Civil Service Commission
Police and Fire Classified Service

Wellington E. Webb Municipal Building
201 W. Colfax Ave, 1st Floor
Denver, CO 80202
Phone: 720-913-3370
Fax: 720-913-3373
www.denvergov.org/civilservice

CIVIL SERVICE COMMISSION MEETING
DENVER, COLORADO – November 12, 2025

The meeting was hybrid.
Virtual participants attended via MS Teams. In person participants attended at 3550 Hudson St Denver CO 80207 (Center for African American Health).

Commissioners Present

Commissioner Gregory Moore	Commissioner Steven Foster
Commissioner Chantell Taylor	Commissioner James Everett
Commissioner Noah Stout	

Staff Present

Gracie Perez, Executive Director	Stephanie Rios, SR HR Recruiter
Tammy Lewis, SR HR Recruiter	Dylan Tomsey, SR HR Data Analyst
Alexandra Kehoe, SR HR Data Analyst (virtual)	Diana Aldapa-Fonseca, SR Budget Analyst
Janet Martinez, Recruitment & Admin Support	Brandon Dorsey, Recruitment & Admin Support
Alane Carlton, CSC Investigations Technician (virtual)	John Macdonald, CSC Investigations Tech (virtual)
Michele Estrada Guzman, CSC Investigations Technician (virtual)	Mike Gargaro, CSC Investigations Tech (virtual)
Melissa Hawkins, CSC Investigations Tech (virtual)	

Guests

Ron Thomas, Chief of Police (virtual)	Al Gardner, DOS Executive Director
Maria C. Aldridge, DPD Lieutenant (virtual)	Desmond Fulton, Fire Chief
Janessa Smith, DPD Technician (virtual)	Rick Kyle, DPD Division Chief (virtual)
Jesse Carey, CC City Council Aide (CM Lewis) (virtual)	Nathaniel Magee, DPD Technician (virtual)
Daniel Van Schooten, OIM Program Administrator (virtual)	Brian Martin, CAO (virtual)
Shonte Lewis, CC Member District 8 Denver City Council (virtual)	Michelle Folmar, DPD Commander (virtual)
Jerry J. Marzullo – Local 858 (virtual)	David Hageman, DFD Division Chief (virtual)

James Brown, Guest (virtual)	Gregory W Crittenden, OIM Deputy Director Monitor (virtual)
Lh, Guest (virtual)	Nathaniel Magee, DPD Technician (virtual)
James Tanner, Guest (virtual)	Aaron D Sanchez, DPD Deputy Chief (virtual)
Leyna Hernandez, Guest (virtual)	Rory Oliveri (Unverified) (virtual)
Josh Vasconcellos, PPA	Brian Pacelko, PPA
Frank Kerber, PPA	Eddie Mejia, PPA
Bob Wolf, CAO	Sean J. Lane, PPA
Ashaun Drumgo, Local 858	Karla Pierce, CAO
Chris Ferguson, Local 858	Devin Hallock, Local 858
Lisabeth Perez-Castle, Independent Monitor (OIM)	Jonathan Saadeh, CAO
Ben Brown, City Council Aide (CM Alvidrez)	Todd Revious, Local 858
Naomi Napolitan, Citizen	Nancy Calvo, Local 858

MINUTES

- Commissioner Moore presided over this meeting and introductions started at 3:03 pm.
- The minutes from the 10.22.25 commission meeting was unanimously approved.
- The Commissioners deliberated on 19 candidates
  - Yes = 13
  - No=3
  - Hold to discuss at executive session = 3
- The meeting moved into Executive Session at 3:15 pm.
- The meeting returned to open session at 3:36 pm
- The Commissioners voted on the appeals before the Commission.
  - Appeal Case # 24CSC05 = affirmed
  - Appeal Case #s 22CSC05, 06, 07 (consolidated) = affirmed
- The Commissioners re-voted on the three candidates that were held for Executive Session during the initial voting.
  - Yes = 1
  - No = 2
- The meeting moved onto the next agenda item which was Rule 12 Dialogue.
  - Introductions were given by in person attendees who joined after the initial introductions.
  - Gracie Perez, CSC Executive Director:
    - Thanked everyone for being present.
    - Acknowledged that Rule 12 is a large discussion and must be approached in an organized manner.
    - Level-set that today's dialogue is only the first of a series of dialogues regarding Rule 12.
    - Emphasized that the Commission's Rulemaking Process has not been initiated, and that the Commission is conducting information gathering dialogues so that all voices are heard.

        - Shared that Karla Pierce from the City Attorney's Office (CAO) will speak first. She will give a briefing on Rule 12 and then the Commission will hear from PPA on their proposal.
        - Shared that since PPA formally submitted their request to revisit Rule 12 along with their proposed changes, they will speak after Ms. Pierce.
        - Shared that since PPA is presenting, Local 858 was also invited to share their opinions and recommendations regarding the matter.
        - Informed that she will be reaching out to different groups and encouraged interested parties to reach out to her to ensure they are not missed in future dialogues regarding Rule 12.
    - Karla Pierce presented a historical and legal overview of Rule 12. In her introduction she mentioned reasons why the rule had been changed in 2013. Some reasons being how appeals were being held and ruled on. She went into detail on how the officers go through the disciplinary process and steps from beginning to the end.
    - Sean Lane, Police Protective Association (PPA) Counsel, introduced himself and shared PPA's proposal on modifications for Rule 12. The proposal shared concerns for evidence standards, officer innocence, and effective hearings. Mr. Lane and PPA is wanting to see the rule be changed to how it was before 2013.
    - The Josh Vasconcellos, PPA Vice President, shared his concerns about the rule and making sure officers are getting the proper treatment and fairness when it comes to discipline. His comments shared how the burden of proof is very important when officer go through the procedure for appealing discipline actions.
- Karla Pierce shared:
    - She was very much involved in making the rule change back in 2013. It was done under Executive Director of Safety (EDOS) Alex Martinez who was also a former Chief Justice of the Colorado Supreme Court.
    - The change was due to how the discipline process works, how the appeals process worked and after seeing some of the decisions that were being made by hearing officers.
        - The Commission was routinely overturning because the hearing officers were substituting their judgement for EDOS, questioning the EDOS qualifications.
        - Decide discipline, misapplying standards especially regarding the commission of a deceptive act.
        - Deferring to command staff' recommendations.
        - Not appreciating how much went into investigation of these cases and making different rulings on how much of an internal investigations file would come into evidence.
    - We (those involved in the 2013 Rule change) looked at what is due process required. In this context, requires pre-deprivation due process which is notice to an officer or firefighter of the allegations against them and an opportunity to be heard to avoid mistaken decision (e.g. "It was my twin brother, if you had asked me, I would have told you that.")
    - There's also post deprivation due process which is the opportunity to have an appeal hearing. Generally, to be able to present evidence and cross examine witnesses.
    - What's clear in the case law is that the more due process you provide up front, the less you have to provide on the other end.

- Career service, unlike the classified service, there's a formal or informal investigation. A career service employee may not even know that a complaint has been made against them and the agencies looked into it. The first notice they may get is the contemplation of discipline letter. That is not much different than what's received by officers and firefighters. It states the rules that are believed to have been violated, the facts that the agency's relying on. And then, allowing for a contemplation of discipline meeting being held where the employee can come, have their opportunity to be heard
- Career service employees do no get to look at any documents. If there's been a formal investigation, they don't get to look at the final investigation report, they don't get to look at the investigation (during the investigation). They just get what's on the paper (contemplation of discipline letter) and they get to speak, and the agency decides. They can appeal and when they go to an appeal, out of fairness they get a *de Novo* hearing where they get to present their own evidence. They get discovery first to discovery any documents that they weren't provided so that they can have a meaningful opportunity to appeal their discipline to a hearing officer.
- When we (those involved in the 2013 Rule change) looked at police and fire and we realized they get so much more due process up front. When a complaint has been made, an IA investigation opens, the officers get to know upfront what the allegations are (summary) before an investigation happens.
- For Police - when an IA investigation is conducted, the Independent Monitor oversees it to make sure it is a thorough and complete investigation. Then it goes up to the Conduct and Review Board who reviews the investigation. They decide if violations are sustained and what the penalty that they believe is appropriate. They issue a similar contemplation of discipline letter to the officer.
    - The officer has 24 hours to decide whether they want to accept the recommended discipline and not fight it (assuming the EDOS and Chief of Police agreed to that) or if they want a Chief's Hearing.
    - If the officer wants a Chief's Hearing, then the investigative review process is started.
        - Phase 1 – officer gets to look at the entire IA file along with their representative
        - Phase 2 –officer and their representative get to make suggestions about where they think there should have been more investigation (e.g. why wasn't a certain witness interviewed). They get to dispute parts of the investigation and the findings and put that in a memorandum that goes in file to be considered.
        - Chief's Hearing – officer gets to speak at the hearing, Chief issues written command, OIM weighs in, and then it goes up to EDOS.
        - EDOS reviews, gets input from all of the people who are at the Chief's Hearing which is members of the City Attorney's Office (CAO), OIM, Command Staff of the officer being considered for discipline. Then after all input goes in, EDOS decides.
- In looking at the appeal process that a police officer has, it was clear that we don't have to give them as much due process like a *de Novo* review because a huge investigation has been done and with all of these people weighing in.

- To give a de Novo hearing is like starting over and we're putting on all of these witnesses. In police cases sometimes, you're having inmates as witnesses (e.g. use of force complaint). Because of the nature of police's work, it can be hard to get witnesses. An IA investigation can convince witnesses to give statements.
- Under the rules that was changed, the IA file comes in presumptively because we were getting rulings all over the place as to what parts of the IA file should come into evidence.
- We don't need a de Novo hearing for the police officers. We have a system set-up where a civilian EDOS makes decisions after we've had this police review process and getting input. The idea being that we want a civilian to make the decision and we want civilian oversight. Then, hand the decision to a hearing officer.
- We want officers to get fair hearings and fair outcomes. What was happening was it was the Department of Safety that was not getting fair hearings and fair outcomes and it's important for us to hold officers accountable. It's every bit as important for us to do that as it is for us to make sure that an officer is getting due process.
- We went through a lot of work to create Rule 12. We don't prevent them from calling a witness, to contradict something in an IA file. But the IA file is the fundamental evidence that comes in.
- Officers have an opportunity to call witnesses, testify, and challenge both the decisions to sustained violations and penalty level.
- Rule 12 change was done with the mayor's absolute approval and led by the Executive Director of Safety.

- Sean Lane shared:
  - He represents the Denver Police Protective Association (PPA) and its members.
  - They believe Rule 12 is overdue for a meaningful medication. CSC can create its own rules concerning procedure in court.
  - They strongly urge the Commission to accept their proposed modifications.
  - Currently, hearing officers can only modify the EDOS' (or Deputy Director) imposed disciplinary penalty when it is shown to be clearly erroneous, and Rule 12 requires that the subject of discipline (police officer or firefighter) prove that the imposed discipline is unjustified. That must be proven by this "clearly erroneous standard" which is higher than "beyond a reasonable doubt". This is an incredibly high standard.
  - The hearing isn't de Novo which means that once the internal investigation or the internal decision is made to impose discipline, the burden is entirely on the accused officer to prove their own innocent which seems wrong.
  - As was pointed out, career service employees currently enjoy a preponderance of the evidence standard. On their disciplinary appeals, the burden is placed upon the accuser to show that the employee has done something wrong and to provide it by a preponderance of evidence.
  - If we think about it, officers who are currently defending the Citizens of Denver, if accused, must provide their innocence by a higher standard than beyond a reasonable doubt.
  - They propose that the change that was made in 2012 is unfair. They don't think it is working as intended. They think itis i depriving officers to some extent, due process and the ability for a meaningful hearing.

    - They don't believe these hearings are truly meaningful because at some point, it's basically just the officer trying to say (effectively you would almost have to say), "this wasn't me", "you got the wrong person", "this is not even my name".
    - They believe that appeal hearings should be conducted de Novo. Whether the burden is placed on EDOS to show appropriateness of the discipline or the disciplined employee to show that their discipline is improper. Other police departments in the Denver metro area uses this standard.
    - The Commission should strong consider that there have been new Peace Officer Standards and Training (POST) that have been put into effect. Those standards have really changed the landscape of everything.
    - POST can base its decision on the findings of an administrative court which means that an individual who is accused of something and bound to have done something wrong (e.g. use of force, honesty, etc.) are facing revocation of the POST certification and the inability to work as a police officer in the State of Colorado (basically) forever.
    - They agree that there have been reversals but have been very (very) rare.
    - These hearings entail the bare minimum that is required for due process in these cases. Officers and firefighters deserve more than the bare minimum.
    - In Phase 2 investigation where an officer should be able to ask for additional investigation to be done. To some extent, the investigation appears to be discretionary. He has seen instances where Phase 2 investigations have been rejected.
    - When these cases go to appeal the internal affairs documents, the conduct review documents do form the foundation of the evidence but if the officer can't ask for additional investigation and to have more put into that file, the hearing itself becomes meaningless because the officer's side isn't heard.
    - They think it's a fundamental fairness issue.
- Josh Vasconcellos shared:
    - This issue affects all the officers and firefighters.
    - There's been a large focus within the City to look at the City's policies and procedures through an equity lens.
    - PPA would like Rule 12 to be looked at through an equity lens.
    - Career service employees get *de Novo* hearing. Other jurisdictions in the area get a *de Novo* hearing. What's being asked for is "just a fair shake".
    - They want a fair and meaningful hearing where the burden of proof that is the standards within the departments within the metro area. Put the burden of proof within the city to prove to the officer that what they did was wrong.
- Commissioners asked clarifying questions and engaged in a robust discussion about where fairness, transparency, and national comparisons.
    - Commissioner Taylor –
        - Shared that she appreciates hearing all that has been presented and the explanations provided.
        - She shared that as an attorney, she understands the preponderance versus clearly erroneous standards does seem challenging and quite a differential.
        - She asked that if the preponderance of the evidence is on the accuser vs. the accused, logistically how it will work if a citizen is bringing complaint against an officer. How did they develop the preponderance of the evidence standard and bring that case forward when it would seem a lot of the evidence is not

attainable by them? How do they build out the case and where's the fairness between the complaint brought and the ability to defend against it (and finding balance there)?
        - Sean Lane responded that procedurally the burden is different once it reaches the stage where a decision is made but the building of the case would happen once the department receives a complaint, it goes through internal affairs and then it goes to conduct review, and then ultimately the EDOS steps in, issues an order, and then that order would be defended by the same people you have now. The case has moved through the same whether it's an internal or an external complaint. Once a citizen makes the complaint, it's investigated by the department, by the various investigative bodies.
    - She asked, "This would be then at the next stage and what's where the *de Novo* review would have a separate standard?"
        - Sean Lane responded, "It would be after the investigation."
- Commissioner Stout –
    - Asked, how does this look for other metro area police departments? How does this look nationally for similar situated cities understanding there could be differences in laws? How does this compare to those folks? Do we have a sense of national?
        - Josh Vasconcellos responded that PPA will look into some national comparisons and bring it back.
        - Jerry Marzullo shared that his firm represents police officers and firefighters in multiple states. He said, "Denver's position on this in terms of burden and quantum of proof is quite extraordinary". The vast (if not almost all) employers out there, it is the employer burden of proof when they are seeking to take away somebody's property and trust at a preponderance of the evidence standard. He offered to send information if necessary.
- Bob Wolf shared that most career service employees do get the *de Novo* hearing. It is not true for the career service employees that is also a paramilitary organization like the Denver Sherif's Department. They do not get *de Novo* Hearings.
- Karla Pierce affirmed Bob Wolf's statements. And added that if CSC changes Rule 12, the City will have no choice but to change the Sheriff's Department's appeals procedure as well.
- Commissioner Stout –
    - Commented that Commissioner Foster previously referenced the President's Task Force on 21st Century Policing and has since read it. He shared that he found it be foundationally important. He stated that the broad spectrum of stakeholders under President Obama talked about the guardian mindset ("instilling the guardian mindset" and talked about "all our work should be done to build public trust and legitimacy"). He asked how the proposed recommendations would reinforce that.
        - Josh Vasconcellos responded that if you have a *de Novo* hearing, there's no other excuse. The burden of proof is on the city, and we have a clear standard of burden, there's no more transparent than

that. There's no avenue to say that it wasn't fair. By having that fair process (*de Novo* hearing), it increases the transparency.
        - Sean Lane agreed. He added, "The way it is currently done is simply well here's the IA file this is admitted into evidence. There's our evidence. If there were the de Novo review, the transparency comes from the presentation of that evidence. Here's what was wrong. Here's what this officer did. Let me show you, neutral magistrate, what happened. That is transparent because now we see the evidence rather than simply saying officer here's the file, fight against that."
    - Chris Ferguson stated that Local 858 stand together with PA on the recommendations. He added, "Maybe we don't face as many as they (police) do because we're in the public eye in a different way, but we still have different jobs. Same with Sheriff's. So that needs to be taken into consideration."
    - Jerru Marzullo added that public trust and transparency will be enhanced if the recommendations are adopted.
- Commissioner Moore reiterated that the Commission is not currently modifying Rule 12 but is engaging in an information-gathering process through these dialogues. The Commission is not entertaining eliminating Rule 12. What has been talked about are opportunities for modifications to modernize. The Commission will continue to have these dialogues.
- The meeting adjourned at 4:19 pm
- Those present were invited to gather across the hall for refreshments at the CSC Community Meet & Greet.

CIVIL SERVICE COMMISSION:

/s/Noah Stout
Noah Stout, Commissioner

/s/Gracie Perez
Gracie Perez, Executive Director

/s/Chantell Taylor
Chantell Taylor, Commissioner

/s/Steve Foster
Steve Foster, Commissioner

/s/Gregory Moore
Gregory Moore, Commissioner

/s/James Everett
James Everett, Commissioner