

Ensuring a strong framework for the Office of the Independent Monitor

July 2021

Cosponsors

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



DENVER CITY COUNCIL

Jamie Torres

COUNCILWOMAN | DISTRICT 3

What are we trying to solve?

1. The Independent Monitor is appointed by the Mayor and functions as a part of the Executive Branch alongside all other City agencies, including the ones they are charged with monitoring.
2. The Office of the Independent Monitor is represented in legal matters by another City agency.
3. Employees of the Monitor are appointed and have difficulty fulfilling their duties without the security of Career Service.

This has led to challenges in obtaining information, representation in legal disagreements, and the ability to effectively act as an oversight body.





Issue History

Challenges identified by former Monitor

Concerns raised by Citizen Oversight Board

Community advocacy for changes to identified issues

Task Force to Reimagine Policing Report identified similar issues

All parties raised many of the same concerns and challenges over the course of several years

Council worked with Citizen Oversight Board on identified concerns and collaborated on solutions

Recent efforts to strengthen the OIM/COB

2016	Councilman Lopez ran bill 16-0567 moving the OIM and COB to the city charter within Article II: Mayor and Executive Departments
2019	Councilmembers Lopez, Kniech and Kashmann ran ordinance 19-0029 expanding appointments to the Citizen Oversight Board to include City Council appointments and additional supports and assurances for transparency and access for the OIM. The bill passed 9 aye - 0 opposed-4 absent
2020	Councilwoman CdeBaca direct filed on August 17, 2020 Bill 20-837 for a charter change to have the Monitor appointed by City Council and all employees made Career Service Authority employees <ul style="list-style-type: none">• Discussion took place about whether Council was the appropriate body to appoint the Monitor• Discussion took place about whether a future monitor would like to retain some (1-2) at-will leadership staff while also converting current staff to Career Service Authority employees• The bill was re-referred back to committee by a vote of 9 aye –3 nay –1 abstain• It did not re-emerge in committee

Proposed Solution

01

Assign appointment authority of the Independent Monitor to the Citizen Oversight Board with Council confirmation

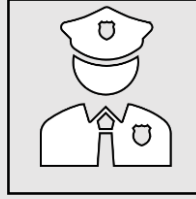
02

Give Monitor ability to hire independent counsel

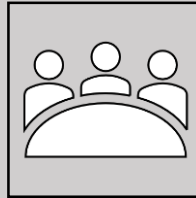
03

Move staff of Office of Independent Monitor to Career Service, allow Monitor up to two (2) staff appointments

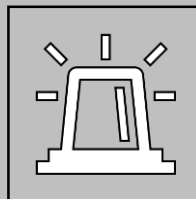
Peer Cities



New Orleans' Independent Police Monitor is appointed by their ethic's review board and has ability to retain independent counsel with Council approval.¹

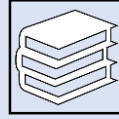


Miami has a Citizen Investigative Panel who appoints their own leadership with City Commission approval and hires independent counsel.²

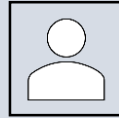


Chicago's Office of Police Accountability has the power to hire independent counsel.³

City and County of Denver



Library Commission selects Head Librarian (**bylaws: IX[2]**)



Career Service Board hires the Executive Director of the Office of Human Resources ([Sec. 18-2](#); [Sec. 18-3](#))



Civil Service Commission appoints the Executive Director ([Commission Rule 2, Sec. 4\[D.\]](#))



Council now affirms 14 key appointments by the Mayor ([§ 2.2.6\[D\]](#))



Denver Manager of Aviation appoints of to five employees in any executive or managerial position ([§9.1.1 E. \[xv\]](#))

Proposed Charter Changes

1. **Strike [§ 2.6.7](#)** to remove Office of the Independent Monitor from Mayoral and Executive Departments
2. **Create Article XII. - Independent Monitor**
3. Add language to **§12.1.1 A(v)** to allow monitor to employ independent general counsel, to be funded by the OIM budget
4. **Add §12.1.1 B(vi)** to direct that the Citizen Oversight Board shall appoint the monitor with the consent of Council, and any interim monitor
5. **Amend [§ 9.1.1](#) E(xiii)** strike existing language, replace with monitor “shall serve at the pleasure of the COB” and up to two (2) employees serve at the pleasure of the monitor

Proposed Code Changes

1. **Strike** sections in code (2-371 & 2-377) that are duplicated in charter
2. **Amend Sec. 2-372** (to be renumbered to 2-371) to reflect appointment role of COB-
 - COB shall identify a search committee within 60 days of a vacancy
 - Three (3) candidates identified by the screening committee must participate in a community process (to be outlined by COB)
 - Two members will be added to the screening committee for a total of 7
 - A representative appointed by the mayor
 - A person with lived experience with the justice system
 - The COB must nominate a candidate from the list on names within 30 days of the community process
 - Submit nominee for Council confirmation

Organizational & Community Support

Proposal developed in partnership with Citizen Oversight Board members

- Denver Justice Project
- ACLU of Colorado
- Together Colorado
- NAACP Denver
- Senator Julie Gonzalez & Representative Serena Gonzales-Gutierrez

Additional Briefings

- Dr. Marjorie Lewis, legislative liaison for the Task Force to Reimagine Policing
- Former Monitor Nick Mitchell
- Karen Niparko, Director Human Resources
- Murphy Robinson, Director of Department of Safety
- Skye Stuart, Mayor's Office

Why is this important?

- Creating more independence for the Office of the Independent Monitor
- Responding to community input over several years about the Office's structure
- Improving OIM access to balanced legal representation and advice
- Enhance OIM employee performance through the security of Career Service



Timeline

2020	Research & conversations between Council & COB
Early 2021	Collaboration between Councilmembers and COB members on possible approaches to identified issues
June 2021	Final decisions on best items to move forward
July	Drafting
Mid July	Briefings with Councilmembers
July 22nd	Budget & Policy Committee Presentation
August 4th	SAFETY Committee Presentation with 15min public comment
August 9th	Public Safety Working Group Presentation
August 9th	First reading at Council meeting
August 16th	Second reading at Council meeting
November 2nd	Denver votes!

Questions?



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