



201 W. Colfax Ave., Dept. 1201
Denver, CO 80202
p: 720.913.3150
f: 720.913-3305
www.denvergov.org/cob

September 10, 2014

The Honorable Paul D. Lopez
City Councilman and Safety Committee Chair
4200 Morrison Road, Unit 7
Denver, CO 80219

Dear Safety Chair Lopez,

As you know, the Citizen Oversight Board is charged by Denver Municipal Ordinance with: 1) assessing the effectiveness of the Independent Monitor; 2) making policy-level recommendations regarding discipline, use of force, and other policies; and 3) addressing any other issues of concern to the community. As a Board, we are very concerned by the misconduct and other systemic issues in the Denver Sheriff Department (“DSD”), and involved in regular discussions with the Independent Monitor and other officials about the causes of these issues.

Today, Independent Monitor Nicholas E. Mitchell is sending a letter to you, and other officials, in which he outlines significant deficiencies in or concerns about eight policy areas in the DSD. These include: significant supervisory gaps at the Downtown Detention Center, deficiencies in DSD use of force reports and the use of force database, inadequate retention of video documenting uses of force, problems with the deputy rounds tracker system, weaknesses in the DSD’s early intervention system, the authority granted to DSD deputies as peace officers to stop or arrest individuals, the role of mental illness in Denver’s jails, and necessary changes to the Internal Affairs Bureau and the discipline matrix.

In our oversight role, we the members of the COB agree that addressing the deficiencies in each of these policy areas is essential to the successful reform of the DSD. We commend Mr. Mitchell and the entire staff of the Office of the Independent Monitor (“OIM”) on the preparation of this analysis, which is a very valuable service to the City.

Finally, while not addressed in Mr. Mitchell’s letter, we have been and continue to be concerned about the OIM’s lack of access to certain records in the departments. Greater access and transparency with the OIM is necessary to the reform of the DSD and to help the Denver Police Department (“DPD”) keep pace with national standards. While municipal ordinance requires the DSD and the DPD to share certain records with the OIM, other records are not covered by these provisions, which is a hindrance to true reform and must be corrected without delay. We have enclosed with this letter a copy

of a resolution unanimously adopted by the COB in support of an ordinance change to create greater transparency between the DSD, the DPD, and the OIM in the future.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Mary Davis". The signature is written in a cursive, flowing style.

Dr. Mary Davis, Chair
Francisco "Cisco" Gallardo, Vice Chair
Cathy Reynolds, Secretary
Pastor Paul Burleson, Member
Rabbi Steven Foster, Member
Nita Gonzales, Member
Mark Brown, Member

CC: Mayor Michael B. Hancock
Dennis J. Gallagher, Auditor
City Council Members
Stephanie Y. O'Malley, Executive Director of Safety
Elias Diggins, Sheriff
DSD Reform Executive Steering Committee

Encl.

A Resolution

**A Resolution of the Citizen Oversight Board advocating for an amendment to Article XVIII.
Office of the Independent Monitor (Ord. No. 730-01 § 1, 10-4-04)**

Whereas, in 2004, the Mayor and City Council of Denver created the Office of the Independent Monitor (“OIM”) to provide independent oversight of the Denver Police Department and Sheriff Department (“Departments”), including monitoring investigations into sworn personnel;

Whereas, a core function of the OIM is to make policy recommendations to help improve Department policy over time;

Whereas, in 2004, the Mayor and City Council of Denver created the Citizen Oversight Board (“COB”) to assess the effectiveness of the OIM, make policy recommendations regarding the complaint process, and address other issues of concern to the community;

Whereas, by the ordinance that created the OIM, the OIM is to have complete access to interviews of witnesses, IAB files, personnel files, and other evidentiary items;

Whereas, much information essential to the mission of the OIM does not fall within these categories of access;

Whereas, having full access to documents, electronic records, personnel, and other information within the Departments is key to the effective functioning of the OIM;

Whereas, this lack of access to documents, electronic records, personnel files, and other information has been a hindrance to the OIM in carrying out its functions, particularly its policy recommendation function;

Whereas, the OIM is bound by confidentiality restrictions that protect information received from the Departments from unauthorized disclosure;

Whereas, the OIM’s lack of access to information it has requested from the Departments is of concern to the COB and the community as a whole;

NOW, THEREFORE, BE IT RESOLVED BY THE CITIZEN OVERSIGHT BOARD OF THE CITY AND COUNTY OF DENVER ON FEBRUARY 21, 2014:

That the Council and the Mayor of the City and County of Denver amend Article XVIII to include the language attached as Exhibit A as Section 2-390 of that ordinance:

Dr. Mary Davis, Chair Francisco “Cisco” Gallardo, Vice Chair Cathy Reynolds, Secretary

Mary Davis *Francisco Gallardo* *Cathy Reynolds*

Mark Brown Pastor Paul Burleson Rabbi Steven Foster Nita J. Gonzales

Mark Brown *Pastor Paul Burleson* *Rabbi Steven Foster* *Nita J. Gonzales*

Exhibit A:

Section 1. § 2-390

A) The Monitor's Office shall have full, complete and timely access to all Police and Sheriff Department records and information, including paper and electronic documents, files, reports, evidence, databases or other information the Monitor's Office deems necessary (without the payment of any fees or charges) except those that must not be disclosed to the Monitor's Office by federal or state law. If, in response to a request from the Monitor's Office, documents and/or information cannot be produced, a detailed written explanation must be promptly provided of the reason why the documents and/or information cannot be produced.

B) All Denver Police and Denver Sheriff Department employees shall be required as a condition of their employment to cooperate fully and truthfully with the Monitor's Office by providing the Monitor's Office with any and all information, evidence, interviews, or other material that is requested.