

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0067
COMMITTEE OF REFERENCE:
4 Safety & Well-being

5 **A BILL**

6 **for an ordinance amending Article XVIII of Chapter 2, Denver Revised Municipal**
7 **Code, concerning the Office of the Independent Monitor.**

8
9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Article XVIII of Chapter 2 of the Denver Revised Municipal Code shall be
11 amended by deleting the language stricken and adding the language underlined below to read and
12 be read as follows:

13 **ARTICLE XVIII. OFFICE OF THE INDEPENDENT MONITOR**

14 **Sec. 2-388. Internal investigations.**

- 15 (a) The police, sheriff, and fire departments shall ~~establish by departmental policies that they~~
16 ~~will cooperate with the monitor’s office in actively monitoring and participating in internal~~
17 ~~investigations, including being present to actively monitor interviews of witnesses and~~
18 ~~persons under internal investigation. Those policies shall provide for, among other~~
19 ~~things, completed access to interviews of witnesses including uniformed personnel, IAB~~
20 ~~files, personnel files, and other evidentiary items but not including documents protected~~
21 ~~by the attorney-client privilege and the attorney work product privilege. The departments~~
22 ~~shall establish departmental policies regarding that cooperation.~~ Those policies shall
23 also provide for the ability of the monitor to make recommendations regarding these
24 investigations and for reasonable time frames to complete the steps in the internal
25 investigatory process.
- 26 (b) For any investigation that it monitors, the monitor’s office shall review the investigation to
27 ensure that it is thorough and complete.
- 28 (c) If the monitor’s office cannot certify that the investigation is thorough and complete, the
29 monitor’s office may request that IAB conduct additional investigation.
- 30 (d) If IAB does not complete the additional investigation to the satisfaction of the monitor’s
31 office, the monitor’s office may conduct additional investigation, including issuing
32 subpoenas.
- 33 (e) The monitor’s office shall advise the board, manager of safety, and chief of police or
34 undersheriff of the reasons that the monitor’s office was not satisfied with IAB’s

1 investigation and of the additional investigation conducted by, or to be conducted by, the
2 monitor's office.

3 **Sec. 2-389. Role of the monitor's office in the disciplinary process.**

4 The police, sheriff, and fire departments shall ~~establish by departmental policies that they~~
5 ~~will cooperate with the monitor's office in actively monitoring and participating in disciplinary~~
6 ~~proceedings. The departments shall establish departmental policies regarding that cooperation.~~
7 ~~Those policies shall provide for, among other things, complete access to the proceedings of~~
8 ~~departmental boards involved in the disciplinary process and all materials to which those boards~~
9 ~~have access. In addition, those policies shall guarantee the participation of citizens on those~~
10 ~~boards.~~ Those policies shall also provide for, among other things, the ability of the monitor's
11 office to attend disciplinary proceedings, ~~to review disciplinary documents,~~ and, throughout the
12 disciplinary process, to make recommendations regarding determinations as to whether
13 department rules or policies have been violated and the appropriateness of the disciplinary
14 sanctions, if any. In addition, those policies shall guarantee the participation of citizens on
15 disciplinary boards. Furthermore, the policies shall provide for reasonable time frames to
16 complete the steps in the disciplinary process.

17 **Sec. 2-390. Monitor access to records and other items.**

18 The Department of Safety, police department, sheriff department, and fire department
19 and all employees of those departments shall fully cooperate with the monitor's office by
20 providing the monitor's office, within a reasonable amount of time, complete access to police
21 department, sheriff department, and fire department records, information, documents, files,
22 reports, evidence, databases, and all other items, whether in paper, electronic, or other form,
23 that the monitor's office requests in order to perform its duties set forth in the provisions of this
24 Article XVIII but not including documents protected by the attorney-client privilege or the
25 attorney work product privilege or any document that must not be disclosed to the monitor's
26 office pursuant to federal, state, or local law or federal or state regulation.

27 If, in response to a request from the monitor's office, records and/or information cannot
28 be produced at all or produced within a reasonable amount of time, a written explanation,
29 sufficiently detailed for an understanding of why the records and/or documents cannot be
30 produced, shall be promptly provided. The monitor's office shall not be required to pay the
31 department of safety, police department, sheriff department, or fire department for copies of the
32 materials set forth in this section 2-390 including copies of documents previously supplied by the
33 departments, provided that OIM may not use those departments as a printing service to make
34 multiple copies of individual documents.

1 COMMITTEE APPROVAL DATE: February 6, 2015

2 MAYOR-COUNCIL DATE: February 10, 2015

3 PASSED BY THE COUNCIL: _____, 2015

4 _____ - PRESIDENT

5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER

8 PREPARED BY: Richard A. Stubbs, Assistant City Attorney DATE: February 11, 2015

9 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
10 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
11 resolution. The proposed resolution **is not** submitted to the City Council for approval pursuant to §
12 3.2.6 of the Charter.

13 D. Scott Martinez, City Attorney

14 BY: _____, Assistant City Attorney DATE: _____, 2015