

Public Safety Working Group of Denver City Council

9.13.21

***Status report on the
17 Recommendations for City Council
from Citizens Task force
To Reimagine Policing and Public Safety***

#18 – Cease all city-sanctioned sweeps, cleanups or any other variation of forced removal of homeless encampments from public property and invest all cost-savings into Safe Outdoor Spaces, trash pick-up, portable toilets, case management and other harm reduction strategies.

• The proposal to renew the cleanup contract with EHS moved out of committee unanimously. It will be heard before Council – along with a 30-min courtesy hearing – Mon., Sept. 13.

#35 – Conduct a study that measures demographic disparities in provision of social services over the last 10 years of our City’s peak growth

- *Don Mares, director of Denver Human Services, is working with staff to determine what information they have now, and what would be feasible moving forward.*

#37 – Decriminalize sex workers who are victims of human trafficking. Deprioritize enforcement against all sex workers and ensure access to necessary services.

- *From the City Attorney's Office: "Currently, we are working with the DA's Office and DPD to figure out a different approach with regard to sex workers geared toward providing support and resources. As of earlier this year we are not prosecuting cases against sex workers. The DA's Office has taken a similar approach and is not accepting cases against sex workers. DPD is aware of our position and has not filed any cases against sex workers in the past several months – they also know that we will dismiss these cases if they are filed. DPD has been focusing their efforts on the buyers of sex, and we do continue to prosecute those cases." The recently passed massage parlor licensing bill also directs enforcement efforts at the business owners, not the practitioners.*

#39 – Decriminalize quality-of-life offenses, survival crimes and other petty infractions such as drug use and public intoxication.

- *No resolution.*

#40 – Decriminalize traffic offenses often used for pretextual stops.

- *No resolution*

#41 – Prohibit Denver Police from conducting searches in relation to petty offenses or traffic violations.
No action yet in process.

- ***No resolution***

#44 – End the school to prison pipeline by eliminating all school-based public safety contracts, diverting budget savings to social and emotional learning, behavioral monitoring and reinforcement, counseling and peaceable schools programs.

- *From Department of Public Safety: “The City signed a 5-year Intergovernmental Agreement with DPS in 2017. The contract officially ends June 6th, 2022; however, DPD is no longer providing SROs as the DPS Board did not approve the continuation of their services for the 2021-2022 school year. DPD continues to respond to calls for service from DPS according to their response protocol.”*
- *Digital Camera Surveillance System – Intergovernmental Agreement allows the City to operate HALO cameras at certain locations.*
- *MOU between DPD (host agency) and Denver Public Schools Safety and Security allows DPS security to utilize the DPD firearms training facility.*

#48 – Create an ordinance making it illegal to contact law enforcement solely to discriminate against a person for any illegitimate purpose, including a person’s race, ethnicity, disability, religious affiliation, gender, sexual orientation or gender identity.

- *From Legislative Counsel: “This would fall into the bucket of ‘false reporting.’ It is a crime to make a false report under both state and city laws. It would be false to report a crime that didn’t occur just to get someone arrested for their status in a protected class.”*

#58 – Permit safe injection sites in the City and County of Denver

- *The previous Council passed an ordinance making Safe Injection Sites legal in the City and County of Denver upon passage of enabling legislation at the state level.*

#63 – Create a community-led committee, comprised of those with lived experiences and individuals from most impacted communities, along with the Public Defender’s Office to review all municipal criminal ordinances to determine which ordinances are antiquated, ambiguous and unnecessary to public safety in order to minimize citizen interaction with law enforcement and the criminal courts.

- *From City Attorney’s Office We do not have a specific time set aside each year to review the criminal code – the code is lengthy and quite detailed and such a task would candidly be overwhelming to do every year. The concept of “sunsetting” laws or regulations so that they undergo annual review is more of something that I see at the state level rather than the municipal level.*
- *What has worked for us is to review the criminal code more on an “as needed” basis by section – so, for example, about four years ago we examined “sentencing” under our criminal code and recommended changes. A couple of years ago, we examined criminal nuisance abatement and recommended changes. Most recently, we examined criminal wage theft and recommended revisions based on changes at the state level and to address what we saw as antiquated language around the elements of the charge.*
- *When we do that type of code review, we always reach out to appropriate stakeholders, including executive leadership of the Municipal Public Defender with whom we have a very collaborative relationship. I think our process works well but would, of course, welcome other viewpoints if you have any to share. The public defenders and prosecutors are quite inundated right now with the backlog of court cases due to COVID-19, and our PACE unit is also absorbing the new municipal wage theft cases within existing staffing. I would be concerned about the time commitment that a yearly citizen-based process would involve especially given that this is such a specialized area of law. That said, we would of course want to be included in any such effort.*

#78 – Fund the District Attorney and Municipal Public Defender’s Office equitably to ensure caseload, facility and job classification parity.

- *From the Public Defender: “There is currently quite a disparity in staff numbers and support. The City attorney has 3 attorneys assigned to every trial courtroom. On any given day we have one attorney assigned to the courtroom. By my calculation we represent 77% of the people on any docket. Additionally we still staff many courtrooms with contract attorneys rather than FTEs. Staffing is often a nightmare because contractors only work for us part time and we are not their top priority.*
- *The City Attorney also has more support staff in various ways. A designated paralegal per courtroom, and a victim’s advocate per courtroom, who often help with witness management. (Calling the witness, etc.) During any jury trial we have one attorney who represents the defendant, manages witnesses, documents, and if the client is in custody, (or homeless) then we provide the clothes for the defendant for trial. (Yes, we have a large closet that from our budget have stocked with “court clothes”. Our office staff also makes sure we that have the clothes dry cleaned, in all sizes and generally kept up for last minute need. Who knew that my law license would include dressing clients!) The point is that this becomes one more burden on the one attorney trying to run a docket and then try the case that is that days priority.*
- *Budget is aware of these disparities and our hope through grants and 2022 budget to rectify some of this. Our new space is under construction and we are hoping to be in it by January. We have asked budget to turn contract dollars into FTEs and for more attorneys in general. We recently have been informed that we will be getting more administrative support that we need through the Recovery Act grant. All that will help but not sure it will be parity.*
- *Interestingly Ari Krichiver from our office and I recently met with Marley Bordovsky and James Fisher from the City Attorney’s office. They were both very clear that they supported our office getting more staff. They were aware of the disparities and understood the need for us to have equal staffing. All this means that we are getting closer but yes, it is very apparent that there are still inequities. I would be happy to meet and answer question if that would help.”*

#85 – Make the Office of the Independent Monitor independent by changing appointment authority to City Council and the Citizen Oversight Board and implement a four-year term.

- *Council President Gilmore, Council Pro-tem Torres and Councilmember Kniech have brought forward a proposal to have the selection of the Monitor made by the Citizens Oversight Board. The idea of a four-year term was not brought forward.*

#86 – Guarantee subpoena power and allow the Office of The Independent Monitor unfettered access to all departmental documents and systems.

- *It was presented by Council President Gilmore, Council Protem Torres, and Councilmember Kniech that the limited subpoena power already given to the Monitor has not been sufficiently tested. This topic is expected to resurface when a new Monitor is selected.*

#87 – Create an independent nomination and selection commission for both the City Attorney and Independent Monitor.

- *Council President Gilmore, Council Pro-tem Torres and Councilmember Kniech brought forth creation of a selection and nomination process for the Monitor, but elected to leave discussion of the City Attorney to another discussion as they were focused solely on the OIM.*

#88 – Ensure appropriate resourcing for the Office of The Independent Monitor guaranteeing an annual budget appropriation that is proportionate to the entities the Monitor investigates at a minimum of 2% of their total budgets.

- *Council President Gilmore, Council Pro-tem Torres and Councilmember Kniech determined that no budget request from the OIM has been turned away, and that a percent set-aside was not the way to go.*

#89 – Protect the integrity of investigations by guaranteeing Career Service status of Office of the Independent Monitor non-managerial staff.

- *Council President Gilmore, Council Pro-tem Torres and Councilmember Kniech have proposed employees be Career Service. Under the proposal, the Monitor may have two at-will appointees if so desired.*