen Oversight Board (referred to variously as the COB or the Board) is comprised of seven volunteer citizens of Denver, appointed by the Mayor and confirmed by the Denver City Council. In 2017 the members of the Board were:

Katina Banks, Chair, was appointed to the COB in 2016. She is Senior Corporate Counsel at HCL Technologies Limited. She spent ten years practicing intellectual property law with the firm of Dorsey and Whitney, LLP. A proud Denver native, she has been civically engaged throughout her professional career. She served eight years on the Colorado Civil Rights Commission, helping enforce the state's anti-discrimination laws. Katina was a member of the Colorado Lawyers Trust Account Foundation (COLTAF), which helps provide legal services statewide to underserved members of the community. She graduated summa cum laude from Capital University Law School after earning her Bachelor of Arts degree at the University of Pennsylvania. She lives in Denver's Park Hill neighborhood.

Mark Brown, Vice Chair – Mr. Brown is the Agent-in-Charge for the Colorado Department of Revenue, Division of Racing Events, a regulatory law enforcement agency. His duties include management of administrative judges, law enforcement officers, licensing personnel and veterinarian staff. In addition to those duties, he also conducts firearms and arrest control technique training.

Nikki Braziel, Secretary, is the co-founder of Octa, a Denver-based product design and manufacturing company that is focused on mounting solutions for mobile technology. She previously worked at the Space Science Institute in Boulder, where she assisted in the development and distribution of museum exhibits and displays. Before leaving her native Chicago, she worked in both legal marketing and professional development at Jenner & Block LLP. In her free time, she writes historical fiction.

Pastor Paul Burleson – Pastor Burleson founded Denver's Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He is past president of the Greater Metro Denver Ministerial Alliance. A former dean of the United Theological Seminary's Denver Extension, Burleson is experienced in the prevention, identification and counseling of individuals and families with substance abuse and other at-risk behaviors. He served with the US Air Force in Korea. He has been on the Board since its 2005 beginning.

COB Members continued on next page . . .

Dr. Mary Davis – Dr. Davis is President/CEO of McGlothin Davis, Inc, an organization effectiveness firm that has provided consulting services to public, not-for-profit and private sector firms throughout the nation since 1995. For decades, she has been actively involved in civic and community improvement activities in Denver. She has served on five nonprofit boards, having been elected Board Chair for two of these organizations. She joined the COB in February 2009.

Francisco “Cisco” Gallardo – In his teen years, Mr. Gallardo joined and helped create what has been one of the largest gangs in Denver's north side. Since that time, he has dedicated his life to undoing the damage he helped cause. Over the past 26 years, he has worked in the community to redefine respect, power and pride; he has helped countless young people to reclaim their own lives. He joined the Board in 2012.

Molly Gallegos, a Colorado native, has been working in the community for most of her life doing everything from translating safety information for migrant workers to participating in community theater with Su Teatro. She began her career as a community organizer in West Denver cultivating community leaders and advocating for the needs of Denver's working families. More recently she found her calling working with Denver's high school students, providing them the support and encouragement they need to access their post high school goals. Molly holds a Bachelor's degree in Ethnic Studies from Colorado State University and a Master's of Social Sciences/Women and Gender Studies from CU Denver.

DUTIES OF THE CITIZEN OVERSIGHT BOARD

The 2004 City ordinance that created the Citizen Oversight Board and the Office of the Independent Monitor (OIM) fixes the following three responsibilities for the Citizen Oversight Board:

1. To assess the effectiveness of the Monitor;
2. To issue policy recommendations concerning discipline, use of force, rules, hiring, training and the community relations of Denver Police, Denver Sheriff and certain Denver Fire Department personnel; and
3. To consider issues of concern to the community, stay informed regarding the complaint process, and make recommendations concerning specific cases reflected in complaints.

The Board has no command responsibilities with respect to the Denver law enforcement departments or personnel. It carries out its advisory duties in frequent meetings and consultations with the Monitor and members of the Safety Department. These meetings allow Board members to monitor confidential internal investigations and to make suggestions to improve department performance. From time to time, the Board also issues policy suggestions on matters of concern.

In November 2016, Denver voters decided that the Office of the Independent Monitor and Citizen Oversight Board should be included in Denver's City Charter. Now established in the charter, only a vote of the people will allow for the Office and Board to be dissolved.

(For duties of the Office of the Independent Monitor, see APPENDIX A-1.)

HOW THE COB WORKS

Board Meetings

The COB typically meets twice monthly in regular working sessions. The Board meets with the Executive Director of Safety, the Chief of Police and the Sheriff at least quarterly, and on an as-needed basis with others in law enforcement and the community. These meetings are helpful in keeping the Board informed on current policies and activities. They also provide an opportunity for the COB to give law enforcement leaders feedback and suggestions. The Board also receives reports from the Independent Monitor and his staff. COB meetings are open to the public with the exception of executive sessions to discuss ongoing investigations and other privileged matters. These meetings are generally held in the OIM Office in Suite 100 of the Denver Post Building, 101 W. Colfax Avenue, Denver, CO 80202, at 10:00 a.m. on the first and third Fridays of the month.

The Board met quarterly throughout 2017 with the Executive Director of Safety and the Sheriff; because of scheduling, the Board met with the Police Chief during three of the four quarters. These meetings took place during regular Board meetings and were open to the public unless confidential exchanges were involved. Discussions between Board members and officials at these meetings were productive and informative.

Also in 2017, the Board met in regularly scheduled business meetings 20 times.

Executive Sessions

In 2017, the Citizen Oversight Board spent a good deal of time in executive sessions in multiple meetings with Independent Monitor Mitchell reviewing a variety of pending disciplinary cases and ongoing investigations. The information gleaned in these sessions remains confidential under City and State laws and regulations.

Public Outreach

The COB holds quarterly evening public meetings in various locations around Denver, rotating to increase community outreach in different Denver Police Department (DPD) Districts (see district map below). Channel 8 tapes these meetings for broadcast over the ensuing weeks.

In 2017, the COB held three quarterly public forums across Denver.



An important element of each meeting was the public comment portion. Citizens expressed their views and concerns about law enforcement and public safety in their neighborhoods and in the city.

**Citizen Oversight Board
2017 Quarterly Public Meetings***

June 1, 2017
Denver Police District 5
Martin Luther King Jr. Early College
19535 East 46th Avenue

September 21, 2017
Denver Police District 4
Godsman Elementary School
2120 West Arkansas Avenue

December 14, 2017
Denver Police District 6
Morey Middle School
840 East 14th Street

**The COB is required to hold three public meetings a year.*



2017 CITIZEN OVERSIGHT BOARD HIGHLIGHTS

During 2017, the Citizen Oversight Board continued to support significant and successful initiatives, urged action in several areas of needed reform, participated in City task forces and pursued study and research into trends and best practices.

• Quarterly Public Forums

The COB holds quarterly evening public meetings in various locations around Denver. Specific information regarding dates and neighborhood locations of 2017 Public Forums is presented on page 4 of this document. A key element of the quarterly forums is the public comment portion of the meetings. It is at this designated time that community members express concerns and pose questions to the COB and OIM staff, many of which require follow-up as quickly as possible after each forum.

As an example, at the Public Forum held during the 4th Quarter on December 14, 2017, the focus was on the youth offender system and juvenile justice reform efforts in Colorado. Panelists presented current policy, practices and challenges in meeting the needs of system-involved youth and their families. Serving on the panel were Pat Hedrick, Program Manager at Denver Public Safety Youth Programs, Dr. Kyla Armstrong-Romero, Director, Senate Bill 94 Program, and Serena Gonzales-Gutierrez, Director of Denver Collaborative Partnership.

At an earlier forum, Sheriff Firman talked about the Sheriff Advisory Board (SAB) which was created in 2017 to serve as a formal community engagement mechanism. The SAB consists of volunteer members representing Denver's diverse communities and geographic areas. Sheriff Firman explained that the intent of the SAB is to promote collaboration with the Denver Sheriff Department (DSD) regarding matters that span service delivery to people incarcerated in DSD custody, their families, the community at-large and service providers.

• Beyond Quarterly Community Forums: Outreach to the Community through Public Education, Public Conversations and Other Events

Regional Training Workshop

The COB partnered with the OIM and the National Association for Civilian Oversight of Law Enforcement (NACOLE) to co-sponsor a NACOLE regional training event. NACOLE is a nonprofit organization that brings together individuals and agencies working to establish or improve oversight of law enforcement departments and agencies in the United States. Held in Denver on November 30 and December 1, 2017, panels focused on mental health in policing and confinement, innovative approaches to working with vulnerable populations, the juvenile justice system,



homelessness and jail reform. Chair Katina Banks served on a panel; other COB members in attendance were Mary Davis, Nikki Braziel, and Cisco Gallardo.

COB Participation in “Denver Talks”

“Denver Talks,” a six-week-long series, was launched by the Major’s Office in October 2017. It involved collaboration between Lighthouse Writers Workshop, the City and County of Denver, and NEA Big Read. Its 2017 goal was to spark a citywide conversation about race, social justice and Claudia Rankine’s award-winning book of poetry, Citizen: An American Lyric.

As part of the series, the Citizen Oversight Board hosted a public event inspired by Rankine’s book. Although the event was scheduled for February 2018, planning commenced in 2017.

• **Board Member Education and Certification**

NACOLE Participation and Educational Opportunities

As part of the training plan for COB members, in September 2017, Chairperson Katina Banks and fellow COB members Nikki Braziel, Mary Davis and Molly Gallegos, attended NACOLE’s annual education conference held in Spokane, Washington.

The Office of the Independent Monitor was involved in the organization of the 2017 NACOLE conference, and several staff members served on panels or were panel moderators. A representative of the Denver Sheriff’s Department presented a policy that he helped implement in the Denver jails for managing transgender inmates. Denver attendees agreed that the opportunity to learn more about oversight in other cities was invaluable.

Certification in Civilian Oversight

With the recent exponential growth in civilian oversight and the corresponding need for additional training for oversight practitioners, NACOLE expanded both its training opportunities and the Certified Practitioner of Civilian Oversight (CPO) Program. Beyond its Annual Conference, NACOLE now offers seminars, webinars, symposia and regional meetings.



In November 2017, COB Member Mary Davis received certification as a NACOLE CPO. The NACOLE CPO Credential program recognizes practitioners who have achieved a high level of professional oversight training.

See APPENDIX C-1 for the Certification Requirements and Core Competencies.

- **COB Strategic Planning**

In 2016, two COB members participated in the OIM 2016 all-staff strategic planning process. In 2017, the Citizens Oversight Board determined the need to engage in a separate COB strategic planning process. During a year-end retreat, the Board completed the first phase of this process. The expectation is that the strategic plan will be finalized during the 2nd Quarter of 2018.

- **COB Topics of Importance Relating to the Safety Departments and the Community**

The Board meets with the Executive Director of Safety, the Chief of Police and the Sheriff at least quarterly, with rare yet understandable exceptions. The COB believes it is important to share with the Denver community topics of importance in those discussions as well as progress made because of the Board's oversight and interaction with both the OIM and Safety Executives.

During 2017, there were several areas that came to the COB's attention. Below are four of the more significant topics of interest to the community.

DPD Use of Force Policy

After high-profile police shootings around the United States during 2015-2016, and following a subsequent national trend of major cities rethinking how their police interact with citizens, in 2016 the Denver Police Department began work on a revised Use of Force Policy, issuing a draft on December 29 of that year. The DPD held several public meetings about the Draft Policy during January and February of 2017 and also received comments via email. The OIM reviewed the draft policy and provided the DPD with recommendations, including the formation of an advisory board. A Use of Force Advisory Board (UFAB) was eventually established at the direction of the Denver City Council. The UFAB included many community stakeholders, representatives from the OIM, and uniformed personnel. In a June 16, 2017 meeting of the COB, Chief White gave the Board an update, stating that the UFAB had met once a week for seven weeks. Based on concerns about progress, Chief White said the direction going forward would be more specific. Plans involved utilizing facilitators to assist in managing the process. The UFAB gave a community presentation of its draft proposal in August of 2017. Several COB members attended the presentation. Formal recommendations were presented to Chief White in October. The current expectation is that the Chief will provide a response during the 1st Quarter of 2018.

COB Response to DSD Michael Marshall Case

The COB has concerns about the interaction between law enforcement and "vulnerable" populations, including young people, the homeless and the mentally ill. In 2015 Michael Marshall was an inmate in the Downtown Detention Center (DDC). Marshall, who suffered psychotic episodes, was initially arrested on a trespassing charge and held on a \$100 bond. He died nine days later after aspirating on his vomit while being restrained by sheriff's deputies during an episode. In November 2017, the family of Michael Marshall

was awarded a \$4.6 million settlement from the City. The settlement agreement included provisions that would change how the Sheriff's Department staffs and trains its deputies to deal with inmates who are suffering from mental illness.

One of the lingering matters had to do with the discipline imposed on three deputies involved in Michael Marshall's in-custody death. The COB expressed concerns about their short suspensions in an April 28 public letter addressed to then Executive Director of Safety Stephanie O'Malley. The COB was responding to O'Malley's decision to recommend 10-day and 16-day suspensions as discipline after finding that excessive force had been used by the deputies. In reversal of O'Malley's recommendation and in spite of urging from the COB and other community groups and individuals to employ stronger discipline, in November 2017 a Career Service hearing officer overturned the decision to suspend the three deputies. The Department of Safety has appealed that decision to the Career Service Board.

DSD In-Person Visitation

Currently, inmates in the custody of the Denver Sheriff Department generally are not permitted to have in-person visits with their families. Visitations typically occur through video terminals; visitors access the equipment in the lobby of the jails, while inmates use corresponding video terminals in the jail housing areas. In its 2017 Semiannual Report, the OIM commended the DSD for progress in implementing an electronic system for management of inmate grievances. Further, the OIM suggested that, prior to making a significant, long-term investment in an electronic visitation system, the City reconsider its exclusive video visitation approach and begin a process of reinstating in-person visits in Denver's jails. The OIM 2017 Semiannual Report and accompanying press release cited research showing that in-person visits have significant positive impact on "inmates' psychological wellbeing, reduces their likelihood of violating jail rules, and decreases the chances that they will reoffend after they are released."

Based on information and recommendations in the 2017 OIM Semiannual Report, the COB began discussions regarding this issue. Sheriff Firman addressed some of the questions in an October 2017 letter to the COB, stating "This in-person visitation practice has not occurred for about 12 years due to domestic violence and contraband challenges that arose. While there are many factors to consider in re-implementing in-person visitation (physical space, staffing, budget, security, etc.) as an option, we are committed to an effort to assess the factors, impacts, and possible next steps."

A work group was established by the DSD in November 2017 to assess the impacts and consider aspects of implementing in-person visitations. Representatives of the COB participate in that group. The timeline for recommendations from the visitation working group is March or April of 2018.

Breastfeeding in Detention Centers

In November 2014, an incident occurred in the Downtown Detention Center (DDC) involving a woman who, while breastfeeding her infant, was told by a Denver Sheriff's

deputy that she must stop or move into the bathroom. In response, a number of breastfeeding mothers staged a “nurse-in” at the lobby of the DDC to protest. Immediately following the incident in the lobby of the jail, the DSD released a training memo informing staff of Colorado state law, which states that “A mother may breastfeed in any place she has a right to be.” The DSD 2014 training memo advised staff that “All public areas within DSD controlled facilities are to be considered public places where a mother has the right to be.”

Nearly three years later, the COB learned that community members were still concerned that the DSD is preventing nursing mothers from providing breast milk to their infants. At the COB’s September 2017 Quarterly Public Forum, a community member relayed a recent complaint about a breastfeeding mother of a three-week-old infant. Sheriff Firman was present at the September Public Forum. Following that gathering, the DSD distributed a temporary memorandum based on recommendations provided by the previously formed DSD Gender Equity Committee, which allows nursing mothers in custody to safely and privately express breast milk then discard it.

The COB discussed this issue at their October 6th meeting. Members of the COB voiced concerns that the DSD was operating from a memo, not a formal policy. At their November 3rd Board meeting, the COB discussed this matter directly with Sheriff Firman. Subsequently, on November 15, the COB sent a public letter to Sheriff Firman with specific recommendations and a request for the development of a policy for nursing mothers that permits them to provide (rather than discard) lactated milk to their children. At the time of writing of this Annual Report, the COB understands that the DSD is making progress and taking appropriate steps to revise its policy. The DSD is waiting to confirm a partner for transportation of lactated milk.

Aspects of the breastfeeding policy involving delivery of lactated milk directly to the child or a caregiver will be discussed in the In-Person Visitation working group noted above.

THE MONITOR PERFORMANCE EVALUATION 2017

Overview: Evaluation of the Independent Monitor (IM)

The ordinance that established the Office of the Independent Monitor entrusts the authority to evaluate the performance of the Monitor with the Citizen Oversight Board. During 2013, the Board engaged an evaluation expert to develop a quantitative and qualitative evaluation system which the Board subsequently approved. The Board implemented the expanded and improved evaluation package for their 2014 review of the Monitor's performance and used it again for its subsequent reviews. For the 2017 assessment, the COB made minor clarifying changes in the OIM staff review form.

The COB used a four-pronged evaluation approach: 1) a qualitative and quantitative survey of the OIM staff, 2) a separate qualitative survey of COB members, 3) a questionnaire and/or interview completed by the Safety Department leadership, and 4) a series of quantitative performance measures.

The COB Chairperson discussed details of all evaluation input with the Monitor.

OIM Staff Ratings

The COB asked the OIM staff to give their perceptions of the Monitor's performance on a one to five (1-5) rating scale, with five being the highest or most positive rating and a rating of one indicating the lowest or most negative rating. Factors rated included the following:

- Extent to which the Monitor clearly defines a vision and strategy for accomplishing the OIM mission
- Staff's ability to see how individual responsibilities and effort contribute to achieving that mission
- Staff confidence in their job knowledge; belief that the OIM provides adequate and necessary training to ensure success
- Extent to which the Monitor models a high standard of performance
- Staff clarity regarding performance standards, expectations and assignments; quality and timeliness of feedback regarding individual responsibilities and performance
- Monitor's openness to individual input on how to improve the performance of the OIM
- Monitor's fairness in holding all staff accountable for positive and productive functioning of the Office
- Monitor's efforts to foster collaborative relationships with Safety Department stakeholders

On an average, employees rated each factor at the level of four or five, the highest positive ratings.

The factors with the highest ratings had to do with staff agreement that the Office of the Independent Monitor is viable and doing important work and agreement that the Monitor models a high standard of performance for the Office. Additionally, staff members were clear about the vision and strategy to accomplish the OIM mission. They also indicated they could see their individual contribution to achieving the mission. Employees were quite positive about processes to encourage staff input and the Monitor's receptivity to their ideas.

In addition to discussing the positive overall ratings with the Monitor, the COB Chairperson discussed individual employee ratings that fell below the four or five levels. It is expected that the latter group will serve as a basis for developing a plan of action for making the OIM an even more positive work environment for all employees.

Citizen Oversight Board Ratings

COB members completed an evaluation of the performance of the Independent Monitor using a qualitative rating scale.

Outstanding – Performance exceeds expectations

Satisfactory – Performance meets expectations

Unsatisfactory – Performance fails to meet expectations

COB members provided ratings for several factors as described below. Consistently, Board members rated each factor as either “outstanding” or “satisfactory, with a predominance of “outstanding” ratings. There were no “unsatisfactory” ratings.

Communication, Monitoring and Outreach

The *communication* factor deals with informing the COB as well as seeking input from the Board. Members indicated a high degree of satisfaction in this area, with the majority rating his performance as “outstanding.” A representative comment commended the Independent Monitor on his diligence in “ensuring the COB is informed whenever there are actions that may affect the work of OIM.” Another comment underscored the Board's satisfaction with the Monitor's openness to them: “The Monitor regularly seeks Board input on significant investigations and discipline, and he is always amenable to discussing other topics of interest to the board.”

There were three separate items related to the role of *monitoring*: 1) Monitoring and review of Internal Affairs Bureau (IAB) investigations, 2) Monitoring of disciplinary process and 3) Monitoring and review of critical incidents. Board members agreed that the IM exceeded expectations with practically all ratings as “outstanding” in these three areas. “Nick continues to excel at monitoring investigations.” “The intensity and

thoroughness with which the monitoring or investigations occurs is top quality.”

The Board members were also very positive in their ratings for performance in *outreach*. “The Independent Monitor has created a culture at the OIM where community outreach is valued and staff members are supported in their outreach efforts.” The majority of the Board agreed that the Monitor exceeded expectations in making the DPD and Denver Sheriff’s Department (DSD) complaint process accessible to the entire community and promoting awareness of the complaint process. One member commented that she was “not aware of any outreach presentations to the community regarding the complaint process.” Another member mentioned that “the Quarterly COB public forums are used as a vehicle to make information available about the complaint processes.”

Produce Policy, Practices and Training Recommendations

The COB evaluators were unanimous in rating the IM’s performance “outstanding” in making data-driven *recommendations for policy, practices and training*. This rating is consistent with the 2014, 2015 and 2016 evaluations. One member stated, “Under the leadership of the Independent Monitor, the OIM regularly produces data-driven recommendations for both safety departments. Research is always thoroughly cited.” Another comment addressed an example of a recommendation to DPD regarding some specific training: “Such recommendations, if implemented, have the power to improve relationships between Denver’s citizens and its law enforcement officers and make Denver a safer city.”

Oversee the OIM’s Mediation Program

The majority of Board members rated the Monitor as “outstanding” in providing oversight for the OIM’s mediation program. Among the comments was this acknowledgement, “The mediation program has been lauded by the National Association of Civilian Oversight of Law Enforcement as outstanding. The statistics regarding satisfaction expressed by both officers and complainants demonstrate that the program is a valuable resource in resolving complaints of violation of rights of the public.”

Production of the OIM’s Annual, Semiannual, and ad hoc Reports

Members concurred that the OIM performance in *producing reports* meets or exceeds expectations, commenting that the reports “are done very well with strong documentation.” A specific comment addressed the OIM annual report: “It is relevant, accurate and informative to all activity within the community, DPD and DSD.”

Management of the OIM

Not all Board members felt they had adequate knowledge to weigh in on management of the Office. The overall perception was that the Independent Monitor treats staff with respect and employs excellent management skills. More than one Board member was very complimentary to both the IM and the staff: “Under the leadership of the IM, the staff is dedicated, mission-driven and decorous.” Another member who, during the

previous year, voiced concerns about uneven management of staff, mentioned that “the Monitor responded well to feedback about perceived staff inequities and other matters” and took steps toward improvement.

Safety Department Stakeholder Interviews

The COB invited the following individuals to participate in an assessment regarding the Monitor’s performance during 2017: Executive Director of Safety Stephanie O’Malley, Police Chief Robert C. White, and Sheriff Patrick Firman. Because O’Malley stepped down as Executive Director early in 2018, she was not available for an interview regarding her work with the OIM during 2017. COB Chairperson Banks personally interviewed Safety Stakeholder Executives, Chief White and Sheriff Firman, using a questionnaire for consistency.

Both stakeholders were positive about the Monitor’s responsiveness to phone calls and emails in a timely way. Both confirmed that their departments received draft copies of OIM reports with an opportunity to review and comment prior to public release. Asked whether the Monitor maintained a professional demeanor, the Stakeholders responded in the affirmative, with one stating, “Absolutely.”

The Chief and the Sheriff agreed that the Monitor (or his designee) participated in department events to which he was invited. Both executives were willing to discuss challenges working with the Independent Monitor. They noted that the Monitor was generally objective.

Quantitative Measures

The COB is pleased to report that the OIM met or exceeded the majority of quantitative measures.

See APPENDIX B-1 for the chart of the 2017 Quantitative Performance Measures for Evaluation.

Workload Measures 2017

The OIM uses workload measures to track trends and determine where more research might be useful. OIM staff compares numbers from year to year to assess potential reasons for changes and/or disparities.

Presented below are selected workload measures that help to illustrate the extensive nature of the work in which the OIM is involved in monitoring.

Selected OIM Workload Measures – 2017 and three preceding years

A. Complaint Monitoring Workload	2014	2015	2016	2017
<u>1. Denver Police</u>				
a. Number of Citizen-Internal Complaints Filed in 2017 and three preceding years	668	506	481	541
b. Investigations Reviewed	614	453	517	563
c. Actively Monitored Investigations	19	16	16	21
d. Completed Mediations	53	38	37	53
<u>2. Denver Sheriff</u>				
a. Number of Citizen-Inmate-Internal Complaints Filed in 2017 and three preceding years	424	232	170	335
b. Investigations Reviewed	180	263	248	265
c. Actively Monitored Investigations	50	32	57	72
d. Completed Mediations	3	2	0	0
B. Discipline	2014	2015	2016	2017
<u>1. Denver Police</u>				
a. Disciplinary Recommendations Made	103	110	126	140
<u>2. Denver Sheriff</u>				
a. Disciplinary Recommendations Made	36	67	99	104
C. Critical Incidents	2014	2015	2016	2017
<u>1. Denver Police and Sheriff</u>				
a. Officer-Involved Shooting Investigations Monitored	12	17	23	17
b. In-Custody Death Investigations Monitored	2	7	7	4

Note: Shootings include all intentional, accidental and animal shooting investigations monitored in 2017, regardless of the incident date. Similarly, in-custody death investigations include all investigations monitored in 2017, regardless of the incident date. Disciplinary recommendation counts are recorded at the case level, not at the officer level.

APPENDIX A:

DUTIES OF THE OFFICE OF THE INDEPENDENT MONITOR

The Office of the Independent Monitor (OIM) is charged with working to ensure accountability, effectiveness and transparency in the Denver Police and Sheriff disciplinary processes. The OIM is responsible for --

- Ensuring that the complaint and commendation processes are accessible to all community members;
- Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- Making recommendations on findings and discipline;
- Publicly reporting information regarding patterns of complaints, findings, and discipline;
- Making recommendations for improving Police and Sheriff policy, practices, and training;
- Conducting outreach to the Denver community and stakeholders in the disciplinary process;
- Promoting alternative and innovative means for resolving complaints, such as mediation.

APPENDIX B:

**Citizen Oversight Board
2017 Quantitative Performance Measures
for Evaluation of the Independent Monitor**

Performance Indicator Category	2014	2015	2016	2017	2017
	Performance			Goals	Performance
1. Percentage of DPD IAB Investigations (full formal investigations and declines) reviewed by OIM prior to case closure.	100%	100%	100%	100%	100%*
2. Percentage of DPD disciplinary findings of IAB cases reviewed by the OIM prior to case closure.	100%	100%	100%	100%	89%**
3. Number of <u>community</u> outreach events held/attended by the OIM calendar year.	72	148	150	75	165
4. Number of <u>officer/deputy</u> outreach events held/attended by the OIM in a calendar year.	35	60	79	30	87
5. Number of complaint/commendation form distribution sites.	53	52	66	44	66
6. Percentage of citizen complaints referred to IAB within three business days (for complaints filed through the OIM).	91%	95%	98%	95%	97%
7. Percentage of IAB investigations reviewed by OIM monitors within 10 days.	90%	91%	92%	85%	89%
8. Percentage of DPD citizen complaints mediated.	8%	8%	8%	10%	11%

* The OIM reviewed 99.7% of IAB investigations prior to case closure; this percentage was rounded to the nearest whole number.

** Regarding the 89% deviation from prior years, the DPD did not provide the OIM with an opportunity to review or make recommendations in the final discipline phase associated with 13 complaints closed in 2017.

APPENDIX C:

CERTIFICATION FOR OVERSIGHT PRACTITIONER OF CIVILIAN OVERSIGHT NACOLE Requirements and Core Competencies

The National Association for Civilian Oversight of Law Enforcement (NACOLE) is a nonprofit organization that brings together individuals and agencies working to establish or improve oversight of law enforcement departments and agencies in the United States. Of several educational opportunities, NACOLE offers the Certified Practitioner of Civilian Oversight (CPO) Program.¹

Requirements for Certification

To qualify for certification, a participant must receive a minimum of 45 credit hours of NACOLE certified training and attend two annual NACOLE conferences within three consecutive years. Of those 45 credit hours, participants must receive a minimum of 1.5 credit hours in each of NACOLE's 6 core competencies (Civilian Oversight of Law Enforcement, Investigations, the Public and Transparency, Law, Policing/Law Enforcement Policies & Procedures, Remediation and Discipline). In addition, participants are required to read two items from the approved reading list. All certification requirements must be completed in a three-year period.

Core Competencies for Civilian Oversight Practitioners

Civilian Oversight of Law Enforcement

- Models
- History
- Current trends
- Theories, standards and practices

Investigations

- Basic investigative skills and techniques in the following areas (not an exhaustive list):
 - Interviewing
 - Writing clear, concise, well-organized and thorough investigative reports
 - Communication
 - Planning
 - Collection and preservation of evidence
 - Conducting independent and objective investigations
- Review and/or Audit of Internal Investigations
 - Using matrices, timelines and relational database software to organize and conduct timely and thorough reviews of investigations
 - Basic auditing principles (Yellow Book)

The Public and Transparency

- Community Outreach

- Holding meetings and keeping stakeholders informed
- Receiving and processing stakeholder input
- Public Reporting
 - Tools/methods for making reports available to the public
 - Media relations
 - Public speaking

Law

- United States Constitution
- Important/Relevant Case Law for Civilian Oversight (not an exhaustive list):
 - Tennessee v. Garner o Graham v. Connor
 - Terry v. Ohio
 - Miranda v. Arizona (Arizona v. Gant)
 - Loudermill
 - Garrity
- Peace Officer's Bills of Rights/Labor Law
- Public records acts
- HIPPA
- Ethics of law enforcement and oversight

Policing/Law Enforcement Policies and Procedures

- Understanding of the criminal justice system/process, including basic policing models and tactics
- Technology
- Use of force (non-lethal, less-lethal, and lethal force)
- Community policing
- Police accountability mechanisms (e.g. EIS) and internal/external review
- Jail procedures

Remediation and Discipline

- Mediation
- Education-based discipline
- Early warning systems
- Disciplinary process including arbitration/grievance/appeal rights of officers and role of the police union in the disciplinary process

¹ www.nacole.org/cpo_credential_program