



DENVER

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CITY

*CITIZEN OVERSIGHT BOARD
2008 - A YEAR IN REVIEW*

The Citizen Oversight Board And Its Members

The Citizen Oversight Board (referred to variously as the COB or the Board) comprises seven volunteer citizens of Denver appointed by the Mayor and confirmed by the City Council. In 2008, the members of the Board were:

Hank Knoche, Chair - Hank was a naval officer in World War II and Korea, and served in the Central Intelligence Agency from 1953 to 1977. Having served on the Board since its beginning in 2005, his term will end in early 2009.

Cathy Reynolds, Vice-chair - Cathy was an at-large member of Denver's City Council for 28 years; five of those years presiding as Council President. She has been on the Board since 2005.

Pastor Paul Burleson - Pastor Burleson is the pastor at Denver's Friendship Baptist Church and Vice-president of the Greater Metro Denver Ministerial Alliance. He also served with the US Air Force in Korea. He has been on the Board since its 2005 beginning.

Rabbi Steven Foster - Rabbi Foster is the Senior Rabbi of Denver's Congregation Emanuel and has served the congregation for more than 38 years. He has been on the Board since 2005.

Samuel Freeman - Sam is a retired attorney with extended experience in corporate business and charitable organizations. He has a particular expertise in the field of ethics. He was appointed to the Board in 2007.

David Montez - David is a program officer with the non-profit Gill Foundation. Before being appointed to the Board in 2005, he had served on a predecessor City body, the Public Safety Review Commission. His term expires in early 2009.

Anthony Navarro - Anthony is an attorney on duty with the Social Security Administration regional office in Denver. He was formerly in private practice with Holland & Hart and served six years as an Assistant Attorney General for Colorado. He joined the Board in 2007.

The COB, by City law, prepares an annual report that is published concurrently with the Independent Monitor's annual report in March each year. This is the COB's fourth annual report to the Mayor, City Council and the public.

Duties Of The Citizen Oversight Board

The 2004 City ordinance that created the Board and the Independent Monitor fixes the following responsibilities of the Board:

- Assess the effectiveness of the Monitor;
- Issue policy recommendations concerning discipline, use of force, rules, hiring, training, and the community relations of Denver Police, Denver Sheriff, and certain Denver Fire Department personnel; and,

- Consider issues of concern to the community and stay informed of the complaint process and make recommendations as to specific cases reflected in complaints.

The Board has no command responsibilities with respect to law enforcement departments or personnel. It carries out its advisory duties in frequent meetings and consultations with the Monitor and Safety Department officers. Agendas are normally set in advance and issues thoroughly discussed. The interaction allows Board members to make suggestions for action that can improve departmental performance. From time to time, the Board also issues formal policy suggestions on matters of concern.

Summary

The year 2008 continued to show favorable trends in Denver's law enforcement activity. Crime rates in most City sectors are down. Police department rolls are at full authorized strength. The Manager of Safety and the Chief of Police, with the assistance of a large and able advisory group, developed new policies and procedures to deal with discipline of policing offenses. The new arrangements are clearer, more fair, and consistent than before. Similar attention will be devoted in 2009 and 2010 to come up with a new such policy for the Sheriffs Department.

Difficult and complex arrangements were made by the Manager of Safety and Police, Fire, and Sheriff Departments to bring effective security to the summer's Democratic National Convention. Security was enhanced by participation of neighboring police units and by infusion of funds and equipment from federal authorities. The Board saw to it that the Office of the Independent Monitor was involved in staying informed of ways in which citizen complaints would be handled.

The Monitor's office continued to play an active role overseeing the handling of complaints and performance of law enforcement officers. A major goal of the Monitor and the Board has been to improve the timeliness of disciplinary decisions in cases of law enforcement excesses. Timeliness has improved, as described in greater detail in the Monitor's accompanying annual report, but there is more to do in this area. The Board will keep an eye on this to achieve even better results.

In 2008, the renowned Police Assessment Resource Center (PARC), a Los Angeles-based think-tank, completed a review of the Police Department's deadly-force policies and internal investigations. PARC's report contained about 70 recommendations for improvements, most of which have been accepted by the department. PARC was highly commendatory of Denver police, saying they "meet and even exceed national standards in many areas, making the department one of a handful of American police departments becoming a national leader."

Some Of The Challenges Ahead

The Board, from its outset, has identified racial profiling by any law enforcement officers as a matter of priority consideration. Hard evidence of such profiling remains hard to come by. Some citizens claim they perceive it, while law enforcement investigators find no proof. *The Board is convinced that equipping patrol cars with audio and video coverage during confrontations is a must in trying to deal with the issue. Significant resources would be required to achieve this capability in the City.*

There continue to be anecdotal accounts alleging excessive use of force by police officers and jail deputies. Few complaints are sustained. Some complaints have been unresolved for six months or more. *The Board will continue to keep this under close scrutiny.*

Police operations in the City have been enhanced by a number of high-resolution cameras installed at various points. These cameras provide real-time imagery to police headquarters and can allow quick response to criminal activity. This capability is a remarkable one. It also carries the possibility of unwarranted intrusions into innocent individual activities. *The Board wants to insure that the new capability is wisely controlled and carefully employed.*

In 2008, there were five reported instances, among 49,000 imprisonments, in which authorities mistook the identities of those arrested and incarcerated. The problem of mistaken identities is a troubling one for both the Police and Sheriff Departments. Working together, the two departments have made changes in procedure. The Manager of Safety has established a working group to identify additional improvements. *The Board will stay abreast of this.*

Board Meetings And Public Outreach

With the Mayor: The Board met with Mayor Hickenlooper in March to discuss the findings contained in its annual report dealing with 2007 issues.

With the City Council: The Board Chair joined with Monitor Rosenthal to brief the Council's Safety Committee on the findings and recommendations of the Police Assessment Resource Center (PARC). PARC consulted with the Monitor's office in studying Denver police policies concerning deadly force and investigations.

The Board Chair and Rosenthal met with the Committee in March to report on the Board's and Monitor's annual reports.

A Board statement of approval of the Safety Manager's proposed new disciplinary policies and procedures for the Police Department was presented to the Committee in February. (The statement of Board approval was also presented to the City's Civil Service Commission in April.)

With the Monitor: The Board remains in close and continuing contact with the Monitor and his staff. We commend the work they do in following police and sheriff investigations into complaints lodged against law enforcement officers. Significant issues that arise bring the Monitor's office to the fore. He keeps the Board informed as he makes his recommendations concerning discipline to be imposed by the Chief of Police, Undersheriff, or Manager of Safety. The Monitor, we have found, does not shrink from stating his case in these matters.

The Board is required by City ordinance to assess the effectiveness of the Monitor's performance. To do this in 2008, the Board was aided by the expert assistance of a personnel consultant, Tawanna Mullins. Questionnaires were sent to appropriate City officials and to the Monitor's staff. The responses were synthesized and, together with the assessments of Board members, the results were shared with the Monitor in an executive session of the Board. The Board concluded that his performance has been quite strong. Some suggestions were made to him for even further improvement.

The Board continues to look with favor on the mediation process, a Monitor initiative established three years ago. Well over 150 mediations had been held by the end of 2008. Discussions between complainants and officers, facilitated by professional mediators, offer an opportunity to create an awareness of the perspectives of complainants and officers. Understanding and satisfaction on both sides is often the result. The mediation program and its insights are now features of training at Denver's

Police Academy. The program was also the subject of a scholarly essay that appeared in a prominent national law enforcement periodical. It was written by Monitor Rosenthal and Ajenai Clemmons of his staff.

The Monitor and his staff (particularly, the Ombudsman, Ms. Clemmons) continue to be effective in acquainting the public with the work of those involved in oversight of law enforcement. Clemmons is in frequent touch with community organizations. Rosenthal often makes public appearances and his quarterly and annual reports are openly available to the public.

The COB meets with the Monitor at each of its twice-monthly regular sessions. The close ties are enhanced by phone and email. The Board finds the Monitor and his staff very responsive to our questions and suggestions.

With law enforcement leaders: The Board met periodically throughout the year with the Manager of Safety, the Chief of Police, the Undersheriff (also known as the Director of Corrections), the Chief of the Fire Department, as well as others in the law enforcement community. These meetings take place during regular Board meetings that are open to the public. Exchanges between Board members and officials at these meetings are frank and free-flowing.

Most of the meetings with the **Manager of Safety** dealt with the status of his plan for the new disciplinary policies and procedures in the police department. The Board encouraged his efforts and fully supported the plan which was put into effect at year's end.

In discussions with the **Chief of Police**, the Board urged rapid adoption of his new Personnel Assessment System. This is an "early warning" system to identify police officers whose performance shows need to be corrected by special training and counseling. The Board was briefed by the Chief on plans for security during the summer Democratic National Convention. Board comments and suggestions were forthcoming.

In talks with the **Undersheriff**, the Board was informed of a state-of-the-art management system developed for the Denver jails. He also reported on improved procedures to check the status of jail inmates who may encounter health and medical problems. New procedures are employed, too, to lessen incidences of jail suicides, including better screening and increased rounds. The Board was also informed of the Sheriff Department's plans for making the transition to jail facilities in the new Denver justice center set to open within the next year or two.

The Board's required attention to the **Fire Department** is limited to the 12-man arson unit that is authorized to be armed. The Board's primary interest, as the economy started to sag in 2008, is whether or not arson is on the rise in the City. The answer, to date, is in the negative.

Quarterly Public Meetings

The ordinance requires that the Board convene public meetings quarterly. These are held in various locations in the City. The meetings are taped by local-access Channel 8 for televised re-airings in ensuing weeks. Attendance has varied but the television coverage is believed to get a reasonably broad viewership, although this is not measurable. The meetings can also be viewed on the City's internet service.

The meetings in 2008 were:

- January 24, 2008- College View Recreation Center (Police District 4):

The featured topic was Safety Manager LaCabe's presentation of the planned revision of disciplinary policies and procedures in the police department. Pros and cons were offered from the audience which was mostly supportive.

- April 24, 2008- Temple Sinai (Police District 3):

The main theme was a panel discussion concerning the Monitor's mediation program and how it works.

- July 24, 2008- Stapleton Recreation Center (Police District 2):

A panel discussed the implications of the City's lower crime rate and the factors that led to it.

- October 23, 2008- Councilman Garcia's Community Room (Police District 1):

A discussion was held by police officers and community activists about allegations of racial profiling by Denver police and programs designed to prevent it.