



DENVER

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CITY

*CITIZEN OVERSIGHT BOARD
2009 - A YEAR IN REVIEW*

2009 Citizen Oversight Board Members

The Citizen Oversight Board (referred to variously as the COB or the Board) is comprised of seven volunteers, citizens of Denver, appointed by the Mayor and confirmed by the Denver City Council. In 2009 the members of the Board were:

Cathy Reynolds, Chair - Mrs. Reynolds was an at-large member of the Denver City Council for 28 years, five of those years presiding as Council President. She served as President of the National League of Cities and the Colorado Municipal League. She has been on the Board since its inception in 2005.

Dr. Mary Davis, Vice Chair – Dr. Davis is a business consultant who has been actively involved in community improvement activities since arriving in Denver in 1973. She has served on five nonprofit boards; having been elected Board Chair for two of these. She joined the COB in February 2009.

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 almost 40 years. He has been on the Board since 2005.

Samuel Freeman-The COB was saddened this year by the death of Samuel Freeman, who served on the Board from 2007 until his passing in 2009. Mr. Freeman was retired from a long and successful career as an attorney with an expertise in ethics. He was a valued member and is very much missed.

Hank Knoche - Having served on the Board since its beginning in 2005, his term ended in March 2009. Mr. Knoche was a naval officer in World War II and Korea, and served in the Central Intelligence Agency from 1953 to 1977. Mr. Knoche was an articulate, able and energetic member and Chair. His absence is felt dearly.

David Montez – Mr. Montez is a program officer with the nonprofit 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 expired in early 2009. His long service to Denver appreciated and admired.

Anthony Navarro – Mr. Navarro is an attorney with the Social Security Administration's Office of the General Counsel 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.

Carmen Messina-Velasquez- Ms. Velasquez has over thirty years experience working in the fields of social work, community organization, youth and family advocacy, grant planning and administration, public safety, juvenile justice, and community colleges. She retired from the State in 2009 and is presently the owner and president of Stefano's B.E.T. (Bringing Everyone Together) LLC, a small business located in Lower Downtown Denver. Stefano's B.E.T. works with non-profits to build capacity and on resource development. She joined the Board in May of 2009.

Duties of the Citizen Oversight Board

The 2004 City ordinance that created the Board and the Independent Monitor fixes the following responsibilities for the Citizen Oversight 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 members of the Safety Department. Issues are thoroughly discussed and when possible agendas are set in advance. The interaction allows Board members to make suggestions to improve departmental performance. From time to time, the Board also issues formal policy suggestions on matters of concern.

How the COB Works

The COB meets twice a month in regular working sessions. The Board meets with the Manager of Safety and the leadership of all three safety departments as well as others in law enforcement and the community as needed and receives reports from the Office of the Independent Monitor and his staff. These are open meetings with the exception of Executive Sessions to discuss ongoing investigations and other privileged matters. Most often these meetings are held in the 12th floor conference room of the Webb Building at 10:00 AM on the first and third Fridays of the month. In 2009, in response to some citizen concerns about public accessibility, the Board held three of these meetings in the early evening in various locations in the community. These meetings had the draw back of not having complete access to City information and staff and failed to attract public attendance. The COB has returned to Friday morning meetings. This will be reassessed in the spring of 2010.

The COB also holds quarterly meetings in the evening in various locations around Denver. Public comments are encouraged. These meetings are taped by Channel 8 for broadcast over the ensuing weeks.

Agendas and minutes of all COB meetings are available at www.denvergov.org/cob

2009 Highlights

A major concern in 2009 centered on how the continuing City budget crisis might affect law enforcement. All three branches of the Safety Department have been touched. With hard choices and concessions given, the Police Department remains at full strength, as do the Sheriff and Fire Departments. The COB received assurances that as further cuts are made, citizen security would be safeguarded first and foremost.

In 2008, 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 within the Police Department. This is known as the Disciplinary Matrix. The new arrangements are clearer, fairer, and more consistent than before. Implementation has had some difficulties, but continues to improve. Similar attention was devoted in 2009 to create such a matrix for the Sheriff Department and development will continue into 2010.

Regarding citizen complaints, the COB urged improved communication between the citizen involved and the City. The COB recommended that the Internal Affairs Bureau send status letters to complainants at the conclusion of all formal investigations. The letters explain that the formal investigation is complete and that the investigation is now being referred to the involved officers' commanding officer for findings. The Commander of the Internal Affairs Bureau accepted this recommendation and issued a Bureau Directive to ensure such letters are prepared and sent out on a regular basis. The COB sees this as added accountability in the process and appreciates the cooperation of the Police Department.

The COB has urged more timeliness in completing investigations and disciplinary actions. In the instance of sustained disciplinary findings, timeliness had been improved in prior years. Those gains were lost in 2009. The COB believes that substantial changes will be necessary to achieve a timely discipline process. The COB continues to press this matter.

The COB, in response to citizens concerns, began an assessment of the outcome of complaints before and after the establishment of the Office of the Independent Monitor and the Citizen Oversight Board. This has been a difficult undertaking. Changing and inconsistent methods and criteria for keeping records make direct comparisons difficult. In 2010 the Board will continue to work on developing an enlightening report.

One particular concern the Board shares with the OIM regards "departing." "Departing" refers to untruthful statements given by officers in official situations. The Board has had multiple discussions with the Police and Sheriff leadership and the Manager of Safety about this issue. We agree with the OIM that "departing" is unacceptable and strict adherence to veracity is essential to ethical and effective law enforcement. The COB strongly urges the Police and Sheriff Departments to rigorously enforce the highest standards of truthfulness. Please refer to the Independent Monitor's 2009 Annual Report for further information.

The COB is pleased that the Police-Community Mediation Program is doing well and is recognized as a national leader in the field. Fifty-five community-police mediations were conducted in 2009, which brings the total number since the program began to 196, as well as 14 with the Sheriff Department. In 2009, the Denver mediation team presented the program to the International Association of Chiefs of Police, the National Association for Civilian Oversight of Law Enforcement, and the Public Agency Training Council. At the December 3, 2009, COB meeting the Board had a very productive session with professional mediators from the Denver Mediation Center. The COB was quite pleased with their methods to reconcile citizens and police in disputed situations. The Mediation Program is now included in the Police Academy curriculum.

Board Member Davis is the COB representative to the Manager of Safety Disciplinary Advisory Group Standing Committee for the Denver Police Department, comprised of staff from the Manager of Safety's office, Denver Police Officers, and citizen representatives. The Committee has addressed a number of issues since its first meeting in October 2009, with the majority of time in their monthly meetings spent on drafting a Department of Safety Workplace Professionalism Policy. This effort will continue into 2010.

In 2009, the COB had several extraordinary, and occasionally lively, public meetings in which various individuals and advocacy groups participated. The Board endeavored to listen carefully, respect the speakers and the opinions expressed, and to take action as we saw appropriate.

Challenges Ahead

The Board continues to identify racial profiling by law enforcement officers as a priority for reform. The COB members remain frustrated by the apparent lack of a systemic approach to eradicate the practice. The Board understands hard evidence is scarce. Some citizens perceive it, while law enforcement investigators find little proof. Many citizens who are convinced they were victimized lack faith in the investigative process. We believe it will take a renewed effort in communication, training, supervision and discipline, when appropriate, to make significant improvements.

The Board is convinced that routinely equipping patrol cars with audio and video equipment to record the details of interactions between police and the public is a must for addressing racial profiling and would be an invaluable tool in Internal Affairs Investigations. Significant resources would be required to achieve this capability. While fully understanding current economic constraints, the COB strongly recommends this be prioritized at the highest level. The Board also encourages the OIM and other City agencies to search out and apply for grant opportunities for this purpose, not to replace but to supplement the City's commitment.

Denver Police operations have been enhanced by a number of high-resolution cameras installed at various points. The program is dubbed HALO, for High Activity Location Observation. These cameras provide real-time imagery to police headquarters and can allow quick response to criminal activity as well as aid in Internal Affairs investigations. This capability is a remarkable one. It also carries the possibility of unwarranted intrusions into lawful activities. The COB seeks to insure that the new capability is wisely controlled and carefully employed.

An important tool in investigating complaints against the Sheriff Department staff is recorded video surveillance. The COB is pleased that the new Justice Center will provide an enhanced capability in this area.

The COB has had several good conversations with DPD leadership regarding the challenges of training new and veteran officers. The COB is particularly encouraged by the proactive mode of the Academy staff. Chief Whitman continues to look for improved ways to train officers. The current lack of new Academy classes due to the budget cut backs has provided an excellent opportunity to provide current officers with in-service training.

Although no formal complaints were filed, eight individuals were detained without a valid warrant in 2009. The Board regards this very seriously. The COB understands that mistakes can be made and that the lack of a coordinated statewide system for clearing warrants hinders identification on occasion. The COB is pleased that the Manager of Safety created a citywide working group to address the matter.

As both Manager of Safety LaCabe and Undersheriff Lovinger will retire in 2010, the Board will face the necessity of establishing relationships with new colleagues. Both Manager LaCabe and Undersheriff Lovinger have been excellent to work with and will be missed.

The Board believes that the number of meetings the COB is required to have with the Manager of Safety, the Chief of Police, and the Undersheriff (4 each per annum) is not always the best use of resources. The COB is considering asking the City Council to amend the Ordinance to allow more flexibility.

The COB is acutely aware that not all people in the Denver citizenry are positive about the Citizen Oversight Board or the process it employs. The COB is committed to continue to strive for excellence in fulfilling its role as described in the Citizen Oversight Board enabling ordinance.

Board Meetings and Public Outreach

In March of 2009, members of the Board met with Mayor Hickenlooper to discuss the findings contained in its 2008 Annual Report.

Board Chair Knoche and Monitor Rosenthal met with the Public Safety Committee of the Denver City Council in March to report on the Board's and Monitor's annual reports

The Board met periodically throughout the year with the Manager of Safety, the Police Chief, the Undersheriff (also known as the Director of Corrections), the Fire Chief, as well as others in the law enforcement community. These meetings took place during regular Board meetings and were open to the public unless legally protected exchanges were involved. Discussions between Board members and officials at these meetings were productive and informative.

COB discussions with the Manager of Safety were wide-ranging and thoughtful. We found Manager LaCabe to be very much in tune with much of the Board's thinking on human rights, the need for better communication between officers and the public, and law enforcement in general. He expressed his belief that a cultural change is needed in law enforcement to create more of a customer service orientation.

In discussions with the Chief of Police, the COB reviewed the implementation of the rapid Personnel Assessment System. This is an "early warning" system to identify police officers whose performance shows a need to be corrected by special training and counseling.

In talks with the Undersheriff, the Board discussed the progress of the new Justice Center slated to open in 2010. The process is under way and he expects a smooth transition. We also talked about the manner in which visitors to inmates are treated by jail staff. We are looking forward to a better physical situation in the new facility providing everyone with a more productive visit.

The Board's required attention to the Fire Department is limited to members of the 12-man arson unit who are authorized to be armed, and then only when a weapon is discharged. Because no weapon has been discharged since the Board's inception, the primary interest with the DFD as the economy started to sag was if arson is on the rise in the City. The answer, to date, is in the negative.

The Board met with about 25 members of various community groups on June 10, 2009, at the Hiawatha Davis Recreation Center. Vice Chair Davis spoke briefly about the Citizen Oversight Board and its purpose and operations. Members of the community expressed their frustrations with the accountability and accessibility of the COB and the Monitor.

The Citizen Oversight Board's Quarterly Meetings in 2009 were:

January 29, 2009- La Alma/Lincoln Park Recreation Center, 1325 W. 11th Avenue, Denver, CO 80204. We were briefed by District Six Commander Dilley, Monitor Rosenthal, and had a discussion with the Internal Affairs Bureau about their investigative process. The balance of the meeting included comments from the public.

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April 23, 2009- Green Valley Ranch, 4890 Argonne Way, Denver, CO 80249. Monitor Rosenthal and COB Chair Reynolds summarized the Monitor's and COB's Annual Reports, and Commander Lisa Fair reported on the state of the District. Audience comments filled the rest of the meeting.

July 23, 2009- College View Recreation Center, 2525 South Decatur Street, Denver, CO 80219. The guest was Lt. Ed Hall who reported on matters in the District. The balance of the meeting was an open mike.

October 22, 2009- Hiawatha Davis Recreation Center, 3334 Holly Street, Denver, CO 80207. Commander Rhonda Jones reported on activities in District 2. Denver Sheriff Department Division Chief Marie Kielar and Captain Rick Guerrero made a presentation on the new Justice Center and questions from the audience were entertained.

At all four of these meetings there was significant concern expressed by members of the public about the interface of the Denver Police Department and the Denver Sheriff Department and the citizenry. There was also concern expressed about the need for, composition of, and effectiveness of the Citizen Oversight Board. The COB respects these concerns and will continue to strive for fairness and objectivity in its deliberations.