DENVER
CITIZEN OVERSIGHT BOARD

2018 Annual Report
# Contents

- Contents ............................................................................................................................................ 1
- The Citizen Oversight Board ........................................................................................................ 1
- Citizen Oversight Board Members ................................................................................................. 2
- Duties of the Citizen Oversight Board .............................................................................................. 4
- COB Activities in 2018 .................................................................................................................... 4
- Public Outreach ................................................................................................................................. 5
- The Effectiveness of the Independent Monitor ................................................................................... 6
  - Staff Evaluations ............................................................................................................................ 6
  - Evaluations by Safety Leadership ................................................................................................... 7
  - COB Ratings .................................................................................................................................. 7
  - Workload and Performance Measures ............................................................................................ 10
- Policy-Level Recommendations .......................................................................................................... 12
- Other Notable COB Activity ............................................................................................................... 14
The Citizen Oversight Board

The Citizen Oversight Board (COB) consists of seven community members appointed by the Mayor and confirmed by City Council. The COB is charged with:

- Assessing the effectiveness of the Office of the Independent Monitor (OIM);
- Making policy-level recommendations regarding discipline, use of force and other policies, rules, hiring, training, community relations and the complaint process;
- Addressing any other issues of concern to the community, the COB, the Independent Monitor, the Executive Director of Safety (EDOS), the Chief of the Denver Police Department (DPD), the Sheriff of or the Fire Chief; and
- Reviewing and making recommendations as to closed Internal Affairs cases where the findings were not sustained, as appropriate.

The COB is required by ordinance to report on its activities, findings, and recommendations on an annual basis.\footnote{Denver Revised Municipal Code (DRMC) §2-384.}
Citizen Oversight Board Members

**Katina Banks, Chair**, is an intellectual property and technology transactions attorney at Baker & Hostetler 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.

**Molly Gallegos, Vice Chair**, 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 has 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.

**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** is the founder of 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 COB since its 2005 beginning.

**Dr. Mary 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 joined and helped create what has been one of the largest gangs in Denver's north side in his teen years. 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 COB in 2012.

Mark Brown, Vice Chair, 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 enforcements officers, licensing personnel and veterinarian staff. In addition to those duties, he also conducts firearms and arrest control technique training.
Duties of the Citizen Oversight Board

The COB was created by ordinance in 2004 to:

1. Assess the effectiveness of the OIM;
2. Make policy-level recommendations regarding DPD and Denver Sheriff Department (DSD) discipline, use of force, and other policies, rules, hiring, training; community relations; and the complaint process;
3. Address any other issues of concern to the community, members of the COB, the monitor, the manager of safety, the chief of police, the undersheriff, or the fire chief;
4. Make recommendations as to specific cases that were closed by the DPD or DSD Internal Affairs Bureau (IAB); and
5. Perform other duties as set forth in the ordinance.\(^2\)

The COB has no command responsibilities with respect to the DPD and DSD. It carries out its advisory duties in frequent meetings with the Independent Monitor and the Department of Safety (DOS). These meetings allow COB members to monitor confidential internal investigations and to make recommendations on discipline for individual IAB cases as well as policy recommendations.

In November of 2016, Denver voters overwhelmingly approved Referred Measure 2B, which places the OIM and the COB into the city charter.

(For duties of the Office of the Independent Monitor, see Appendix A.)

**COB Activities in 2018**

The COB does its work in three primary settings: COB meetings, Executive Sessions, and Quarterly Public Forums.

**COB Meetings**

The COB typically meets twice monthly in regular working sessions. The COB meets with the Executive EDOS, the Sheriff, and the Chief of Police at least quarterly, and with others on an as-needed basis. These quarterly meetings help to keep the COB informed on current policies and upcoming initiatives. They also provide the COB with the opportunity to give feedback to the EDOS, the Sheriff, and the Chief of Police. The COB also receives reports from the Independent Monitor and his staff. COB meetings are open to the public except for executive sessions to discuss ongoing investigations and other privileged matters. These meetings are generally held

at the OIM at 101 West Colfax Avenue, Suite 100, at 10 am on the first and third Fridays of the month.

The COB held 19 regular business meetings in 2018. The COB met quarterly throughout 2018 with the DSD Sheriff Patrick Firman. Because of scheduling challenges, the COB met with the DPD Chief Paul Pazen and his predecessor, DPD Chief Robert White a total of three of the four quarters, and with EDOS Troy Riggs three of the four quarters. These meetings took place during regular COB meetings and were open to the public unless confidential exchanges were involved. Discussions between COB members and officials at these meetings were productive and informative.

Executive Sessions

In 2018, the COB devoted a portion of every regularly scheduled business meeting to executive sessions 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 Districts. Channel 8 records these meetings for broadcast over the ensuing weeks.

In 2018, the COB held three quarterly public forums. COB quarterly public forums are held in rotating police districts throughout the City and County of Denver. In 2018, quarterly public forums were help in DPD Distracts 1, 2, and 6.
The Effectiveness of the Independent Monitor

The ordinance that established the OIM entrusts the authority to evaluate the performance of the Monitor with the COB. In 2013, the COB engaged an evaluation expert to develop a quantitative and qualitative evaluation system which the COB subsequently approved. The COB 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 its 2017 assessment, the COB made minor clarifying changes in the OIM staff review form and launched a web-based staff survey to encourage candor among staff.

The COB used a four-pronged evaluation approach: 1) a qualitative 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.

Staff Evaluations

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. As shown in Figure 1, overall, staff rated the work of the OIM and of the Independent Monitor highly, with most agreeing or strongly agreeing to statements about the importance of the OIM’s work, its methods of dealing with community members and other stakeholders, and the Independent Monitor’s high standard of performance.

Figure 1. Staff Assessment of the Work of the OIM

- I am able to see how my own responsibilities and efforts support the vision and mission of the OIM.
- The Independent Monitor encourages collaborative working relationships with stakeholders in the Safety Department.
- I believe the OIM is viable and doing important work.
- I am clear about the vision and the overall strategy for accomplishing the mission of the Office of the Independent Monitor.
- The Independent Monitor models a high standard of performance for the OIM.
- The Office of the Independent Monitor has well established processes for dealing with community members.
Through the Staff Evaluation, the COB also gathered confidential data that it will use to advise the Independent Monitor on the internal administration of the office.

**Evaluations by Safety Leadership**

COB Chairwoman Banks interviewed the following individuals to assess the Monitor’s performance in 2018: EDOS Troy Riggs, DPD Chief Paul Pazen, and DSD Sheriff Patrick Firman. All interviews were conducted in March of 2019.

Safety leaders generally agreed that the Independent Monitor responds to them in a timely fashion and the majority felt that he considers their views during deliberations. One noted that, while they sometimes disagree, there are no issues. They assessed the Independent Monitor’s demeanor as professional and were generally satisfied with the OIM’s involvement in Safety Department events. One Safety leader noted OIM staff might benefit from participating in law enforcement trainings, rather than just observing them. Safety leaders were also satisfied with the opportunities they received to review and provide comment on OIM reports, though one noted that it would be helpful to have a longer turnaround for review.

Safety leaders expressed some concerns related to the presence of the Independent Monitor and his designees in disciplinary meetings. The COB will work with the Independent Monitor and safety stakeholders throughout 2019 to further assess this issue and make recommendations for improvements to the process, if deemed necessary.

**COB Ratings**

COB members were asked to rate the Independent Monitor performance in eight key areas. COB members had the option of rating the Independent Monitor as outstanding, satisfactory, or unsatisfactory in each performance area.

*Communication with the COB*

The Independent Monitor was rated as “outstanding” at providing regular reports to the COB, keeping them apprised of disciplinary issues, critical incidents, and the operation of the OIM, and seeking input on investigations and discipline. One COB member characterized the Independent Monitor as “very honest and straightforward.” A second noted that:

> Independent Monitor Nick Mitchell goes out of his way to keep the board informed about significant cases, briefing the board throughout the investigative and disciplinary processes. He is always available for questions and follows up in a timely fashion on all issues of concern to the board.

*Monitoring and Review of Internal Affairs Investigations*

The Independent Monitor was rated as “outstanding” at monitoring and reviewing Internal Affairs investigations. Once COB member noted that the Independent Monitor and his staff review investigations “using their thorough knowledge of best practices in conducting investigations.”
Monitoring of Disciplinary Process

The Independent Monitor was rated as “outstanding” in his monitoring of the disciplinary process. One COB member wrote:

The Independent Monitor displays a thorough and critical understanding of all incidents, as well as the disciplinary matrix. He offers sound and reasonable recommendations to the safety departments regarding discipline. The Monitor’s Office prepares its findings in advance of meetings at which discipline is contemplated, ensuring that the safety departments have a clear, advance understanding of its position.

Monitoring and Review of Critical Incidents

The Independent Monitor was rated as “outstanding” in his monitoring and review of critical incidents. A COB member commented:

The Independent Monitor displays the highest level of commitment and professionalism when it comes to investigating critical incidents, sometimes serving as the only high-ranking Mayoral appointee on hand at the site of investigation. The Monitor’s commitment to thorough, timely, and just investigations should be commended.

Production of Annual, Semiannual, and Ad Hoc Reports

The Independent Monitor, and his staff, were considered “outstanding” in this area. One COB member commented “I think one of the things the Monitor’s office does best is their reporting.” Another noted that “the OIM has done an excellent job in this area, including developing a detailed report on the incidents that led to the death of Michael Marshall and subsequent actions taken by the Department of Safety.”

Production of Policy, Practice, and Training Recommendations

The Independent Monitor was rated “satisfactory” to “outstanding” in this area. One COB member commented:

A number of policy recommendations that either originated with Independent Monitor Nicholas Mitchell or in which he took a critical role are now being enacted to the betterment of the Department of Safety. Those include establishing a policy to allow incarcerated mothers to pump breast milk, re-establishing in-person visitation in the jails, and civilianizing the Internal Affairs Bureau.

Outreach to Complaint Process Stakeholders

The Independent Monitor was rated “satisfactory” to “outstanding” in outreach to the community by the COB. One COB member felt that “in general their visibility and the visibility of the work they/we do could be increased.”
Overseeing the OIM’s Mediation Program

The Independent Monitor was rated “satisfactory” to “outstanding” in this area, with one COB member noting that “The mediation program, while not widely acknowledged for its key role in addressing and often resolving citizen complaints, is widely respected nationally for its effectiveness.”

Management of the OIM

The Independent Monitor was rated “satisfactory” to “outstanding” in his management of the OIM. One COB member commented that “under the leadership of the Independent Monitor, Denver’s OIM has become a national model of excellence, winning awards and being studied by cities around the country.”
Workload and Performance Measures

The COB assesses the OIM on several quantitative workload measures related to the work produced by the office. Table 1 presents those workload measures. In 2018, the OIM recorded 427 complaints against DPD sworn personnel and reviewed 496 investigations of alleged misconduct by DPD officers. From 2017 to 2018, the number of recorded DPD complaints decreased by 21% and the number of DPD investigations reviewed decreased by 12%. However, the number of investigations that were actively monitored increased by 29% in the same time period, from 21 actively monitored investigations in 2017 to 27 in 2018. The number of complaints against sworn DSD staff and the number of DSD investigations increased substantially, with a 35% increase in recorded DSD complaints and an 88% in DSD investigations reviewed from 2017 to 2018.

Table 1. OIM Workload Measures, 2015-2018

<table>
<thead>
<tr>
<th>A. Complaint Monitoring Workload</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Denver Police</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Number of Citizen-Internal Complaints Recorded</td>
<td>506</td>
<td>481</td>
<td>541</td>
<td>427</td>
</tr>
<tr>
<td>b. Investigations Reviewed</td>
<td>453</td>
<td>517</td>
<td>563</td>
<td>496</td>
</tr>
<tr>
<td>c. Actively Monitored Investigations</td>
<td>16</td>
<td>16</td>
<td>21</td>
<td>27</td>
</tr>
<tr>
<td>d. Completed Mediations</td>
<td>38</td>
<td>37</td>
<td>53</td>
<td>32</td>
</tr>
<tr>
<td><strong>2. Denver Sheriff</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Number of Citizen-Inmate-Internal Complaints Recorded</td>
<td>232</td>
<td>170</td>
<td>335</td>
<td>451</td>
</tr>
<tr>
<td>b. Investigations Reviewed</td>
<td>263</td>
<td>248</td>
<td>265</td>
<td>498</td>
</tr>
<tr>
<td>c. Actively Monitored Investigations</td>
<td>32</td>
<td>57</td>
<td>72</td>
<td>135</td>
</tr>
<tr>
<td>d. Completed Mediations</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Discipline</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Denver Police</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Disciplinary Recommendations Made</td>
<td>110</td>
<td>126</td>
<td>140</td>
<td>145</td>
</tr>
<tr>
<td><strong>2. Denver Sheriff</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Disciplinary Recommendations Made</td>
<td>67</td>
<td>99</td>
<td>104</td>
<td>129</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Critical Incidents</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Denver Police and Sheriff</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Officer-Involved Shooting Investigations Monitored</td>
<td>17</td>
<td>23</td>
<td>17</td>
<td>14</td>
</tr>
<tr>
<td>b. In-Custody Death Investigations Monitored</td>
<td>7</td>
<td>7</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>
The COB also assesses the OIM on several quantitative performance measures related to its work with the DPD. As shown in Table 2, in 2018, the OIM reviewed 100% of DPD investigations and 96% of DPD disciplinary decisions prior to case closure. Nearly all DPD complaints received by the OIM were referred to DPD IAB within three days, and 96% of DPD IAB investigations were reviewed by the OIM within ten days.

Table 2. Quantitative Performance Measures for Evaluation of the OIM, 2015-2018

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Percentage of DPD IAB Investigations (full formal investigations and declines) reviewed by OIM prior to case closure.</td>
<td>100%</td>
<td>100%</td>
<td>100%*</td>
<td>100%</td>
</tr>
<tr>
<td>2. Percentage of DPD disciplinary decisions of IAB cases reviewed by the OIM prior to case closure.</td>
<td>100%</td>
<td>100%</td>
<td>89%</td>
<td>96%</td>
</tr>
<tr>
<td>3. Number of community outreach events held/attended by the OIM calendar year.</td>
<td>148</td>
<td>150</td>
<td>165</td>
<td>173</td>
</tr>
<tr>
<td>4. Number of officer/deputy outreach events held/attended by the OIM in a calendar year.</td>
<td>60</td>
<td>79</td>
<td>87</td>
<td>91</td>
</tr>
<tr>
<td>5. Number of complaint/commendation form distribution sites.</td>
<td>52</td>
<td>66</td>
<td>66</td>
<td>72</td>
</tr>
<tr>
<td>6. Percentage of citizen complaints referred to DPD IAB within three business days (for complaints filed through the OIM).</td>
<td>95%</td>
<td>98%</td>
<td>97%</td>
<td>98%</td>
</tr>
<tr>
<td>7. Percentage of DPD IAB investigations reviewed by OIM monitors within 10 days.</td>
<td>91%</td>
<td>92%</td>
<td>89%</td>
<td>96%</td>
</tr>
<tr>
<td>8. Percentage of DPD citizen complaints mediated.</td>
<td>8%</td>
<td>8%</td>
<td>11%</td>
<td>9%</td>
</tr>
</tbody>
</table>

* The OIM did not review one IAB investigation prior to case closure, but this percentage was rounded to the nearest whole number.
**Policy-Level Recommendations**

**The Death of Inmate Michael Marshall**

On March 19th, 2018, the OIM released a special report, *The Death of Michael Marshall, an Independent Review*, which details the death of Mr. Marshall, who died while in DSD custody.³ When Mr. Marshall attempted to enter a jail hallway without permission, deputies used force to restrain him. For approximately 13 minutes, deputies used physical force while he intermittently struggled on the floor. Mr. Marshall became unconscious and was transported to Denver Health Medical Center, where he was in a comatose state. He died nine days later. His cause of death was determined to be, among other things, positional asphyxia due to restraint by law enforcement. Following the incident, an investigation was conducted by the DSD’s IAB, which resulted in 10-day and 16-day suspensions being imposed on two deputies and a captain, respectively. The OIM’s special report analyzes the incident, the IAB investigation, and the disciplinary decisions. It includes eight actionable recommendations to the DSD and DOS, one of which suggests that the management of IAB be placed under civilian control. On March 21st, 2018, the Independent Monitor presented the report to the City Council SAFEHOUSE Committee. One month later, the DOS appeared in front of the same committee to respond to the report.

On March 22nd, 2018, the COB held its first public meeting of the year as required by ordinance. Nearly 50 members of the Denver community were in attendance. The forum began with a presentation from Independent Monitor Nick Mitchell on the report, *The Death of Michael Marshall, an Independent Review*. The presentation was broadcast on Channel 8 and is available online here.⁴ Community members were then divided into breakout groups to discuss the findings and recommendations made in the report, as well as the public letter that the DOS provided as a response. Participants had a broad range of comments and suggestions. Some recommended giving rank to medical staff within the jails. Others requested weekly public updates from the DOS on the disciplinary process and its outcomes for sworn personnel. Ideas included: giving the OIM access to independent legal counsel (apart from the City Attorney’s Office, which reports to the mayor); requiring the safety departments to respond substantively and in writing to all OIM recommendations; improving mental health training and adding a doctor to the DSD staff 24/7; working with the POST Board on training requirements; and allowing the city council to approve the appointment of the Chief of Police, the Sheriff, and the EDOS. Community members also volunteered their preference for strengthening the OIM, including moving appointment and removal powers of the Independent Monitor from the Mayor to the city council.

The DSD’s Nursing Mothers Policy and Practice

At the November 3, 2017 meeting of the COB, it shared with the Sheriff concerns related to the DSD’s breastfeeding policies and practices. The COB followed up with a letter to the Sheriff that was also shared with the community. Noting the many benefits of breastfeeding for both mothers and infants, the COB recommended that a nursing mothers policy being developed by the DSD should permit mothers to not only express their milk; they should also be allowed to provide it to their babies. The COB also offered its assistance in the process of revising the DSD’s policy on nursing mothers and asked to meet with the Sheriff to discuss its concerns related to the policy. In December 2018, the DSD shared a draft “Inmate Lactation Support” Policy that was responsive to many of the community’s concerns and the COB’s recommendations. The DSD has not yet finalized this policy.

OIM Inclusion in the Performance Improvement Process

On April 6th, 2018, members of the DOS—including EDOS Troy Riggs, Deputy Director Jess Vigil, and Chief of Staff Daelene Mix—met with the COB and discussed the development of a new Performance Improvement Team (PIT). The PIT included Sheriff Patrick Firman, members of DSD IAB and Conduct Review Office, and other DOS personnel. Under the leadership of DOS Deputy Director Vigil, the PIT was tasked with assessing issues affecting the disciplinary process in the DSD. Specifically, the PIT would focus on the timeliness and efficiency with which investigations into alleged misconduct are concluded, as well as explore consistency in disciplinary outcomes. At that meeting, members of the COB voiced their preference that the OIM be included in the initial investigatory process. EDOS Troy Riggs responded that he would like to see the Monitor’s office involved sooner than the general public, but he stopped short of extending an invitation to the Monitor.

Beginning in March 2018, the PIT conducted research to inform recommendations for reform that would be made by an internal working group. The COB was invited to attend the final three meetings of the PIT. In early Fall of 2018, the PIT shared nine recommendations to the DOS with the OIM and the public:

1. Remove performance-related issues such as punctuality from the discipline process;
2. Handle less serious (“Category A”) misconduct outside of the discipline process and exclude them from personnel files;
3. Reinstate regular Conduct Review Meetings;
4. Limit the OIM’s authority regarding mediations and declined cases;
5. Update the Discipline Handbook to allow DSD staff to work with Temporary Reductions in Pay (TRIP) in lieu of unpaid suspensions;

________________________________________

5 Letter from the Citizen Oversight Board to DSD Sheriff Patrick Firman Re: Follow-up on Concerns Raised at COB Forum About the DSD’s Nursing Mother Policy and Practices (Nov. 15, 2017), https://www.denvergov.org/content/dam/denvergov/Portals/64/documents/2017.11.15_Nursing%20Mothers%20Letter_Final.pdf.
6 Denver Sheriff Department Order 1.00.1068 (draft, reviewed April 2018).
6. Prohibit the Independent Monitor from assigning designees to high-profile cases and Conduct Review meetings;
7. Simplify the DSD’s handling of Unauthorized Leave;
8. Stop recording declined and informal complaints against DSD deputies in IAPro, IAB’s case tracking database; and
9. Allow less serious inappropriate uses of force to be handled in a way that would permit shorter periods of suspension than what is currently required.\(^7\)

The OIM did not agree with several of the PIT’s recommendations and provided its feedback to the EDOS. In December 2018, Mayor Michael Hancock announced the creation of the Public Integrity Division (PID), a new civilian investigatory agency within the DOS that would handle DSD misconduct investigations.\(^8\) The COB will continue to be present and to make recommendations as the DOS develops policies and procedures that will guide the PID’s work.

**Other Notable COB Activity**

**National Association for Civilian Oversight in Law Enforcement**

As in previous years, COB members were actively involved with the National Association for Civilian Oversight in Law Enforcement (NACOLE). In late September and early October of 2018, several COB members attended NACOLE’s annual conference in St. Petersburg, Florida. The theme of the 2018 conference was “Sustaining Reform. Advancing Justice.”\(^9\) At the conference, COB members received training on four tracks: training for oversight, correctional oversight, building public trust, and sustainable reform efforts. Each track was relevant to NACOLE’s Core Competencies for Oversight Practitioners (see Appendix B).

One COB member, Dr. Mary Davis, was also a panelist in a session entitled “Best Practices for Volunteer Review Boards.” During this session, Dr. Davis shared information on the structure and the work of the COB. As an example best practice, Dr. Davis spoke of the COB’s commitment to keeping in touch with the community by holding quarterly public forums around the city. She discussed the COB’s involvement in community meetings sponsored by the DPD to get feedback

---

\(^7\) Memorandum for Deputy Director of Safety Jess Vigil and Assistant City Attorney Jennifer Jacobson to Executive Director of Safety Troy Riggs Re: P.I.T- Discipline Process Recommendations (January 3, 2019).


on proposed policies such as the Use of Force Policy. She spoke of the COB’s ongoing invitation to the community to attend the COB’s bi-monthly business meetings, noting that these meetings have helped the COB learn about what the community expects of it. Dr. Davis also discussed the role of social media in keeping the community informed of upcoming events and to receive feedback about the COB’s work.

**COB Budget Expansion**

In its 2019 Budget, the City and County of Denver committed to providing additional resources that will allow the COB to be a more effective oversight body. First, the Mayor approved funding to create a part-time Administrative Support Assistant to provide administrative support to the COB and help plan its public meetings. The Mayor also approved a budget increase to support the COB with additional training as well as provide child care to community members attending the COB’s quarterly public forums.10

**Poetry, Race, and Policing Event**

Everywhere were flashes, a siren sounding and a stretched-out roar. Get on the ground. Get on the ground now. Then I just knew. And you are not the guy and still you fit the description because there is only one guy who is always the guy fitting the description. (Claudia Rankine, *Citizen: An American Lyric*)

As part of the Denver Talks Series, on February 2, 2018, the COB hosted a conversation inspired by Rankine’s text, with a focus on race in policing and incarceration. The session was facilitated by Bill de la Cruz, the Director of Diversity, Equity, and Inclusion at Denver Public Schools. It was well-attended, with roughly 80 participants. Participants were broken into groups and tasked with developing definitions and themes related to race and policing, in the context of Rankine’s poems.

Denver Talks is a collaboration between Lighthouse Writers Workshop, the City and County of Denver, and NEA Big Read.

10 City and County of Denver, 2019 Budget Book (369),
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:

CERTIFICATION FOR OVERSIGHT PRACTITIONER OF CIVILIAN OVERSIGHT

NACOLE Requirements and Core Competencies

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