



101 W. Colfax Ave., Dept.101
Denver, CO 80202
p: 720.913.3150
f: 720.913.3305
www.denvergov.org/cob

April 28, 2017

Executive Director of Safety Stephanie Y. O'Malley
Department of Safety
1331 Cherokee Street
Denver, CO 80202

Dear Director O'Malley,

As you know, the Citizen Oversight Board (COB) is made up of community members appointed by the Mayor of Denver to make recommendations regarding use of force and disciplinary decisions, among other things, to Denver's Department of Safety. We write because we are extremely troubled by the disciplinary decisions concerning the death of Michael Marshall, released by your office last week, and we write to express our disappointment.

Throughout this case, we have been kept apprised of the investigation and disciplinary proceedings by Independent Monitor Nicholas Mitchell. We are aware of the many efforts by the Office of the Independent Monitor (OIM) to ensure that the investigation was conducted thoroughly, fairly, and without bias. We are also aware of the OIM's many recommendations, which we support, on the appropriate level of discipline to be imposed against some involved deputies under the Denver Sheriff Department (DSD) disciplinary matrix.

The DSD's disciplinary matrix acknowledges that Deputy Sheriffs hold a position of trust bestowed on them by the community, and they are given the authority to use force, including deadly force, when appropriate. With that power comes the responsibility to use it wisely. The community expects that when deputies engage in misconduct, the Department of Safety will impose discipline that matches the seriousness of that misconduct. The facts of Mr. Marshall's death are very alarming. We believe, based on prior documented discipline, that the relatively short suspensions imposed on three deputies last week by your office do not match the seriousness of the wrongdoing in this case.

The DSD has been undergoing a top-to-bottom reform effort for several years, with a number of achievements that have been made public. We support those efforts, and the ongoing betterment of the DSD through change of the policies and training of the department. Some of us on the COB have even participated in the task forces and subcommittees associated with these reform efforts. Yet, to make a lasting impact on the culture of the DSD, the Department of Safety must also be willing to hold deputies accountable for serious wrongdoing. As the Citizen Oversight Board, we believe that your

office did not live up to that obligation in this case, and we write to convey our disapproval of the disciplinary decisions issued last week regarding the death of Michael Marshall. Although you had to cancel your previously scheduled meeting with the COB on April 21, 2017, we look forward to discussing this matter with you on May 5, 2017 at the next COB meeting.

Thank you for your time and attention.

Sincerely,

Mary Davis

Dr. Mary Davis, Chair
Francisco "Cisco" Gallardo, Vice Chair
Mark Brown, Secretary
Pastor Paul Burleson, Member
Katina Banks, Member

CC: Nicholas E. Mitchell, Independent Monitor
Patrick Firman, Sheriff