



## **Ensuring a strong framework for the Office of the Independent Monitor 2021 Proposed Charter Change**

### **Cosponsors**

Council Pro Tem Jamie Torres  
Council President Stacie Gilmore  
Councilwoman Robin Kniech

## **Frequently Asked Questions**

### [Why is this the best solution?](#)

The Citizen Oversight Board is already involved in the hiring process for the Independent Monitor and releases an annual report on the Office of the Independent monitor. This change would allow them to continue those practices with more authority over the decision-making process. Removing the appointment of the Monitor from the Executive Branch to the already established Citizen-led oversight body fosters more independence and enhances the ability of the Monitor to use their best judgement in their duties without reservations. This change in is line with what we have heard from the public, from the Citizen Oversight Board, and from the Task Force to Reimagine Policing in the effort to more effectively oversee our public safety divisions and ensure accountability.

Providing the Monitor with the ability to hire outside counsel ensures the full representation of the Office's interest in seeking justice and provides more balanced advocacy in instances of disagreement between the OIM and the Department of Safety.

Moving the staff of the OIM to Career Services provides a sense of job security that allows for more effective job performance and reduces the limits of fear of retaliation in employee's execution of duties.

### [Are there other cities with this model?](#)

New Orleans' Independent Police Monitor is appointed by their ethic's review board, and also has ability to retain independent counsel with Council approval.

Miami has a Citizen Investigative Panel who appoints their own leadership with City Commission approval and hires independent counsel.

### [What is the precedent for board appointments in the City and County of Denver?](#)

Career Service Board appoints the Human Resources Executive Director

Sec. 18-2. - Powers and duties of career service board.



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In addition to executing the powers and duties assigned to the careerservice board by the Charter or by any other ordinance of the city, the career service board shall:

(1) Appoint an Office of Human Resources Executive Director to perform the duties set forth in ordinance and such other duties as may be assigned by the board.

Sec. 18-3. - Powers and duties of the Office of Human Resources Executive Director.

The Office of Human Resources Executive Director shall serve at the pleasure of the board, shall administer the Office of Human Resources...

### Library Commission appoints the City Librarian

Denver Public Library Commission bylaws-

#### IX. Major Duties of Library Commission

2. Employ a qualified person as City Librarian, who shall serve at the pleasure of the Commission, who shall be the chief executive officer of the Denver Public Library under the policy direction of the Library Commission, and who shall serve as the Library Commission's principal policy adviser.

### Civil Service Commission appoints the Executive Director

(Commission Rule 2, Sec. 4[D.])

Staff. The Commission shall appoint an Executive Director and such professional and clerical staff as may be necessary to discharge its powers and duties.

### Does the COB have the capacity to take this on?

The COB currently leads the hiring process, and acts as the oversight and evaluation body for the OIM. This would not add significant time or labor challenges, but would give the COB more authority in the work they already do.

### Why wasn't a term limit included? (4-year recommended in the Reimagining Policing Task Force Report)

Those who have looked at this office most closely have not recommended imposing a term limit.

The position is technical, difficult to recruit for, and thus the COB should have the ability to review performance, but the City would want to retain an effective Monitor.

Term limits hinder the ability of the Monitor to foster, develop, and maintain trusted working relationships with community partners.

### Why wasn't subpoena power included?

The Independent Monitor is already allowed access to necessary resources and has a narrow, minimally exercised, subpoena provision ([Sec. 2-388 \[d\]](#)). Challenges have primarily been in



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accessing items to which the Monitor is already allowed access, which will be addressed by the Monitor's ability to retain outside counsel in the form of more balanced advocacy.

*"(d) If IAB does not complete the additional investigation to the satisfaction of the monitor's office, the monitor's office may conduct additional investigation, including issuing subpoenas."*

#### Why wasn't access to information included?

Existing ordinance language already provides broad access. Independent counsel would give the monitor increased advocacy and independent legal interpretation to improve access in practice to necessary information.

#### Why is this being brought forward now?

Collaboration and discussion amongst councilmembers and COB members has been ongoing for some time. Striking the right balance of responsibility is complex, but there are longstanding issues that need robust solutions. We wanted to ensure we had conversations with legal experts, the former monitor, other departments, and research other cities before determining a solution that would best address the concerns that rose to the top.

With the publication of the Task Force Report aligning with the culmination of our conversations, we felt it was both appropriate and necessary to move this package forward this summer for the fall ballot to ensure that from here forward we have a more independent Monitor's office that is equipped to be as effective as possible.

#### Why aren't we including funding?

- We need a needs-based analysis of the OIM budget
- We need a new monitor to evaluate the office and determine their own needs- if this requires an ordinance change Councilmembers are committed to taking that on
- We don't yet have a concrete understanding of the budgetary requirements in order to move forward with an expansion, but we don't want to miss the opportunity for these other necessary changes to move forward