

From: [RickrnlDs2](#)
To: [dencc - City Council](#)
Subject: Fwd: Citizen Oversight Ordinance CB15-0067
Date: Tuesday, February 17, 2015 12:58:51 AM

ATTN: Shelly or Safety Comm. Staff

Sent from my iPad

Begin forwarded message:

Please put this in packets for tonight. (2/17). Thanks! C

From: RickrnlDs2 <rickrnlDs2@aol.com>
Date: February 17, 2015 at 12:45:39 AM MST

Subject: Citizen Oversight Ordinance CB15-0067

Dear Council Members,

I rarely offer you unsolicited advice, but this may be a final opportunity before I am no longer an official member of the City family! And the issue is crucial. I am regretful that I am not able to testify in person, but it is my hope you will take this missive in lieu of an appearance.

Denver's citizen oversight of local law enforcement is much too often hampered and delayed, if not altogether thwarted, ignored, and belittled. Often, this is enabled by protracted debates and differences regarding what information the IM can access. Clearly, productive oversight requires all non protected information be readily available to the Monitor.

The current ordinance and the Committee approved amendment absolutely acknowledge and protect all State and Federal regulations regarding privacy and confidentiality.

The amendment to the existing ordinance, as proposed by Councilman Lopez and approved by Committee, is a reiteration and clarification that full access by the Monitor is the cornerstone of effective oversight. It is needed and cannot be diluted.

The suggested changes to the amendment, as proposed by the Police Protective Association, would be a huge step backwards for the work of the Independent Monitor and for transparency, accountability, and meaningful improvement in law enforcement/community trust in Denver.

The members of Denver's uniformed services have a long and proud history of serving and protecting our community. The Denver Department of Safety has evolved, as all successful organizations must, to fit the times while maintaining faith with its mission and public trust.

I urge you to adopt this proposal. It's common sense, good government, and a needed step.

Please feel free to contact me with any questions or concerns.

Thank you.

Cathy Reynolds

Sent from my iPad

From: nacolemessages@gmail.com on behalf of [Brian Buchner](#)
To: [dence - City Council](#); [Shepherd, Susan K. - City Council District 1](#); [Faatz, Jeanne R. - City Council Dist #2](#); [Lopez, Paul D. - City Council Dist #3](#); [Lehmann, Peggy A. - City Council Dist #4](#); [Susman, Mary Beth - City Council](#); [Brown, Charlie - City Council District #6](#); [Nevitt, Chris - City Council Dist #7](#); [Brooks, Albus - City Council District 8](#); [Montero, Judy H. - City Council District #9](#); [Robb, Jeanne - City Council Dist. #10](#); [Herndon, Christopher J. - City Council District 11](#); [kniechatlarge](#); [Aldretti, Susan K - City Council Operations](#)
Cc: [Mitchell, Nicholas - OIM](#)
Subject: Letter in support of strengthening the Office of the Independent Monitor
Date: Monday, February 16, 2015 5:58:03 PM
Attachments: [NACOLE Letter to Denver City Council.pdf](#)

Dear Councilman Lopez and Distinguished Members of City Council:

Attached please find a letter in support of strengthening the investigatory and oversight authority of the Denver Office of the Independent Monitor from the National Association for Civilian Oversight of Law Enforcement (NACOLE), the nation's premier organization of civilian oversight agencies and practitioners.

The attached letter also includes the NACOLE Code of Ethics and a copy of our recent written testimony for the President's Task Force on 21st Century Policing.

Should you have questions or would like to consult with NACOLE on this matter you can contact me directly by phone or email at 317-721-8133 or buchner@nacole.org.

Respectfully submitted,

Brian Buchner
President
NACOLE
www.nacole.org



February 16, 2015

The Honorable Paul D. López
& Denver City Council
City and County Building
1437 Bannock St., Rm. 451
Denver, CO 80202

Dear Councilman López and Distinguished Members of City Council:

As President of the National Association for Civilian Oversight of Law Enforcement (NACOLE), I write to strongly encourage you to strengthen the investigatory and oversight authority of the Office of the Independent Monitor (OIM). Strengthening the OIM will help to ensure greater transparency, trust, and communication between the Denver Police, Sheriff, and Fire Departments and the public. Further, more robust, effective oversight will lead to greater cooperation between Denver law enforcement and the public in achieving the ultimate goal of decreased crime and increased public safety.

Established in 1995, NACOLE is a 501(c)(3) not-for-profit association of law enforcement oversight agencies and practitioners that works to enhance accountability and transparency in policing and build community trust through civilian oversight. To further our mission, we hold an annual conference that brings together the growing community of civilian oversight practitioners, law enforcement officials, journalists, elected officials, students, community members, and others to meet and exchange information and ideas about issues facing civilian oversight and law enforcement. In addition to the annual conference, NACOLE offers year-round training, support, and professional growth and development opportunities for oversight practitioners across the nation, as well as in other countries. More information about NACOLE can be found on our website, www.nacole.org.

Our experience over the last 20 years has shown us that strong, independent oversight builds legitimacy and public trust through increased police transparency and accountability to communities. Oversight fosters accountability through independent investigations or auditing of police misconduct complaints, and can also identify needed changes in police practices and training, provide a meaningful voice or forum for the public, and form a crucial bridge between the public and the police. For oversight to be truly effective, the oversight entity must have unfettered access to the agency's personnel, as well as its internal reports, investigations, related documents, and decision-makers.

Civilian oversight provides a mechanism to bring together the many stakeholders involved in supporting trusted, respectful, and effective law enforcement efforts. Oversight breaks down the walls between police and the public, enhancing understanding by reminding police that they ultimately serve the public's interests and educating the community on the unique and difficult

challenges officers encounter every day. While the public discourse and rhetoric has turned ugly in places, civilian oversight practitioners constantly strive to work collaboratively with all interests involved to ensure careful, unbiased evaluation of facts and policies and to achieve solutions that build public trust and promote effective policing.

I urge you to invest in the relationship between the public and the Denver Police, Sheriff, and Fire Departments and strengthen the investigatory and oversight authority of the OIM. For your review and consideration, please find attached the NACOLE Code of Ethics and NACOLE's recent written testimony for President Obama's Task Force on 21st Century Policing on the topic of building trust and legitimacy.

Should you have questions or would like to consult with NACOLE on this matter you can contact me directly by phone or email at 317-721-8133 or buchner@nacole.org.

Kind regards,

A handwritten signature in black ink, appearing to read 'B. Buchner', with a stylized flourish at the end.

Brian Buchner
President
NACOLE

Attached: NACOLE Code of Ethics
NACOLE's Written Testimony to the President's Task Force on 21st Century Policing

Copy: Independent Monitor Nicholas E. Mitchell



National Association for Civilian Oversight of Law Enforcement

Code of Ethics

PREAMBLE

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

PERSONAL INTEGRITY

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

RESPECTFUL AND UNBIASED TREATMENT

Treat all individuals with dignity and respect, and without preference or discrimination, including, but not limited to, the following protected classes: age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status or political beliefs.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

The following oversight agencies have adopted the NACOLE Code of Ethics:

- Citizen Oversight Board, City & County of Denver, CO
- Citizens' Law Enforcement Review Board, San Diego County, CA
- Citizens' Review Board on Police Practices, San Diego, CA
- Civilian Review Board, Eugene, OR
- Independent Review Panel, Miami, FL
- Milwaukee Fire and Police Commission, Milwaukee, WI
- Office of Community Complaints, Kansas City, MO
- Office of Police Complaints, Washington, D.C.
- Office of Professional Accountability, Seattle, WA
- Office of the Community Ombudsman, Boise, ID
- Office of the Independent Monitor, City & County of Denver, CO
- Office of the Independent Police Auditor, Bay Area Rapid Transit District, San Francisco, CA
- Office of the Independent Police Auditor, San Jose, CA
- Office of the Police Auditor, Eugene, OR
- Office of the Police Ombudsman, Spokane, WA
- Richmond Police Commission, Richmond, CA



The President's Task Force on 21st Century Policing:
Building Legitimacy and Public Trust Through Civilian Oversight
Submitted by The National Association for Civilian Oversight of Law Enforcement
January 9, 2015

I. Introduction

The current crisis of mistrust and breaking or broken relationships between police and the communities they are sworn to serve and protect is one of the most pressing challenges facing the nation. In communities of color particularly, policing practices that are perceived to be overly harsh, unjust, or unfair, regardless of whether those practices are deemed lawful, can undermine police legitimacy. A single officer-involved shooting has the potential to not only shake the public's confidence in the police but, as has been seen in Ferguson, Missouri, rock its very foundation. When the members of one racial group are significantly more likely to be stopped, searched, arrested, or even shot by the police, maintaining trust becomes immensely more difficult. A lack of transparency only serves to increase the divide.

Time and again, cities everywhere have found themselves scrambling to establish civilian oversight in the wake of a scandal and complaints of law enforcement misconduct (irrespective of whether or not allegations are substantiated). People are demanding changes, but what does it mean when the cry for civilian oversight is issued?

The public expects, and experience has shown, that strong, independent oversight builds legitimacy and public trust, through increased police transparency and accountability to the public served. Oversight fosters accountability through independent investigations or auditing of police misconduct complaints, and also can identify needed changes in police practices and training, provide a meaningful voice or forum for the public, and form a crucial bridge between the public and the police. Just as importantly, oversight encourages enhanced transparency about the work of law enforcement. Increased transparency, trust, and communication between the police and the public, facilitated through effective oversight, can lead to greater cooperation between the police and the public in achieving the ultimate goal of decreased crime and increased public safety.

Importantly, civilian oversight provides a mechanism to bring together the many stakeholders involved in supporting trusted, respectful, and effective law enforcement efforts. Oversight breaks down the walls between police and the public and enhances their understanding of each other by reminding police that they ultimately serve the public's interests, and by educating the community on the unique and difficult challenges officers encounter every day. While many take polarizing, divisive positions regarding the role of law enforcement, civilian oversight practitioners strive to work collaboratively with all interests involved to ensure careful, unbiased evaluation of facts and policies in order to achieve solutions that address both the needs of police to protect public safety and the needs of the public to trust their police.

Citizen oversight of law enforcement is a critical facet of any well-founded effort to strengthen the relationship between police and communities and to build public trust, all while promoting effective policing. And it is one of the only mechanisms proven to ensure sustainable reforms. Civilian oversight alone is not sufficient to yield the legitimacy in which both the public and law enforcement share an interest; without outside oversight, however, no collection of efforts to secure such legitimacy can be considered complete or directly responsive to the public's demands for greater participation in, and understanding of, their local law enforcement.

II. Background of civilian oversight of law enforcement and NACOLE

In its simplest meaning, civilian oversight may be defined as one or more individuals outside the sworn chain of command of a police department who take up the task of holding that department and its members accountable for their actions. Contrasted with internal accountability mechanisms commonly found in law enforcement (i.e., internal affairs), independent police review offers a method of civilian involvement in accountability that is often, but not always, external to the department. Its independence from the agency or the sworn chain of command that it seeks to hold accountable allows it to address a wide range of concerns without any actual or perceived bias, and to ensure that policing is responsive to the needs of the community.

Civilian oversight may be established in response to recurring problems in a particular law enforcement agency, such as a pattern or practice of the use of excessive force or repeated complaints of racial profiling. Sometimes oversight is initiated proactively by a local municipality to identify and correct such issues before they become more widespread and difficult to rectify. Often, however, oversight is generated in response to a single, particularly high-profile allegation or incidence of police misconduct. Whatever the circumstances, police oversight is now found in cities and counties both large and small, and in every geographic region of the nation, as well as in other countries.

While practices vary according to the roles of the oversight entity or the laws of its jurisdiction, it is common for civilian oversight agencies to be both an independent source and a repository of qualitative and quantitative data. Oversight agencies may issue public reports on the number, type, and outcome of misconduct investigations; lawsuits; uses of force; or detentions and arrests. They may provide on-scene monitoring of critical incidents, such as officer-involved shootings, or of mass social gatherings, including protests and demonstrations; and they may subsequently provide the public with a singularly independent account of the actions taken by the police, evaluating whether those actions were appropriate under the circumstances or showed a need for some measure of reform. In addition to the issuance of public reports, qualified and experienced oversight entities may also assess a police department's policies, training curricula, and recruitment standards, among other procedures, in order to compare them against the prevailing standards in a perpetually dynamic profession. The effectiveness of oversight in any particular community is dependent on a host of factors including political and budgetary support, ready access to information including police files, records, and performance data, the training and expertise of oversight personnel, and acceptance by the local law enforcement agency and community.

In 1995, as citizen oversight experienced significant growth and expansion across the country—one of several growth periods in the last thirty years—the National Association for Civilian Oversight of Law Enforcement (NACOLE) was established as the nation's only professional

association of organizations and individuals working directly in oversight. With hundreds of members across the nation and around the world, NACOLE has legitimized police oversight as a professional field of study and practice and facilitated the development of professional standards, including a Code of Ethics, as well as core competencies and training guidelines for oversight practitioners. NACOLE also hosts an annual training conference where civilian overseers and other interested stakeholders meet and exchange information and ideas about issues facing law enforcement oversight.

III. Defining the role of police in a democratic society

In a democratic society, the principle obligations of the police are to protect citizens' fundamental rights and freedoms and to prevent crime and disorder. Sir Robert Peel recognized that police must maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police. Peel's principles form the basis of American law enforcement, and comprise an approach to policing derived almost exclusively from public cooperation, continuously earned and maintained through public approval, trust, and perceptions of legitimacy.

The proper role for police, thus generally defined, is not static. As society changes, what the public expects from police changes. Broadly, the U.S. Constitution provides a framework of limitations for the police, and state legislatures may also pass laws dictating police roles and conduct; but ultimately, the police are required to be responsive to their specific community. However, the needs and views of that community may change over time. Through active dialogues with the public and law enforcement, civilian oversight brings stakeholders together and provides valuable feedback to law enforcement about how their policies and practices are perceived by their specific community, avoiding divisive discourse and toxic rhetoric. Through review of police practices and training, outside auditors and practitioners can help law enforcement identify areas where their perception of their role has become outdated. Oversight also communicates back to the public about how their police force is performing and whether the department's policies and programs maximize the public's interests and reflect local values.

IV. Building a culture of transparency

Civilian oversight, in even its most basic forms, inherently enhances transparency – it allows individuals from outside a law enforcement agency's sworn chain of command access to the inner workings of that agency, albeit to different degrees. A primary focus of civilian oversight is using this expanded transparency to increase accountability and also to advance community understanding of the work of law enforcement. Police departments are often accused of having an insular culture; those departments that have embraced civilian oversight have been able to neutralize this criticism, and ensure appropriate information is made available for public review. Moreover, in those jurisdictions where strict laws prevent public disclosure of significant amounts of information, a properly designed oversight entity can be the eyes and ears for the public, even if unable to release specific, identifiable information itself.

V. Procedural justice

Central to police legitimacy is the idea of procedural justice: perceptions of fairness in the administration of justice and the fair and impartial exercise of police discretion. And, while officers have an obligation to be impartial and enforce the law fairly, procedural justice also calls upon officers to treat people with dignity and respect, as doing so is equally as important, if not

more so. Procedural justice encompasses not only the way an officer interacts with the public, but also requires that members of the public have an effective procedure to raise concerns about police conduct. Unfortunately, individuals who feel they have been wronged by a police officer are often hesitant to approach the department that employs the officer with their concerns. They may feel intimidated, or doubtful that the department will be interested in, or even capable of, taking a truly unbiased look at their concern. Without an alternative procedure to raise concerns about officer behavior, some members of the public are left to conclude that they have no trustworthy, legitimate avenue for such redress and, even more troublingly, view the entire law enforcement "system" as structured in a way for the police to avoid being held accountable.

Outside review of the police provides an opportunity for those who seek to complain against the police to raise their concerns with fellow citizens, who do not fall within the sworn chain of command of the police department. Acknowledging that oversight agencies' authorities vary from place to place, it is often these agencies that skeptical complainants can turn to in order to feel that their concerns will truly be heard and responded to fairly. Beyond providing procedural justice for specific complaints, overseers can also establish a procedure for review of critical and high profile incidents, such as officer-involved shootings, in-custody deaths, and uses of a TASER, all of which can leave a community clamoring for justice and, potentially, lacking faith in the involved police department's ability to remain unbiased. Furthermore, as civilian overseers look at individual complaints or critical incidents, they gain unique insights and perspectives that put them in a position to identify systemic issues that are most effectively addressed through a change in department-wide policy or training. Ultimately, this impact on systemic issues can further improve police-public interactions and strengthen the community's belief that their police are procedurally just.

Finally, as law enforcement agencies work to adopt a culture of procedural justice, civilian oversight can help communicate to the public the steps being taken and why they are worthy of trust and will serve legitimacy. Police oversight also can audit such efforts to provide the community with reliable information about police agency progress. Law enforcement agencies that are proactively and genuinely striving to provide constitutional policing that is responsive to community needs can find that their own attempts to communicate their efforts to the public are futile because the agency has lost credibility with the public. However, when independent overseers who are charged with looking critically at the department communicate the same message about the department's reform efforts, the public may be more receptive to the message. This is one more illustration of how civilian oversight acts as a bridge connecting, or in some cases reconnecting, law enforcement agencies with the communities they serve.

VI. Protection of civil rights

Police oversight is an important mechanism for ensuring civil rights protections. Civilian oversight has its roots in the Civil Rights Movement. Issues of race and policing are central to the history of oversight, as well as NACOLE. Thus, the oversight community recognizes the important role it plays in identifying, understanding, and addressing discriminatory and unconstitutional police practices. Accordingly, oversight practitioners are at the forefront of investigating, reviewing, and auditing individual cases or patterns of potential civil rights violations, foremost amongst them allegations of racial profiling and biased policing, as well as complaints of illegal searches, excessive force, or unlawful detentions and arrests.

1/9/2015

Citizen oversight also helps to ensure police engage in long-term, meaningful outreach to historically disenfranchised and marginalized communities, such as persons with mental illness, the LGBTQ community, homeless individuals, and persons with disabilities. Additionally, independent overseers provide a voice and a forum for these communities, both before and after major incidents involving them and the police have occurred. As with other types of complaints, police oversight entities improve the overall quality of internal investigation of allegations of bias and discrimination in police encounters. With the backing of civilian oversight, many law enforcement agencies across the nation support and vigorously protect the rights of minority and marginalized communities in their jurisdictions.

VII. Recommendations

1. Ensure that police officers continue to have the proper tools, guidance, training, and supervision to carry out their law enforcement responsibilities safely and in accordance with individuals' constitutional rights.
2. Make constitutional policing and transparency core values of policing, as well as building systems of accountability that include independent oversight to carry out those values to support the many police officers who uphold their oaths, engendering greater public trust.
3. Ensure police continue to function as a part of the community; that police continue to work to cultivate legitimacy by engaging with the community fairly, impartially, and respectfully; and, that the police become more directly responsive to the community.
4. Improve the quality and integrity of police disciplinary systems, including investigations of misconduct complaints and uses of force, while vigilantly safeguarding the rights of officers.
5. Ensure that independent oversight is a part of efforts to identify and resolve underlying systemic problems within law enforcement, with a primary focus on reducing and preventing misconduct and enhancing accountability, as well as promoting effective policing and developing strategies for positive organizational change.

Respectfully submitted,



Brian Buchner
NACOLE President



Philip K. Eure
NACOLE Past-President



Kathryn Olson
NACOLE Past-President



Ilana B.R. Rosenzweig
NACOLE Past-President



Mark P. Smith
NACOLE Board Member At-Large