



DENVER

CITIZEN OVERSIGHT BOARD

2015 Annual Report

Oversight 2015



Public Meetings



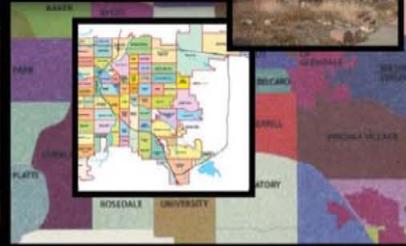
Transparency



Youth Outreach



Reform



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DENVER CITIZEN OVERSIGHT BOARD 2015 ANNUAL REPORT

2015 CITIZEN OVERSIGHT BOARD MEMBERS

The Citizen Oversight Board (referred to variously as the COB or the Board) is comprised of seven volunteer citizens of Denver, appointed by the Mayor and confirmed by the Denver City Council. In 2015 the members of the Board were:

Dr. Mary Davis, Chair – Dr. Davis is a business consultant who has been actively involved in community improvement activities in Denver for decades. She has served on five nonprofit boards, having been elected Board Chair for two of these organizations. She joined the COB in February 2009.

Francisco “Cisco” Gallardo, Vice-Chair – In his teen years, Mr. Gallardo joined and helped create what has been one of the largest gangs in Denver's north side. Since that time, he has dedicated his life to undoing the damage he helped cause. Over the past 24 years, he has worked in the community to redefine respect, power and pride; he has helped countless young people to reclaim their own lives. He joined the Board in 2012.

Roger Sherman, Secretary -- Mr. Sherman is chief operating officer of CRL Associates, Denver-based government relations, public affairs and strategic communications firm. Highly respected for his skills in coalition building, community outreach and public positioning, Roger is experienced at forging links between diverse interests and groups. He is on the board of directors of SafeHouse Denver, which serves victims of domestic violence and their children through both an emergency shelter and a non-residential Counseling and Advocacy Center. He became a COB member in March 2015, replacing Cathy Reynolds who served on the Citizen Oversight Board since its inception in 2005.

Pastor Paul Burlison – Pastor Burlison founded Denver’s Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He serves as a member of the Greater Metro Denver Ministerial Alliance. He also served with the US Air Force in Korea. He has been on the Board since its 2005 beginning.

Rabbi Steven Foster – Rabbi Foster retired as Senior Rabbi of Temple Emanuel in June 2010, having served the congregation for 40 years. He now serves as Rabbi Emeritus of the Temple as well as chaplain for The Denver Hospice. Rabbi Foster serves on the Department of Corrections Disciplinary Advisory Group Standing Committee. He has been on the Citizen Oversight Board since 2005.

Nita Gonzales – Ms. Gonzales is a long-standing community leader and educator who is President/CEO of the non-profit Escuela Tlatelolco. Nita has a long record of supporting causes and activities that promote the economic, political, social and educational strength of Latinos and underserved populations. She is co-founder of the Colorado Latino Forum and a member of the President’s Cabinet for Metropolitan State University. She was appointed to the Citizen Oversight Board in 2011.

DUTIES OF THE CITIZEN OVERSIGHT BOARD

The 2004 City ordinance that created the Citizen Oversight Board (COB) and the Office of the Independent Monitor (OIM) fixes the following three responsibilities for the Citizen Oversight Board:

1. To assess the effectiveness of the Monitor;
2. To issue policy recommendations concerning discipline, use of force, rules, hiring, training and the community relations of Denver Police, Denver Sheriff and certain Denver Fire Department personnel; and
3. To consider issues of concern to the community, stay informed regarding the complaint process, and make recommendations concerning specific cases reflected in complaints.

The Board has no command responsibilities with respect to law enforcement departments or personnel. It carries out its advisory duties in frequent meetings and consultations with the Monitor and members of the Safety Department. These meetings allow Board members to monitor confidential internal investigations and to make suggestions to improve department performance. From time to time, the Board also issues policy suggestions on matters of concern.

(For duties of the Office of the Independent Monitor, see APPENDIX A-1.)

HOW THE COB WORKS

Board Meetings

The COB typically meets twice monthly in regular working sessions. The Board meets with the Executive Director of Safety, the Chief of Police and the Sheriff at least quarterly, and on an as-needed basis with others in law enforcement and the community. These meetings are helpful in keeping the Board informed on current policies and activities. They also provide an opportunity for the COB to give law enforcement leaders feedback and suggestions. The Board also receives reports from the Independent Monitor and his staff. COB meetings are open to the public with the exception of executive sessions to discuss ongoing investigations and other privileged matters. These meetings are generally held in the 12th floor conference room of the Webb Building at 10:00 a.m. on the first and third Fridays of the month.

The Board met quarterly throughout 2015 with the Executive Director of Safety, the Police Chief and the Sheriff. These meetings took place during regular Board meetings and were open to the public unless confidential exchanges were involved. Discussions between Board members and officials at these meetings were productive and informative.

Also in 2015, the Board met in regularly scheduled business meetings 21 times.

Executive Sessions

In 2015, the Citizen Oversight Board spent a good deal of time in executive sessions in multiple meetings with Independent Monitor Mitchell reviewing a variety of pending disciplinary cases. The information gleaned in these sessions remains confidential under City and State laws and regulations.

Public Outreach

The COB holds quarterly evening public meetings in various locations around Denver, rotating to increase community outreach in different Denver Police Districts. Channel 8 tapes these meetings for broadcast over the ensuing weeks.



In 2015, the COB held four quarterly public forums.

An important element of each meeting was the public comment portion. Citizens expressed their views and concerns about law enforcement and public safety in their neighborhoods and in Denver in general.

Citizen Oversight Board 2015 Quarterly Public Meetings*

March 19, 2015

Denver Police District 1
Cheltenham Elementary School
1580 Julian Street

June 4, 2015

Denver Police District 3
Cory Elementary School
1550 S. Steele Street

September 24, 2015

Denver Police District 4
Barnum Recreation Center
360 Hooker Street

December 5, 2015

Denver Police District 5
Rachel B. Noel Middle School
5290 Kittredge Street

**The COB is required to hold three public meetings a year.*

2015 Annual Report

The COB Chair met with the Safety and Well-being Committee of Denver City Council to present the Annual Report for 2015.

2015 CITIZEN OVERSIGHT BOARD HIGHLIGHTS

During 2015, the Citizen Oversight Board continued to support significant and successful initiatives, urged action in several areas of needed reform, participated in City task forces and pursued study and research into trends and best practices.

• **Body Worn Cameras for Off-Duty Officers (Regular and Secondary)**

Background

Prior to 2015, the COB was active in seeking information associated with body worn cameras (BWC) policies and practices around the nation; Board members researched best practices and considered problems associated with BWCs. Discussions with Denver Police Department (DPD) Chief White and Independent Monitor Nicholas Mitchell were helpful and productive.

2015

The COB took action on an important policy matter relating to the issue of body worn cameras. After the Denver Police Department released its draft policy in September 2015 on body worn cameras, the Independent Monitor talked to the COB about revisions from previous internal drafts. The Board discussed the issue that off-duty use of BWCs had not been addressed and reiterated its belief that off-duty use should be included in the policy. Aware that budget constraints might be a factor preventing the City from moving forward, Board members discussed the possibility that the City could pass on the additional costs incurred to the employers of off-duty officers in the form of a BWC surcharge.

Earlier in the year, the COB shared its position about off-duty BWC use with the Mayor and Police Chief; the Board formally reiterated its position in September.

The Denver City Council held a Safety Department budget briefing on September 22 during which Police Chief White came prepared with specific cost figures for off-duty BWCs including both to purchase the cameras and the annual license fee. He stated his support of BWC use during secondary employment. The Mayor also made supportive statements and asked that the Chief look into how the costs associated with off-duty BWC use could be borne by the businesses hiring the officers.

The COB continued to research and to discuss this issue for the remainder of 2015.

• **OIM Ordinance to Increase Access and Transparency of Information**

Background

As emphasized in the 2013 COB Annual Report, in order for the Office of Independent Monitor to function effectively, it is necessary to have access to appropriate and relevant information from the Denver Police and Denver Sheriff Departments. During the

creation of the OIM, the enabling ordinance described the expectation for transparency in sharing information related to disciplinary proceedings. The COB learned that in actual practice, the language in the ordinance did not clearly provide the OIM with adequate access. Through various discussions, work sessions and reviews, the COB made the case for recommending a change in language in the ordinance.

Early in 2015, the City Council Safety and Well-being Committee considered a 2014 recommendation to amend the OIM Ordinance. The recommendation had been submitted by the COB in coordination with the OIM.

2015

In March, 2015, Independent Monitor Nicholas Mitchell provided an update to the COB regarding proposed amendments to the OIM Ordinance. The recommended changes passed at the Denver City Council meeting on February 23. The amended Ordinance changes the presumption for sharing information with the OIM by the Denver Police and Denver Sheriff's Department. With full support of the COB, Denver City Council members considered ways to ensure transparency, oversight and accountability regarding actions of law enforcement personnel. The changes give the Independent Monitor authority on investigations and oversight.

Under the first two amendments, the safety departments -- police, sheriff and fire – are expected to comply with the Independent Monitor when it comes to internal affairs investigations instead of allowing each department to set its own policies. The third amendment requires the safety departments to share information and records with the OIM that are necessary for the office to fulfill its role.

• **Review of the Denver Sheriff Department (DSD)**

Background

In the summer of 2014 Mayor Michael Hancock ordered an independent review of the Denver Sheriff Department, prompted by a string of excessive-force cases within the Sheriff Department with a cost to the City of more than \$9 million in legal settlements and lawyers' fees. Consultant firms Hillard Heintze of Chicago and the OIR Group of Los Angeles began their comprehensive process October 2014.

2015

On May 21, 2015, Hillard Heintze and the OIR Group submitted the final report regarding the Denver Sheriff Department. Based on more than 120 interviews and a rigorous examination of nearly every aspect of DSD's operations, this initiative resulted in 14 key findings and 277 recommendations that, taken collectively, represent a strategic roadmap for transforming the leadership, operations and culture of the Department.

Safety Department Executive Director Stephanie O'Malley met with the COB during its meeting on June 6, 2015. In response to COB members' questions about public involvement, Executive Director O'Malley stated there would be a public forum and

opportunity for input “within the next 30 days.” The COB reiterated the critical importance of including the community in both the prioritization and implementation phases. Independent Monitor Nicholas Mitchell noted the report specifically highlights the importance of the OIM and the COB and includes several recommendations on how to strengthen them both.

In response to the report, Mayor Hancock appointed an Implementation Team to begin to address the recommendations and establish priority areas for action.

COB Chairperson Mary Davis represented the COB on the task team for “Staffing and Performance Optimization” a sub-topic under the Human Resources priority area established by the Implementation Team. Dr. Davis participated in multiple work sessions during summer and fall 2015.

- **Youth Outreach Project**

Background

In recent years the OIM identified that communication, or a lack thereof, is a major factor in escalating conflicts between Denver’s young citizens and the police. During 2014, the COB supported the OIM’s launch of a new grant-funded outreach initiative, a program to connect youth and officers. The program brings together youth, especially at-risk youth, with DPD officers to help them understand each other, increase respect, and allow them to solve their differences without escalation leading to unnecessary arrests. In October 2014, the Colorado Justice Assistance Grant Advisory Board awarded \$60,000 to the OIM to fund the program for 2015.

2015

At various times throughout 2015, the OIM Ombudsman and program coordinator provided updates to the COB on the number of forums and types of training given to community facilitators and DPD officers. Board members discussed the Project priorities, targets and progress and offered suggestions for future funding, partner organizations and possible forum locations. New partners were identified and included in the application for the second year of funding. In late 2015, the Youth Outreach Project was awarded a grant from the Youth Opportunity and Behavioral Health Diversion Program of almost \$55,000 to fund the program for 2016.

- **Board Member Education and Research on Best Practices**

In October 2015, Chairperson Mary Davis, Vice Chairperson Cisco Gallardo, Secretary Roger Sherman and Board member Nita Gonzales represented the COB at the annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE) held in Riverside, California. NACOLE is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of law enforcement officers in the United States. The four COB representatives agreed that a

common benefit was the opportunity to hear from other jurisdictions on how they approach civilian oversight and the challenges each face.

One session that stood out was titled, “The Role of Implicit Bias in Law Enforcement Decision-Making.” One of the COB members suggested this as a future quarterly public forum topic for 2016. The OIM staff initiated contact with the NACOLE conference presenter to determine the feasibility of her coming to Denver to make a similar presentation.

- **Case File Security**

During 2015, the Independent Monitor reported to the COB that there were ongoing challenges with disciplinary case file security and the City’s Technology Services Department. There were a number of instances where access to confidential files was granted to unauthorized persons. The COB invited staff from this department to speak about this matter at one of its regular business meetings. With support of the COB, the Independent Monitor obtained assurance that issue had been resolved.

THE MONITOR PERFORMANCE EVALUATION 2015

Overview: Evaluation of the Independent Monitor (IM)

The ordinance that established the Office of the Independent Monitor entrusts the authority to evaluate the performance of the Monitor with the Citizen Oversight Board. During 2013, the Board engaged an evaluation expert to develop a quantitative and qualitative evaluation system which the Board subsequently approved. The Board implemented the expanded and improved evaluation package for their 2014 review of the Monitor's performance and used it again for its 2015 review.

The COB used a four-pronged evaluation approach: 1) a qualitative survey of the OIM staff, 2) a separate qualitative survey of COB members, 3) interviews with the Safety Department leadership, and 4) a series of quantitative performance measures.

The COB Chairperson discussed details of all evaluation input with the Monitor.

OIM Staff Ratings

The COB asked the OIM staff to give their perceptions of the Monitor's performance on a one to five (1-5) rating scale, with five being the highest or most positive rating and a rating of one indicating the lowest or most negative rating. Factors rated included the following:

- Extent to which the Monitor clearly defines a vision and strategy for accomplishing the OIM mission
- Extent to which the Monitor models a high standard of performance
- Clarity of performance standards and quality of feedback
- Openness to input on how to improve the performance of the OIM
- Staff accountability for maintaining positive working relationships
- Monitor's efforts to foster collaborative relationships with Safety Department stakeholders

On average, employees rated each factor at the level of four or five, the highest positive ratings. Several employees commented on the Monitor being a very hard worker.

In addition to discussing the positive overall ratings with the Monitor, the COB Chairperson discussed individual employee ratings that fell below the four or five levels. It is expected that the latter group will serve as a basis for developing a plan of action for making the OIM an even more positive work environment for all employees.

Two employees commented on their expectations related to the factor, "Extent to which the Monitor clearly defines a vision and strategy for accomplishing the OIM mission."

“I’m glad we will be having a strategic planning session to explicitly outline the vision and strategy as a team moving forward.”

“Not a five rating because we are embarking on strategic planning and revisiting the vision and mission of OIM.”

These comments reflect a decision to contract with an outside firm to facilitate strategic planning for the full staff; the Monitor informed the COB of this objective in 2015.

Citizen Oversight Board Ratings

The evaluation completed by the COB asked members to give their perceptions of the performance of the Independent Monitor using a qualitative rating scale.

Outstanding – Performance exceeds expectations

Satisfactory – Performance meets expectations

Unsatisfactory – Performance fails to meet expectations

COB members evaluated the following factors: communication, monitoring and outreach.

Consistently, Board members rated each factor as either “outstanding” or “satisfactory, with a prevalence of “outstanding” ratings. There were no “unsatisfactory” ratings.

Board members were unanimous in giving an “outstanding” rating to the IM’s performance in several areas related to the role of monitoring: 1) Monitoring and review of Internal Affairs Bureau (IAB) investigations, 2) Monitoring of disciplinary process and 3) Monitoring and review of critical incidents. In two of these areas, ratings were consistent with the evaluation for 2014 performance; in one area, a rating of “outstanding” for performance year 2015 indicated improvement from 2014.

Considering the Monitor’s performance in producing recommendations for policy, practices and training, the COB evaluators were again unanimous in rating the IM’s performance “outstanding.” These perceptions also indicated improvement from the 2014 evaluations.

The Board members rated the Monitor as “outstanding” in providing oversight for the OIM’s mediation program. Among the comments was this acknowledgement, “The mediation program is recognized nationally as one of the most outstanding.” Two COB members mentioned an interest in hearing more about the program and receiving updates on the number of mediated cases.

Regarding the Monitor’s performance in the area of communication, Board members agreed that “Nick continues to maintain open lines of communication and keeps the COB aware of issues from the Denver Police Department and the Denver Sheriff’s Department.” Among other comments was this sentiment, “Nick has done an outstanding job of informing and

suggesting ways to move forward with a host of issues,” and “the IM is always prepared and willing to listen.”

Members concurred that the OIM reports are “thorough and well written with strong documentation.” There was one observation concerning a delay in completing and publishing the semi-annual report.

Regarding outreach to the complaint process stakeholders, the ratings were split between “outstanding” and “satisfactory.” One member shared insight on the “outstanding” rating: “Nick has ensured the Outreach Ombudsman makes consistent efforts to stay in touch with officers and the community through formal and informal presentations. Quarterly COB public forums are also used as a vehicle to make information available about the complaint processes.”

Safety Department Stakeholder Interviews

The COB invited the following individuals to participate in separate individual interviews regarding the Monitor’s performance during 2015: Executive Director of Safety, Stephanie O’Malley, Police Chief Robert C. White, and Sheriff Patrick Firman.

The Monitor was not present during these interviews, nor were members of his staff.

All three interviewees were positive in comments about the Monitor’s responsiveness to phone calls and emails; they were unanimous in saying that Nick was consistent in responding to them in a timely way. All confirmed that their departments received draft copies of reports with ample time to review and comment. They were also unanimous in stating that the Monitor appeared to be an attentive listener. However, as was the case last year, there was concern that he often came to conversations with already-formed opinions about an issue and therefore did not always listen for understanding that might lead to agreement. Respondents cited several examples when they felt this was the case.

Responses from the three stakeholders varied in terms of professional demeanor in one-on-one interactions. For the most part, the view was that he always maintained a professional demeanor. When this was not the case, the concern appears to be related to differing expectations about and styles of communication.

Quantitative Measures

The COB is pleased to report that the OIM met or exceeded the majority of quantitative measures.

See APPENDIX B-1 for the chart of the 2015 Quantitative Performance Measures for Evaluation.

Workload Measures 2015

The OIM uses workload measures to track trends and determine where more research might be useful. OIM staff compares numbers from year to year to assess potential reasons for changes and/or disparities.

Presented below are selected workload measures that help to illustrate the extensive nature of the work in which the OIM is involved in monitoring.

Selected OIM Workload Measures – 2015

A. Complaint Monitoring Workload		2015
1.	<u>Denver Police</u>	
a.	Number of Citizen-Internal Complaints Filed in 2015	506
b.	Investigation Reviewed	453
c.	Actively Monitored Investigation	16
d.	Completed Mediations	38
2.	<u>Denver Sheriff</u>	
a.	Number of Citizen-Internal Complaints Filed in 2015	232
b.	Investigation Reviewed	263
c.	Actively Monitored Investigation	32
d.	Completed Mediations	2
B. Discipline		
1.	<u>Denver Police</u>	
a.	Disciplinary Recommendations Made	110
2.	<u>Sheriff Department</u>	
a.	Disciplinary Recommendations Made	67
C. Critical Incidents		
1.	<u>Denver Police and Sheriff</u>	
a.	Officer-Involved Shooting Investigations Monitored	17
b.	In-Custody Death Investigations Monitored	7

Note: Shootings include all intentional, accidental and animal shooting investigations monitored in 2015, regardless of the incident date. Similarly, in-custody death investigations include all investigations monitored in 2015, regardless of the incident date. Disciplinary recommendation counts are recorded at the case level, not at the officer level.

APPENDIX A:
DUTIES OF THE OFFICE OF THE INDEPENDENT MONITOR

The Office of the Independent Monitor (OIM) is charged with working to ensure accountability, effectiveness and transparency in the Denver Police and Sheriff disciplinary processes. The OIM is responsible for --

- ◆ Ensuring that the complaint and commendation processes are accessible to all community members;
- ◆ Monitoring investigations into community complaints, internal complaints, and critical incidents involving sworn personnel;
- ◆ Making recommendations on findings and discipline;
- ◆ Publicly reporting information regarding patterns of complaints, findings, and discipline;
- ◆ Making recommendations for improving Police and Sheriff policy, practices, and training;
- ◆ Conducting outreach to the Denver community and stakeholders in the disciplinary process;
- ◆ Promoting alternative and innovative means for resolving complaints, such as mediation.

Appendix B:
Citizen Oversight Board
2015 Quantitative Performance Measures
for Evaluation of the Independent Monitor

Performance Indicator Category	2015 Goals	2015 Performance
1. Percentage of DPD IAB Investigations (full formal investigations and declines) reviewed by OIM prior to case closure.	100%	100%
2. Percentage of DPD disciplinary findings of IAB cases reviewed by the OIM prior to case closure.	100%	100%
3. Number of <u>community</u> outreach events held/attended by the OIM calendar year.	75	148
4. Number of <u>officer/deputy</u> outreach events held/attended by the OIM in a calendar year.	30	60
5. Number of complaint/commendation form distribution sites.	44	52
6. Percentage of citizen complaints referred to IAB within three business days (for complaints filed through the OIM).	95%	95%
7. Percentage of IAB investigations reviewed by OIM monitors within 10 days.	85%	91%
8. Percentage of DPD citizen complaints mediated.	10%	8%