Citizen Oversight Board Meeting Minutes
January 18, 2019
Location: Office of the Independent Monitor

Board Members:

Present: Katina Banks, Nikki Braziel, Mary Davis, Pastor Burleson
Absent: Francisco Gallardo, Mark Brown, Molly Gallegos

Staff:

Independent Monitor Nick Mitchell, Gia Irlando, Denis McCormick

Guest:

• Call to Order (10:10am)

• Approval of Meeting Minutes: January 4, 2019 (10:12am)

• Approval of COB 2019 Meeting and Public Forum Calendar (10:16am)

• Discussion of 2019 Goals (10:36am)
  • Revision of bylaws
  • Institution of a revised training program for new and current board members
  • Research and recommendations on best practices for oversight
  • More outreach to community organizations; will prepare a list which can be continually revised

• Board Updates and New Business (11:11am)
  • Ten applications were received for open board position
  • Board administrator position is posted
  • MLK Celebration on Sunday at the Friendship Church, 4pm Interfaith Service; Marade stepping off from City Park at 9am

• Executive Session (11:16am)

• Session Adjourned (12:00pm)
Citizen Oversight Board Meeting Minutes
February 1, 2019
Location: Office of the Independent Monitor

Board Members:

Present: Katina Banks, Nikki Braziel, Mary Davis, Mark Brown
Present by phone: Francisco Gallardo, Pastor Burleson
Absent: Molly Gallegos

Staff:

Independent Monitor Nick Mitchell, Nina Horton

Guests:

Matt Mulbarger and Kelsey Hall (City Attorney’s Office)

Guest:

• Call to Order (10:05am)

• Approval of Meeting Minutes (as amended): January 18, 2019 (10:07am)

• Introduction of City Attorney (10:11am)

• Board Updates and New Business (10:23am)
  
  • Visitation Working Group
    
    • Board sent a member (Mary Davis) to Visitation Working Group, which has been reconvened by the Sheriff Department.
    • A proposal for phase two of the working group was distributed.
    • Topics of discussion:
      • Who would get visitation? At this time, there is a possibility that visitation will only initially be given to women inmates.
      • What would the criteria be for earning in-person visitation? At Los Colinas, there were incentives for inmates to hear in-person visits.

  • Ordinance Change
    
    • Mayor Council on February 5th; First Reading on February 11th at City Council; Second Reading on the 19th, at which the ordinance could be passed
• Mayor’s legislative liaison told members of the Safety Committee that the Mayor is ready to sign the bill

• Revised Training – still working on timeline and expectations

• Public Integrity Division

• Discussion with the Independent Monitor Nicholas Mitchell (10:42am)

• OIM is working on its annual report

• Executive Session (in accordance with D.R.M.C.2-34(a)(3), for the purposed of receiving legal advice protected by the attorney-client privilege) (10:45am)

• Session Adjourned (12:00pm)
Citizen Oversight Board Meeting Minutes
February 15, 2019
Location: Office of the Independent Monitor

Board Members:

Present: Katina Banks, Nikki Braziel, Mary Davis, Mark Brown, Molly Gallegos
Absent: Francisco Gallardo, Pastor Burleson

Staff:

Independent Monitor Nick Mitchell, Gia Irlando

Guests:

Sheriff Firman, Bennie Milliner, Matt Mulbarger

Minutes:

• Call to Order (10:10am)

• Approval of Meeting Minutes (as amended): February 1, 2019 (10:12am)

• Board Updates and New Business (10:18am)

  • Visitation Working Group
    
    • Working through logistics like who can visit when, and how many visits will be allowed a week
    • A pilot program will initiate the project, including level five male and female inmates, with one visit per inmate per week
    • One key point to work out is whether folks who have a warrant will be warned that they have a warrant when they apply for a visit or whether they will not be warned and be arrested when they come in for a visit

  • Discussion with Sheriff Firman (10:32am)

    o Public Facing Documents – DSD working with the City Attorney’s Office to determine what can be shared; purchased a web module in preparation for putting more internal policies on the DSD website
    o Updating DSD Strategic Plan – working on Performance Management
    o Lactation Update
      ▪ Lactation program officially kicked off last Friday
• They haven’t gone public, because they’re still working on details with Denver Health and some community providers; their intention is to offer in-person lactation consultation
  o Building 24 – substantial completion date of March 1st
  o Overtime – about $1M down in overtime costs since last year
  o Visitation – remote video visitation will be operational by June
  o Marshall Rules – Sheriff provided an update of the status of all reforms agreed to under the settlement with the Marshall family
  o KITES – Sheriff’s office believes improving the KITE response turnaround time will reduce grievances.

• Board Updates and New Business (continued) (11:10am)
  o PID Process
    ▪ COB will participate in a community forum hosted by the Ministerial Alliance on Tuesday, March 11th

• Discussion with the Independent Monitor Nicholas Mitchell (11:19am)
  • New deputy director of safety been appointment to oversee the discipline process in the DPD; Mary Dulacki will take over the role (attending disciplinary hearing, making decisions on behalf of the Safety Department, testifying in front of the Civil Service Commission)
  • NACOLE in discussions to come to Denver for 2020 conference; could announce in June if awarded
  • Tulsa is still looking to move forward with creating a model like Denver’s OIM and COB; Tulsa city council members might want to visit Denver again to speak to us

• Executive Session (in accordance with D.R.M.C.2-34(a)(3), for the purposed of receiving legal advice protected by the attorney-client privilege) (11:32am)

• Session Adjourned (12:00pm)
Citizen Oversight Board Meeting Minutes  
March 1, 2019  
Location: Office of the Independent Monitor

Board Members: 

Present: Katina Banks (phone), Nikki Braziel, Mark Brown, Al Gardner  
Absent: Francisco Gallardo, Mary Davis, Molly Gallegos

Staff: 

Independent Monitor Nick Mitchell, Gia Irlando, Denis McCormick

Minutes:

• Call to Order (10:14am)

• Introduction of New Board Member (10:16am)

• Approval of Meeting Minutes: February 1, 2019 (10:18am)

• Board Updates and New Business (10:20am)
  • Calendar for 2019 meetings and public forums finalized
  • Delegation from Tulsa City Council will attend

• Discussion with the Independent Monitor Nicholas Mitchell (10:30am)
  • Draft of the OIM Annual Report is complete
  • Independent Monitor Nick Mitchell has been invited to NY to address the mayor and the city council; they’re convening a task force to re

• Executive Session (in accordance with D.R.M.C.2-34(a)(3), for the purposes of receiving legal advice protected by the attorney-client privilege)

• Session Adjourned (12:00pm)
1. Call to Order: (10:11am)
2. Executive Session (10:12am)
3. Minutes-moving approval to next meeting (10:25)
4. QPF (10:25)
   a. April 4th at 5pm at South High School cafeteria.
   b. Nick will do presentation then open it up for questions.
5. Contact Visits (10:28)
   a. Tour of women’s facilities
6. EDOS Riggs (10:31)
   a. IAB-AIV internal affairs equivalent no longer housed in sheriff’s dept. Will be under Dept.
      of Safety.
   b. Conduct Review Office - CRO
      i. Hirings in both, looking to fill soon
      ii. Two biggest issues for deputies-forced overtime and length of discipline cases.
      iii. Looking at how to divert people w/mental health issues out of the jails
7. Discussion with Independent Monitor (11:33)
   a. Testified in NY about Denver’s oversight model.
   b. Bridging the Gap will be hosting groups from New Orleans and Seattle.
   c. Annual Report will be published this morning and the COB’s is ready as well.
8. Executive Session (11:40)
9. Adjourn (12:08pm)
Present: Katina Banks, Nikki Braziel, Dr. Mary Davis, Molly Gallegos, Al Gardner

Staff: Nick Mitchell, Independent Monitor
      Gia Irlando, Ombudsman

Guest: Chief Paul Pazen

Location: Denver South High School

Call to Order (5:15 pm)

Update from Guest: Chief Paul Pazen (5:15 pm)

- All officers have been trained on new Use of Force policy
- Virtual Author Pro was purchased by the PPA and Denver Foundation, so DPD can write their own virtual training scenarios; will work on First Amendment training and then work on tactics to create time and distance during crisis response
- In May, the department starts advanced skills training, about 20 hours per officer

Approval of Meeting Minutes: March 1st & March 15th (5:40 pm) – rolled over to next meeting

Board Updates and New Business (5:45 pm)

Contact Visitation Update

- The committee is working out logistics of scheduling
- Discussing scheduling visits or offering only “first come, first serve” visits
- City budget is allocated for more staff to work on scheduling
- Budget exists from City to hire new staff to staff visitation room

Public Integrity Division Update

- Continuing to work out the details of the decline issue, as well as how a triage of cases would actually work

Annual Reports

Session Adjourned (6:34 pm)
Citizen Oversight Board Meeting Minutes
April 19, 2019

Present: Katina Banks, Mary Davis, Al Gardner, Cisco Gallardo (by phone)
Staff: Gia Irlando
Guests: Sheriff Firman
Karen Collier, community member

1. Call to Order, confirm quorum
2. Board Updates
   a. Location for QPF
   b. New parking guidelines
   c. NACOLE travel budget
3. Guest: Sheriff Firman
   a. Finalizing strategic plan with staff
   b. Final draft of annual report
   c. Lactation update
   d. Audit report question from Board member
   e. Visitation update, phase II by end of June.
   f. Building 24 status – wrap up in May.
   g. 2020 budget, hiring in more civilian positions, 13 candidates currently in Academy
   h. Timeline for implementing audit explained by Sheriff
   i. Question from community member re: use of magistrates instead of Judges
4. Outreach presentation – Gia Irlando
   a. Teen outreach will increase to 30 hours per week
   b. DPD has a grant to train in adolescent development for District 4
5. Executive Session (In accordance with D.R.M.C. 2-34(a) (8) 11:37 am
6. Adjourn 12:10 pm
Citizen Oversight Board
Meeting Minutes – May 3, 2019

Present: Katina Banks (phone), Nikki Braziel, Mark Brown, Mary Davis, Francisco Gallardo

Staff: Independent Monitor Nick Mitchell, Denis McCormick

Guests: Director of Public Safety Troy Riggs
David Walcher Director of Administrative Investigations Unit
Karen Collier community member

• Call to Order (10:13 am)

• Executive Session (in accordance with D.R.M.C.2-34(a)(8) (10:13am)

• Guest: Director of Public Safety Troy Riggs & David Walcher Director of Administrative Investigations Unit

  • Concerns within DSD include forced overtime (which is down approximately 50,000 hours)
  • Fewer misdemeanor and more felony arrests, which means lower jail populations but inmates being held longer; by way of numbers, murders and property crime are down, assaults and gun confiscation is up
  • Introduction from Dave Walcher:
    o Background includes work at the FBI, in Jefferson County at all levels up to Division Chief, and in Arapahoe County as Sheriff
    o Example of thing that should be handled by the supervisor instead of IAB would be a deputy doing their writeup the day after the event instead of the day of
    o Constitutional issues or “serious misconduct” should be handled by IAB Use of Force, contraband, sexual harassment; should not do “performance issues” (people coming into work 15 minutes late, rounds, left something unattended unless it compromises safety and security of facility); there’s a line and some judgments will have to be made, but we should have a good policy
    o Board member question: How will the triage issue get audited? How will the public stay aware?
    o DW: Every complaint needs to get investigated, tracked, and reviewed.

• Board Updates and New Business (11:18 am)

  • The hiring of candidate Becky O’Connor approved (11:28 am)
  • Review of previous quarterly public forum
    o The community felt it was positive to have representatives from law enforcement at last event and that, perhaps, events at churches have better turnout because there’s a community culture of showing up for there for conversation
    o Suggestion that it may be helpful to host forums in conjunction with organizations that are already doing work in the community
Discussion over avoiding a high school for the next forum and focusing on finding a church or library

- Approval of Meeting Minutes: March 1st and April 4th

- Discussion with the Independent Monitor Nicholas (11:35 am)
  - OIM has hired a new administrator, as the previous administrator has opted to pursue a new position closer to her home; the COB and the OIM thank Bodessa Trotman for her time in service

- Executive Session (11:38 am)

- Session Adjourned (12:00 pm)
Present: Katina Banks (by phone), Mark Brown, Mary Davis, Molly Gallegos

Staff: Gregg Crittenden, Sr. Deputy Monitor

1. Call to Order & Determine Quorum
2. Executive Session (In accordance with D.R.M.C.2-34(a) (3)
3. Guest: Chief Paul Pazen, Denver Police Department
4. COB Officer Elections Discussion
5. Board Updates and New Business
7. Executive Session (In accordance with D.R.M.C.2-34(a) (8)
8. Adjourn
Present: Katina Banks, Molly Gallegos, Al Gardner, Mary Davis, Cisco Gallardo (by phone)

Staff: Nick Mitchell, Independent Monitor
Becky O’Connor, COB Administrator

Guests: Mimzy Tackney-Moen, Together Colorado
Sharon Battle, Together Colorado
Marilyn Ackerman, Together Colorado
Janet Barelli, Together Colorado
Kamau Allen, Together Colorado

MINUTES

1. Call to Order (10:08 am)
   a. Introduce Board Members, Guests and Independent Monitor

2. Introduction of Board Administrator

3. Minutes from May 17, 2017
   a. defer approval to next meeting

4. Quarterly Public Forum – June 20, 2019 *
   a. Oakland Elementary DPS, 4580 Dearborn St. Denver, CO 80239
   b. Board Meeting at 5:00 pm
   c. Public Forum at 6:00 pm
   d. Agenda Discussion: COB Scope of Work, Annual Report, Community Concerns
   e. Invite additional stakeholders, Division Commander, District Representatives, Community Organizations

5. COB Officer Elections
   a. Full slate for Board to vote on will be available at the meeting on June 20, 2019

6. Board Updates & New Business
   a. NACOLE Conference dates
   b. Review how board members are appointed under the new ordinance
   c. Community concern: Together Colorado presented 5 questions for the COB regarding policy and best practices for show-up identifications.

7. Discussion with Independent Monitor, Nicholas E. Mitchell
   a. Upcoming 15th Anniversary of Creation of the Office of Independent Monitor/COB

8. Executive Session (In accordance with D.R.M.C.2-34(a) (8) (11:26 am)

9. Adjourn (11:46)

*The QPF was subsequently rescheduled to August 22, 2019.*
Present: Molly Gallegos, Mary Davis, Nikki Braziel, Cisco Gallardo (by phone)
Staff: Nick Mitchell, Independent Monitor
       Becky O’Connor, COB Administrator

1. Call to Order: 10:10
2. Approval of minutes from June 7, 2019 with an edit to add E to NACOL in item 6
3. COB Officer Elections:
   As nominated by Cisco Gallardo:
   Katina Banks, Chair; Nikki Braziel Vice-Chair; Molly Gallegos, Secretary
   All accept their nominations, Mary Davis has Katina’s proxy to vote
   Approved by vote of the Board
4. Quarterly Public Forum – August 22, 2019
   a. Discussion of final agenda and format, including criminal justice reform bills recently enacted
   b. Focus on areas of interest from the community and include listening sessions
5. Update on Response to Together Colorado
   a. COB will request training information from DPD
6. Board Updates and New Business
   a. Review of Strategic Priorities to be added to future meeting agenda
   b. DPD helped set up discussion with hospital legal on use of video policy
   c. PID status update
7. Executive Session 11:17 – 11:43 (In accordance with D.R.M.C.2-34(a) (8)
8. Additional new business discussion
   a. Schedule lunch & learn with new City Council members
9. Adjourn 12:02
Present: Katina Banks, Nikki Braziel, Mary Davis, Molly Gallegos, Al Gardner

Staff: Gregg Crittenden, Deputy Monitor
       Becky O’Connor, COB Administrator

Guests: Sheriff Patrick Firman and Daria Cerna, Director of Communications (DSD)
        Karen Collier, community member

1. Call to Order & Determine Quorum 10:07

2. Executive Session 10:10 am - 10:42 am Executive session ends

3. Guest Update
   a. Public-Facing docs now on the website under research and policy, anything not deemed confidential is now up or in process
   b. Strategic Plan: Continuation of Plan 2.0 (see attached) designed for yearly re-evaluation
   c. Building 24 online, working on fire code issues. Scheduled to open in August 2019.
   d. Video visitation – phase one remote visitation implemented at end of June 2019 through SECURUS $8.99 fee plus tax for 30 minutes paid by a family member. Eliminated 10-day wait (days incarcerated) completely. An onsite visit is always free. SECURUS provides detailed usage reports.
   e. Board questions on in-person family visits at Smith Road. No updates since the last meeting. Budget to staff that is part of the DSD request.
   f. DSD has been offering in-community mental health first aid training. Caring for Denver money not available yet. DSD paying their 2 trainers do this outreach.
   g. Sheriff trying to streamline procedures & policies by reducing the number of pages to a manageable level.
   h. Board question on transgender treatment: policy v. best practices. Sheriff answer: on a case-by-case basis, inmates are given an opportunity for input on which gender pod they are placed in.
   i. Board question on criminal justice reform bills. SB191 releasing within 4 hours of receiving bail. Sheriff answer: Pilot projects in place will be a resource issue so working on a budget.
   j. Board question on Chief of Staff vacancy. Sheriff answer: is a mayoral appointee
   k. Board question on how each specification of a discipline case is investigated. Sheriff answer: all specifications are reviewed and evaluated based on the circumstances of each case.

Guests Sheriff Firman and Daria Cerna depart meeting at 11:11 am

4. Approval of Minutes, June 21, 2019. Approved with the change of Co-Chair to Vice-Chair

5. Quarterly Public Forum – August 22, 2019
   a. No regular meeting before the forum
   b. Criminal Justice Panel, EPIC presentation

6. Board Updates and New Business 11:31
   a. PID: 3 docs written to operate PID, scheduled to be ready Sept 3rd for review by ED Riggs

7. Adjourn 12:12 pm
1. Call to Order

2. Executive Session (In accordance with D.R.M.C.2-34(a) 3

3. Guest: Executive Director Riggs
   • Discussion of Public Integrity Division (PID), the working group is expected to deliver a final draft on September 1, 2019. A concern was raised by the Board that the last draft of the handbook moves 90 specifications correlated to the discipline matrix to triage at a supervisor level, many of these are still issues of misconduct and need to be treated as such. The Board asked if supervisors have been trained for this transition and ED Riggs indicated that they are not, training is ongoing. Additional concerns were raised by the Board that there are problems with the architecture of the policy and procedural concerns about numerous canceled meetings. EDOS has final decision-making authority on the PID policy and implementation, he expects to review a draft with Bob Troyer and the City Attorney when he receives it on September 1, 2019. PID will be included in Public Safety’s reported metrics, he indicated it will likely be one year until full quarterly reviews.

4. Board Updates and New Business
   • No new business was brought forward. The minutes for July 19, 2019, April 19, 2019, May 3, 2019, and May 17, 2019, were approved with edits.

5. Discussion with Independent Monitor, Nicholas Mitchell
   • The Denver City Council has created a Charter Committee, which will explore amendments to existing city charter provisions. The office of the OIM has an open position which will replace the existing Ombudsman role. An update was provided that the OIM has seen a pattern of inbound calls from citizens whose visits with inmates via the Securus kiosks have gone off-line before the session expires.

6. Executive Session (In accordance with D.R.M.C.2-34(a) 8

7. Adjourn
Citizen Oversight Board  
Meeting Minutes - August 16, 2018

Present: Katina Banks, Mark Brown, Mary Davis, Al Gardner  
Staff: Nick Mitchell, Independent Monitor

1. Call to Order & Determine Quorum

2. Executive Session, the board did not move to Executive Session at this time as indicated in the agenda.

3. Review of Minutes, held for edits and approval at next session.

4. Board Updates and New Business  
   • Discussion of Quarterly Meeting to be held at Oakland Elementary School in District 5 and upcoming guest visit from the Denver District Attorney at the COB meeting on September, 20, 2019. The Board was made aware of a request from the City of Boulder to have the Denver Independent Monitor provide some advisement as they create oversight of law enforcement process in Boulder.

5. Executive Session (In Accordance with D.R.M.C. 2-34(a) (8))

6. Adjourn
Citizen Oversight Board  
Meeting Minutes – September 6, 2019

Present: Katina Banks (by phone), Nikki Braziel, Mark Brown, Mary Davis, Cisco Gallardo (by phone), Molly Gallegos

Staff: Nick Mitchell, Independent Monitor  
Becky O’Connor, COB Administrator

Guests: Chief Paul Pazen, Denver Police Department  
Karen Collier, Community Member

1. Call to Order & Determine Quorum

2. Executive Session (In accordance with D.R.M.C.2-34(a) (8)

3. Guest Update: Chief Pazen
   - There was a follow-up discussion of DPD’s data regarding the use of show-up identifications and on-going conversations between the Department and Together Colorado on this issue. There is aggregate use of force data posted by the department by February 1st of each year. There was a discussion of crime and arrest statistics and trends, including a rise in hate-crimes and how the bias-motivated crimes unit responds. Media and DPD are continuing negotiations around encrypted radio use and access.

4. Approval of Minutes, August 2, 2019, and August 16, 2019, approved with edits.

5. Board Updates and New Business – No new business brought forward.

6. Discussion with Independent Monitor, Nicholas Mitchell

7. Executive Session (In accordance with D.R.M.C.2-34(a) (8)

8. Adjourn
Present: Katina Banks (by phone), Nikki Braziel, Mark Brown, Molly Gallegos

Staff: Nick Mitchell, Independent Monitor
      Becky O’Connor, COB Administrator

Guests: Beth McCann, Denver District Attorney
        Karen Collier, Michael Hancock, Stephanie Hancock – Community Members

1. Call to Order
2. Minutes approved from 9/6/2019
3. Quarterly Public Forum (QPF)
   • A public meeting is scheduled for November 7, 2019 from 6:00 – 8:00 pm. It will be held in Denver Police District 4, location to be determined. The agenda will focus on the Public Integrity Division (PID) a civilian arm of the Department of Public Safety (DOS) that will be responsible for investigating complaints of misconduct for the Denver Sheriff Department (DSD) and reviewing investigations for potential rule violations.
4. Guest: Denver District Attorney, Beth McCann
   • There was a discussion of the process used to make charging decisions against law enforcement by the District Attorney’s office. This included how the Denver Police Department’s (DPD) Internal Affairs Bureau (IAB) presents cases, how the District Attorney’s office evaluates and investigates cases, and when investigative materials might be sent to an outside expert. Sheriff complaints also come through IAB, while DPD has an internal check to make sure they are sharing all relevant cases, DA McCann will confirm the Denver Sheriff Department’s (DSD) process. There was also a discussion of how Colorado Law applies to use of force cases and a review of how the DA’s office uses the “Brady” or “asterisk” list to evaluate and notify defense council when a testifying officer has an open or sustained case in their file. The DA also addressed the use of show-up identification procedures and has met with Together Colorado on this topic. The board raised a concern about getting accurate data from all parties on the use and effectiveness of show-ups. A sub-committee was formed to come up with position statement on show-ups. A community member raised a concern about the percentage of cases which end in plea agreement and requested that the COB take on a role in asking for better data collection to add more transparency and integrity to the justice system.
5. Board Updates and New Business.
6. Discussion with Independent Monitor, Nicholas Mitchell
7. Executive Session (In accordance with D.R.M.C.2-34(a) (8)
   • The Board did not go into Executive Session as indicated in the agenda.
8. Adjourn