Citizen Oversight Board  
City of Denver  

BYLAWS

ARTICLE 1 — Organizational Purpose

Mission Statement
The mission of the Citizen Oversight Board is to foster systemic change towards cooperative, just and accountable relationships between Denver’s community members and law enforcement.

Section 1
The functions of the Citizen Oversight Board (“COB” or “Board”), as governed by the Denver Revised Municipal Code (“D.R.M.C.”) and the Denver City Charter, shall be to:

- Assess the effectiveness of the Office of the Independent Monitor for the City and County of Denver (the “Monitor’s Office”);
- Make policy-level recommendations regarding discipline, use of force, and other policies; rules; hiring; training; community relations; and the complaint process;
- Address any other issues of concern to the community, members of the Board, the Independent Monitor, the Executive Director of Public Safety, the Chief of Police, the Sheriff, or the Fire Chief;
- Make recommendations as to specific cases as provided in the Denver Revised Municipal Code; and
- Exercise such other powers and duties as are set forth in the Denver Revised Municipal Code.

ARTICLE 2 — Board Structure

Section 1
The Citizen Oversight Board shall consist of nine (9) members who shall be both nominated and appointed in accordance with governing law.

Section 2
Members of the COB shall be residents of the City and County of Denver and shall reflect the diversity of the City of Denver.

Section 3
Members of the Board and their immediate family members, as defined in D.R.M.C. § 2-378, shall not be or have ever been employed by the Denver police, sheriff or fire departments. Additionally, no officer or employees of the City and County of Denver shall be appointed to the Board. Members of the Board shall strictly comply with the provisions of Denver City Charter Section 1.2.9, the Denver Code of Ethics (the “Code”), and the Denver Revised Municipal Code. These provisions shall apply to all Board members, even though they are not employees of the City and County of Denver. Members of the Board shall not use their position on the Board for private gain, shall recuse themselves from any matters in which they have a current or potential conflict of interest, and shall not engage in any conduct that creates a conflict of interest. Examples of impermissible conflicts of interest shall include, but are not limited to, members...
of the Board whose immediate family members work for an entity either directly or indirectly affected by the work of the Board, members of the Board whose immediate family members work as a member of the law enforcement community (including the Denver District Attorney’s Office), or members of the Board having a business relationship with the City and County of Denver. Prior to a Board member, or a member of a Board member’s family, or any entity in which a Board member has any legal, equitable or fiduciary interest or position, entering into any business transaction with the City and County of Denver, the Board member shall (a) immediately notify the Chair of the Board and request a conflict of interest review; (b) disclose any and all material facts within his or her knowledge that bear on the advisability of the proposed transaction; and (c) not be entitled to vote on any decision of the Board, after consultation with counsel, relating to the transaction.

Section 4
The term of each member of the Board shall be four (4) years, or as otherwise prescribed by the Denver Revised Municipal Code. Each member shall continue to serve in such capacity until the member’s successor has been duly appointed and is acting, provided, however, that this period shall not exceed ninety (90) days past the expiration of the member’s term. Any vacancy or appointment to fill an unexpired term shall be filled according to the process set forth in D.R.M.C. § 2-378.

Section 5
Members of the Board shall receive a stipend in an amount not to exceed a hundred dollars ($100) per month, and shall be reimbursed for necessary expenses incurred in connection with the work of the Board.

Section 6
A Board Administrator shall serve at the discretion of the Board. The Board Administrator is a staff member who is subject to the confidentiality provisions of D.R.M.C. § 2-376 and to the confidentiality provisions herein to the same extent as other Board members and professional staff that may serve the Board. The Board Administrator’s presence at a Board Meeting shall not affect the Board’s duty to hold open meetings pursuant to D.R.M.C. § 2-33. However, internal staff meetings, meetings whose sole purpose is the discussion of the existing or prospective personnel of the Board, or meetings to discuss any other personnel matters are exempt from the open meetings requirement under D.R.M.C. §§ 2-33(2)-(3), and C.R.S. § 24-6-402(4)(f)(I).

Section 7
The Board shall annually elect from among its members a Chair and a Vice-Chair, who shall serve in such capacities until their successors are duly elected. In case of a vacancy in either position, the Board shall elect a successor who shall serve the unexpired balance of the predecessor’s term. In the absence of both the Chair and the Vice-Chair, the senior member of the Board shall preside unless he or she waives this right. In such a case, a Chair Pro Tem shall be selected by a majority of Board members present.

Section 8
The Board may establish committees and subcommittees as needed, and each committee or subcommittee shall select one of its members to be its chair.

a) Committees and subcommittees are not authorized to speak for the Board on any policy matters or on matters beyond the scope of the specified subjects assigned to the committee or
subcommittee. Upon the completion of an assigned task, the committee or subcommittee shall report to the Board.

b) Statements regarding the committee or sub-committee issued for the information of the public shall be issued through the Board.

Section 9
If a member of the Board has unexcused absences from four (4) regularly scheduled meetings, such absences shall constitute the member’s resignation from the Board. Members shall coordinate with the Chair of the Board prior to an absence in order to obtain excusal.

Prior to the expiration of his or her appointed term, a member of the Board appointed by the Mayor to the Board may be removed from the Board by the Mayor, a member appointed by City Council may be removed by the City Council, and a member appointed by the Mayor and City Council may be removed by the Mayor and City Council. A member may be removed from the Board only for cause, including a persistent failure to perform his or her duties on the Board, gross misconduct, incompetence, conflict of interest, or if, subsequent to being selected as a member of the Board, information becomes known that, had it been known when the member was selected, would have disqualified him or her from being selected. The Board or Chair of the Board may, if doing so is appropriate based on the above, make a recommendation to the member’s appointing authority that the member should be removed for cause.

ARTICLE 3 — Meeting Requirements & Quorum

Section 1
a) The Board shall conduct at least three (3) meetings annually for public comment, including a meeting to be held not later than thirty (30) calendar days after the issuance of the Board’s annual report and shall from time to time meet with citizens’ groups to learn of citizens’ concerns and to inform the citizens of relevant information regarding the activities of the Police, Sheriff, and Fire Departments, the Monitor’s Office, and the Board.

b) The Board shall meet at least bi-monthly with the Independent Monitor or their designee.

c) The Board shall meet at least quarterly in public with the Executive Director of Public Safety, the Chief of Police, and the Sheriff, and shall meet with any other City personnel on an as-needed basis to discuss any issues of concern and to make recommendations for ways that the Police, Sheriff, and Fire Departments can improve their relationships with the citizens and recommendations regarding policies, rules, hiring, training, and the complaint process. The Board shall have the discretion to decide whether to meet jointly or individually with the Independent Monitor, Executive Director of Public Safety, Chief of Police, and Sheriff.

Section 2
The Chair or a quorum of the Board may call special meetings of the Board or may cancel meetings for cause. At least 48 hours’ notice of special meeting or 24 hours’ notice of cancellation by mail or electronic mail shall be given to all members of the board. Notice of special meeting or cancellation shall be posted in accordance with the Board’s standard practices.
Section 3
The Board shall fix a time and place for its meetings.

Section 4
The rules of procedure for meetings shall be as established by the Board, or in the absence of specific Bylaws or Rules of Policy and Procedure, Robert’s Rules of Order, Revised.

Section 5
The Board shall provide a public schedule of its meetings with its annual report.

Section 6
A quorum of the Board members shall be present to conduct the business of the Board. A quorum consists of a simple majority of five (5) members, provided, however, that in the event of a vacancy on the Board or any committee, pending the appointment of a replacement member, a simple majority of members then serving on the Board or any such committee shall constitute quorum. Members may, in case of necessity, be present via telephone conferencing provided they are able to hear, comment, and vote on the business before the Board.

Section 7
Unless otherwise provided for by the Denver Revised Municipal Code or agreed by unanimous consent of the Board, all substantive actions and decisions of the Board must be taken by the concurring vote of a majority of the quorum of members present at a meeting, unless the vote of a greater or lesser number of members is required by law or by these Bylaws at the time such action is taken. Procedural matters can be decided by a majority of those present.

Section 8
The Board shall maintain records of its meetings, which records shall be available to the public.

Section 9
Routine matters that do not require discussion may be placed on a consent agenda to be approved by block vote. Any Board member may request that an item be removed from the consent agenda for full Board discussion, deliberation, and vote.

Section 10
All public meetings of the Board shall be subject to the provisions of Article III of Chapter 2 of the Denver Revised Municipal Code dealing with open meetings.

ARTICLE 4 — Duties and Responsibilities

Section 1
The members of the Board shall participate in an appropriate training program to be established by the Board and/or the Monitor’s Office so that Board members shall possess the applicable knowledge to perform their duties.

Section 2
The Board shall establish consistent criteria, both qualitative and quantitative, for evaluating the effectiveness of the Independent Monitor.
Section 3
Board members shall adhere to the following expectations:

a) Attendance. Members shall make every effort to attend, whether in person or telephonically, all meetings of the Board and meetings of Board committees on which they serve.

b) Participation. Members shall review all materials provided at or in advance of meetings of the Board and its committees. Each member shall sufficiently familiarize themselves with the business of the Board in order to facilitate active and effective participation in the deliberations of the Board and of each committee on which they serve.

c) Commitment. Members shall demonstrate an interest in the purposes and activities of the Board and must be willing to donate their time, advice, skill, energy, and support in furtherance of the Board and its purposes and activities. Members shall make every effort to spend an average of 6-8 hours per month on the work of the Board.

d) Responsiveness. Members shall respond to requests for information or input in a timely manner.

e) Training. Members shall complete their required training, including attending the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference once within the first two years of their initial four (4) year term.

f) Ethics and Conflicts of Interest. The Board members are subject to the Code of Ethics under D.R.M.C. Chapter 2, Article IV. Members shall familiarize themselves with and adhere to the Code, including its provisions governing conflicts of interest. If a member has an actual or potential conflict of interest (which includes being a party to a proposed “related party transaction” as defined by the Code), the member shall promptly inform the Chair of the Board (or, if the Chairperson of the Board has the conflict, then the Vice-Chair). Members shall recuse themselves from any discussion or decision by the Board or a Board committee that involves or affects their personal, business, or professional interests.

g) Confidentiality. Executive session proceedings and deliberations of the Board and its committees are confidential. Each member shall maintain the confidentiality of information received in connection with their service as a member in accordance with the provisions of D.R.M.C. § 2-376.

Section 4
In order to determine whether the Monitor’s Office is effectively monitoring Police, Sheriff, and Fire Department investigations, the Board shall receive regular reports from the Monitor’s Office and shall be allowed to review pertinent portions of the personnel files of uniformed personnel and Internal Affairs Bureau or Public Integrity Division, as applicable, files including statements of uniformed personnel and to make recommendations to the Executive Director of Public Safety, Chief of Police, Sheriff, Fire Chief, and Monitor’s Office regarding investigations, determinations as to whether department rules or policies have been violated, and the appropriateness of disciplinary sanctions, if any. However, the Board shall not become the custodian of any such records and the Board shall not be allowed access to documents protected by the attorney-client privilege or the attorney work product doctrine.
Section 5
The Board shall publish and make available to the public such procedural rules as it may adopt for the conduct of its business.

Section 6
The Board may receive complaints filed by citizens alleging misconduct by uniformed personnel. Whenever a citizen files a complaint with the Board, the Board shall, within three (3) business days, advise all of the other impacted agencies (the Monitor’s Office; the Executive Director of Public Safety; and the Police Department, Sheriff Department, or Fire Department) that it has received the complaint and provide a copy of the complaint to each of them.

Section 7
The Board and all staff and consultants hired by the Board shall treat all documents and information regarding specific investigations of uniformed personnel as confidential except to the extent needed to carry out their duties. Except as permitted by these Bylaws or governing law, members of the Board shall not disclose (orally or in writing) to any person or group information regarding the status of specific investigations or officers learned during the exercise of their duties. Board members and all staff and consultants engaged by the Board shall be bound by the confidentiality provisions in D.R.M.C. § 2-376.

ARTICLE 5 — Public Statements

Statements for public information or the media shall be issued by the Chair or the Chair’s designee on behalf of the Board after consent and approval by the Board, unless prior consent has been given. Nothing in this section shall limit or infringe on any member’s right to free speech and expression as an individual; however, no individual Board member shall make public statements on behalf of the Board without prior consent and approval of the Board.

ARTICLE 6 — Reports

Section 1
The Board shall furnish an annual public report to the Mayor and City Council regarding the Board’s assessment of the work of the Monitor’s Office; the Board’s activities during the preceding year; concerns expressed by citizens; the Board’s assessment of the Department of Public Safety, Police, Sheriff, and Fire Department investigative and disciplinary processes; recommendations for ways that those four (4) departments can improve their relationships with the citizens; and recommendations for changes to Police, and Sheriff Department policies, rules, hiring, training, and the complaint process.

Section 2
The Board’s annual report shall be furnished concurrently with the Independent Monitor’s annual report to the Mayor and City Council.

Section 3
In addition to the annual report, the Board may furnish additional reports, which shall be available to the public and which shall include, among other things, patterns relating to complaints and recommendations regarding the sufficiency of investigations, determinations as to whether department rules and policies have been violated, and the appropriateness of disciplinary sanctions, if any.
Section 4
The Board shall have the ability to hire consultants to assist in assessing the effectiveness of the Monitor’s Office and in preparing the Board’s annual report and any other reports.

ARTICLE 7 — Amendments
These Bylaws may be amended at any meeting of the Board by vote as set forth in Article 3, Section 7, provided that written notice of such amendments shall have been given at least five days prior to such meeting and the amendments are not inconsistent with the City Charter, Denver Revised Municipal Code, or other governing law.