

# 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

<b>2016</b>	<b>Councilman Lopez</b> ran <b>bill 16-0567</b> moving the OIM and COB to the city charter within Article II: Mayor and Executive Departments
<b>2019</b>	<b>Councilmembers Lopez, Kniech and Kashmann</b> ran <b>ordinance 19-0029</b> expanding appointments to the Citizen Oversight Board to include City Council appointments and additional supports and assurances for transparency and access for the OIM.  <b>The bill passed 9 aye - 0 opposed-4 absent</b>
<b>2020</b>	<b>Councilwoman CdeBaca</b> direct filed on August 17, 2020 <b>Bill 20-837</b> 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"><li>• Discussion took place about whether Council was the appropriate body to appoint the Monitor</li><li>• 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</li><li>• <b>The bill was re-referred back to committee by a vote of 9 aye –3 nay –1 abstain</b></li><li>• It did not re-emerge in committee</li></ul>

# Proposed Solution

01

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

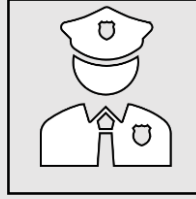
02

Give Monitor ability to hire independent counsel

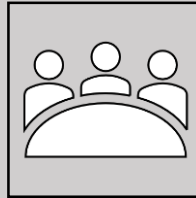
03

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

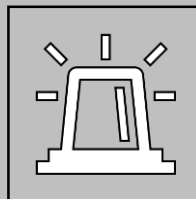
# Peer Cities



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

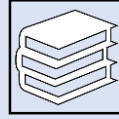


Miami has a Citizen Investigative Panel who appoints their own leadership with City Commission approval and hires independent counsel.<sup>2</sup>

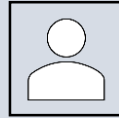


Chicago's Office of Police Accountability has the power to hire independent counsel.<sup>3</sup>

# 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

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

# Questions?



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