



DENVER

CITIZEN OVERSIGHT BOARD

2016 Annual Report

issues. community Fire
training reform Police
youth internal initiatives Sheriff
complaint law safety
youth confidential relations
enforcement Denver
listen advisory process
investigations policy
concerns support
recommendations
Consider



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DENVER CITIZEN OVERSIGHT BOARD 2016 ANNUAL REPORT

2016 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 2016 the members of the Board were:

Dr. Mary Davis, Chair – Dr. Davis is President/CEO of McGlothlin Davis, Inc, an organization effectiveness firm that has provided consulting services to public, not-for-profit and private sector firms throughout the nation since 1995. For decades, she had been actively involved in civic and community improvement activities in Denver. 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. 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. He is a member of the State Commission on Judicial Performance. He became a COB member in March 2015.

Katina Banks was appointed to the COB in 2016. She is an associate counsel and vice president of Urban Fulfillment Services, a minority business enterprise. Previously she spent ten years practicing intellectual property law. Ms. Banks is on the board for One Colorado, which advocates for fairness and equality for LGBT Coloradans and their families. 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.

COB Members continued on next page . . .

Mark Brown is the Agent-In-Charge for the Colorado Department of Revenue, Division of Racing Events, a regulatory law enforcement agency. His duties include management of administrative judges, law enforcement officers, licensing personnel and veterinarian staff. In addition to these duties, he also conducts training in firearms and arrest control technique. He was appointed to the Board in 2013.

Pastor Paul Burlison – Pastor Burlison founded Denver’s Friendship Baptist Church of Christ Jesus in 1974 and continues to serve as its pastor. He is president-elect of the Greater Metro Denver Ministerial Alliance. A former dean of the United Theological Seminary’s Denver Extension, Burlison is experienced in the prevention, identification and counseling of individuals and families with substance abuse and other at-risk behaviors. He served with the US Air Force in Korea. He has been on the Board since its 2005 beginning.

Nita Gonzales – Ms. Gonzales is a long-standing community leader and educator who is President/CEO of the nonprofit 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 COB 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 OIM Office in Suite 100 of the Denver Post Building, 101 W. Colfax Avenue, Denver, CO 80202, at 10:00 a.m. on the first and third Fridays of the month.

The Board met quarterly throughout 2016 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 2016, the Board met in regularly scheduled business meetings 21 times.

Executive Sessions

In 2016, 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 2016, 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 2016 Quarterly Public Meetings*

March 31, 2016

Denver Police District 6
City and County Building
1437 Bannock Street

June 16, 2016

Denver Police District 2
DSST Cole Middle School
1350 E. 33rd Avenue

September 22, 2016

Denver Police District 1
Garden Place Academy
4425 Lincoln Street

December 8, 2016

Denver Police District 3
Denver Center for International
Studies (DCIS)
574 W. 6th Street

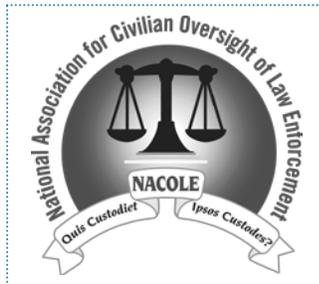
**The COB is required to hold three
public meetings a year.*

2016 CITIZEN OVERSIGHT BOARD HIGHLIGHTS

During 2016, 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.

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

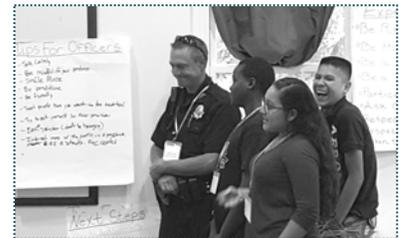
As part of the training plan for COB members, in September 2016, Chairperson Mary Davis and fellow COB member Katina Banks attended the annual education conference of the



National Association for Civilian Oversight of Law Enforcement (NACOLE) held in Albuquerque, New Mexico. NACOLE is a nonprofit organization that brings together individuals and agencies working to establish or improve oversight of law enforcement officers in the United States. The COB representatives agreed that a common benefit was the opportunity to hear about and learn from other jurisdictions on how they approach civilian oversight and the challenges each face.

- **Youth Outreach Project: Bridging the Gap - Cops and Kids**

Since 2014 the COB has supported the OIM's launch of a grant-funded outreach program to connect youth and police officers. The program brings together youth, especially at-risk youth, with Denver Police Department (DPD) officers to help them understand each other, increase respect, and allow them to resolve their differences without escalation leading to unnecessary arrests. In 2016 the COB was proud to witness the program receiving national recognition, through invitations to make presentations about its success around the nation and featured as one of the major education panels at the NACOLE Conference in Albuquerque.



- **Actualizing the OIM Ordinance Mandate to Consider Issues of Concern to the Community**

In 2016, the COB demonstrated its commitment to fulfill this mandated responsibility in two ways: conducting quarterly public forums and inviting residents to attend the biweekly business meetings of the Board. A key element of the quarterly forums was the public comments portion of the meetings. It was at this designated time that community members expressed concerns and posed questions to the COB and OIM staff, many of which required follow-up as quickly as possible after each forum. Visitors to the biweekly meetings included representatives of groups such as the Denver Justice Project who sought the support of the COB prior to the referendum that made the OIM a part of the City and County of Denver Charter.

- **Communication with Safety Department Executives**

Throughout the year, the COB communicated with Executive Director Stephanie O'Malley, Chief of Police Robert White and Sheriff Patrick Firman, expressing our viewpoints and concerns, and making policy recommendations regarding civilian law enforcement oversight. This ongoing communication facilitated open and substantive interactions that contributed to the Board's ability to effectively represent and respond to the interests of City and County of Denver residents.

- **COB Involvement in OIM Strategic Planning Process**

In the fall of 2106, Independent Monitor Mitchell invited COB members to participate in the OIM all-staff strategic planning process. Two COB members participated in this full-day activity: Katina Banks and Mary Davis. Involvement in this very timely and comprehensive planning process helped the COB gain knowledge about successes of as well as challenges facing the OIM and to contribute to setting strategic direction for the agency.

THE MONITOR PERFORMANCE EVALUATION 2016

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 and 2016 reviews.

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) a questionnaire and/or interview completed by 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 regarding performance standards, expectations and assignments; quality of feedback regarding individual responsibilities and performance
- Openness to individual 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 an average, employees rated each factor at the level of four or five, the highest positive ratings.

Elaborating on the Monitor's efforts to provide staff members "fair and timely feedback" about individual performance, one evaluator mentioned this as an area of improvement over last year: "We now have a mid-year review with Nick to discuss how each employee is doing." All responses were consistently high for this particular factor. Employees were also unanimous in giving high ratings to the Monitor in "modeling a high standard of performance for the OIM" and in ensuring assistance to employees when needed.

There was a slight disparity in individual ratings for four of the other factors, which may reflect varying expectations and perceptions.

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.

Citizen Oversight Board Ratings

COB members completed an evaluation 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 provided ratings for several factors as described below. Consistently, Board members rated each factor as either “outstanding” or “satisfactory, with a prevalence of “outstanding” ratings. There were no “unsatisfactory” ratings.

Communication, Monitoring and Outreach

Board members indicated a high degree of satisfaction in the area of *communication*, with the majority rating his performance as “outstanding.” More than one evaluator stated that the Monitor provided reports on a regular basis, “key for the Board to stay current and relevant in making decisions and taking actions.”

There were three separate items 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. Once again, the Board members felt that the IM met or exceeded expectations, with the majority of “outstanding” ratings.

The Board members were unanimous in their ratings of “outstanding” for performance in outreach. They agreed that the Monitor exceeded expectations in making the DPD and Denver Sheriff’s Department (DSD) complaint process accessible to the entire community and promoting awareness of the complaint process. One Board member summed up a general sentiment, “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.”

Produce Policy, Practices and Training Recommendations

The COB evaluators were unanimous in rating the IM's performance "outstanding" in making data-driven *recommendations for policy, practices and training*. This rating is consistent with the 2014 and 2015 evaluations. One member stated that "Some recommendations seem to be more readily accepted than others."

Oversee the OIM's Mediation Program

The majority of Board members rated the Monitor as "outstanding" in providing oversight for the OIM's mediation program; one member rated this area as satisfactory. Among the comments was this acknowledgement, "The mediation program was recognized by the National Association of Civilian Oversight of Law Enforcement as one of the most outstanding in the nation."

Production of the OIM's Annual, Semiannual, and ad hoc Reports

Members concurred that the OIM performance in *producing reports* meets or exceeds expectations, commenting that the reports contain "strong documentation." There was one observation concerning a delay in completing and publishing the semi-annual report.

Safety Department Stakeholder Interviews

The COB invited the following individuals to participate in an assessment regarding the Monitor's performance during 2016: Executive Director of Safety, Stephanie O'Malley, Police Chief Robert C. White, and Sheriff Patrick Firman. While ideally the COB prefers to talk with these individuals in interviews, logistical challenges shifted the evaluation process to use of a questionnaire. The Safety Stakeholders submitted their confidential responses to the COB Chairperson.

All three Stakeholders were positive about the Monitor's responsiveness to phone calls and emails in a timely way. All confirmed that their departments received draft copies of OIM reports with an opportunity to review and comment prior to public release. Asked whether the Monitor maintained a professional demeanor, the Stakeholders responded in the affirmative.

Two Stakeholders agreed that the Monitor (or his designee) participate in department events to which he was invited; the third response was qualified by "most times." Individual ratings varied as to whether the Monitor considered Stakeholder views and the views of their departments during case deliberations. One person answered, "Yes." Another wrote, "Questionable" but did not elaborate. The third explained that most interactions during specific cases are with OIM staff who "typically state they will convey department views to the Monitor."

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 2016 Quantitative Performance Measures for Evaluation.

Workload Measures 2016

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 – 2016

A. Complaint Monitoring Workload	2016
1. <u>Denver Police</u>	
a. Number of Citizen-Internal Complaints Filed in 2016	481
b. Investigation Reviewed	517
c. Actively Monitored Investigation	16
d. Completed Mediations	37
2. <u>Denver Sheriff</u>	
a. Number of Citizen-Internal Complaints Filed in 2016	170
b. Investigation Reviewed	248
c. Actively Monitored Investigation	57
d. Completed Mediations	0
B. Discipline	
1. <u>Denver Police</u>	
a. Disciplinary Recommendations Made	126
2. <u>Sheriff Department</u>	
a. Disciplinary Recommendations Made	99
C. Critical Incidents	
1. <u>Denver Police and Sheriff</u>	
a. Officer-Involved Shooting Investigations Monitored	23
b. In-Custody Death Investigations Monitored	7

Note: Shootings include all intentional, accidental and animal shooting investigations monitored in 2016, regardless of the incident date. Similarly, in-custody death investigations include all investigations monitored in 2016, 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
2016 Quantitative Performance Measures
for Evaluation of the Independent Monitor

Performance Indicator Category	2016 Goals	2016 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	150
4. Number of <u>officer/deputy</u> outreach events held/attended by the OIM in a calendar year.	30	79
5. Number of complaint/commendation form distribution sites.	44	66
6. Percentage of citizen complaints referred to IAB within three business days (for complaints filed through the OIM).	95%	98%
7. Percentage of IAB investigations reviewed by OIM monitors within 10 days.	85%	92%
8. Percentage of DPD citizen complaints mediated.	10%	8%