

CITIZEN OVERSIGHT BOARD

MINUTES

January 12, 2007

The Board met from ten to noon today in the Webb Building. All members attended, except for Montez and Mullins. Also there were Monitor Rosenthal and legal adviser Maes.

Major Kieler and Deputy Ortega of DSD reported on the planning for jail facilities in the new justice center. Jail space will accommodate 1,500. Improved security arrangements will be part of the scene. A consultant firm is providing advice, including best practices in other modern facilities in the nation. New policies and procedures pertaining to the duties of the guards are part of the planning.

There was a discussion of the agenda for the January 25 quarterly public meeting. A featured speaker will be James Meijia, the City's action officer in developing the new justice center. Other speakers will be the District 2 police commander and Monitor Rosenthal.

The Board (with Rosenthal absent) discussed initial thoughts and drafts of papers for the next annual report due in mid-March. As was the case last year, Maes will pull together a draft of the report.

Referring back to a previous Board meeting in December, Montez (via email) asked that the record show that the Monitor should take into consideration past sustained "departing-from-the-truth" complaints when weighing the preponderance of evidence in current cases where the only two witnesses are a complainant and the accused officer.

In discussion with Rosenthal, it was agreed that he will prepare a monthly report for the Board describing the status of timeliness in decision-making and letter-writing involved in the complaint-handling process. Copies of the report will go to principals involved in the process.

The Board asked Rosenthal to work with Jeremy Bronson to insure that required IT resources are available to the DPD in order to carry out the requirements of the new Personnel Assessment System.

The Board adjourned to executive session.

CITIZEN OVERSIGHT BOARD

MINUTES

January 25, 2007

The Board held its quarterly public meeting tonight from 7:15 to 8:45 at the Hiawatha Davis Recreation Center in east Denver.

All members attended except Mullins and Reynolds. New member Anthony Navarro was present.

Chairman Sandoval opened the meeting saying his term on the Board had ended. He described his long experience in the field of civilian oversight of law enforcement. He also cited his feelings of honor and high interest in having served in the work of the Board in its first two years.

The chair was turned over to Knoche who praised Sandoval's work in leading the Board. Burleson, Foster and Montez added their kudos. Sandoval received an ovation from all in attendance.

Knoche talked of the Board's responsibilities and of the purpose of the quarterly meetings, namely, to share information and commentary with the public.

Councilwomen Wedgworth and Johnson were introduced. Wedgworth welcomed those at the meeting. Johnson told of the Council's high satisfaction with the work of the Board and the Monitor. Also present and introduced, but not speaking, was Safety Manager La Cabe.

Police District Two Commander Rhonda Jones introduced several of her staff and talked of police activity in the district. She emphasized the importance of police accountability to the public in carrying out duties.

James Meija, the Mayor's project manager for the new justice center spoke about the current state of planning the center, which will include separate courthouse and detention facilities. Construction should be complete near the end of 2009. The capacity of jail space there will be 1,500 and will house those awaiting trial. Modified jail space at Smith Road will hold prisoners who have received sentencing. Corrections Director Lovengier added comments concerning improved efficiencies this will bring to the work of the sheriff's department.

During his presentation, Meija was asked about plans for public parking space at the center. Concern was expressed as to its adequacy.

Monitor Rosenthal described the work of his office, emphasizing the mediation program.

Comments and questions were invited from the audience.

Marge Tanawaki thought ways should be found to increase attendance at these meetings. She referred to an earlier Board meeting when three homeowner association presidents had raised concern that the "broken windows" activities in the Westwood community had displaced disorders into neighboring ones. She was told the Board had taken action to advise the Mayor and police chief about this and the latter had said steps would be taken to forestall this in the future.

Rufino Trujillo, identifying himself as a police officer, expressed regrets about Sandoval's departure and spoke about the need to insure that integrity be the hallmark of a police officer.

With no further business, the meeting adjourned.

CITIZEN OVERSIGHT BOARD

MINUTES

January 26, 2007

The Board met this morning at the Webb Building from ten to 11:45.

All members attended except Burlison and Reynolds. Also present were legal adviser Maes and Rosenthal and Crittendon of the OIM.

The minutes of the meeting of January 12 2007 were approved.

New member Navarro was introduced. He resides in northwest Denver, was raised in Pueblo, attended the university in Boulder, graduated from Yale law school, and practices law at Holland and Hart here. He serves on various public service boards.

With Sandoval's departure, the question of Board reorganization was discussed. It was agreed Knoche will serve as acting chair and Montez will continue as secretary. Election of officers will be considered in May in accordance with Board bylaws.

Referring to last night's public meeting, Montez suggested improvements be made in providing hard copies of OIM and Board reports, perhaps to public libraries. Rosenthal said he would look into this.

Montez also raised questions about OIM reporting on the satisfaction levels of participants in the mediation program. Rosenthal said the OIM annual report clarifies this.

The Board adjourned to executive session to discuss with the Monitor matters currently under investigation. Also discussed were details concerning the Board's annual report, which is the COB's evaluation of the OIM and due March 15th.

CITIZEN OVERSIGHT BOARD

MINUTES

February 9, 2007

The Board met in the Webb Building from ten to noon today. All members were present, except Mullins. Also attending were Monitor Rosenthal and his deputy Crittenden.

Lieutenant Stacey Goss discussed the newly-emerging Personnel Assessment System (PAS) within DPD. Not yet formally promulgated, the PAS will replace the previous early warning system within the department. The new system will rely heavily on supervision and counseling at all levels to help officers whose performance can be improved. The new system will require heavy IT assistance from the City, an issue -- it was agreed -- that is susceptible to a fix by Rosenthal, working with other City authorities.

The minutes of the Board's meetings on January 25 and 26, 2007 were approved.

There was a brief discussion of how attendance at quarterly public meetings can be improved. Nothing specific was decided.

The timetable for the Board's annual report, due March 15, is as follows: Montez, Maes and Knoche will meet on February 12 to put together a draft for consideration by the full Board at its meeting at Temple Emmanuel on February 16. Final action will take place at the Board's regular meeting on February 23. The Board adjourned to Executive session.

CITIZEN OVERSIGHT BOARD

MINUTES OF EXECUTIVE SESSION -- CONFIDENTIAL

Pursuant to C.R.S. section 24-6-402 (e & f), the Board entered into executive session to discuss with the Monitor matters involving ongoing investigations and certain issues raised in the Monitor's draft annual report. The meeting was adjourned.

CITIZEN OVERSIGHT BOARD

MINUTES

February 23, 2007

The Board met this morning from ten to noon in the Webb Building. In attendance were Burleson, Foster, Navarro and Knoche. Also attending were legal adviser Maes and Monitor Rosenthal.

The Board spent the first hour in far-ranging discussion with Manager of Safety (MOS) Al LaCabe and his deputy, Mary Malatesta. Board members expressed some special concerns: the lack of required MOS letters following administrative review of critical-incident cases; the need to complete action on the proposed new DPD disciplinary process (which the Board considers to be a significant reform); and the need for enhanced IT resources for the DPD's new personnel assessment system (another reform).

Approval of the minutes of the COB meeting of February 9 was deferred until the Board's meeting on March 9.

Monitor Rosenthal briefly described the state of the COB/OIM budget. There are sufficient funds to underwrite the attendance of two persons at a mid-April Florida conference on racial profiling. The Board agreed to the use of its funds, up to \$3,000, if the two attendees are Rosenthal and Chief Whitman or one of his top deputies. Rosenthal will work on arrangements.

The Board agreed to go into executive session to discuss with Rosenthal topics of on-going investigations.

Also in executive session, the Board -- meeting alone -- put the finishing touches on its draft annual report. Legal adviser Maes will provide OIM with the final version prior to March 10. OIM will print and distribute the report together with the OIM annual report on March 15 as required.

CITIZEN OVERSIGHT BOARD

MINUTES

March 9, 2007

The Board met this morning in the Webb Building from ten to noon. All members were present except Foster. Also attending was Monitor Rosenthal.

The Board heard in detail from mayoral assistant Jeremy Bronson concerning a new study of Denver crime statistics and their implications. There has been much improvement in the data which are available to the public on the Denver governmental website.

The minutes of the Board meetings on February 9 and 23 were approved.

Rosenthal reported on a Mayoral candidate to replace Board member Mullins whose 2-year term has come to an end.

Rosenthal also noted that he and DPD Deputy Chief Vasquez will attend a Florida conference on racial profiling next month.

Rosenthal reported the OIM and COB annual reports, due on March 15, will be delivered together to 85 recipients. The Monitor and COB Chair will appear before the City Council Safety Committee on March 21 at 9:15.

Knoche reported on the work of the Diversity Task Force established by the Mayor to recommend ways to improve diversity hiring in the safety departments. The task force completed its work this week and changes in current hiring practices should lead to improvements, particularly in the Fire Department.

Pursuant to C.R.S. section 24-6-402 (e & f), the Board entered into

executive session to discuss with the Monitor matters involving ongoing investigations.

March 23 2007

The Board met from ten to noon this morning on the 12th floor of the Webb Building. All members were present, except Foster and Navarro. Also present were legal adviser Maes and Monitor Rosenthal. DPD Patrol Division Chief Klee and Captain Mike Calo made a presentation concerning the problem of gangs in Denver, a problem of similar concern in other large urban areas of the nation as well. The Board asked that the presentation be made at the July 25 quarterly public meeting.

The minutes of the Board's March 9 meeting were approved.

The Board noted that its next quarterly meeting will be on April 12 at the Quigg Newton Center at 4430 Navaho. The topic to be covered will be the current status of oversight.

The Board discussed continuing complaints and requests filed by one Wilkins, a Denver resident. His complaints have been investigated by DPD IAB and reviewed by OIM. None has been sustained. The Board has advised Wilkins we are satisfied by the investigations and findings. He has asked for the Board to review the record. After discussion, the Board agreed to take no further action and to let things stand where they are.

There was a discussion of how to arrange budgeting for on-going expenses of the Board's legal adviser. Rosenthal, Maes and Board member Reynolds will seek a solution.

Knoche reported on his and Rosenthal's appearance before the City Council Safety Committee on March 21. The subject was the COB's and OIM's annual reports. The session went well. The Board took note of the favorable and extensive media coverage of the OIM report. Knoche commended OIM for its work and said he thought there is a growing awareness that the new oversight system is on the right track.

Pursuant to C. R. S. section 24-6-402 (e & f). the Board agreed to go into executive session to discuss with the Monitor details pertaining to ongoing investigations.

April 12 2007

The Board met this evening from 7 to 8:30 pm at the Quigg Newton Senior Center in northwest Denver (District One). This was the seventh quarterly public meeting held by the Board. All members were present except Foster and Mullins.

The meeting was taped by Channel 8 for televised airings at various times in the coming week or two.

Knoche opened the meeting citing the history and origins of Denver's new oversight arrangements. He introduced each of the Board members. He recognized the presence of District One Councilman Rick Garcia who had an important role in developing the new arrangements.

Councilman Garcia was introduced. He spoke of the importance of the work being done by the Board and the Independent Monitor. He finds the Monitor's work to be innovative and serving the City well.

Police District One Commander Lt. Ron Thomas described the activities of his unit. Crime in the district is down, trends appear favorable and progress is occurring.

Knoche and Monitor Rosenthal spoke to the theme of the meeting -- the current status of oversight of Denver law enforcement. Knoche cited considerable cooperation and efforts by officials involved. He spoke of potential problems ahead but thought the system was in place to handle them wisely. He spoke favorably of the work of the Monitor and his staff. Rosenthal followed with details concerning his office's activities. Emphasis was on the innovative program of mediation to deal with complainants and law enforcement officers. Also cited were details pertaining to complaints, imposition of discipline and a summary of critical incidents in 2006

Questions and comments were invited. Diane Inscoe had several questions concerning various aspects of the Monitor's presentation. All were answered. Inscoe also suggested that when females call for police assistance and ask that a female police officer be assigned to the call the system be responsive and try to honor the request. Knoche said the Board would take the suggestion under advisement.

April 20 2007

The Board met this morning from 10 to noon in the Webb Building. All members were present, except Montez. Also attending was Monitor Rosenthal.

New member Sam Freeman was welcomed to the Board's midst

Board minutes for the last part of 2006 and the first part of 2007 are now archived and available at the Board's website.

There was a brief discussion of the April 12 quarterly public meeting. Knoche said he had circulated copies of his remarks at the meeting to the Mayor and principals in City law enforcement.

The Board took up the subject of its legal support, noting word from the City Attorney's office that contractual funds for this are running low. The Board agreed that current arrangements can continue for now, with the

understanding that legal support be on an "on-call" basis. Knoche will advise legal adviser Maes of this decision.

The Board agreed on a schedule to meet with law enforcement principals from now through August and agreed to revisit the subject of such scheduling

The data discs previously supplied to Board members by OIM will be discontinued and replaced by hard-copy data. Further revisions in OIM data provided to the Board may be required.

The Board took note that the Manager of Safety has released the first of several long-delayed reports concerning critical incidents in the City in the past year or so.

Pursuant to C. R. S. section 24-6 402 (e & f), the Board entered into executive session. The Monitor and Board members exchanged views about the aftermath of an in-custody death last year in the City jail.

Subject: COB minutes May 11

CITIZEN OVERSIGHT BOARD

MINUTES

MEETING, May 11 2007

The Board met this morning from ten to noon on the 12th floor of the Webb Building. All members attended except Montez and Navarro. Also present for part of the session were Monitor Rosenthal and Assistant to the Mayor Bronson.

The Board met with DPD Deputy Chief Marco Vasquez and Captain Martinez concerning the subject of racial profiling, a priority issue for the Board since its inception. Vasquez described DPD plans and actions, including sensitivity training underway at the Police Academy. Board members had a number of comments and questions. There was understanding that the subject is complex and usually reflects perceptions of citizens and law enforcement officers that do not match. Vasquez was asked to take word back to DPD authorities that the Board urges intensified effort to broaden the sensitivity training for more of its officers and to do all possible to improve public outreach in seeking wider understanding of the subject.

The minutes of the Board meeting of April 27 were approved.

The Board agreed to reschedule its bi-monthly meetings. Beginning July 6, they will take place on the 1st and 3rd Fridays each month.

In accord with Board bylaws calling for annual election of officers in May, the Board elected Knoche as Chair and Reynolds to be Vice Chair. Knoche will also act as Board Secretary.

The Board took note of the NACOLE (National Association of Civilian Oversight of Law Enforcement) in San Jose, CA September 25-28. The current budget will permit attendance by two Board members.

Civilian members of a new Disciplinary Review Group, advisory to DPD and to be selected under auspices of the Civil Service Commission, will be chosen by a special committee. It was agreed Knoche will be the Board's representative on the selection committee.

There was a brief discussion of the public release of a survey undertaken by an OIM contractor on DPD officer satisfaction with new disciplinary policies and procedures. The Board does not object to the release.

There was a discussion of the PARC report (Police Assessment Research Center) on lessons to be drawn from past DPD critical-incident shootings. The draft will be available later this summer. The draft will be vetted by DPD for comment on the facts. The Board wants to see the draft at that same time and wants to meet with PARC director Bobb when the draft is ready.

The Board unanimously agreed to enter into executive session to discuss with the Monitor various matters relating to ongoing investigations and personnel developments.

(Executive Session)

The executive session of the Board was in accord with Denver Code section 2-34(a)(5). The Monitor described the state of negotiations between the City and Denver Health and how they may relate to future law enforcement investigations. In accordance with 2-34(a)(8), also covered were internal discussions between the Monitor and other senior City officials concerning pending critical incidents.

Subject: COB meeting May 25, 2007

CITIZEN OVERSIGHT BOARD

MINUTES

Meeting, May 25 2007

The Board met from 10 to noon today on the 12th floor of the Webb Building. All members were present. Monitor Rosenthal also attended.

The Board met with Manager of Safety Al La Cabe for discussions lasting almost an hour. La Cabe reported progress toward reaching final decisions on new policies concerning disciplinary actions within the Police Department. He looks for final action on this -- a major reform -- this summer. The Board expressed hope that a new DPD policy (PAS) on personnel assessment be rolled out at the same time. The Board desires to see a similar examination into DSD disciplinary policies in the times ahead and La Cabe agreed. La Cabe described additional personnel resources being provided to his office to cope with the challenging workload.

The minutes of the Board's meeting on May 11 were approved.

The Board discussed the latest billing for legal support and decided it was justified.

Rosenthal reported that the Manager of Safety has approved providing the Monitor with an unmarked DPD car. This will enhance the Monitor's ability to roll out quickly to scenes of critical incidents at any time.

Montez said he and Navarro will join with Rosenthal in a meeting requested by the Mayor's Latino Advisory Committee to discuss mutual concerns.

Freeman said there would be high educational value in tours of Denver jails by high school students. Freeman will draft a communication about this for the Board's consideration.

The Board voted to go into executive session to hear from the Monitor about topics of investigation.

Having no further business, the meeting was adjourned.

EXECUTIVE SESSION MINUTE

In keeping with Colorado code 24-6-402(3)(a)(V), the Board -- in executive session -- heard from the Monitor on the status of two recent DPD "critical incidents" under review and investigation.

CITIZEN OVERSIGHT BOARD

MINUTES

MEETING, June 8 2007

The Board met this morning from 10 to noon on the 12th floor of the Webb Building. All members were present, except Navarro. Also present was Monitor Rosenthal.

The Board met with Corrections Director Longivier. The focus was on property-handling systems in Denver's jails -- the storing and controlling of property belonging to those incarcerated from the time of their booking to their release. In 48,000 bookings, there have been only ten instances of questionable handling but new and better procedures are always sought. Also reported by Lovingier were new and improved methods of keeping tabs on rounds of jail cells by Deputies.

The Board then met with DPD Captain Brian Gallagher who supervises the detachment of DPD officers at DIA. There are some 101 officers at DIA and all serve there on an overtime basis. A major problem is how to keep traffic moving and avoid security risk by prolonged parking at passenger arrival and departure areas. Gallagher described the way these officers are trained and oriented for their tasks. At the DIA areas of concern, traffic averages 187,000 cars per week. Relatively small numbers of citizen complaints of police discourtesy are noted as compared with the traffic pattern; only 3,000 tickets were issued last year. The Board took two actions: asking Rosenthal to arrange with IAB to insure that Gallagher receives copies of all citizen complaints at DIA and asking Gallagher to recommend that DIA add Spanish language versions to no-parking signage and to the looped audio message broadcast at the departure and arrival levels.

The minutes of the May 25 meeting were approved.

Rosenthal described eye-opening events he witnessed during a ride-along through the LoDo area on Memorial Day weekend.

Rosenthal reported that training for new City mediators went well. Mediators will get special exposure to the topic of racial profiling by getting some training at the Police Academy.

Rosenthal will be a featured speaker next week at an Omaha meeting of the League of Women Voters.

Rosenthal advised that staffing changes are imminent in DPD IAB.

Rosenthal said Manager of Safety La Cabe is expediting issuance of overdue letters concerning certain critical incidents. Rosenthal will supplement this with brief summaries in OIM's annual report.

Burleson noted that DPD Commander Keesee has done a study of police shootings involving minority victims. He asked that Keesee be asked to discuss this with the Board.

Rosenthal reported on various actions underway that will lead to a dramatic improvement in timeliness of disciplinary decisions. He is not satisfied with the pace of DPD Disciplinary Review Board meetings and Chief's Hearings. He has discussed this with Chief Whitman.

Montez reported on a recent meeting he and Rosenthal had with the Mayor's Latino Advisory Committee.

Montez asked Rosenthal to consider assessing the effectiveness of DPD procedures for handling property of those under arrest.

Montez agreed to continue to monitor the COB official phone line and advise the OIM as appropriate.

The Board agreed with a suggestion made by Reynolds that it consider ideas and suggestions that might be useful to City authorities in law enforcement planning for next year's Democratic convention here. She will prepare some talking points for the Board's consideration at its next meeting. The topic arose when Rosenthal reported that the DPD was reluctant to permit OIM participation in the department's convention planning process.

The Board voted to enter into executive session to hear from the Monitor on matters under investigation.

The meeting adjourned.

MINUTES OF COB EXECUTIVE SESSION, June 8 2007

In accordance with Denver Code 2-34(a)(5), the Board held an executive session and heard from the Monitor about two cases -- one in DSD and one in DPD-- being investigated as possible instances of improper procedures.

Minutes for COB meeting 6/22/07

The COB convened at 10:10 AM and adjourned at 10:55 AM

Present were Board members Reynolds, Navarro, Freeman, Foster and Burleson. Monitor Rosenthal was also present.

The Minutes of the 6/8/07 meeting were approved.

Rosenthal informed the COB that he just returned from Omaha, Nebraska where he was the keynote speaker in a forum sponsored by the Omaha Chapter of the League of Woman Voters. The topic was: "Does Omaha Need a Public Safety Auditor?" Rosenthal reported that his presentation was well received and was attended by approximately 60 members of the Omaha community.

Rosenthal also advised that the Monitor's Office has been working over the past two weeks with the Manager of Safety's Office to complete the Disciplinary Advisory Group's report on a new disciplinary matrix. It is anticipated that work on the report will be completed within the next week with a meeting of the advisory group taking place within the second week of July.

Rosenthal advised that he will be out-of-town for the COB's meeting on July 6th. Senior Deputy Gregg Crittenden will attend the meeting for Rosenthal.

Based on a recent "Amber Alert" with reverse-911 calls being made to certain neighborhoods, Reynolds suggested, and the Board agreed, to ask Chief Whitman for the protocol for the reverse 911 calls.

The Board agreed to take up the matter of law enforcement policy and training for the upcoming DNC meeting at a future board meeting.

The Board unanimously agreed to enter into executive session to discuss with the Monitor various matters relating to ongoing investigations and personnel developments.

MINUTES OF COB EXECUTIVE SESSION (6/22/07)

The executive session of the Board was in accord with Denver Code section 2-34(a)(8). The Monitor discussed pending critical incident and internal affairs investigations.

CITIZEN OVERSIGHT BOARD

MINUTES

MEETING, July 6 2007 (Approved July 20, 2007)

The Board met from ten to noon today in the Webb Building. All members except Montez attended. Also there, for Monitor Rosenthal, was Senior Monitor Crittenden .

The minutes of the June 22 meeting were approved.

Referring to various data provided to the Board by OIM, questions were raised about the confidentiality of the data setting forth officer badge numbers. Knoche said he would seek advice from Assistant City Attorney Stubbs.

The Board voted to go into executive session for discussions with the Senior Monitor concerning matters under investigation.

Returning, by vote, to open session, the Board discussed plans for the next quarterly public meeting on July 26 at the La Alma Recreation Center. The topic will be issues and problems relating to Denver gangs. The meeting will feature a panel discussion of five experts.

The Board exchanged views about the advisability of the Board's involvement in planning for police security at next summer's Democratic convention. It was agreed this will be taken up with Safety Manager LaCabe when he meets with the Board on July 20.

The Board met with DPD District Three Commander Tracie Keesee who described the report of a University of Colorado-sponsored study group on the subject of police shootings of minority victims. The Commander was one of five authors of the report. Copies were made available to Board members. A basic conclusion was that training can enhance a police officer's response of "shoot" or "don't shoot" but racial biases exist and reflect the biases of the community at large.

COB Executive Session, July 6 2007

Pursuant to C.R.S. section 24-6-402 (e & f), the Board discussed with the Senior Monitor two matters under investigation regarding a use-of-force allegation and an in-custody jail death last year.

CITIZEN OVERSIGHT BOARD

MINUTES (Approved August 17, 2007)

MEETING, July 20 2007

The Board met this morning from ten to noon in the Webb Building. All members were present, as was Monitor Rosenthal.

The minutes of the July 6 meeting were approved.

Passed out to members was the agenda for this year's NACOLE meeting set for San Jose CA September 25-28. Funds are available for one or two COB members to attend. This will be further discussed at the August 3 COB meeting.

The Board discussed the subject of confidentiality of certain OIM hard-copy reports provided to the COB. The decision was made to eliminate badge numbers in the monthly report on officers who have received more than the usual complaints.

In answer to a question, Rosenthal reported on efforts to improve the timeliness of mediation sessions.

Deputy Manager of Safety Malatesta met with the Board to discuss planning for security at next year's Democratic National Convention in Denver. Planning will begin in September when the Secret Service arrives in Denver to take the lead. Multi-levels of responsibility will be involved -- federal, regional, state and city. The preponderance of COB opinion was that DPD's part of the planning would be enhanced by the Monitor's participation. Malatesta said there has been no change in DPD's policy and practices. Freeman and others pointed out changes might be considered after the arrival of the Secret Service and awareness of any changes will be helpful to the Monitor and COB as they prepare to cope with citizen complaints.

The Board voted to go into executive session to hear from the Monitor about cases under investigation.

COB Executive Session, July 20 2007

In accordance with C. R. S 2-34(a)(3). the Board heard from the monitor about the status of inquiries into an in-custody jail death and a use-of-force case dating back to last year. Other topics included a death following use of a TASER and two citizen complaints under investigation.

CITIZEN OVERSIGHT BOARD

QUARTERLY PUBLIC MEETING

LA ALMA/LINCOLN PARK RECREATION CENTER

JULY 26 2007

MINUTES (Approved August 17, 2007)

The Board held its eighth quarterly public meeting this evening from seven to nine. All Board members except Freeman were present.

Some 45 persons were in attendance. Knoche welcomed them and explained the purpose of the Board in providing public awareness of law enforcement issues. He introduced the members of the Board and several in the audience, including Councilwoman Carla Madison, Manager of Safety LaCabe and his deputy Malatesta, police chief Whitman and assistant City attorney Stubbs.

Police officer Deborah Dilley, commander of District 6, welcomed the audience and spoke of the current policing situation in her district. The crime rate in the district has lessened considerably in recent months. The police officers in the district have been actively and constructively involved in community activities.

Independent Monitor Richard Rosenthal spoke of the work of his office and emphasized the successes of the mediation process in bringing satisfaction and understanding between citizen complainants and law enforcement officers.

Knoche introduced the members of tonight's panel to discuss the topic of the meeting: Denver Gangs: Issues and Insights. The moderator is Regina Huerter, executive director of Denver's Crime Prevention and Control Commission. Her interlocutors are Cisco Gallardo and Reverend Leon Kelly who head non-profit organizations, Captain Mike Calo, chief of the police gang bureau and District Attorney Mitch Morrissey

Huerter explained that the panel would be discussing certain questions in their conversations --

-- Gangs across the country have operated for years. Some members are middle-aged or older. Some are very young. Some gangs operate as sophisticated businesses and acquire wealth illegally. What are the motivational factors that account for creation of gangs and attract members? From your perspective, what is the nature and focus of Denver's various gangs?

-- This spring, there was some impressive work done by a Federal-regional-Denver task force in rounding up gang members. Without giving details, what type of preparation and resources does it take to conduct this type of operation? What was the level of

collaboration between agencies to achieve this goal? What has been the impact on the gangs?

-- There is a common understanding that residents in areas where gangs operate are reluctant to provide information to law enforcement out of fear for their safety. What can DPD and the DA provide to safeguard citizens who are willing to come forward?

-- Other cities have had scandals involving gang units. What special ethics and constitutional law training is provided to gang officers? How does law enforcement go about balancing need for aggressive action against gangs with the need not to violate constitutional rights?

In the ensuing discussion amongst panel members, the following salient points were made --

* The recent crackdown on gangs in the Denver area required a great deal of preparations and resources and by nature required the utmost in secrecy. The payoff was in the large number of arrests and in the fact that no law enforcement officers suffered injury or worse. But, cutting off the heads of gangs runs the risk of creating more heads and a spread of gangs.

* The incentive for most current gangs is money, created by narcotics trade and gun sales. The motivations for gang members are the "exciting" life style, the money, the sense of belonging, and the chance to exercise power through intimidation.

* Obtaining citizen cooperation these days in the face of "anti-snitching" makes it difficult to seek cooperative witnesses for prosecution. This is a situation being contested by a coalition of governmental and non-governmental entities working to develop community-wide energy to make change.

+ There has been a problem in maintaining consistent levels of money and resources in government and in non-profits to keep up the good fight.

* Protection of witness identities are enhanced through a state-sponsored witness protection program, through taking secret testimony from grand juries, and through programs such as Crime Stoppers.

* The City maintains a host of arrangements to try to insure that constitutional rights are not trampled in anti-gang intervention. Prosecutors know they have no case if rights are contravened.

* By official estimate, there are 800,000 to a million gang members in the US. In Colorado, there are an estimated 12,000, with 100 or so different gangs.

* A long-term solution to gang problems requires understanding of social perspectives and law enforcement perspectives. There also needs to be change in gang member outlook while aggressive intervention by law enforcement occurs.

* Gang members, feeling disconnected from economic opportunity and lacking interest in education, seek "respect," a quality they equate to "power." And, for them, "power" comes from threat and intimidation.

* In the final analysis, gang members must choose from available alternatives in education and jobs. They must want to "do right." Coalitions are available to help them make the right choices. Successes are occurring but a lot of time will be required to turn things around.

The floor was opened for questions and comments.

Marge Taniwaki thought the subject needed a broader view. She mentioned the closure of Manual high school and its planned reopening with differing physical arrangements for administrators and students.

David Shalls cited the need to keep investing resources at consistent levels to prevent and intervene in gang problems and there should be community insistence on this kind of consistency.

Lisa Calderon regretted that the full agenda did not permit more public comment. She said her family, in the Cole neighborhood, had encountered gang intimidation. She thought insufficient attention is being given to the "unintended consequences" of police action. She also thought that there should have been mention of female issues in gangs. (The COB intends to follow up to hear more in detail from Ms Calderon.)

The meeting adjourned shortly after 9 pm.

CITIZEN OVERSIGHT BOARD

AUGUST 3, 2007 MEETING

MINUTES

There was not a quorum for the August 3, 2007 meeting, and, therefore, no minutes were prepared.

CITIZEN OVERSIGHT BOARD

MEETING MINUTES

AUGUST 17 2007

The Board met this morning from ten to noon at the 12th floor office in the Webb Building. All members were present as was Independent Monitor Rosenthal.

The Board met with DPD Lieutenant Dyk Kushdilian, head of the Professional Standards Unit, about the status of the recently approved Personnel Assessment System. The aim of the program, which has extensive buy-in and approval at all levels of the department, is to identify in a non-disciplinary process those DPD officers whose performance will benefit from advice, training or tutoring. Total rollout of the system requires more IT support than currently. Lieutenant K explained that work for the additional support is underway but much of will depend on the coming year's budget. There were suggestions from Foster and Freeman that the system be broadened to identify officers deserving of commendation and advancement. Reynolds urged the program move forward as quickly as possible. Tweaking and improving can await future experience with the new system. This carried the day as a Board view.

The draft minutes of the COB meetings of July 20 and 26 were modified slightly and approved.

Rosenthal noted that the next quarterly public meetings are scheduled for October and January. The Board will want to decide on the timing and locale of further meetings next year.

Rosenthal suggested that the Board consider what ordinance revisions, if any, it may want to propose.

Rosenthal ran through a history of the origins off MOS responsibility for "shoot letters." Freeman's concern about the policy issue of the huge MOS workload was discussed. It was noted that any concerns can be brought up during the Board's periodic meetings with the MOS.

Foster said there are certain circumstances from time to time in which he will recuse himself from Board consideration of matters under investigation by the OIM, DPD and DSD.

The Board voted to enter into executive session to hear from the Monitor about matters under investigation.

COB EXECUTIVE SESSION (MINUTE)

Under C. R. S. 2-34(a) (3), the Monitor led discussion of three cases in DS involving allegations of "departing from the truth."

CITIZEN OVERSIGHT BOARD

MINUTES

MEETING OF SEPTEMBER 7 2007 (Approved 9/21/07)

The Board met from ten to noon today in the Webb Building. All members were present except Montez. Also attending were Monitor Rosenthal and Deputy Manager Arnold.

Rosenthal introduced his new deputy, Valerie Arnold. A graduate of CU law school, Arnold has served in the State attorney general office, in the Court of Appeals, and in private practice. She has been interested in the kind of work done in OIM and Rosenthal said she has been active from her first days on the job. Board members welcomed her.

The Board met with Corrections Director Lovingier and Major Deeds of DSD IAB. Lovingier described recent actions to improve mental health screening of incarcerated prisoners. In answer to questions, he described training arrangements for new hires and for deputies as their careers advance. And, he described the status of planning the transition from current facilities to those in the new Justice Center set for 2010.

Rosenthal reported that mediation will be a featured topic at the upcoming NACOLE session in San Jose CA.

The minutes of the August 17 COB meeting were approved.

Rosenthal reported on the status of the COB/OIM budget. There will be some monetary restraints with regard to OIM staff salaries and \$5,000 was removed from the \$25,000 budgeted for COB use of consultants. It was agreed the Board will keep an eye on the impact of the reductions for possible appeal to City authorities at a later date.

Freeman raised a question about OIM's use of a recorded answer when no one is available to pick up the phone and a response may not be forthcoming until the following day. He was advised that this is generally acceptable and that direct lines are available when Board members wish to reach the Monitor.

Knoche tabled a schedule for 2008 quarterly meetings. No subject has been selected for the next meetings set for October and January. Knoche suggested

an October feature might be a conversation between the Board and the Monitor. January could feature Manager LaCabe with a description of the new DPD disciplinary policy set for installation next February.

Rosenthal tabled certain OIM data as requested by the Board on a monthly basis. Knoche invited Board members to study the data and formulate questions for further comment and elaboration.

The Board voted unanimously to go into executive session to hear from the Monitor about various DPD and DSD matters under investigation.

COB Executive Session, September 7 2007

Pursuant to C. R. S. section 24-6-402 (e and f), the Monitor discussed with the Board the status of investigations and took Board questions concerning a DPD case of an officer-involved non-fatal shooting, various other cases involving possible "departing from the truth," and a DSD case of possible mishandling of a prisoner's release. Also discussed was the status of a case involving a prisoner's death. In the latter instance, Foster recused himself and was not present for the discussion.

CITIZEN OVERSIGHT BOARD

MEETING MINUTES

September 21 2007 (Approved October 5, 2007)

The Board met from ten to noon this morning at the 12th floor conference room in the Webb Building. All members attended except Navarro. Also present were Senior Deputy Monitor Crittenden and A. J. Clemmons, OIM Ombudsman.

The Board met at some length with Lisa Calderon, Denver citizen, wife, mother, teacher and member of several activist organizations, including the City Crime Control and Prevention Commission. She shared with Board members various research papers and elaborated her concerns about the unintended consequences of "aggressive" police activities in local neighborhoods. (Calderon had appeared at the Board's quarterly public meeting in July and there had been insufficient time for her to register all of her concerns. She was invited to elaborate on them at today's session.)

The Board commended Clemmons for her quick and stellar work in taking action this week to reverse injustice threatening an innocent Denver citizen who had become the victim of mistaken identity. The case had become the subject of a complaint registered with the Board and assigned to OIM for resolution.

The minutes of the meeting of September 7 were approved.

It was noted that Merrick Bobb of PARC in Los Angeles will be in Denver October 10 and 11 and will be available to meet with COB members. PARC is preparing a study of past Denver police shootings and their implications. The study will be available later this year.

The Board discussed possible topics for the October quarterly public meeting. The likely one is conversation between Board members and the Monitor concerning OIM activities and plans. Knoche said he had invited Manager La Cabe to describe new DPD disciplinary policy at the January 24 public meeting.

The Board voted to go into executive session to hear from Senior Deputy Monitor Crittenden -- filling in for Monitor Rosenthal -- about matters under investigation in DPD and DSD.

COB EXECUTIVE SESSION (MINUTE)

The executive session was in accord with C. R. S.2-34(a) (3). Crittenden described cases under investigation, including charges of domestic violence against a DPD officer and new complaints filed against another DPD officer.

CITIZEN OVERSIGHT BOARD

MEETING MINUTES

October 5 2007 (Approved October 19, 2007)

The Board met this morning from 10 to noon. All members except Montez were present. Also attending was Independent Monitor Rosenthal.

The minutes of the September 21 meeting were approved.

Navarro and Rosenthal described the recent NACOLE annual meeting held in San Jose CA. Found useful were oversight practices at other U.S. locations, though there was a preponderance of experiences in California cities. Rosenthal reported there was a high interest in Denver's mediation program, subject of a panel discussion chaired by him.

There was a brief discussion of the upcoming October 25 quarterly meeting. Featuring discussion between the Board and the Monitor, it will be held at 4890 Argonne Way in Green Valley Ranch near DIA.

Knoche reported that Manager LaCabe has agreed to be the featured speaker at the January 24 public meeting. He will describe a new disciplinary process for DPD scheduled for introduction in February 2008.

Freeman noted the convergence of several events for the next several days in downtown Denver. Police will maintain full vigilance during this period and OIM should be prepared to receive a rise in citizen complaints.

There was a discussion of an October 10 meeting of the Board and Merrick Bobb, head of the Police Assessment Research Center in LA. Bobb is one of the nation's foremost experts in oversight of law enforcement and his organization is preparing a consultant's report for Monitor Rosenthal. The meeting will be at ten in the 12th Floor conference room in the Webb Building.

The Board met with DFD Acting Chief Sestrich and two DFD officers of the arson department. In addition to discussing examples of arson investigations and procedures, the Board expressed satisfaction with a new program that will enhance DFD hirings of qualified minority applicants. Sestrich is encouraged by results thus far.

Freeman suggested that the Board be provided data from DPD that would be a basis for commendable performance by an officer or officers. Knoche and Rosenthal will confer on how to accomplish this.

The Board voted unanimously to go into executive session to discuss with the Monitor matters under current investigation in DPD and DSD. In dealing with one particular case, Foster recused himself for personal reasons and was not present for the conversation.

EXECUTIVE SESSION MINUTE (October 5 2007)

The executive session was in accord with C. R. S. 2-34(a)(3). Rosenthal described cases under investigation, including a DPD use-of-force case and a matter reviewed by the Disciplinary Review Board.

CITIZEN OVERSIGHT BOARD

MEETING MINUTES

October 19 2007 (Approved November 16, 2007)

The Board met this morning from ten to 11:15 on the 12th floor of the Webb Building. Attending were Foster, Freeman, Knoche, Montez and Navarro. Also present was Senior Deputy Monitor Crittenden.

A scheduled meeting of the Board with Police Chief Whitman was postponed to November 16. (Whitman is attending a large funeral for a state trooper this morning.)

The minutes of the October 5 meeting were approved.

Knoche described a process set to begin October 30 that will involve a committee's selection of citizen candidates to become members of the Disciplinary Review Committee, advisory to the Chief of Police. Sessions will take place over five days and a total of about 20 hours. The COB is to be represented. Knoche said he would do this but invited volunteers. Freeman and Montez said they would fill in as may be needed.

The topic of rescheduling the planned October 25 quarterly public meeting was discussed. Alternative arrangements for November 7 or 13 are being sought.

Knoche described his recent request that the Monitor make it routine to report at Board meetings on the status of timeliness in regard to disciplinary decisions.

Crittenden reported that Manage of Safety LaCabe has said he will complete action preparing wrap-up reports on four police shootings by year's end.

The Board voted to go into executive session to discuss various matters under investigation. One such matter involved a case in which Foster recused himself. He was not present for the conversation.

EXECUTIVE SESSION MINUTE (October 19 2007)

The executive session was held in accordance with C. R. S. 2-34(a)(3). Crittenden described certain cases under review within DSD and DPD. He also told of a meeting between Monitor Rosenthal and the City Attorney to discuss was in which OIM will issue a report on one particular case involving a death in the Denver jail. The Monitor's report will be presented in the OIM's next quarterly and annual reports.

CITIZEN OVERSIGHT BOARD

Meeting, November 2 2007

NOTE FOR THE RECORD

At the scheduled Board meeting this morning, three members (Freeman, Knoche and Reynolds) attended. A quorum was not present. Accordingly, the occasion permitted of an exchange of information; no actions were taken.

Also present was Independent Monitor Rosenthal.

There was a useful discussion of the mediation program led by AJ Clemmons and mediators Lowery Mumford and Jackie Moorhead. There have been approximately 88 mediations to date and there is substantial "satisfaction" with the experience among complainants and law enforcement officers. Various suggestions were made by the three Board members aimed at feeding insights gleaned from mediations back into the Safety Departments and their training programs. Also, Rosenthal was given encouragement when he said there are plans for OIM to provide studies of its experience with mediation for publication in law enforcement journals.

There was discussion of a year-old case involving a death in a city jail. The topic will be continued when next a Board quorum exists.

Rosenthal reported his hopes for a OIM/COB budget revision for personnel purposes. There was no objection to his proposal.

Knoche noted that police chief Whitman and Manager of Safety La Cabe will meet separately with the Board at the next meeting on November 16. Policy issues can be raised with these two officials.

The meeting, which began at 10 am, concluded a little after noon.

CITIZEN OVERSIGHT BOARD

MEETING MINUTES

November 13 2007

(Approved December 7, 2007)

The Board held a quarterly public meeting at the Green Valley Ranch Recreation Center in northeast Denver from 7 to 8:45 pm this evening. Attending were Foster, Knoche, Montez and Navarro. The proceedings were taped by Channel 8 for periodic airing in the weeks ahead.

Knoche called the meeting to order and described the origins and purposes of the Board. He said the oversight arrangements instituted in 2005 appear to be working well. All elements are cooperating. Further reforms are on the horizon. He noted the complexities and controversies involved in law enforcement activities and said the City seems geared up to deal with them wisely.

Lisa Fair, commander of Police District Five, and two members of her staff were introduced. Fair discussed crime concerns in her district. Most have been crimes against property, including graffiti -- a problem throughout all City sectors. In answer to a question from T. L. Mack, a member of the audience, she emphasized the need for community support, asking for community awareness and reporting of violations.

The featured part of the program was a discussion between Board members and Monitor Rosenthal. In answer to questions, he described his past experience in similar work in Los Angeles and Portland, Oregon and the roles and missions of his office in Denver. Rosenthal emphasized the ways in which his office participates in disciplinary decision-making in the police and corrections departments. He went into some detail to describe the mediation process he introduced as a Denver initiative in 2005. This puts some complainants and law enforcement officers, together with a mediation professional, in conversation with one another and has resulted in considerable satisfaction among the participants as they share differing views and reach understanding.

The discussion with Rosenthal lasted about 45 minutes. Three members of the audience raised questions, particularly about how the mediation process works. T. L. Mack thought there was value to requiring police officers to reside in the city in which they work. Rosenthal responded this may be true but is not a requirement in Denver and he does not intend to raise it as an issue.

The meeting then adjourned.

CITIZEN OVERSIGHT BOARD

MEETING MINUTES

NOVEMBER 16 2007

(Approved December 7, 2007)

The Board met from 10 to noon today in the Webb Building. Attending were Foster, Freeman, Knoche, Montez and Navarro. Also present was Independent Monitor Rosenthal.

The Board held discussions with Manager of Safety LaCabe. Among topics covered was his plan to promulgate a new disciplinary policy for the Police Department at the turn of the year. This will culminate the work of LaCabe and a large working group that has worked on the new policy for the last two years or so. The new policy, which is encountering some opposition from the police union, will be the subject of public description and training and orientation of police personnel. LaCabe also described recent augmentation of personnel assigned to his office and ways this is helping him to meet his responsibilities. Board members asked about the status of final administrative letters concerning police shootings. Some four such letters remain to be issued; one is nearing final form.

The Board then met with police chief Whitman. Knoche complimented the ability and competence of district commanders and their staffs who have appeared at the various public meetings of the Board. The latest example was the able presentation made by Commander Fair at the Board's November 13 meeting in Green Valley Ranch. In answer to questions, Whitman reported on the status of the new Personnel Assessment System. Full implementation awaits provision of additional IT resources and some modifications have been made to the system. There was a discussion of ways to improve timeliness of the disciplinary system and Freeman urged the seeking of more efficient and streamlined ways to help with timeliness. Whitman described current planning work related to the DNC convention scheduled for next summer. Funding from the federal government and identification of the level of participation by regional police elements remain to be worked out.

With both Whitman and LaCabe present, Knoche observed that the new disciplinary policy and the new PAS system can both be considered major reforms and advancements but neither has been fully implemented as yet.

The minutes of the Board's October 19 meeting were approved.

The Board discussed the subject of legal support. New arrangements for this support are being worked out by City Attorney Fine. Knoche will follow up on this by contacting Fine.

The Board voted to enter into executive session for conversation with the Monitor about certain matters under investigation.

EXECUTIVE SESSION MINUTE (November 16 2007)

The executive session was held in accord with C. R. S. 2-34(a)(3). Matters covered included two recent police shootings that appear to have been based on self-defense, the status of a taser incident, and the aftermath of a jail death last year. (Foster recused himself in the discussions of the latter.)

CITIZEN OVERSIGHT BOARD

MINUTES

MEETING OF DECEMBER 7 2007

(Approved December 21, 2007)

The Board met from 10:30 to noon this morning at the Webb Building. Attending were Freeman, Knoche, Montez and Reynolds. Also present was Independent Monitor Rosenthal.

The minutes of the meetings of November 13 and 16 were approved.

Rosenthal described OIM quarterly critical-incidents status reports he will be making public later today. The reports are drafted to protect the "deliberative process" and confidentiality and their issuance will come as no surprise to City authorities that have an interest in the subject.

There was a discussion of a list of 32 citizen candidates for a pool that will provide citizen participation in DPD disciplinary review board and use-of-force board hearings. The COB and police union have the right to strike four names from the list. It was agreed that Montez and Knoche will constitute a board committee to look over the list. There is a December 17 deadline.

The Board voted to go into executive session to discuss with the Monitor various matters under review and investigation.

EXECUTIVE SESSION MINUTE (December 7 2007)

The executive session was held in accord with C. R. S. 2-34(a)(3). Subjects included two cases of non-fatal DPD shootings and an issue pertaining to personnel decisions in DSD.

CITIZEN OVERSIGHT BOARD MINUTES

MEETING OF December 21 2007

(Approved January 4, 2008)

The Board met this morning from 10 to noon in the Webb Building. Present were Burluson, Foster, Knoche, Navarro and Reynolds. Also attending was Monitor Rosenthal.

The Board discussed various matters with Corrections Director Lovingier and Major Deeds of DSD/IAB. Lovingier reported improved arrangements for the transition of inmates with mental health problems from incarceration to public life. He noted that the current Denver jail population is down to 2,024 reflecting a drop in the crime rate and a traditional lower number in the holidays period.

In answer to questions, Lovingier reported on fixes being made to improve a vendor's spotty record in providing unbroken video-taped coverage of key areas of the jails. (*The Board asked Rosenthal to keep an eye on the results of these fixes.*)

Lovingier described promotion procedures within DSD. Deeds described "early warning" of performance problems of individual deputies and the ways these are corrected. Lovingier outlined the work of nurses at the jails to provide inmates with their prescribed medicines. Some inmates complain if the medicines provided are generic.

The minutes of the December 7 meeting were approved.

There was a discussion of the Board's possible adoption of a code of ethics as suggested by the National Association of Civilian Oversight of Law Enforcement (NACOLE). Per Denver ordinance, the OIM has adopted such a code for its office. It was agreed Freeman will be asked to draft a code for Board consideration at a January meeting.

There was a discussion of yesterday's meeting of the Denver Civil Service Commission hearing of the Manager of Safety's plan for a new disciplinary policy and procedures in DPD. LaCabe, Rosenthal and assistant city attorney Stubbs spoke in favor. Lawyers for the police and fire unions opposed it. The CSC will take a formal position in February. It was noted that LaCabe will be the Board's guest at the next

public meeting on January 24 to describe the new plan. The Board agreed also to invite a police union representative to have his say at the January meeting.

There was a brief discussion concerning preparation of the Board's next annual report. Knoche will meet with attorney Maes to make arrangements.

Rosenthal reported that 59 mediations have taken place this year, bringing to more than 100 the number since the program began. The Board commended this.

The Board voted to enter into executive session to take up with the Monitor matters currently under review and investigation

EXECUTIVE SESSION MINUTE (December 21 2007)

The executive session was held in accord with C. R. S. 2-34 (a)(3). Subjects included recent police shootings, a jail suicide, and aspects of DPD disciplinary review board and use of force board determinations.