

Councilwoman Candi CdeBaca, District 9

Proposed Charter Amendment to Elect Denver's Sheriff

Frequently Asked Questions

Has Denver ever had an elected Sheriff?

- A. Yes. Denver became a home rule county (a combined city and county government) in 1904 after the state constitution was changed in 1902. The Denver charter was amended to include a provision for a Sheriff Department and an elected Sheriff. The elected Sheriff system continued until approximately 1911, when it was replaced with a public safety commission. After about 4 years, the elected Sheriff position was reinstated. However, in the early 1920s, the charter was changed again, and the elected Sheriff was eliminated in favor a Manager of Safety appointed by the Mayor as the “ex-officio” Sheriff. The head of the Sheriff Department was named the “Undersheriff.” The elimination of the elected Sheriff was led by Mayor Benjamin Stapleton, a prominent member of the Ku Klux Klan in Colorado, to consolidate mayoral power, and this is the system we continue to have today.

Is Denver the only jurisdiction in Colorado where the Sheriff is appointed by the Mayor?

- A. Yes. Denver's Sheriff is the only one in Colorado appointed by a Mayor. Broomfield is another jurisdiction without an elected Sheriff, but it does not have a Sheriff Department, so it has neither an appointed nor an elected Sheriff. The Police Department in Broomfield manages the jail and court security. The Chief of Police is appointed by the City Manager who is appointed by the City Council in Broomfield.

Does the proposed charter change eliminate the Department of Safety or the Manager of Safety?

- A. No. This proposal does not eliminate the Department of Safety or Manager of Safety. Currently, the charter places the Sheriff under the authority of the Mayor and the Mayor's appointed Manager of Safety. Rather than completely rewriting the charter that covers the Department of Safety, it is necessary to create a new section for the elected Sheriff. The Manager of Safety would still be the authority over Denver's Police and Fire Departments.

Why create an elected Sheriff position rather than reform the Denver Sheriff Department?

- A. The Denver Sheriff Department (DSD), the largest jailing system in the region, has already undergone various versions of “reform” over the past 8 years. Since just 2015, these efforts have cost taxpayers over \$31 million dollars in reform-related costs. Despite promising to appoint a “change agent” as Sheriff, DSD continues to be plagued by cost overruns, rising assaults, inadequate services, low staff morale, multi-million-dollar settlements, overcrowding and mismanagement. The Mayor's appointee system enables the micromanaging of DSD through civilian political appointees who lack experience managing the largest urban jail in the region. In addition to appointing the Sheriff, the Mayor also appoints executive-level positions in DSD that the Sheriff has no authority over. As such, the Sheriff has no real authority over hiring and firing, nor over budget or discipline decisions in the department (unlike Denver's Police and Fire Departments). Currently, the Sheriff lacks accountability since only the Mayor and the Mayor's appointed Manager of Safety have authority over the Sheriff. An elected Sheriff would be accountable to the taxpayers and would operate independently, much like the Clerk and Recorder (which became an independent agency initiated by the City Council after a disastrous 2006 mid-term election). An independently elected Sheriff could make sweeping changes to reduce the jail population and push back on justice system initiatives that would cause the jail population to rise.

How would the proposed charter change impact the chain of command in the Denver Sheriff Department?

- A. The newly elected Sheriff shall appoint an Undersheriff, who will be second in command and operate as a primary deputy manager, as in every other City agency. The Sheriff shall also appoint the executive-level management positions currently called Division Chiefs and Majors. The executive-level managers appointed by the Sheriff shall remain in those positions as long as their service is satisfactory to the Sheriff. However, the proposed amendment does not lock in staff titles so that the Sheriff has the ability to restructure their leadership team. A Sheriff with genuine autonomy over the composition of the department's leadership team will be consistent with other Sheriff Departments in Colorado.

The Sheriff will also be the appointing authority pursuant to Career Service requirements for other positions in the agency that are currently under the Career Service System (e.g., deputies, sergeants, captains, and non-sworn civilian employees). All existing employees in the Sheriff Department who fall under the Career Service System and are not serving in an "at will" status would continue in their current job classifications and positions.

Are there other sections of the charter being amended in addition to the new section being created?

- A. Yes. Article II, Part 2 is being amended to eliminate language that relates to or mentions the Undersheriff as an appointee related to the Mayor. Article II, Part 6 is being amended to remove the Sheriff and Sheriff's Department from the Mayor's appointed Safety management. Article VIII, Part 2 is being amended to provide for the election of the Sheriff in the same manner and under the same provisions as the other elected officers in Denver. Article IX, Part 9 is being amended to provide clarification relating to the elected Sheriff as one of the "corporate authorities" in the Deputy Sheriff collective-bargaining process, as well as providing for the sworn positions who are excluded from the bargaining process.

(Note: it is necessary to continue to keep language in the charter in this section and in Article IX, Part 1, Career Service, that identifies Deputy Sheriff Division Chiefs and Deputy Sheriffs Majors for the purposes of setting their wages and benefits because they have a property right in these job classifications that will continue to be in the agency for the next several years.)

If voters approve this measure, then who would be the Sheriff until the new Sheriff is elected?

- A. The proposed amendment provides in section 12.1.2 that the person who is currently appointed by the Mayor as Sheriff will continue in the position until the newly elected Sheriff takes office.

Since under this proposal the Sheriff's Department will be independent of the Department of Safety, then how will they receive funding to operate?

- A. The proposed amendment provides for the City Council to fund the agency in a manner similar to the way it currently funds the Office of the Auditor and other independent Denver agencies.

Will the Office of the Independent Monitor still have the ability to monitor investigations related to misconduct in the Sheriff Department?

- A. Yes. The parts of the charter that apply to the Office of the Independent Monitor have not changed and are not affected by this proposed amendment, so nothing changes regarding this area.

What if Denver elects a Sheriff like Joe Arpaio of Maricopa County, Arizona who was a hard-liner against immigrants?

- A. In a democratic society, both good and bad politicians get elected to political office. Joe Arpaio was eventually voted out of office; an option Denver voters do not yet have. Denver is a progressive city that welcomes immigrants and is not Maricopa County.