

§ 2.6.1 - Department of Safety created; departmental powers and duties.

There shall be and hereby is created a Department of Safety which shall have, subject to the supervision and control of the Mayor, full charge and control of the departments of fire and police, and in addition thereto shall exercise the powers and perform the duties now required or that may hereafter be required by the Constitution or the general laws of the State to be exercised and performed by the Sheriff.

(Charter 1960, A9.1; amended October 26, 1971; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02)

§ 2.6.2 - Manager of Safety.

The Manager of Safety shall be the officer in full charge of said department, subject to the supervision and control of the Mayor, shall devote full time to the duties of the office, and may appoint a Deputy Manager of Safety, who shall in addition to any other duties assigned perform such functions and exercise such powers of the Manager as the Manager may specifically assign to such Deputy.

(Charter 1960, A9.2; amended October 26, 1971; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02)

§ 2.6.3 - Special police.

The Manager of Safety may appoint, subject to the supervision of the Mayor, such special police officers and patrol officers, with or without pay from the City, as necessary, all of whom shall be subject to the orders of the Chief of Police and shall be authorized and empowered to do and perform such of the duties of the members of the police force not inconsistent with this Charter and the ordinances of the City as may be specified by the said Chief of Police.

(Charter 1960, A9.6, A9.7; amended October 26, 1971; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)

§ 2.6.4 - Sheriff Department.

The Sheriff Department, which shall perform the duties delegated by the Manager of Safety, shall be composed of Deputy Sheriffs, Deputy Sheriff Division Chiefs, Deputy Sheriff Majors and other employees, as may be necessary to perform the duties of the department, who shall be appointed pursuant to Career Service requirements, and the Undersheriff, who shall be appointed by the Mayor and shall hold such position so long as his or her services are satisfactory to the Mayor. The salary, benefits and other compensation of the Deputy Sheriff Division Chiefs, Deputy Sheriff Majors and the Undersheriff shall be established by ordinance.

(Charter 1960, A9.3, A9.3-1; Subsection (A), added March 25, 1991; Subsection (B), amended October 26, 1971, amended March 25, 1991; Ord. No. 676-02, § 1, 8-26-02, elec. 11-5-02; Ord. No. 665-03, § 1, 8-25-03, elec. 11-4-03)

§ 2.6.5 - Police Department.

(A)

Who constitutes. The Police Department shall be composed of the Chief of Police, who shall be appointed by the Mayor, and such subordinate police officers appointed pursuant to Civil Service requirements and employees appointed pursuant to Career Service requirements, as may be necessary to preserve the peace, protect persons and property, and enforce laws and ordinances.

(B)

Duties. It shall be the duty of the police force to suppress all riots, disturbances and breaches of the peace and apprehend any and all persons in the act of committing any offense against the laws of the State or of the ordinances, and forthwith bring such persons before the proper court or other competent authority for examination, and at all

times diligently and faithfully enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the Council may enact, and upon due and reasonable suspicion arrest any person or persons who may be guilty of a breach of any of the ordinances or of any crime against the State or the United States.

(Charter 1960, A9.4, A9.4-1, amended October 26, 1971; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02)

§ 2.6.6 - Fire Department.

The Fire Department shall be composed of the Chief of the Fire Department, who shall be appointed by the Mayor from the rank of Assistant Chief of the Classified Service of the Denver Fire Department, and such other subordinates appointed pursuant to Civil Service requirements and employees appointed pursuant to Career Service requirements, as may be necessary to protect the City and County against fire and to provide other emergency services as designated by the Manager of Safety.

(Charter 1960, A9.5; amended October 26, 1971; amended May 19, 1987; Ord. No. 138-03, § 1, 2-24-03, elec. 5-

PART 3. - CIVIL SERVICE COMMISSION

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§ 9.3.1 - Civil Service Commission created.

There shall be a Civil Service Commission, whose **duties**, powers and responsibilities shall include: establishing, fostering and maintaining a merit personnel system providing for the selection and appointment by the **Manager of Safety** to the Classified Service of the Denver Fire and Police Departments those determined to be the best qualified applicants and the promotion within the Classified Service of the best qualified members; establishing and administering a disciplinary and disqualification review process for members of the Classified Service; and other **duties**, powers and responsibilities as necessary to effectuate the intent of this Charter section. All Commission examinations shall be impartial and relate only to matters which will test the qualifications of the persons examined. The Commission shall be committed to equal employment opportunity. Except as expressly provided in the Charter, there is no right of appeal before the Commission or Department of **Safety**.

(Charter 1960, C5.54; amended May 17, 1916; amended June 5, 1962; amended September 14, 1982; amended November 2, 1982; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)

§ 9.3.2 - Civil Service Commissioners.

(A)

Qualifications and appointment. The Commission shall consist of five (5) members. The Commissioners shall be citizens of the United States.

(i)

Two (2) members of the Commission and their successors shall be appointed by the Mayor.

(ii)

Two (2) members of the Commission and their successors shall be appointed by City Council.

(iii)

One (1) member of the Commission and his or her successors shall be nominated by the Mayor and appointed by ordinance or resolution of the Council, or shall be appointed by ordinance or resolution of the Council if the Mayor does not make such nomination within thirty days after the expiration of the term of the Commissioner or after a vacancy.

(B)

Terms. Each Commissioner shall be appointed for a term of two (2) years, except when appointed to complete an unexpired term, and may be reappointed.

(C)

Composition. In making appointments to the Commission, the Mayor and City Council shall consider the diversity of the citizens of the City and County of Denver.

(D)

Removal. A Commissioner may be removed by his or her appointing authority for cause, expressed in writing.

(Charter 1960, C5.55, C5.56; added November 2, 1982; amended November 4, 1986; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03; Ord. No. 608-05, § 1, 8-9-05, elec. 11-1-05)

§ 9.3.3 - Annual appropriation.

The City Council shall annually appropriate funding to the Commission to ensure that the Commission is able to carry out its **duties**, powers and responsibilities.

(Charter 1960, C5.75; Charter 1904, § 207; amended November 4, 1986; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)

§ 9.3.4 - Adoption and enforcement of rules for the Commission.

The Commission shall have power to make and enforce rules consistent with its rule-making process (which shall include a requirement that proposed rules be posted prior to adoption), and its Charter-mandated **duties**, powers, and responsibilities.

(Charter 1960, C5.58; Charter 1904, § 189; amended November 4, 1986; amended November 7, 2000; amended May 8, 2001; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)

§ 9.3.5 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 24, 2003 and passed at election May 6, 2003, repealed section 9.3.5 in its entirety. Former section 9.3.5 pertained to content of rules and derived from the Charter of 1960, C5.59; amended June 3, 1958; amended November 4, 1986; amended November 2, 1993; amended September 6, 1994; amended November 7, 2000; Ord. No. 428-02, § 1, adopted June 3, 2002 and passed at election Aug. 13, 2002.

§ 9.3.6 - Interference with Commission; investigations; subpoena powers.

No person shall interfere with the powers, **duties** and responsibilities of the Commission. The Commission shall have the authority and power to investigate all breaches relating to its powers, **duties** and responsibilities, and may by subpoena compel the attendance and testimony of witnesses, and the production of books and papers.

(Charter 1960, C5.60; Charter 1904, § 191; amended November 4, 1986; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)

§ 9.3.7 - Retention of Hearing Officers by the Commission.

(A)

Hearing Officers. The Civil Service Commission shall enter into contractual arrangements with at least three (3) persons and as many more as determined by the Commission to serve as Hearing Officers to hear disciplinary or disqualification appeals or to otherwise aid the Commission in its review function. The Hearing Officers shall not be employed by or considered employees of the City and County of Denver. Qualifications of Hearing Officers shall be prescribed by Commission rule.

(B)

Selection of Hearing Officers. The Hearing Officers contracted with shall be selected as follows. The Commission shall compile a list of all qualified persons willing to be Hearing Officers. The list shall have at least seven (7) names unless fewer qualified persons have expressed a willingness to become Hearing Officers. The list shall be given to the **Manager of Safety** and the designated representatives of the Firefighters and Police Officers. Within fifteen (15) days of receipt of the list the designated representatives acting as a single entity and the **Manager of Safety** shall each strike not more than one-third (1/3) of the names on the list and each shall number the remaining names to indicate the order of preference. The Commission shall contract with those persons who have been approved on both lists, and in accordance with the designated order of mutual preference. This process shall be done at least once every three (3) years. The lists returned to the Commission by the **Manager of Safety** and the designated representatives shall be confidential and not disclosed to anyone by the Commission, its staff, the **Manager of Safety**, or the designated representatives.

(C)

Designated representatives. The Firefighters and Police Officers shall each have a designated representative for purposes of Subsection (B) of this Section. Said representatives shall be the bargaining agents for the Firefighters and Police Officers pursuant to Sections 9.7.4 and 9.8.4.

(Charter 1960, C5.73-5; added November 4, 1986; amended April 29, 1991; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)

§ 9.3.8 - Examinations and content controlled by Commission.

The Commission shall control all examinations, including the content thereof, as prescribed by Commission rule, which shall include notice provisions. No Classified member of the Denver Police or Fire Departments shall be an examiner in any examination given for the purposes of promotion.

§ 9.3.9 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.9 in its entirety. Former section 9.3.9 pertained to content of examinations and derived from the Charter of 1960, C5.62; the Charter of 1904, § 194; amended November 4, 1986; amended November 7, 2000; amended May 8, 2001; Ord. No. 428-02, § 1, adopted June 3, 2002 and passed at election Aug. 13, 2002.

§ 9.3.10 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.10 in its entirety. Former section 9.3.10 pertained to interference with examinations; corrupt practices and derived from the Charter of 1960, C5.77; the Charter of 1904, § 209; amended November 4, 1986.

§ 9.3.11 - Eligible registers, for original appointment and promotional appointment; requisition and certification.

(A)

Creation of eligible register. Those examined shall be graded according to an announced examination process. For those examined who have successfully completed the examination and all other phases of the Commission's process, including a background investigation for original appointment, their names and grades shall be entered on an eligible register in rank order by examination grade. An eligible register shall be considered a public document open to inspection.

(B)

Background investigation and review. The Commission shall oversee background investigations for original appointment. In no circumstance shall any individual be placed on an eligible register for original appointment, or be approved for original appointment or reemployment in the Classified Service, unless the Commission has reviewed the results of the individual's background and has approved the individual's background. The results of background investigations shall also be made available to the appointing authority for use in determining whether to appoint or reemploy an individual.

(C)

Separate eligible registers. The Commission shall have the separate eligible registers for entry level cadet, certified peace officer, reserve and promotional candidates.

(D)

Removal of names from eligible register. The Commission shall have the authority to make rules concerning the removal of names from an eligible register.

(E)

Original appointment. The Commission shall establish rules to provide for the requisition by the **Manager of Safety**, and the certification to the **Manager of Safety**, of applicants for original appointment.

(i)

Appointment of certified peace officer with a minimum of three years patrol experience. An applicant to the Classified Service of the Denver Police Department who is currently certified as a peace officer and who has a minimum of three years of patrol experience as a law enforcement officer may receive original appointment in the Police Department upon meeting all qualification and examination standards established by the Commission and the Department of **Safety**, upon being certified to the **Manager of Safety**, and upon receiving written approval of the Chief of the Police Department and the **Manager of Safety**.

(ii)

Appointment of an active Reserve Police Officer. An active Reserve Police Officer of the Denver Police Department who has met all of the qualifications and requirements of the Denver Police Department reserve officer training program and has been designated a Reserve Officer may receive original appointment in the Police Department upon meeting all qualification and examination standards established by the Commission and the Department of Safety, upon being certified to the Manager of Safety, and upon receiving written approval of the Chief of the Police Department and the Manager of Safety.

(iii)

Appointment of fire department personnel pursuant to intergovernmental agreement. Applicants to the Classified Service of the Denver Fire Department, who are applying pursuant to a duly approved intergovernmental agreement which provides for the transition of fire department services from a governmental or quasi-governmental agency to the City of Denver, may receive original appointment in the Fire Department upon meeting all qualification and examination standards established by the Commission and the Department of Safety, upon being certified to the Manager of Safety, and upon receiving written approval of the Chief of the Fire Department and the Manager of Safety.

(F)

Promotional appointment. The Commission shall provide for promotion in the Classified Service on the basis of an examination process announced by the Commission, which shall include consideration of seniority in service, and shall provide in all cases, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of each department as desire to submit themselves to examination. Eligible registers for promotional appointment shall be established under the provisions of this Section. The Commission shall certify to the appointing authority without delay the number of names equal to the number of persons to be appointed, plus two, if there may be so many, having the highest position on the register. The names shall remain on the register at least one year. If a new register has not been completed at the end of one year, the register will remain effective until a new register is established, but in no event shall a register for promotional appointment be effective for more than two years.

(Charter 1960, C5.64; Charter 1904, § 196; amended November 4, 1986; amended November 7, 2000; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03; Ord. No. 106-05, § 1, elec. 5-3-05)

§ 9.3.12 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.12 in its entirety. Former section 9.3.12 pertained to eligible registers for original appointment and derived from the Charter of 1960, C5.64-1; added November 7, 2000.

§ 9.3.13 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.13 in its entirety. Former section 9.3.13 pertained to eligible registers for original appointment of cadets and derived from the Charter of 1960, C5.64-2; added November 7, 2000; Ord. No. 428-02, § 1, adopted June 3, 2002 and passed at election Aug. 13, 2002.

§ 9.3.14 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.14 in its entirety. Former section 9.3.14 pertained to eligible registers for promotional appointment and derived from the Charter of 1960, C5.64-3; added November 7, 2000.

§ 9.3.15 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.15 in its entirety. Former section 9.3.15 pertained to background investigations and derived from the Charter of 1960, C5.62-1; added November 7, 2000.

§ 9.3.16 - Reserved.

Editor's note— Ord. No. 138-03, § 1, adopted Feb. 2, 2003 and passed at election May 6, 2003, repealed section 9.3.16 in its entirety. Former section 9.3.16 pertained to the **manager of safety** advising commission of anticipated appointments and derived from the Charter of 1960, C5.63; added November 4, 1986; amended November 7, 2000.

§ 9.3.17 - Reserved.

Editor's note— Ord. No. 676-02, § 1, adopted August 26, 2002, and approved by the electorate November 5, 2002, repealed § 9.3.17, which pertained to Commission certifying names to the Auditor; and derived from the Charter of 1960, C5.76; and the Charter of 1904, § 208; amended November 4, 1986; and Ord. No. 428-02, adopted June 3, 2002, and approved by the electorate August 13, 2002.

§ 9.3.18 - Public **safety cadet program.**

(A)

The Commission or its designee shall establish a procedure for screening applicants for entry into the public **safety** cadet program. The public **safety** cadet program shall operate under the supervision and control of the **Manager of Safety**. Persons in the public **safety** cadet program shall not be considered permanent employees of the City and may be dismissed at any time at the sole discretion of the **Manager of Safety**. All terms and conditions of the employment of public **safety** cadets shall be established by the **Manager**.

(B)

Time spent in the public **safety** cadet program shall not be considered as time in the Classified Service, if the public **safety** cadet is subsequently appointed to a position in the Classified Service. The **Manager of Safety** shall appoint no more than twenty-five percent cadets from the cadet eligible register of the total of any academy class selected for original appointment in the Classified Service.

(Charter 1960, C5.79; added May 16, 1989; amended November 2, 1993; amended November 7, 2000; Ord. No. 428-02, § 1, 6-3-02, elec. 8-13-02; Ord. No. 1011-02, § 1, 12-9-02; Ord. No. 138-03, § 1, 2-24-03, elec. 5-6-03)
