



Proposed Updates to the Independent Monitor Ordinance

January 16, 2019



Introduction

- Denver independent, civilian oversight of the Police and Sheriff since 2005. Only minor changes since.
- Strong public support for office – 72% in 2016 charter vote.
- Changes ensure system meets community expectations, fosters public trust in public safety agencies.



Background on COB

The Citizen Oversight Board (COB):

- Evaluates the OIM.
- Makes policy-level recommendations regarding discipline and use of force.
- Communicates regularly with the community and safety agencies.

Much of the input forming the basis of these recommendations came from the COB/other engaged community members and organizations.



Proposed Changes



1. Citizen Oversight Board

BACKGROUND

- Nominations and appointments coming entirely from one branch of government undermines appearance of true independence.

PROPOSED REVISION

- Add 2 members for more diverse representation, divide appointments between the Mayor (4), City Council (4), and (1) joint appointment, and clarify removal standards.



2. Internal Investigation Monitoring

BACKGROUND

- No requirement for prompt notice of investigations.
- Confusion based on who is leading an investigation into wrongdoing.
- Inconsistency of oversight between rank and file and top leadership.

PROPOSED REVISION

- Require prompt notification to the OIM of incidents requiring monitoring and associated interviews.
- Provide notice of criminal charges against covered personnel.
- Ensure monitoring powers are consistent regardless of which department investigates.
- Clarify that the Chief and Sheriff are subject to the same oversight as all other officers/deputies.



3. Reports

BACKGROUND

- Not explicit that monitor has “authority” to issue reports beyond those required in the ordinance.

PROPOSED REVISION

- Clarify OIM’s authority to publish reports on relevant topics.



4. Agency Response to Recommendations

BACKGROUND

- No requirement that agencies respond to OIM recommendations.

PROPOSED REVISION

- Require agencies to respond in writing to recommendations from the OIM, when requested.



5. Transparency

BACKGROUND

- Ordinance language on disclosure / confidentiality not tightly enough aligned with the laws that govern.

PROPOSED REVISION

- Ensure any limit on release of material is consistent with state law (CORA, Criminal Justice, Deliberative Process, etc.).



6. Monitoring of Disciplinary Process

BACKGROUND

- No policies on what notice should look like.
- Some discipline changed, dismissed without monitor input.

PROPOSED REVISION

- Require clearer procedures for cooperation with OIM monitoring of investigations.
- Ensure monitor has opportunity to comment prior to closure of any disciplinary matter.



7. Protection from Retaliation

BACKGROUND

- Ordinance does not prohibit retaliation.

PROPOSED REVISION

- Prohibit retaliation for reporting to/cooperating with OIM.



8. Policy Input

BACKGROUND

- OIM is not consistently engaged in policy revision up front, inefficient, and creates community tensions.

PROPOSED REVISION

- Discussion on-going on how to approach a more efficient and consistent way for OIM to share **input** on policy changes, decisions will always be made by relevant entity (agency or council, depending on level).



Next Steps

1. Policy input language finalized
2. Any other changes based on feedback
3. Copy edit, review of bill
4. Re-share draft
5. Return to Safety Committee on January 30, vote if ready





Questions?



Appendix

