



DENVER
THE MILE HIGH CITY

Citizen Oversight Board

2021 Annual Report

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Letter from the Board Chair

Greetings,

It is my privilege to present the Denver Citizen Oversight Board's annual report for 2021. It is my hope that in addition to fulfilling our statutory reporting requirements, this report serves as an educational on-ramp for those interested in learning more about, and engaging in, oversight of our local law enforcement systems.

Despite the ongoing challenges presented by COVID-19 and its variants, and short staffing at the Office of the Independent Monitor, citizen oversight of Denver's law enforcement systems took several steps forward in 2021. I especially want to highlight three changes that the Board will be building upon in upcoming years: (i) the Board received approval for and hired its first full-time administrator; (ii) the Board's operating budget was significantly increased; and (iii) when Referred Question 2G passed with over 70% of the vote, our community entrusted us with the authority for hiring the Independent Monitor.

In the broader context of law enforcement, significant changes have been made at the state level. Bills addressing body worn cameras, qualified immunity, police hiring, restrictive housing in jails, pre-trial detention, and the treatment of pregnant inmates were signed into law, and many will take effect within the next year.

Nevertheless, challenges remain. The Independent Monitor position has been vacant for over a year. We start 2022 with an understaffed Office of Independent Monitor, as for most of the year, the OIM was waiting to fill the positions under its control until a new Independent Monitor was appointed. Additionally, both Denver Sheriff and Police Departments were also understaffed. We have our work cut out for us, but we are up to the task.

I want to give a special thank you to Board members Katina Banks and Molly Gallegos, who will be leaving the Board in 2022. Katina and Molly joined the Board in 2016 and 2017, respectively, and helped steer the Board through several major changes. They will leave a Board that is stronger and more effective than they found it. Finally, I want to express the Board's gratitude for the diligence and professionalism of the entire staff of the Office of the Independent Monitor, including interim Independent Monitor Gregg Crittenden. Despite operating all year without a permanent leader, they have continued to serve as a strong and effective organization for public safety oversight.

Thank you to everyone who supported us in 2021, and I hope you'll continue to collaborate with us as we work towards an even better 2022.

Sincerely,
Julia Richman, Chair
Citizen Oversight Board

Introduction

Denver’s Citizen Oversight Board (COB or Board) was created in 2004 and consists of nine community members who are broadly tasked with assessing the effectiveness of the Denver Department of Public Safety’s (DOS) hiring, training, and disciplinary processes and making recommendations as appropriate. In order to do so, the Board is granted regular access to public safety department leaders as well as confidential records. The Board is also responsible for appointing, by and with the consent of the City Council, the Independent Monitor, who shall serve at the pleasure of the Board. The Independent Monitor leads the Office of the Independent Monitor (OIM), the overall performance of which the Board is also responsible for evaluating. Board members serve four-year terms and are appointed alternately by the Mayor and City Council, with one joint appointee. They also receive a stipend of \$100 per month. By ordinance, the Board is required to annually report on its activities, findings, and recommendations. This annual report covers the period of January 1, 2021 to December 31, 2021.

Board Mission

The duties and authorities of the COB are established in Section 12.1.1(B) of the City and County of Denver Charter, as follows:

There is hereby created the citizen oversight board, the size, qualifications, composition and appointment of which shall be as provided by ordinance. The functions of the board shall be to:

- i. Assess the effectiveness of the monitor's office;
- ii. Make policy-level recommendations regarding discipline, use of force, and other policies; rules; hiring; training; community relations; and the complaint process;
- iii. Address any other issues of concern to the community, members of the board, the monitor, the manager of safety, the chief of police, the sheriff, or the fire chief;
- iv. Make recommendations as to specific cases as may be prescribed in ordinance;
- v. Exercise such other powers and duties as may be provided by ordinance; and
- vi. In addition to executing the powers and duties assigned to the citizen oversight board, the citizen oversight board shall appoint, by and with the consent of city council, the monitor or any appointee who will serve as monitor in the interim. The monitor shall serve at the pleasure of the citizen oversight board.

Both the Board and the OIM were created by ordinance in 2004. Over the past five years, however, the Board and its responsibilities have been modified several times.

- In November 2016, Denver voters overwhelmingly approved Referred Measure 2B, which placed the OIM and the COB in the City Charter.
- In February 2019, the City Council unanimously passed bill 19-0029, which expanded the Board from seven members to nine, staggered the terms of its members, and split appointment authority evenly between the Mayor and City Council. (Originally, the Mayor was responsible for appointing all Board members.)

- That ordinance also strengthened the authority of the OIM. It explicitly confirmed the OIM’s ability to oversee investigations into the Denver Sheriff or Chief of Police, its ability to review settlements and any other method of closing discipline cases, and its ability to publish as many reports as it sees fit. It also prohibited retaliation against anyone who reported to or worked with the OIM.
- In November 2021, 70.25% of Denver voters approved Referred Question 2G, which amended Denver’s Charter in order to give the Board the authority to appoint the Independent Monitor with the consent of the City Council. It also gave employment protections to OIM employees. Finally, it allowed the OIM to hire their own outside legal counsel if necessary.

Complaints and Commendations

The COB can receive complaints against, and commendations of, uniformed law enforcement officers. Complaints and commendations may be submitted by email, mail, over the phone, through an online complaint and commendation form, or through the OIM. Complaints and commendations received by the COB are forwarded to the OIM, which then works with the relevant agency to resolve each case. The COB has no investigative authority.

Board Members

Julia Richman, Chair, currently serves as the Deputy Executive Director of the Governor’s Office of Information Technology (OIT), overseeing a broad scope of agency operations. She joined OIT as the Chief Strategy Officer in 2020. Previously, Julia was the Chief Innovation and Technology Officer for the City of Boulder. Richman was born and raised in Colorado, and is a Colorado Governors Fellow, a graduate of Leadership Denver. She also sits on the boards for the Colfax Marathon and Colorado Smart Cities Alliance. She received her MPP from the University of Chicago and AB from Dartmouth College.

Dr. Apryl Alexander, Vice Chair, is an Associate Professor in the Graduate School of Professional Psychology at the University of Denver (DU). She received her doctorate in clinical psychology from the Florida Institute of Technology with concentrations in forensic psychology and child and family therapy. Dr. Alexander primarily teaches in the Master’s in forensic psychology program and serves as Director of the Forensic Institute of Research, Service, and Training (Denver FIRST) Outpatient Competency Restoration Program, which provides outpatient competency education and restoration for low-risk, court-ordered adult defendants and juveniles. In 2020, she was awarded a 3-year grant from the DOJ’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop a gender sensitive, culturally competent, and evidence-based trauma treatment program for juvenile justice involved girls in the Denver metro area.

Katina Banks was appointed to the COB in 2016. She is a knowledge management attorney at Gibson, Dunn & Crutcher, LLP. A proud Denver native, she has been civically engaged throughout her professional career. She served eight years on the Colorado Civil Rights Commission, helping enforce the state’s anti-discrimination laws. Katina was a member of the Colorado Lawyers Trust Account Foundation (COLTAF), which helps provide legal services statewide to underserved members of the

community. She graduated summa cum laude from Capital University Law School after earning her Bachelor of Arts degree at the University of Pennsylvania.

Nikki Braziel is the co-founder of Octa, a Denver-based product design and manufacturing company that is focused on mounting solutions for mobile technology. She previously worked at the Space Science Institute in Boulder, where she assisted in the development and distribution of museum exhibits and displays. Before leaving her native Chicago, she worked in both legal marketing and professional development at Jenner & Block LLP. In her free time, she writes historical fiction.

Terrance D. Carroll was the 54th Speaker of the Colorado House of Representatives. He is the only African-American to have served as Speaker of the Colorado House. Terrance served in the legislature from 2003 until being term-limited 2011. Terrance has been listed by 5280 Magazine as one of the "50 Most Influential People in Denver." Terrance's entry noted his reputation as a skillful dealmaker, stating that he is a "critical and respected negotiator." Currently, Terrance is a Senior Fellow with Unite America. He also serves as a reserve police officer with Colorado's statewide shared law enforcement reserve. Terrance is a graduate of Morehouse College in Atlanta, Georgia, the University of Denver's Sturm College of Law, and holds a Master of Divinity degree from the Iliff School of Theology in Denver.

Karen Collier retired from public service in 2009, having worked in the Denver District Court as a court stenographer for 32 years. Since then, she has worked as an Alpine Ski Instructor in Winter Park and Granby, instructing differently-abled and abled-bodied youth and adults in Alpine skiing and as a tennis instructor with Denver Citywide Sports. In addition to the appointment to the Citizens Oversight Board, she sits on the Board of The Center for Trauma and Resilience and is a co-chair of Park Hill Congregational UCC's partnership with the Women's Homelessness Initiative, a program of the Capital Hill United Ministries, providing daily shelter to women who are homeless in Colorado.

Molly Gallegos is a Colorado native who has been working in the community for most of her life doing everything from translating safety information for migrant workers to participating in community theater with Su Teatro. She began her career as a community organizer in West Denver, cultivating community leaders and advocating for the needs of Denver's working families. Molly holds a Bachelor's degree in Ethnic Studies from Colorado State University and a Master's of Social Sciences/Women and Gender Studies from CU Denver.

Al Gardner is an experienced IT and Cyber Security executive for a Denver based company. Mr. Gardner specializes in strategic IT leadership, technology resource investment, and operations management. He has served as Denver African American Commissioner and in various roles with the Denver Police Department Chief's Advisory Board, Denver Public Schools Equity Task Force, and Denver Sheriff Advisory Board. He holds both a Bachelor's Degree and a Master's Degree in Business Administration.

Stefan Stein is the Chief Executive Officer of Sherman & Howard, Denver's oldest law firm. He represents clients in litigation, internal investigations, and government investigations and enforcement matters. Stefan previously served as Deputy General Counsel and Chief Ethics & Compliance Officer of Qwest Communications. He also served as a federal prosecutor in Los Angeles for seven years where he was the Deputy Chief of the Public Corruption & Government Fraud unit. In addition to serving on the Citizen Oversight Board, Stefan is currently the Vice Chair of the Board of the Colorado Nonprofit

Development Center which is a fiscal sponsor for over 60 charitable organizations in Colorado. Stefan holds a Bachelor's degree in Economics from Stanford University and a law degree from the University of Michigan.

Staff

Daniel Van Schooten joined the Board as its administrator in September 2021. Previously, he worked for the Project On Government Oversight, a nonpartisan, nonprofit federal government watchdog group. His responsibilities there included investigating whistleblower claims of systemic problems within the federal government and coordinating the organization's oversight training program for congressional staff. He holds Bachelor's degrees in Economics and International Relations from Wheaton College.

Overview of Denver's Law Enforcement Discipline System

The DOS is headed by the Executive Director of Public Safety (EDOS) and staffed with civilians. The EDOS is a Mayoral appointee and is responsible for, among other things, managing the Denver Fire Department (DFD), Denver Police Department (DPD), Denver Sheriff Department (DSD), and the 911 Emergency Communications Division.

Historically, both DPD and DSD had their own internal affairs offices that were responsible for investigating allegations of misconduct concerning uniformed personnel and recommending appropriate discipline. This is still the case for the DPD, which has both an Internal Affairs Bureau (IAB) and a Conduct Review Bureau (often referred to as the Conduct Review Office or CRO). However, the DSD's internal affairs division was replaced in 2019 by a new Public Integrity Division (PID) within the DOS. The PID consists of an Administrative Investigations Unit (AIU) and a Conduct Review Unit (CRU). While complaints can come in through many channels, complaints about the DSD go first to AIU, then CRU, and then to the Sheriff. Complaints about the DPD go first to IAB, then CRO, and then to the Chief of Police. While notices of improvement and reprimands can be issued by the Chief/Sheriff or EDOS, the final decision for all suspensions or terminations of uniformed personnel is made by the EDOS. This process is the same regardless of whether a complaint is initially submitted to the Board, the OIM, or the DSD's Grievance and Incident Review Team (GIRT).

The OIM and the COB were created in 2004 in order to ensure public trust in Denver's internal misconduct investigations of anyone with a city-issued badge and gun. Their creation was part of reforms that were demanded in the wake of the 2003 fatal police shooting of Paul Childs, a developmentally disabled teenager. OIM staff may monitor all aspects of the investigatory and disciplinary process and typically do so by reviewing records and making recommendations after each step of the process. If the OIM so chooses, they can also "actively monitor" a case. If the OIM actively monitors a case, they can attend any related interview or hearing, and generally do. They may make recommendations throughout that process. If the investigating unit declines the OIM's recommendations, the OIM has the authority to conduct its own supplemental investigation.

The Board is not directly involved in each step of the investigatory and disciplinary process like the OIM, but is able to review confidential records and provide recommendations for both specific cases and general policies as it sees fit. The Board is also tasked with independently evaluating the effectiveness of the OIM.

Board Activities in 2021

Board Meetings and Public Forums

In 2021, the Board held 23 regular meetings and 3 public forums. Due to the ongoing COVID-19 pandemic, all Board meetings and forums were held virtually.

The Board meets for regular working sessions at 10 a.m. on the first and third Fridays of each month. These meetings are open to the public, with the exception of executive sessions held to discuss ongoing investigations and other privileged matters. The Board works closely with the OIM to stay informed about noteworthy misconduct cases, and an OIM representative attends most Board meetings. At least once per quarter, the EDOS, the Sheriff, and the Chief of Police attend one of the Board's meetings. Any additional participation or guests are scheduled on an as-needed basis.

Ordinance requires the Board to hold at least three meetings each year to receive public comment. In 2021, public forums were held on April 14, September 14, and November 9. Channel 8 records these meetings for broadcast and maintains a publicly accessible archive of past forums.

Conference Attendance

On December 12-16, 2021, Board members Stefan Stein and Karen Collier, along with Board Administrator Daniel Van Schooten, traveled to Tucson, Arizona, to attend the National Association for Civilian Oversight of Law Enforcement's (NACOLE's) annual conference. The conference provides an opportunity to connect with and learn from civilian oversight practitioners around the country. The conference featured two programming tracks with sessions focused on national best practices in civilian oversight, mental health, prison and jail oversight, strengthening oversight institutions, legal issues, and more.

Operating Changes

Administrator

In the beginning of 2021, the Board successfully received approval and funding to convert their part-time, on-call administrative assistant position to a full-time program administrator, which was filled in September 2021.

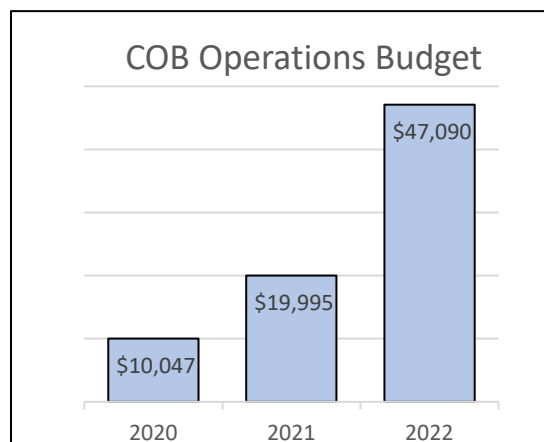
The Board Administrator's job is to improve the effectiveness of the Board. This is primarily done in three ways: operational and administrative support, relationship management, and policy analysis. By fulfilling those responsibilities, the Administrator reduces the burden on volunteer Board members and maximizes their efficiency during their meetings.

2022 Budget

In 2021, the Board requested and received a significant increase in its budget for 2022. Specifically, the Board's operations budget increased to \$47,090, more than double the previous year's budget.

The increase consists of three parts:

1. A permanent increase of \$62,100 to the Board's personnel budget. This was used to convert the pre-existing on-call administrative assistant position to a full-time administrator.
2. A permanent increase of \$27,095 to the Board's operations budget, increasing its capacity to hire legal or policy consultants as needed, conduct an annual board retreat, and improve its communications infrastructure.
3. A one-time increase of \$8,735 to create a variety of educational and promotional materials, including a video explaining Denver's accountability system for law enforcement.



Referred Question 2G and the Hiring of the Independent Monitor

On August 16, 2020, City Council unanimously voted to add Referred Question 2G to the November 2021 ballot. That question asked Denver residents if they were in favor of amending the City Charter in three ways:

1. Transfer the authority to appoint the head of the OIM from the Mayor to the COB;
2. Allow the OIM to hire independent legal counsel as needed; and
3. Convert OIM staff from at-will employees to Career Service employees, which would provide them with additional protections.

On November 2, 2021, 70.25% of Denver residents voted to approve Referred Question 2G. Since then, the Board worked with the City Attorney's Office and the existing Screening Committee to implement the process change without delaying the ongoing hiring process. (The OIM has operated without an Independent Monitor since January 4, 2021.) In mid-November the Board closed the job posting for Independent Monitor candidates and the Screening Committee began interviews in late December.¹

The Board is optimistic that the other portions of Referred Question 2G will positively impact the oversight environment of the city.

¹ Though this report covers the Board's work in 2021, it is noteworthy that on March 1, 2022, the Board announced that it declined to hire any of the three finalists selected by the Screening Committee and would continue the search for an Independent Monitor.

DOS Policy and Practice Changes

The Board was made aware of three formal policy changes in 2021, and several other changes that it anticipates will be formalized in 2022.

On August 11, EDOS Murphy Robinson issued a departmental directive requiring DSD personnel to notify not only the Sheriff, but also members of the DOS and the OIM, should a “significant event” occur. Such an event includes any on-duty or in-custody death or serious injury, any shooting involving a sworn DSD member, and the charging or investigation of a sworn DSD member for either a misdemeanor or felony in any jurisdiction.

On October 25, EDOS Robinson issued a departmental directive prohibiting the use of Orcutt Police Nunchaku (OPN) by members of the DPD and DSD. The directive states that the prohibition is due to instances where OPN caused injuries or broke while in use and that other options exist for the purposes of arrest control and pain compliance.

While no formal policy or practice change was implemented in 2021, the DOS told the Board in writing on **November 11** that it would provide a Garrity Advisement to any of its employees involved in an OIM-led supplemental investigation. The Garrity Advisement is a process by which a public employee is informed that their statements in a specific setting will not be used against them in a court of law, but may be used against them in administrative proceedings. Should an employee refuse to respond to questioning after receiving a Garrity Advisement, they can be disciplined for their otherwise Constitutionally protected silence. While the government cannot compel speech, a public employer can. For public employees, the Garrity Advisement ensures that the government is, in that circumstance, acting solely as their employer.

Uncertainty about whether the DOS would provide a Garrity Advisement to the subjects of a supplemental investigation has been one factor that has historically deterred OIM from pursuing its own supplemental investigations. Formalizing the DOS’s commitment to do so strengthens the OIM by unlocking another tool for it to ensure that misconduct investigations are thorough and complete.

On November 23, EDOS Robinson issued a departmental directive mandating that all misconduct investigations must be completed and findings must be made, even if the subject is no longer employed by the City. Employee resignations (or other forms of separation) will no longer halt investigations into their conduct, and no settlement agreement can prevent an investigation’s completion.

On December 5, during a Board meeting and after years of OIM and Board engagement on the issue, the DOS directed AIU to begin tracking all complaints received by the PID in its IAPro database system by the end of December, and appears to have done so. Previously, only formal investigations were consistently recorded in IAPro, while other complaints were stored in spreadsheets.

On December 28, the Board was given direct access (via its Administrator) to the IAPro database used to track and manage complaints and misconduct investigations into uniformed members of the DSD. (The DPD has its own separate IAPro database to which the Board will seek direct access in 2022.)

Evaluation of OIM

The COB uses a four-pronged approach to evaluating the OIM: 1) a series of quantitative workload and performance measures; 2) an anonymous survey of OIM staff; 3) feedback from Department of Public Safety leaders; and 4) an assessment from COB members on several specific OIM responsibilities.

Senior Deputy Monitor Gregg Crittenden has served as interim Independent Monitor since January 4, 2021.

Workload and Performance Data

Complaints, investigations, and disciplinary recommendations provided to the OIM to review all decreased by 10-20% compared to 2020. This was due in part to the fact that fewer police contacts were made in 2021. With fewer contacts, there are fewer complaints and cases. The number of actively monitored cases also decreased for the second year in a row. The number of actively monitored cases can fluctuate based on a number of reasons, including the number of complaints filed, the type of allegations made, and OIM staff capacity.

The OIM provides more details about each critical incident (officer involved shootings and deaths during law enforcement contact) in their annual and semi-annual reports.

Mediations remained near the low levels of 2020, reflecting the ongoing impact of COVID. Similarly, while the OIM's outreach events to both law enforcement officers and the community increased slightly in 2021, they remain at approximately one-third of pre-pandemic levels.

Table 1: OIM Workload Measures, 2018 – 2021

2021 Workload Data	Police	Sheriff	2021 Total	2020	2019	2018
Complaint Monitoring Workload						
Citizen-Internal Misconduct Complaints	351	237	588	724	689	878
Investigations Reviewed	397	230	627	716	848	994
Actively Monitored Investigations	23	35	58	110	179	162
Disciplinary Cases Reviewed	110	107	217	245	283	274
Completed Mediations	17	0	17	18	38	37
Critical Incidents Monitored						
Officer-Involved Shootings	7	0	7	11	10	14
In-Custody Deaths	1	9	10	2	10	4

Note: In some years, the number of investigations reviewed is higher than the number of complaints recorded. One reason for this is that cases which are not linked to a specific law enforcement officer—often labeled as service complaints—are not counted as complaints of misconduct in this table. Another reason is that an investigation can be reviewed in the calendar year after the complaint was recorded.

Table 2: OIM Performance Measures, 2018 – 2021

Performance Indicator Category	2021	2020	2019	2018
1. Percentage of DPD IAB Investigations (full formal investigations and declines) reviewed by OIM prior to case closure.	96%	97%	100%*	100%
2. Percentage of DPD disciplinary decisions of IAB cases reviewed by the OIM prior to case closure.	93%	95%	91%	96%
3. Number of community outreach events held/attended by the OIM in a calendar year.	65	62	182	173
4. Number of officer/deputy outreach events held/attended by the OIM in a calendar year.	26	19	78	91
5. Number of complaint/commendation form distribution sites.	80	80	80	72
6. Percentage of community complaints referred to DPD IAB within three business days (for complaints filed through the OIM).	99%	95%	97%	98%
7. Percentage of DPD citizen complaints mediated.	7%	4%	9%	9%

* The OIM did not review one IAB investigation prior to case closure in 2019.

Note: Special circumstances sometimes apply to cases, and the fact that the first two categories are not at 100% does not mean that the OIM was completely uninvolved or unaware of the rest of the cases. Often, the OIM will have reviewed or been involved in portions of those cases before the cases change into something outside the scope of the OIM’s responsibilities. Additionally, performance data related to DSD cases have historically been excluded from this evaluation. The Board will include performance data related to DSD cases in subsequent reports.

OIM Staff Survey

The COB asked the OIM staff to give their perceptions of the interim Independent Monitor’s performance and the performance of the office as a whole. All staff participated in the survey, and responses were generally very positive. Questions were scored on a 1 – 5 scale, and all questions received an average score between 4.27 and 4.91. The full list of survey questions and their average scores is included below.

Table 3: OIM Staff Survey Results

Survey Questions	Average Score
1. I believe the OIM is viable and doing important work.	4.91
2. I am able to see how my own responsibilities and efforts—directly or indirectly—support the vision and contribute to achieving the mission of the OIM.	4.91
3. I am clear about the vision and the overall strategy for accomplishing the mission of the OIM.	4.73
4. I am sufficiently confident in my knowledge of my job to effectively execute assignments and carry out responsibilities.	4.82

5. The OIM provides appropriate and necessary training for me to be successful.	4.36
6. Expectations for my performance are adjusted appropriately as changes occur within the OIM or externally.	4.64
7. The Independent Monitor (or interim) is fair and balanced in holding all staff accountable for productive and positive functioning of the Office.	4.55
8. The Independent Monitor (or interim) models a high standard of performance for the OIM.	4.73
9. I receive fair, clear and timely feedback about my performance.	4.45
10. The Independent Monitor communicates clear expectations for productive and positive functioning of the OIM.	4.45
11. The OIM has well established processes for dealing with community members.	4.73
12. The Independent Monitor (or interim) encourages collaborative working relationships with stakeholders in the Safety Department.	4.27
13. Communication mechanisms in the OIM are effective in helping me and others understand how we are meeting the overall goals of the organization and in keeping us advised on significant developments.	4.55
14. I receive assistance with my work when I need and request it.	4.91
15. There are processes in place that allow staff to provide input on how to improve the performance of the OIM.	4.45
16. I experience authentic receptivity to my input; my ideas/concerns are welcome, and as possible, acted upon.	4.64
17. I experience positive work relationships across the OIM organization.	4.64
18. Morale in the Office of the Independent Monitor is generally high.	4.36
19. There is a high level of trust within and across the OIM organization.	4.45

Public Safety Feedback

The Board provided the Sheriff, Chief of Police, and EDOS with the opportunity to share their feedback on the OIM’s performance in 2021. Interim EDOS Armando Saldate III provided feedback. He praised the interim Independent Monitor’s collaborative approach, which “has absolutely brought about a better understanding of one another’s perspectives, as well as, resulted in meaningful change.”

Board Assessment

Board members were asked to evaluate the Interim Independent Monitor’s performance ten key areas. The following entries reflect the consensus of the Board.

1. Communication with the COB:

Given the complexity, size, and scope of the issues the OIM oversees, the interim Independent Monitor does an excellent job of keeping the Board apprised of significant incidents, investigations, and disciplinary issues. The OIM promptly responds to Board requests for data, briefings, or meetings, and provides updates on emerging issues, helping the Board avoid surprises and understand the context of the OIM’s work.

2. Monitoring of Investigations:

The OIM provides thorough and well executed oversight of misconduct investigations, providing recommendations for additional work when appropriate. As highlighted above in Table 1, the number of complaints decreased this year. Even so, the burden on OIM staff increased, given several vacant positions. The OIM continues to manage a heavy investigation workload with success. The continued lack of codified operating policies for the PID has also continued to complicate the OIM's work in this area.

3. Monitoring of Discipline:

The OIM is willing to make recommendations that differ from those of the DPD, DSD, or DOS. They also do a commendable job in keeping the threads of conversation, information and stakeholders organized. This allows them to follow up and ensure, where possible, that appropriate actions are taken.

4. Monitoring Critical Incidents:

An OIM staff member is always on call to respond to critical incidents, and once notified, the office responds appropriately. Unfortunately, the OIM was not always immediately notified of critical incidents in 2021. After one such incident related to the DSD, the EDOS issued a directive in August clarifying the notification process for DSD employees. The Board hopes that this will allow the OIM to have the information it needs to promptly monitor all critical incidents.

5. Production of Reports:

The OIM has published its annual and semi-annual reports as required, but there is probably a greater opportunity to engage the public in the work and results of investigations. As the Board itself knows, there can never be too much community engagement and communication. The Board also recognizes it is always a fine line to walk when communicating about ongoing investigations to the public.

6. Production of Policy, Practice, and Training Recommendations:

In addition to recommendations in its published reports, the OIM regularly makes policy, practice, and training recommendations directly to the DPD, DSD, and DOS. The office has, for example, invested a significant amount of time in working with DOS to create appropriate policies for the PID.

7. Outreach to complaint process stakeholders:

As one might expect, outreach events have suffered during the COVID-19 pandemic. Even so, outreach efforts have continued, and the OIM is actively working to translate their complaint and commendation form into more languages as well as make it easily available to people in DSD custody.

8. Oversee Mediation program:

The OIM maintained a small but productive mediation program in 2021. While community participant satisfaction dropped in 2021, the OIM has committed to working with the contracted mediators to address any identifiable issues. The Board hopes to see the program return to its pre-pandemic scale soon.

9. Management of OIM:

Despite increased workload and staffing shortages, the OIM continues to function as a team and have a real impact on the city. The office is well managed and organized, even in this challenging pandemic environment. Uncertainty can arise when any organization lacks a long-term leader. The COB is working diligently to appoint a new independent monitor once the right candidate is found.

10. Overall:

The Board is both thankful for the work of the OIM in what continues to be a challenging time, and particularly grateful to Gregg Crittenden for stepping in as the interim Independent Monitor for a much longer period of time than originally planned. His work and that of the whole OIM is painstaking, comprehensive, and important for the city. The staff are resilient and take on the burdens of public safety oversight and reform with aplomb.

Assessment of DOS Disciplinary Processes

Community Concerns

While the Board is legally required to maintain the confidentiality of formal misconduct complaints, community members sometimes share their concerns in public settings. This section summarizes notable concerns and complaints that members of the community have publicly shared with the Board.

DSD Food Service

During our public forum on September 14, several attendees complained about the unacceptably low quality of food provided by the DSD's contractor, Aramark. An internal review validated many of the concerns which had been shared. Sheriff Diggins stated that the issues were primarily caused by several equipment breakdowns, which he said have since been resolved.

As part of the Board's follow up, it requested and received several documents related to food service, including the relevant DSD policy and monthly reports on the subject that go to the Sheriff. The Board will continue monitoring DSD food service in 2022.

DSD Living Conditions and Medical Treatment

During the Board's November 5 meeting with Sheriff Diggins and his Chief of Mental Health Services, Dr. Nikki Johnson, a community member shared several complaints about a recent experience of a family member at the Downtown Detention Center (DDC). The complaints can largely be broken into four allegations:

1. An inmate was unable to acquire corrective lenses for his impaired vision, despite family bringing such lenses to DDC;
2. The same inmate, who was on several prescription medications to treat mental illness and opioid dependency, was denied his medications for four days, leading to withdrawal symptoms that included significant constipation and rectal bleeding, and which were never adequately treated;
3. The inmate was not provided with an alternate change of clothes and was forced to wear bloodstained underwear and pants for nearly a week; and
4. Approximately two weeks after being incarcerated, the medical provider from Denver Health and Hospital Authority (DHHA) performed a rapid taper of one of the inmate's mental health medications. This provider not only failed to consult with the inmate's external provider about the reasons for the prescription or its effectiveness, but refused to do so and was rude when asked.

As a result of this public sharing, Sheriff Diggins promised to ensure that the grievances received a full investigation and directed any complaints about medical care to DHHA, a public entity run by the state which contracts with DSD to provide healthcare to inmates. On December 17, the Board met with representatives from DHHA and discussed the hospital's treatment policies for inmates. The representatives were unwilling to discuss the specifics of the community member's complaints, and declined to share the hospital's treatment policies. They did state that as a rule, some classes of medications are not provided to incarcerated individuals given their potential for abuse; therefore, the inmate was tapered off of his prescribed medication without consultation with his outside physician.

DPD's Protest Cases

During the September 14 public forum, the Board asked EDOS Murphy Robinson for data on the outcome of misconduct cases related to the George Floyd protests in the summer of 2020. The DOS provided the Board with the data in late September, which the Board then shared with the community. Of 125 discipline cases, 83 were declined, 15 were ongoing, and 21 had been completed without formal discipline. Only four completed cases resulted in formal discipline, and an additional two officers resigned prior to the case being completed.

In response, multiple members of the community expressed disappointment with the fact that the only discipline for police officers had been two reprimands and two suspensions. Community concerns (which the Board share) about the slow pace of these investigations and the small number of sustained misconduct cases have undermined the trust placed in the misconduct review process. The community's trust has been further strained in 2021 by one large monetary settlement and the concerning allegations made in several additional lawsuits related to the conduct of DPD officers during the protests.

DOS's Street Enforcement Team

Throughout the last quarter of 2021, the Board heard numerous concerns from community members about the establishment of the Street Enforcement Team, a small team of civilians employed by the DOS and empowered to issue citations as necessary for certain minor offenses. In response, the Board requested and received multiple updates on the team from the DOS. Per those updates, the team was formed, trained, and began outreach operations in 2021, but did not begin enforcement activities in 2021. Concerns shared with the Board may stem from a distrust of the DOS, assumptions about the team's priorities and methods, and a lack of clarity about the team and its relationship to other government entities interacting with individuals experiencing homelessness.

Board Concerns

OIM Access and Notification

Over the course of 2021, the Board became aware of several serious issues involving OIM's access to records. Three specific issues are worth highlighting:

1. Critical Incident Notification
2. Direct access to body worn camera footage
3. Direct access to complaints of DSD misconduct

The first issue was addressed through policy on August 11, 2021, after an incident where the OIM was not notified of the death of an inmate for several days. The Board will monitor the DSD's adherence to this policy.²

The second issue was brought to the Board's attention in the OIM's December 2020 report on DPD's response to the George Floyd protests. In that report, the OIM detailed how it was completely reliant on DPD staff to determine the footage that was deemed relevant to the OIM's work. That report also detailed how the DPD did not initially provide all the relevant footage the OIM asked for. Without direct access to the footage stored on evidence.com, the OIM cannot fully carry out its mission of ensuring

² An incident in early 2022 revealed that this issue was not fully resolved in 2021.

that investigations of misconduct are thorough and complete. The DPD has cited legal challenges to giving the OIM unlimited access to the database, as special types of evidence may have specific legal restrictions on who can access them. While the OIM was given an account for that database in 2021, they can still only access files specifically shared with them, keeping them dependent on the investigating unit's judgement of which files are relevant to a case.

The third issue was brought to the Board's attention midway through 2021 and relates to the triage process for complaints against DSD's uniformed personnel. These complaints are handled by the DOS's PID, and more specifically their Administrative Investigations Unit (AIU). Misconduct investigations are tracked in a database called IAPro to which OIM has direct access, but AIU was managing their complaint intake with ad hoc spreadsheets, a process that inhibits both oversight and effective data analysis. In the final weeks of 2021, AIU resolved this issue by beginning to enter all complaint data into the IAPro database, although a formal policy requiring them to do so has not yet been implemented.

PID Policies

The PID was created in early 2019 in order to conduct misconduct investigations of DSD uniformed personnel. The Board was part of the Executive Advisory Board created in January 2019 by the DOS to help craft the PID's operating policies, and although much progress was made, no such policies have been implemented after the group disbanded in January 2020.

In August 2021, the DOS provided the Board with another opportunity to provide feedback on draft operating policies for PID. The Board engaged in several productive dialogues with the DOS about the policies over the rest of the year. Some issues have been addressed in practice, but the lack of official policies remains an ongoing concern for the Board.

Staffing

The DSD was understaffed in 2021, ending the year with just 67% of the deputies it is authorized to employ. This was the subject of numerous news articles and an open letter from a deputies' union in July. Mandatory overtime has been a regular occurrence and has led to numerous negative consequences, including: increased financial costs for taxpayers, decreased employee morale, increased performance and disciplinary issues, and increased complaints from inmates who have faced more restrictive conditions due to the deputy shortage.

Over 100 officers left the DPD in 2021 and academy classes have had difficulty recruiting new candidates to replace them. This has left the DPD with approximately 90% of the officers it is authorized to employ. Seasonal surges in COVID-19, especially one at the end of the year, have had significant additional adverse impacts on staff availability and response times.

Inmate Medical Care

The DSD contracts with the DHHA—a state-run public entity—to provide all medical treatment at DSD facilities. All inmate complaints about medical care are forwarded to DHHA to handle as it sees fit. DHHA is not transparent about how this process works and does not publish its treatment policies or the outcomes of internal investigations, effectively making it impossible for any outside entity to know whether an employee's conduct violated their policies.

Recommendations

City ordinance requires and empowers the Board to make and publish recommendations for how Denver's public safety departments can both improve their relationship with the public and improve their policies or rules related to the hiring, training, or complaint processes. Our recommendations are as follows:

1. The Board recommends the DOS promptly implement formal operating policies for its PID, which has been without formal guidance since its creation in 2019. Once implemented, the DOS should regularly review compliance with those policies and continuously improve them as appropriate.
2. The Board recommends DOS work with its constituent departments and the managers of evidence.com to provide the OIM direct access to the vast majority of evidence in that database, while appropriately precluding access to such information that the OIM is prohibited from accessing under state law.
3. The Board recommends the DOS create an official working group for each public safety department and those groups should be tasked with identifying each department's specific causes for staff turnover and making recommendations in 2022 for how to increase employee morale, quality of life, and retention.
4. The Board recommends the DPD prioritize completion of all outstanding complaints related to police conduct during the George Floyd protests. Once all complaints have been resolved, summary data about case outcomes should be proactively shared with the community.
5. The Board recommends the DSD leverage any available contract negotiation opportunity with DHHA to require increased transparency in the areas of treatment policies, data and records keeping, and disciplinary actions.
6. The Board recommends the DSD leverage any available contract negotiation opportunity to ensure that DHHA's medical treatment plans take into account the dangers of physical or mental destabilization and the potential for such destabilization to result in the recidivism and overdose of inmates who are released as well as potentially injurious or even fatal use of force against inmates who remain incarcerated.
7. The Board recommends the DSD leverage any available contract negotiation opportunity to ensure that DHHA providers consult with outside providers when making significant changes to existing treatment plans. Specifically, should a DHHA provider decide to modify an existing prescription or treatment plan in a non-emergency situation, they should honor an inmate's request to first make every reasonable effort to consult with the inmate's outside provider about the potential impact of those modifications.

Appendix: Contact Information

The Board looks forward to working with both the community and the Department of Public Safety over the next year. Members of the public are always welcome to join the Board's twice-monthly meetings and quarterly public forums, or provide their thoughts to the Board through one of the options below. The Board's 2022 meeting schedule is available on our website, as are copies of recent reports, meeting minutes, and meeting recordings. Older records are available upon request.

The Board regularly shares updates via the following channels:

- Website: www.denvergov.org/COB
- Facebook: <https://www.facebook.com/DenverCOB/>
- Twitter: https://twitter.com/denver_cob
- Email List: <https://eepurl.com/dnUb9D>

You can contact the Board in any of the following ways:

- Email: COB@DenverGov.org
- Leave a voicemail at: (720) 913-3150
- Social Media (listed above)
- Mailing Address:
Citizen Oversight Board
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101 W. Colfax Ave., Suite 100
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