

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

1 (e) The monitor's office shall advise the board, manager of safety, and chief of police or
2 undersheriff of the reasons that the monitor's office was not satisfied with IAB's
3 investigation and of the additional investigation conducted by, or to be conducted by, the
4 monitor's office.

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

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

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

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

1 (b) If, in response to a request from the monitor's office, records and/or information cannot
2 be produced at all or produced within a reasonable amount of time, a written explanation,
3 sufficiently detailed for an understanding of why the records and/or documents cannot be
4 produced, shall be promptly provided. The monitor's office shall not be required to pay
5 the department of safety, police department, sheriff department, or fire department for
6 copies of the materials set forth in this section 2-390 including copies of documents
7 previously supplied by the departments, provided that OIM may not use those
8 departments as a printing service to make multiple copies of individual documents.
9

10 COMMITTEE APPROVAL DATE: February 6, 2015

11 MAYOR-COUNCIL DATE: February 10, 2015

12 PASSED BY THE COUNCIL: _____, 2015

13 _____ - PRESIDENT

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER

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

18 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 resolution. The proposed resolution **is not** submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22 D. Scott Martinez, City Attorney

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